

Merton Council

Planning Applications Committee

Membership

Councillors

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

Substitute Members:

John Dehaney
Brenda Fraser
Daniel Holden
John Sargeant
John Bowcott

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

Date: 26 April 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

26 April 2018

- 1 Apologies for absence
- 2 Declarations of Pecuniary Interest
- 3 Minutes of the previous meeting 22 March 2018 1 - 20
- 4 Minutes of Meeting 8 March 2018 21 - 32
- 5 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
- 6 8 Lake Road, Wimbledon, SW19 7EL 33 - 50
Application number: 18/P1052 Ward: Hillside

Officer Recommendation: GRANT Planning Permission subject to S106 Agreement and conditions, and that consideration of any further representations received prior to the 3 May 2018 do not raise any additional material considerations
- 7 40a Lambton Road, Raynes Park 51 - 64
Application number: 17/P2023 Ward: Raynes Park

Officer Recommendation: GRANT Planning Permission subject to conditions
- 8 Land RO 18 Lansdowne Road, SW20 8AW 65 - 74
Application number: 18/P0072 Ward: Raynes Park

Officer Recommendation: GRANT Variation of Condition subject to completion of a Deed of Variation to the existing S.106 Agreement
- 9 74 Leopold Road, Wimbledon, SW19 7JQ 75 - 110
Application number: 17/P4426 Ward: Wimbledon Park

Officer Recommendation: GRANT Planning Permission subject to conditions
- 10 168 London Road, Morden, SM4 5AT - Tyre and Service Centre 111 - 122
Application number: 17/P3627 Ward: Merton Park
Officer Recommendation: GRANT Planning Permission subject to conditions

11	168 London Road, Morden, SM4 5AT - Car Wash Application number: 17/P3630 Ward: Merton Park Officer Recommendation: GRANT Planning Permission subject to conditions	123 - 136
12	28-30 Ridgway Place, Wimbledon, SW19 4EP Application number: 18/P0253 Ward: Hillside Officer Recommendation: GRANT Planning Permission Subject to a S106 Legal Agreement and Conditions	137 - 144
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14	18 Spencer Hill, Wimbledon, SW19 4NY Application number: 18/P0304 Ward: Hillside Officer Recommendation: GRANT Planning Permission subject to conditions	155 - 174
15	Flat 4, 74 Woodside, Wimbledon, SW19 7QL Application number: 18/P0519 Ward: Hillside Officer Recommendation: GRANT Planning Permission subject to conditions	175 - 180
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Declarations of Pecuniary Interests

Members are reminded of the need to have regard to the items published with this agenda and, where necessary to declare at this meeting any Disclosable Pecuniary Interest (as defined in the The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012) in any matter to be considered at the meeting. If a pecuniary interest is declared they should withdraw from the meeting room during the whole of the consideration of that matter and must not participate in any vote on that matter. If members consider they should not participate because of a non pecuniary interest which may give rise to a perception of bias, they should declare this, withdraw and not participate in consideration of the item. For further advice please speak with the Council's Assistant Director of Corporate Governance.

Declarations of Pecuniary Interests – Members of the Design and Review Panel (DRP)

Members of the Planning Applications Committee (PAC), who are also members of the DRP, are advised that they should not participate in an item which has previously been to DRP where they have voted or associated themselves with a conclusion reached or recommendation made. Any member of the PAC who has also sat on DRP in relation to items on this PAC agenda must indicate whether or not they voted in such a matter. If the member has so voted they should withdraw from the meeting.

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

All minutes are draft until agreed at the next meeting of the committee/panel. To find out the date of the next meeting please check the calendar of events at your local library or online at www.merton.gov.uk/committee.

PLANNING APPLICATIONS COMMITTEE

22 MARCH 2018

(19.15 - 11.50 pm)

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

ALSO PRESENT Councillor Gilli Lewis-Lavender
Councillor Brian Lewis-Lavender
Councillor Hamish Badenoch
Neil Milligan – Building and Development Control Manager
Tim Bryson – Planning Team Leader North
Tim Lipscomb – Planning Officer
Sarath Attanayke – Transport Planning Officer
Lisa Jewell – Democratic Services Officer

1 APOLOGIES FOR ABSENCE (Agenda Item 1)

Apologies for absence were received from Councillor David Dean.
Councillor John Bowcott attended as Substitute

2 DECLARATIONS OF PECUNIARY INTEREST (Agenda Item 2)

Councillor Geraldine Stanford declared that she had an interest in Item 17, and that she would not take part in the discussion or vote on that item.

Councillor Linda Kirby declared that she had an interest in Item 17, and that she would not take part in the discussion or vote on that item, and that she would leave The Chair for that item.

Accordingly for Item 17 both Councillors sat away from the Committee.

Councillor Najeeb Latif declared that he had an interest in Item 13, as he owns a property that borders the application site, and so he would not participate in that item and left the chamber for the duration of the item.

Councillor John Bowcott made a statement to inform the Committee that he Chaired the Design Review Panel meeting that considered Item 17, but he did not take part in the debate or vote on the proposal

3 MINUTES OF THE PREVIOUS MEETING (Agenda Item 3)

RESOLVED: That the minutes of the meeting held on 22 February are agreed as an accurate record.

4 TOWN PLANNING APPLICATIONS (Agenda Item 4)

Supplementary Agenda: Amendments and modifications to the Officer's report were published in a Supplementary Agenda. This applied to items 5, 6, 7, 9, 11, 13, 14, and 17

Order of the meeting – The Chair announced that the order of items taken at the meeting would be: 5, 6, 7, 8, 10, 11, 13, 14, 16, 17, 9, 12, 15, 18 and 19

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

Proposal: Erection of a new detached garage with basement car park and erection of a two storey side extension with basement games room.

The Committee noted the officers report and presentation and additional information in the Supplementary Agenda. The Planning Team Leader introduced the application and stated that the Basement Car Park was not to be used for commercial purposes, would have parking for 8 cars and had a depth of 4.4m from ground to floor level. The House Basement would have a depth of 3.2m from ground to floor level.

The Committee received verbal representations from two objectors to the application, the Applicant's Agent and the Ward Councillor Hamish Badenoch.

Leon Fattal, a local resident, raised objections to the application including:

- The application fails to meet Merton Council's own Policy on Basement developments
- There is no Basement Impact assessment as required by policy DMD2, and the application is not compliant with this policy
- The proposal presents a serious risk of subsidence
- There are uncertain ground water flows
- The application will damage 14 trees on the site and 8 trees on Neighbouring sites
- The trees are an important part of the Conservation Area and are of significant amenity value
- The new condition 21 will do nothing to prevent this
- Why is there no Traffic Management Plan

Matthew McFeely, a lawyer representing local residents made points including:

- Our expert reports raise serious concerns
- The Officer's report takes the view that nothing can be said by the experts employed by the objectors

- It would be unlawful to grant permission based on the Officer's report
- There is crucial information missing, there is no Basement Impact Assessment and basic information, the depth of the basement, is missing
- The only experts who meet the qualification standards to advise on subsidence are those employed by the objectors
- There is no rationale to proceed with this application, the Committee cannot accept the Officer's report

The Applicant's Agent made points including:

- Application has been with The Council for 8 Months now
- 25 of the representations received come from the same three properties
- All of the applicant's surveys have been prepared by experts
- The application will not impact on the Conservation Area or Listed Buildings
- Trees will not be harmed, trees close to the site have been assessed. The application will result in an increase in trees, with native species being planted
- Council Officers have no objections, Merton's Basement Policy is clear and has been complied with
- A detailed Basement Construction Method Statement has been submitted
- Site Specific Flood Risk has been assessed as no risk
- There are no recorded issues with surface water
- Measures for mitigating flood risk are in place, and the flood risk officer has no objections
- The Proposal will not impact on neighbours or the Conservation Area
- All of the neighbour objections will be dealt with either by condition or through Building Regulations
- All necessary information has been on the Council's website since September

Councillor Hamish Badenoch made points including:

- There are many holes in this application
- Why was no Basement impact Assessment submitted despite the scale of the application?
- Why does the report not make reference to the objectors' expert reports?
- Why is there no clear consideration of the potential for flooding?
- Why is the Basement Impact Assessment only required after approval?
- Why approve an application that does not meet Council policies DMD2 and SPD9?

- If approved this will expose Neighbours and The Council to risk

Members' Questions

Members asked does this application meet DMD2 and does DMD2 require a Basement Impact Assessment?

Officers replied that DMD2 does not actually request a Basement Impact Assessment but does say what needs to be assessed, further details are required later in the process. The Development Manager added that the Basement Impact Assessment is a general term for a collection of statements. We have Hydrology, Geology and Construction Statements and Officers are satisfied with these. There is one final statement required and that is a detailed Construction Plan.

A Member Asked if there had been procedural unfairness with this application?

Officers replied that the Application was withdrawn from the February Meeting because there was one piece of information missing.

The Heights of the Basement have always been on the website.

Officers are satisfied that the procedure has been correct

A member asked what are the distances between the outside edge of the basement and the foundations of the listed building at number 21 Calonne Road, and Officers gave the figures as measured from the plans

A member asked why are two sides geological reports so different?

The Planning Team leader said he did not know but that Council Engineer has considered and is satisfied with the applicant's expert reports.

A member asked what does London Plan say about max number of parking spaces?

Officers replied that London Plan seeks to limit parking spaces in order to limit car movement. This application is a special circumstance as the cars are a personal classic car collection being stored. There is an additional condition to make the use ancillary to the dwelling

A Member commented that care is needed as the application is so close to a Grade II listed building and asked why Officers were relaxed about ignoring the paperwork of the objectors

The Development and Building Control Manager replied:

- The proposed basement is at least 4 to 5 m away from the foundations of the listed building.
- The Council's experts have looked at the impact of the scheme on hydrology, flooding and trees and they have no objections.
- Still have to look at Construction, but this basement is independent in the garden.

- If minded to approve the application, Member's could delegate authority to the Director of Environment and Regeneration so that a legal view could be sought on the application process
- The use of the basement is ancillary to the house

Members made comments including:

- Landowners can use their land in any way that is compatible with planning policy and the law
- If due process has been followed then there are no objections to this application
- Support a process that there is a legal view on the application before final approval.
- Concern that there is so much of a difference between the geological reports of the applicant and objectors.
- Other London Boroughs require a Basement Impact Assessment and Traffic Management Plan before consideration
- It would be very difficult to enforce Domestic use, but there is no sustainable reason for refusal

RESOLVED

The Committee voted to GRANT Planning Permission subject to conditions in the officer's report and to delegate authority for the final decision to the Director of Environment and Regeneration in order that he can consider the legal issues raised.

6 GARAGES RO 30-40 BARNES END, NEW MALDEN KT3 6PB (Agenda Item 6)

Proposal: Demolition of 24 garages and construction 2 x new 3 bedroom dwellings with associated parking and landscaping.

The Committee noted the officers report and presentation and additional information in the Supplementary Agenda. The Committee received verbal representations from two objectors, the Applicant's Agent and a Ward Councillor

The Objectors raised residents' concerns including:

- The proposed development would cause visual intrusion to neighbours, and would reduce amenity and privacy. The new properties would impact on privacy and would look straight into existing bedrooms and gardens.
- The development will have significant impact on an existing wall, and it should be conditioned that this must be rebuilt.
- The proposals are too high, bulky and their massing is too great

- The design is inappropriate - especially the windows
- Acknowledge the need for housing but these units will be too small
- There is resident demand for garage parking

The Applicant's Agent made points including:

- The application will not cause any direct overlooking
- Off street parking will be provided
- Windows have been repositioned following Officer comments
- There will be no reduction in light to neighbouring properties
- Existing Garages are very run down
- The development will improve safety in the area, it will be highly sustainable with green roofs and photovoltaic panels. The development meets all planning policy requirements.

Ward Councillor Brian Lewis Lavender made points including:

- It is extremely dangerous that emergency vehicles cannot reach the proposed properties
- The proposal does not have enough space for refuse collection and wheelie bins
- Access will be across private land
- Screening for privacy using planting will not be practical

The Building and Development Manager made points in answer to the objectors comments:

- The proposed development will be the same height as existing properties
- The application has assessed overlooking, and found no reason for objection
- The Boundary Wall is not listed and so can only be protected by informative
- Obscured glass will be used in side windows
- There is no policy to protect garage parking

In reply to Member's questions Officers replied:

- The Access Road is not wide enough for all Emergency Vehicles to get close to the proposed houses. However Building Regulations say that Fire Engines must be able to get within 45m of a property, and then hoses can be used if necessary. In this case a Fire Engine could get to within 20m of the proposed properties.
- Anecdotal evidence says that the existing garages are used purely for storage and not for cars, therefore there is no issue with parking of displaced cars.

RESOLVED

The Committee voted to GRANT Planning Permission subject to conditions

7 GARAGES RO 49-55 BARNES END, NEW MALDEN KT3 6PB (Agenda Item 7)

Proposal: Demolition of 9 garages and construction 1 x new 2 bedroom dwellings with associated parking and landscaping.

The Committee noted the officers report and presentation. The Committee received verbal presentations from two objectors, the applicant's agent and ward councillor

The Objectors made points including:

- The proposed property is ugly and shoehorned into a small space
- It will impact on the view and amenity of existing houses, it will cause privacy issues, overshadowing and noise
- There will be issues collecting the bins, currently the refuse lorry has to reverse down to collect.
- The current parking situation is dire. The turning circle is already full of parked cars
- Current residents have not been allowed to rent garages
- The Officer's report is wrong; there are 55 maisonettes neighbouring the site – not 26 Semi-detached houses
- The approach is only 2.7m wide – which is a fire safety breach

The Applicant's Agent made points including:

- This application is for a single storey house
- It exceeds London Plan Standards,
- It will not impact on Car Parking
- There will be a flat roof – it will not impact on Daylight or Sunlight
- The development will improve safety in the area, it will be highly sustainable with green roofs and photovoltaic panels. The development meets all planning policy requirements.

Ward Councillor Gilli Lewis Lavender made comments including:

- This is an ugly building, and is too big for the small site, and is not in keeping with the area
- It is intrusive as it will be sited right up to the neighbours fence
- There is a glaring error in the report - there are 55 maisonettes neighbouring the site – not 26 Semi-detached houses
- It will make parking issues even greater

- Impossible for Fire Engines to get to the proposed property
- Nobody knows where the nearest Fire Hydrants is

In answer to objector points and members questions officers replied:

- This is a modern single storey building, it is considered acceptable, and cannot overlook as single storey
- Fire Engines do not have to get to right outside a house. Under Building Regulations Fire Engines must be able to get within 45 m of properties; they can then attach their hoses to a fire hydrant. This is not uncommon.
- The Amenity Space is south east facing
- There are roof lights in the proposed property and overall the internal light is considered acceptable.

Members commented that:

- Have to accept this type of backland development, where property is 'shoehorned in'.
- The design of the building is unattractive and hostile
- Worry about the living conditions inside the proposed bungalow

RESOLVED

The Committee voted to GRANT Planning Permission subject to conditions

8 7A CANNON CLOSE, RAYNES PARK, SW20 9HA (Agenda Item 8)

Proposal: Erection of a first floor and two storey side extension.

The Committee noted the officers report and presentation. The Committee received verbal presentations from two objectors to the application, the applicant's agent and a two ward councillors.

The Objectors made points including:

- The existing bungalow was built as a backland development, would it be permitted today.
- Would not object to a refurbishment of the original bungalow
- This application will double the volume of the property, and cause overlooking and a loss of privacy to neighbours
- Trees will be removed
- Neighbours' windows will now face a high wall

- The proposal will be twice the size of the existing house and much larger than the surrounding houses
- The proposal is contrary to Merton Policies regarding bulk , scale and overdevelopment

The Applicant's Architect made points including:

- The new first floor has been carefully designed to not overlook – there are no windows that face neighbouring properties
- The site is 410m² , the current footprint is 76m² and the proposed footprint is 90m² , so therefore it occupies less than 25% of the plot.
- The property will not cause overshadowing. There are trees on the boundary with Heath Drive
- The proposal will be the same height as other buildings on Cannon Close.

Ward Councillor Gilli Lewis Lavender made points including:

- Photos of the existing bungalow should have been shown at this meeting
- Do not agree with some of the distances quoted by officers
- This is overdevelopment, with no consideration given to the neighbours
- Windows will give rise to overlooking
- Residents should not be affected by Planning Applications

Ward Councillor Brian Lewis Lavender made points including:

- The entrance road is very narrow and could get blocked by an ambulance, being so near to a Doctor's Surgery
- Proposed property does not have any parking
- The plot is very small, in the past only a bungalow was allowed.

In reply to the Objectors Comments, The Building and Development Control Manager made points including:

- In reply to points about overlooking, the windows are acceptable, some may overlook but the separation distances of 40m make these acceptable
- It is larger than other properties in the street, but sits on a large plot
- Car parking is already available
- The application will cover 25 to 30% of the plot.

RESOLVED

The Committee voted to GRANT Planning Permission subject to conditions

9 WOODMAN, 222 DURNSFORD RD, SW19 8DR (Agenda Item 9)

Proposal: Refurbishment of existing public house including new garden area following demolition of single storey side and rear extensions. Creation of 18 new residential units, comprising the erection of two storey buildings with accommodation within the roof space fronting the crescent (7 houses) and erection of a 3 storey block of flats fronting Durnsford Road (11 x 1 bedroom flats), and associated car parking, landscaping and alterations to the highway.

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

Members asked officers if there could be conditions to ensure that the Pub buildings are occupied and not left empty or subject to a change of use. Officers commented that it is difficult to condition issues that are business decisions, however they would talk to the applicants and asked for the wording of a suitable condition to be delegated to officers. Officers said that if a change of use was proposed that application would come back to committee.

Members commented that this scheme is to be applauded.

RESOLVED

The Committee voted unanimously to GRANT Planning Permission subject to S106 agreement and conditions in the officers report, re-worded conditions to accommodate the public house alterations/refurbishments and an additional condition regarding the Pub and its occupation and use be delegated to officers

The Director of Environment and Regeneration be given delegated authority to agree the detail and wording of the re-worded conditions and the additional condition

10 24 THE GRANGE, WIMBLEDON, SW19 4PS (Agenda Item 10)

Proposal: Erection of a single storey extension to east and south west elevations, a two storey extension to west elevation, excavation of basement and reconfiguration of second floor and erection of dormer windows, including amalgamation of the coach house at 24A The Grange with 24 The Grange

The Committee noted the officers report and presentation. The Committee received verbal representations from two objectors to the application, the Applicant's agent and the Ward Councillor.

The Objectors made points including:

- The application property and its surrounding Edwardian properties are all locally listed
- This application does not respect the space between the buildings

- The proposed frontage will not improve the streetscene
- The temporary fencing installed by the new owner impacts on rear of neighbours house
- The application will cause visual intrusion and will block light.
- The house is already large. The above ground extension would cause a loss of privacy to neighbours.
- The basement is enormous and would present a flood risk
- Seven mature trees have already been removed. Removal of trees should be part of the planning application

The Applicant's agent made comments including:

- Property sits on large site
- Current building has a negative impact on the Conservation Area
- The Basement application has been amended and is 4m away from neighbours, there is a Basement Impact Assessment
- The Coach house is ancillary to the main property
- There will be no loss of trees, the frontage will be landscaped and additional trees planted
- The Council's Conservation Officer had no objections to the proposal

The Ward Councillor, Hamish Badenoch made comments including:

- Do not underestimate the scale, bulk massing and loss of space of the proposal. It will cause visual intrusion and affect the rhythm of the streetscene
- It is not an appropriate design in the Conservation Area
- It will cause a loss of neighbour amenity
- The proposed façade is one continuous block, but the Coach House should be kept separate

The Planning Team Leader replied to the Objectors Comments:

- Officers are recommending this application for approval because the extension is single storey and the spaciousness is respected. The linkage of the Coach House to the main house is sympathetic and the impact on the Conservation Area is not harmful
- There is a Basement Impact Assessment, and the Council's Flood Risk Engineer has no objections.
- On the plan the building height is the same as existing
- Regrettable that the trees have been removed, but the proposal will add new trees

In reply to Members Questions the Planning Team Leader said:

- The proposed basement follows the footprint of the existing house and the proposed extension.
- The existing chimney is to be retained at the same height, any increase in height would be an enforcement issue.

Members made comments including:

- It is a big house and fills the plot. Spaces are a large part of the Conservation Area
- The proposed Roof is enormous, with a lot of accommodation in it.
- The whole proposed frontage will dominate, the bulk is inappropriate
- The link between the Coach house and Main house is a mistake
- The Coach House is worth preserving, there is nothing to mitigate for it's loss
- In a Conservation Area, Members can impose stricter judgement

The Planning And Development Manager reminded Members that the Council's Conservation Officer did not object to the proposal.

A motion to refuse on the grounds of Bulk, Massing and being detrimental to the character of the Conservation Area was proposed and seconded and put to the vote.

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 would be detrimental to the character of its setting in the Conservation Area
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 DOG & FOX, HIGH STREET WIMBLEDON, SW19 5DX (Agenda Item 11)

Proposal: Extensions and alterations to the Dog & Fox Public House including for the amalgamation and change of use of Bayee Village to create additional dining space for the Public House; and extensions at first and second floor level to create 12 additional hotel rooms

The Committee noted the officer's report and presentation and additional information in the Supplementary Information. The Committee received a verbal representation from an objector to the application and the applicant's agent.

The Objector, the owner of the adjoining stables raised points including:

- Concern about the scale and size of the proposal – is there the need for this proposal
- The Construction phase will affect the horses – not just the noise but also vibrations
- There has been a blatant disregard of horse behaviour
- There will be issues for Horses and riders exiting and entering the stables during the construction phase, with horses getting trapped in the stationary traffic
- Developers have a casual attitude to Horse and Rider safety

The Applicant's Agent made points including:

- The proposed extension is set back to create a buffer and maintain views
- A key objective has been to minimise impact of construction on the stables. There is no demolition work, and a draft construction management plan has been checked by an equestrian expert
- Young's will appoint contractors to manage and carry out all works.

In answer to Members' Questions, Officers replied:

- Transport Planners have undertaken a study which shows that the overnight parking requirements for the 12 Hotel Rooms can be accommodated on surrounding streets
- A Construction Traffic Management Plan is required by a pre-commencement condition
- The Conditions relating to the Construction phase could be bolstered to take further account of the concerns regarding horses and the stables. These could be considered by an equine specialist and the Stable Owners consulted.
- Officers could investigate if there are suitable alternative accesses to the stables for horses to use during the construction phase.

Members made comments including:

- The proposal will be a vast improvement and far more attractive. It is important that the Pub wants to succeed and provide good quality hotel rooms
- Concerned about the impact of Construction on the Horses, the contractor needs to be considerate

RESOLVED

The Committee voted:

- A. To GRANT Planning Permission subject to the conditions in the Officer's Report
- B. That relevant Conditions be strengthened in order to minimise the affects of the construction phase on the Horses at the adjoining Stables . The wording of such Conditions is delegated to the Director of Environment and Regeneration.

12 STANDOR HOUSE, 284 LONDON RD, MITCHAM (Agenda Item 12)

Proposal: Erection of an additional two floors resulting in a six storey building for the creation of 10 additional flats

The Committee noted the officers report and presentation and additional information in the Supplementary Agenda - Modifications

Members commented that the proposal would improve the appearance of the application block

RESOLVED

The Committee voted unanimously to GRANT Planning Permission subject to the completion of a S106 agreement and conditions.

13 PHOENIX HOTEL, 123-125 MERTON RD, SW19 1ED (Agenda Item 13)

Proposal: Application for outline planning permission for the demolition of the existing hotel and the erection of a five storey building comprising 21 flats (11 x 1 bedroom and 10 x two bedroom) and 1 x two bedroom and 1 x three bedroom detached houses and associated access and parking (Access, site layout and scale of development to be considered, with appearance and landscaping reserved matters).

The Committee noted the officer's report and presentation and information ion the supplementary agenda. The Committee received a verbal representation from an objector to the application and the applicant's agent.

The Objector was Abdul Latif who declared that as he had a financial interest in a property in Wesley Court he was speaking as a member of the public and not in his role as Ward Councillor. He declared that he was only representing his own views and would leave the Council Chamber as soon as he had finished speaking. He made points including:

- The application is too tall, hugely overbearing and the massing too great

- Concerned about Block C which will directly impact on Wesley Court as it will be 3.8 m tall and is only 1m away from the rear of properties of Wesley Court. The existing wall is only 2.9m high and has frosted glass blocks to allow light in
- Access to the development is too narrow

The Applicant's agent made points including:

- The site is family owned and the current Hotel is no longer viable
- The proposal will bring benefits to the area and is a good use of the site
- Car parking and noise associated with the hotel will cease, and views from neighbouring buildings will improve
- There is already overlooking in the area, and the flats at number 121 will no longer be looking at an air conditioning unit
- Block A is a similar height to the proposal, Block B is only 2 storey with a mansard roof.

In reply to Members Questions Officers made points including:

- The existing buildings are not attractive and there is no policy to retain hotels. All existing buildings are to be demolished and the site built on including the existing car park
- units are to be offered as affordable housing – the scheme has been through a viability assessment process
- The proposed lightwells are 3m across and there are other windows. Although light to the second bedrooms may be slightly compromised this is not unusual for such a town centre setting
- The proposed block C would only be 3.1m tall behind Wesley Court. The figure of 3.8m include excavation. The wall behind Wesley Court is 2.9m tall and very thick, therefore the 20cm of extra height on block C will have no impact on Wesley Court. This is controlled by Condition and Officers are reasonably confident that it will not have an impact.

Members commented that Block C would have an affect on the light to Wesley Court but also they had concerns regarding the quality of the accommodation provided by Block C.

RESOLVED

The Committee voted unanimously to GRANT Planning Permission subject to conditions.

14 49 MURRAY RD, WIMBLEDON, SW19 4PF (Agenda Item 14)

Proposal: Excavation of basement level extension, erection of single storey rear extension, a first floor rear extension and erection of new front porch.

The Committee noted the officers report and presentation and information in the Supplementary Agenda – Modifications. Members noted that Supplementary Agenda included a Condition recommended by the Council's Flood Risk Engineer, which replaces Condition 12 in the original report, and an additional informative. The Committee received a verbal presentation from a lawyer representing residents and from the Applicant's agent.

The Objector raised residents' concerns including:

- There are deficiencies in the Officers report
- The drawings referenced are not available
- The drawings are not consistent with each other
- The Council's own policy says that there should be 1m of soil above any approved basement but this proposal does not provide this
- The Officer Report is silent on the SPD Basement Construction
- The area is an archaeological Priority Zone,
- Number of these points could trigger a Judicial Review, as policy has not been followed

The Agent made points including:

- The Basement will meet all elements of policy
- There will be a basement construction method statement
- There are already a number of basements in Murray Road
- Building Regs/Party Wall agreements will be complied with
- From the cross- section drawing it can be seen that there is more than 1m of soil above the basement
- The Council's Flood Risk Officer has no objections
- Conditions 10 and 11 will cover the construction

The Planning Team Leader drew the Committees attention to Plan PO8

RESOLVED

The Committee voted unanimously to GRANT Planning Permission subject to conditions

15 21 RURAL WAY, STREATHAM, SW16 6PF (Agenda Item 15)

Proposal: Demolition of existing bungalow and erection of 3 x 3 bed terraced dwellings with car parking

The Committee noted the officer's report and presentation

Members commented that the proposed houses appeared to be very small and that three houses on this site was overdevelopment. However Members also noted that the houses met all space standards, and were policy compliant.

A motion to Refuse by reason of overdevelopment was proposed and seconded but was not carried by the vote

RESOLVED

The Committee voted to GRANT Planning Permission subject to conditions

16 LAND RO 4-10 SOUTH PARK RD, WIMBLEDON, SW19 8ST (Agenda Item 16)

Proposal: Demolition of garages on land rear of 4-10 South Park Road and erection of 4 x dwellinghouses with gardens and 4 x parking spaces.

The Committee noted the officer's report and presentation.

The Ward Councillor, Abdul Latif, raised residents' concerns including:

- This application if approved would set a precedent in the area for similar developments which would have a future impact on the Borough
- This application is seeking residential units in an already densely populated area
- Local infrastructure is already over stretched
- Object to the layout of the proposed housing – it is cramped, overdeveloped and out of keeping with the area
- The entry road is too narrow

Members asked officers about access for Fire Officers and noted that this was a matter for Building Regulations but that it was very likely that the proposal would be less than 40m from a fire hydrant and therefore the fire services hoses would reach the properties.

RESOLVED

The Committee voted to GRANT Planning Permission subject to s.106 agreement and conditions

17 THE PAVILIONS, WATERMILL WAY, SW19 2RD (Agenda Item 17)

Proposal: Demolition of temporary pavilions and erection of a part 4 part 5 storey building to create office space (class b1a) and ground units for use within class a3 (cafes and restaurants) and class b1a (offices)

The Committee noted the officers report and presentation and information in the Supplementary Agenda. The Committee received verbal representations from an objector to the application, the applicant's agent and the Ward Councillor, Nick Draper.

The Objector made points including:

- The DRP gave it an amber
- The proposal is too big and too tall, it would loom over the traditional heritage area of Abbey Mills
- The proposal does not respect the character of the Conservation Area
- It will obstruct the public realm
- Current businesses say that rented offices will not generate additional footfall

The Applicant's Agent made points including:

- The Applicant was approached by FutureMerton to design a Business Hub
- There is a lack of employment space in the Borough, with businesses on waiting lists for premises
- Since the DRP gave its response the proposal has been reduced in height by one storey
- The proposal is modern and innovative and will act as a destination building. It will have a positive impact on employment in the borough, by providing 200 jobs
- The proposal will enhance the cultural offering in the borough.

Officers confirmed that it was a part 4 storey part 5 storey building.

Councillor Nick Draper made points including:

- Object to this building which is massive, intrusive and inappropriate in the Abbey Mills area
- It is designed to be an office block and community space, but it does not have the 'magic' of the mills area.
- If we want to preserve the heritage of the area then do not build this proposal

Members made comments including:

- Proposal does not compliment the buildings around it, it does not add to the important heritage site.
- This is most historic site in the Borough and it would be damaged by this part 4/part 5 storey building, which has no character, being built next to much lower buildings.
- Clear conflict between this building and the heritage of the site
- The site deserves a much lower building that respects the character of the existing buildings and the heritage
- It would be good to encourage the creative industries into the Borough, but on balance this proposal would harm its setting. Would want a more inspiring and attractive building on this site
- The DRP were enthusiastic about the commercial potential but they did not like the design of this proposal

A motion to refuse was proposed and seconded, and agreed by the vote.

RESOLVED

The Committee agreed to:

1. REFUSE the application for the following reasons:
 - The proposal, by reason of its design and appearance, would have a detrimental impact on the character and appearance of the Conservation Area
 - The proposal has an inappropriate relationship to the smaller historic 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

18 PLANNING APPEAL DECISIONS (Agenda Item 18)

RESOLVED

The Committee noted the Officer's report on Planning Appeal Decisions

19 PLANNING ENFORCEMENT - SUMMARY OF CURRENT CASES (Agenda Item 19)

RESOLVED

The Committee noted the Officer's report on Planning Enforcement

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Agenda Item 4

All minutes are draft until agreed at the next meeting of the committee/panel. To find out the date of the next meeting please check the calendar of events at your local library or online at www.merton.gov.uk/committee.

PLANNING APPLICATIONS COMMITTEE

8 MARCH 2018

(7.15 pm - 11.00 pm)

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

ALSO PRESENT Councillor Martin Whelton – Cabinet Member for Regeneration, Environment and Housing
Councillor Katy Neep
Councillor Suzanne Grocott
Paul Mc Garry - Head of Future Merton
Tara Butler - Programme Manager Future Merton
Zulema Nakata – Senior Planner
Awot Tesfai – Senior Planner
Sarath Attanayake – Transport Planner
Lisa Jewell – Democratic Services

1 APOLOGIES FOR ABSENCE (Agenda Item 1)

Apologies for absence were received from Councillor Joan Henry.
Councillor John Dehaney attended as her substitute.

Councillor David Dean was present at the start of the meeting but had to give his apologies during the meeting and left during the discussion of Item 5, which was the first item considered. Accordingly he did not vote on any of the items.

2 DECLARATIONS OF PECUNIARY INTEREST (Agenda Item 2)

There were no declarations of interest.

3 TOWN PLANNING APPLICATIONS (Agenda Item 3)

Supplementary Agenda - Modifications: Amendments and modifications to the Officer's report were published in a Supplementary Agenda - Modifications. This applied to all items on the Agenda. This was published on line on the day of the meeting and paper copies were distributed to all present at the meeting (The Committee and members of the public). The Chair allowed 10 minutes reading time before each item, to give all attendees the time to read the relevant sections of the Supplementary Agenda.

Order of the meeting – The Chair announced that the order of items taken at the meeting would be: 5, 6 and 4

The Committee received an introductory presentation from the FutureMerton Programme Manager, who made the following points in relation to all the three estate applications:

- All three applications are for Outline Planning Permission, and will include Parameters for size and scale, the application for Ravensbury Estate also contains scale, layout and access details. All other details are Reserved Matters.
- The decisions made by Committee on these Outline Applications will be referred to The Mayor of London and the Secretary of State for Housing, Communities and Local Government.
- Reserved Matters will cover details such as Access (for High Path and Eastfields), the exact number of units, exact number of bedrooms, the mix of tenure, materials, car parking, and children's play space.
- If approved at this meeting all three sites will return to Committee at Reserved Matters stages. Prior to that the developer will be required to engage with residents and infrastructure providers. The DRP will be re-consulted at reserved matters stages where this relates to design.
- The regeneration of High Path Estate is the most financially viable of the projects and will fund the regeneration at Ravensbury and Eastfields Estates. The S106 legal agreement will include over-arching Heads of Terms, detailed in the Supplementary Agenda – Modifications, to achieve this linkage.
- The information published in the Supplementary Agenda – Modifications, updates members on the Policies which guides these applications
- The proposed Wimbledon to Sutton Tram service will impact the High Path Estate if the proposed South Wimbledon spur is built.

4 EASTFIELDS ESTATE, MITCHAM CR4 1ST (Agenda Item 4)

Proposal: Outline planning application (with all matters reserved, except in relation to parameter plans) for the comprehensive regeneration of the Eastfields Estate comprising the demolition of all existing buildings and structures; erection of new buildings ranging from 1 to a maximum of 9 storeys providing up to 800 residential units (C3 Use Class); provision of up to 275 sqm of flexible commercial non-residential floorspace (flexible Use Classes A1 and/or A2 and/or A3 and/or A4 and/or B1 and/or D1 and/or D2 Use Classes); provision of new public open space and communal amenity spaces including children's play space; new public realm, landscaping works and new lighting; cycle parking spaces (including new visitor cycle parking) and car parking spaces (including within ground level podiums), together with associated highways and utilities works.

The Committee noted the officer's report, the Supplementary Agenda – Additional Information and the Supplementary Agenda – Modifications. Officers drew Members' attention to the revised overarching and estate specific heads of terms contained in the Supplementary Agenda – Modifications.

The Committee received an introductory presentation from Officers, and verbal representations from Councillor Suzanne Grocott and The Cabinet Member for Environment Regeneration and Housing.

Councillor Suzanne Grocott spoke representing residents and made points including:

- There is a current community at this estate
- The proposal will double the number of units and is very high
- The number of affordable units will reduce
- Leaseholders will lose amenity space
- Residents may lose their gardens
- Concerned about loss of greenery
- There is no space for a decant of current residents

Councillor Martin Whelton spoke as Cabinet Member for Regeneration, Housing and Environment and made points including:

- Estate was built in 1965 and is now very energy inefficient
- Current Estate is very poorly laid out
- Could be considerably enhanced by providing more new homes
- Increase in housing density is very important as we need more new homes to meet shortage in London
- This estate can be better in the future

The Committee discussed the application under the following headings:

Principle of Development and Land Use

In answer to Members Questions, officers gave the following replies:

- The retail provision is 275m², this will be flexible, but is the size of a small supermarket

Members commented that they welcomed this scheme and are pleased that current tenants will be rehoused in a unit that is the size they now need, and not in a like-for-like unit. Pleased that current tenants and Leaseholders will get new homes at 'Decent Homes' standard. They also welcome the proposed new design, feel that Clarion has done well.. The current estate is inward looking, unconnected and the green space is desolate and not used.

Viability and Affordable Housing

Members asked if the redevelopment of this estate will have to wait until the more viable estates have been redeveloped? Officers replied that the under the S106 agreement the applicants have to provide a reasonable delivery of this estate, it will not have to wait for the other estates to complete.

One Member commented that he thought that the overall provision of affordable housing across the three estates was not acceptable.

Design and Heritage

Members commented that they took note of the Design Review Panel's comments on the design, and they liked the new design which was wholly appropriate,

Open Space and Biodiversity

Members noted that the unsuitable plane trees on the site perimeter will be removed and new trees planted.

Parking and Transport

In answer to Members Questions, officers gave the following replies:

- The site has a low PTAL rating, despite being close to Mitcham Eastfields Station, because the PTAL rating is a measure of Transport connectivity, and not proximity to a single mode of transport
- The site will provide a higher level of parking than required by the London Plan because current residents are being offered like-for-like parking arrangements. Concerns regarding commuter parking in these spaces can be met by a future CPZ, this is allowed for under the Heads of Terms, with the developer to pay for this.

RESOLVED

The Committee voted to GRANT outline planning permission subject to any direction from the Mayor of London, any direction from the Secretary of State, the completion of a S106 agreement and conditions

5 HIGH PATH ESTATE, SOUTH WIMBLEDON, SW19 2TG (Agenda Item 5)

Proposal: Outline planning application (with all matters reserved, except in relation to parameter plans) for the comprehensive phased regeneration of the High Path estate comprising the demolition of all existing buildings and structures; erection of new buildings ranging from 1 to a maximum of 10 storeys providing up to 1570 residential units (C3 use class); provision of up to 9,900 sqm of commercial and community floorspace (including replacement and new floorspace, comprising: up to 2,700 sqm of use class A1 and/or A2, and/or A3 and/or A4 floorspace, up to 4,100 sqm of use class B1 (office) floorspace, up to 1,250 sqm of flexible work units (use class B1), up to 1,250 sqm of use class D1 (community) floorspace); up to 600 sqm of use class D2 (gym) floorspace); provision of new neighbourhood park and other communal amenity spaces, including children's play space; new public realm, landscaping works and new lighting; cycle parking spaces (including visitor cycle parking) and car parking spaces (including within ground level podiums), together with associated highways and utilities works.

The Committee noted the officer's report, the Supplementary Agenda – Additional Information and the Supplementary Agenda – Modifications. Officers drew Members' attention to the revised overarching and estate specific heads of terms contained in the Supplementary Agenda – Modifications.

The Committee received an introductory presentation from Officers, and verbal representations from 3 objectors, the Applicant, a Ward Councillor and The Cabinet Member for Environment Regeneration and Housing

Representations by three objectors:

Eve Cohen made points including:

- This proposal will not enhance South Wimbledon
- The Documents are confusing
- This proposal is too high, and the massing too great – it will be a large monolith.
- 4 Storeys would be high enough
- It is out of keeping with there rest of South Wimbledon with its Victorian and Edwardian housing
- The proposal does not comply with Merton Policies
- This is a missed opportunity

Cypren Edmunds, representing the High Path Residents' Association made points including:

- The proposal will result in a loss of 72 Trees, need to ensure that applicant does replace these trees
- Must ensure that the London Mayor's target of 50% affordable homes is achieved in the development
- Must ensure that the design is meets aspirations

Caroline Muller-Carpenter made points including:

- The development will overlook my property and cause a drastic loss of light
- Don't have any faith in the Day Light reports
- Windows of residential lounges will have their light restricted
- There will be a far reaching affect
- The building heights on Merton High Street are excessive and set a precedent, the street will be darkened

Representation by Applicant:

Paul Quinn, Director of Clarion Spoke and made points including:

- The 3 sites will be developed together over 10 to 15 years to deliver better quality homes
- Clarion is working with all stakeholders
- All affordable housing will be replaced
- All current residents will keep their existing tenure
- There will be an uplift in affordable rented property
- The developments will generate a large amount in CIL (Community Infrastructure Levy, they will boost the local economy and create new jobs
- The High Path development will cross subsidise the Ravensbury and Eastfields Estate regenerations

- High Path was built 40 years ago, and this proposal allows us rebuild quality homes
- There have been over 25 Consultation events, and the DRP gave the development a green light
- Traditional homes will front onto streets, with well defined open spaces, with every unit having some private open space. There will be a central park, many trees will be retained, 250 new trees will be planted.
- High Path has long been identified for densification, and proposals are lower than the current 12 storey buildings
- The proposal takes into account local heritage and meets all requirements for daylight and sunlight.
- Parking will be rationalised, electric car charging points will be provided, car clubs will be encouraged and cycle paths built
- Significant social and economic benefits from the mixed balanced community created
- The proposal is highly sustainable with a District heating system, water efficiency and Sustainable Urban Drainage

Officers answered points made by the Objectors:

- With regards to trees, the application contains conditions requiring landscaping details and an Arboricultural Impact Assessment to be submitted
- The High Path regeneration enables the delivery of regeneration at Eastfields and Ravensbury Estates. If it were on its own High Path could deliver more Affordable Housing, but the three applications are linked. The overarching Heads of Terms require a viability review to be undertaken. The GLA has no objections to the delivery affordable homes.
- The Consultation time was extended, over 3000 letters were sent out and 30 site notices were displayed
- The proposed buildings are to be built in traditional blocks on the historical grid pattern
- The heights of the proposed buildings drops from the existing 12 storey buildings to 8 or 9 Storey around South Wimbledon Tube Station and Morden Road - these heights are not unprecedented
- The London Plan encourages intensification around transport Hubs

Ward Councillor Katy Neep made points including:

- The redevelopment of High Path is a once in a lifetime opportunity
- Welcome the proposals to resolve overcrowding, and we need to ensure regeneration of the area
- But this development only provides 16% affordable housing
- Heights of the Buildings will dwarf the cottages on Morden Road

Councillor Martin Whelton made points including:

- There is a Housing crisis, and lack of affordable housing in London
- We need to intensify our house building, and build higher for more homes

- We need to learn the lessons of the past, the current High Path estate was badly designed, and it is important now to have good design
- This development will improve the lives of people who live in the Estate

The Committee discussed the application under the following headings:

Principle of Development and Land Use

In answer to Members Questions on Viability Assessments and funding arrangements the Council's independent legal advisor gave following reply:

- There has been an independent viability assessment for each of the three estate applications. These can be viewed to give a cumulative over arching effect or reviewed individually
- Some grant funding is available but the bulk of funding is by the developer. The overall funding required by the three developments is £1 Billion. High Path will receive £21.4 Million in grant funding, Eastfields £15.7 Million and Ravensbury £6.4 Million. Further Grant Funding may be forthcoming for High Path Estate (unconfirmed at £60,000 per unit)

Members asked about Building heights of the proposal and noted that all the proposed buildings would be lower than the existing 12 storey towers. Details of lifts in the proposed 4 storey buildings would be a detail for reserved matters but there are policy options to support this.

Members asked if the proposed commercial units would improve the viability of Merton High Street. Officers said that hadn't yet assessed this but suggested that the increase in population from the development would increase footfall in Merton High Street and the additional people employed in the commercial units would also add to this increase.

Members asked about the amount of Community Infrastructure Levy due on the development and noted that precise figures will not be known until further details of the development are set. CIL monies are not payable until the start of development.

Viability and Affordable Housing

Members commented that they wanted to see as much affordable housing as possible, and noted that the provision at this outline stage was below the Council's target of 40% affordable housing subject to viability. However the Committee noted that under the Overarching Heads of Terms the developers were obliged to undertake review mechanisms of viability at each stage of the development this would provide opportunity for the Council to push for significantly higher levels of affordable housing, dependant on the new viability figures.

Members noted that the Council has informed the Developer that they want to see as much affordable housing as possible, and that the viability review mechanism would seek to clawback funding to be translated into affordable housing.

Members asked why the report appears to show a net loss of affordable housing and noted that the table referred to was just showing the figures for phase one and not the whole development.

Members asked if the developer had taken future maintenance costs into account and will they be affordable. The Chair allowed Paul Quinn, from Clarion, to answer directly and he said that Clarion do design with service charges in mind and do consider how estates will be managed, but it was too early to be clear on actual service charges.

Design and Heritage

Members noted that much of the design information, including Materials will be submitted and determined at the Reserved Matters stage.

Members asked about the developer's policy on fire safety, and noted that this is not determined at this stage.

Members asked about the setting of St John's Church in the proposed development and its relationship with the taller buildings. Officers explained that a lower level mews street is proposed that will allow for views of the front of the Church.

Members noted the condition on Archaeology that ensures that a written scheme of investigation is to be submitted prior to any demolition or development work onsite. Members spoke in detail about the local history of the area including Merton Priory.

Members asked if existing residents will get the chance to specify what type of property they receive in the new development. The Chair allowed Paul Quinn to answer and he replied that for phase 1, Clarion were negotiating with existing residents to determine their housing needs and preferences. This principle would be applied across the whole estate with affordable housing considered first.

Open Space and Biodiversity

One member commented that care should be taken so that 'rat run' road routes are not created across the proposed green spaces.

Another member commented that the green space to be provided was a very positive proposal and that access routes should be encouraged.

It commented on that All Saints recreation ground had not been taken into account.

Parking and Transport

Members noted that a more detailed assessment would be submitted as part of Reserved Matters

Members discussed the provision of parking in the proposed scheme and noted that existing residents will get a replacement space. However there are a lot of resident concerns regarding parking on the estate and in the surrounding roads. Members noted that if High Path residents want to have controlled parking this would be considered after reserved matters. Under the Heads Of Terms High Path residents will not get a parking permit for any surrounding streets and if Residents on the surrounding streets want CPZ times extended then the developer will pay for this.

The Applicant was asked about current on-site garages and stated that most are too small for modern cars. The Committee noted that the amount of on-plot parking on the proposed development is a subject for reserved matters.

Members commented that the Street pattern of the proposal is based on the historic grid, and reminded officers that they have to ensure permeable routes through the site, Members noted that the exact routes were for Reserved Matters.

Members commented that owing to the commitment to replicate parking for current tenants will have to provide more parking than is required in a 6A PTAL (Public Transport Accessibility Levels) area.

Members asked the requirement for disabled parking would be met, and noted the Flexibility with disabled access and with being near to transport.

Additional Member Questions

Members asked about the impact of height on neighbouring buildings close to The Nelson Arms Pub and noted that there were potential overshadowing issues for number 21 Merton High Street. The Applicants had provided new details on this issue which were read out by Officers. In summary this stated that although a small graphical error had been made, their model and data were in fact correct and there would be no significant harm to 21 Merton High Street from overshadowing.

Members then made comments on the proposed scheme:

- The Height at Merton High Street and Morden Road is a big increase but is acceptable
- The development will be a high quality build
- It will increase vibrancy on Merton High street
- The current context of the High Path Estate does not add to the quality of the Merton High Street, this proposal will be positive
- Encouraging to hear that there will be a higher density of housing around the transport hubs, there is justification in Planning Terms to do this.
- Happy that the development respects the listed and locally listed buildings

One Member commented that he was unhappy with the level of affordable housing offered on the site.

RESOLVED

The Committee voted to GRANT outline planning permission subject to any direction from the Mayor of London, any direction from the Secretary of State, the completion of a S106 agreement and conditions.

6 RAVENSBURY ESTATE, MORDEN, CR4 4DT (Agenda Item 6)

Proposal:

Outline planning application (with layout, scale and access for approval, exact in relation to parameter plans for height) for the regeneration of the Ravensbury Estate (on land to the west of Ravensbury Grove) comprising the demolition of all existing buildings and structures; erection of new buildings ranging from 2 to 4 storeys providing up to 180 residential units (C3 Use Class); provision of replacement community centre (up to 160 sqm of Use Class D1 floor space); provision of new public realm, landscaping works and new lighting; cycle parking spaces (including new visitor cycle parking) and car parking spaces, together with associated highways and utilities works. Landscaping works are also proposed to the east of Ravensbury Grove and along Hengelo Gardens.

The Committee noted the officer's report, the Supplementary Agenda – Additional Information and the Supplementary Agenda – Modifications. Officers drew Members' attention to the revised overarching and estate specific heads of terms contained in the Supplementary Agenda – Modifications.

The Committee received an introductory presentation from Officers, and verbal representations from an objector, the Applicant and The Cabinet Member for Environment Regeneration and Housing

Christopher Holt, speaking on behalf of the Ravensbury Grove residents made points including:

- Majority of residents are against this development. It is over densification
- The area is a Flood Area, the Environment Agency cannot afford to object. Increasing the footprint will increase the possibility of flooding
- At four storeys high the massing is unacceptable.
- This application will reduce the quality of Ravensbury Village

Paul Quinn, Director of Merton Regeneration, Clarion Housing Group, made points including:

- The Orlit homes were declared deficient in 1984, Clarion want to replace them with high quality homes
- 50% of the homes provided will be affordable
- There have been 13 consultation events with residents
- The development received a 'green' from the Design Review Panel
- None of the proposed buildings are higher than the current Ravensbury Court building
- The proposed buildings will be brick built, respect heritage, and will be sustainable
- Flood measures are in place
- Parking levels will accord with London Standards

Officers made the following points in answer to the objectors comments:

- 600 consultation letters were sent out, and the consultation time was extended, 5 replies were received
- Flood risk has been an important consideration, and new properties have been designed to be above ground and to cope with surface flood water via a void system. Sustainable Urban drainage schemes are planned across the site, the Environment Agency are satisfied with these arrangements. Full details are in the Officer's report

Councillor Martin Whelton made comments including:

- Welcome this development as the sub-standard Orlit homes need to be replaced
- Reassured by view of the Environment Agency
- No evidence to say that residents are opposed to this development when only 5 representations were received

The Committee discussed the application under the following headings:

Principle of Development and Land Use

Members asked about the timescale and if it was in line with development at High Path? Officers replied that Phase 1 should start this year and the overarching Heads of Terms require a reasonable timescale

Members commented that this development will change the character of the Ravensbury Estate but the Orlit homes do need replacing with high quality new homes

Affordable Housing and Viability

One Member commented that the provision of 50% affordable housing was unacceptable because there was only a small gain in affordable housing once all existing tenants had been reprovided with new homes. Officers replied that viability was covered in the Heads of Terms and that Officers would work with the developer with a view to increasing the level of affordable homes

Design and Heritage

Members asked about the heights of the proposed buildings in relation to the existing Ravensbury court and the Grade II listed Ravensbury Mill, and noted that there are current buildings that are 4 storeys with a pitched roof, and that the proposal will replace 2 and 3 storey homes with 3 and 4 storey blocks. This will mirror and balance the existing heights. Members also noted that some of the increased height would be in response to the flood risk concern. flooding.

Members noted that overall the DRP had given the development a green light, with a total of 8 greens out of a possible 12. Amber scores were given to landscaping, refuse/recycling facilities, local amenities, and these were areas that could be further improved.

Open Space and Biodiversity

Members commented on the possibility of a foot bridge over the River Wandle and said that this was a contentious and potentially expensive proposal. Officer asked Members to note the revised Heads of Terms in the Supplementary Agenda – Modifications which made the developer responsible for funding an assessment of the possibility of such a footbridge. If the construction of this bridge were to go ahead details of the developers financial contribution would be set out in the S106 agreement, but that this would be determined at the reserved matters stage.

Parking and Transport

Members commented that although the number of units was doubling the proposed number of parking spaces was only very slightly greater than the current number. Officers replied that the proposal will achieve a good level of parking on site. Members noted that details of cycle storage will form part of the reserved matters application.

Flood Risk

Members asked when was the last recorded incidence of flooding on the estate, but Officers reported that following conversations with residents there had not been any recent flooding to report.

RESOLVED

The Committee voted to GRANT Outline Planning Permission subject to any direction from the Mayor of London, any direction from the Secretary of State, the completion of a S106 agreement and conditions

**PLANNING APPLICATIONS COMMITTEE
26 APRIL 2018**

APPLICATION NO. DATE VALID

18/P1052 05/03/2018

Address/Site 8 Lake Road, Wimbledon SW19 7EL

Ward **Hillside**

Proposal: Demolition of the existing three blocks of flats and ancillary garages and redevelopment of the site by the erection of a four storey block of 19 apartments with basement level parking and erection of 2 x semi-detached and 2 x detached houses at the rear of the site with associated access, parking and landscaping works.

Drawing Nos 616 X01.VWX, 616/P01, P02, P03, P04, P05, P06, P09, P10, P11, P12, 616/SK02 and Design and Access Statement, Arbouricultural Report, Arbouricultural Method Statement, Townscape and Visual Appraisal and Transport Statement

Contact Officer: Richard Allen (8545 3621)

RECOMMENDATION

GRANT Planning Permission subject to S106 Agreement and conditions, and that consideration of any further representations received prior to the 3 May 2018 do not raise any additional material considerations

CHECKLIST INFORMATION

- Heads of agreement: Yes
- Is a screening opinion required: No
- Is an Environmental impact statement required: No
- Has an Environmental Impact Assessment been submitted: No
- Press notice- Yes
- Site notice-Yes
- Design Review Panel consulted-No
- Number neighbours consulted – 8
- External consultants: None
- Density: n/a
- Number of jobs created: n/a
- Archaeology Priority Zone: No

1. **INTRODUCTION**

- 1.1 This application has been brought to the Planning Applications Committee as it is a major application and the requirement for a S.106 Agreement.

2. **SITE AND SURROUNDINGS**

- 2.1 The application site comprises 0.32ha of land currently accommodation 14 maisonettes arranged in three separate blocks known as 1 -14 Wood Lodge. The existing buildings are two storeys in height, with two blocks fronting Lake Road and a third block towards the centre of the site. At the rear of the site are two blocks of garages. Between the existing buildings there are areas of grass and planting. There are a group of mature trees on the site frontage. The application site is adjacent to the boundary of the Merton (Wimbledon Hill Road) Conservation Area. To the south west of the application site are numbers 6 and 7 Lake Road which are semi-detached Victoria properties that are locally listed along with number 10 Lake Road to the north east of the application site. The site has a natural sloping gradient falling from northwest to southeast. The application site is within a Controlled Parking Zone (CPZ P2 Se) and is adjacent to the boundary with the Merton (Wimbledon Hill Road Conservation Area).

3. **CURRENT PROPOSAL**

- 3.1 The current proposal involves the demolition of the existing buildings and the erection of a four storey block (with undercroft parking) containing 19 apartments and 2 x semi-detached house and 2 x detached houses, together with associated access road parking and landscaping.

3.2 Apartment block

The proposed apartment block would be situated on the Lake Road frontage of the site and would be set back from the frontage by between 8.5 and 16 metres. The building would be 31 metres in width at it widest point and have a maximum depth of 22 metres. The proposed building would have an eaves height of 9 metres and would have a pitched roof with a ridge height of 12.5 metres when measured from the front elevation. The proposed building would be sited 5.3 metres away from the boundary with Helme Close and 6.1 metres away from the boundary with 7 Lake Road.

- 3.3 Internally, the apartment block would comprise 19 x two bedroom flats arranged over basement (undercroft level), ground, first, second and third floor levels. A traditional design approach has been adopted for the proposed building which would be constructed in facing brickwork with a tiled pitched roof with feature gables, dormer windows, traditional windows and detailing.

3.4 Houses

At the rear of the site it is proposed to construct four houses; a pair of semi-detached house and two detached houses. House 1 (a four bedroom dwelling) would be sited adjacent to the boundary with 1 Helme Close and would be sited 4 metres away from the boundary and would be 8 metres in

width and between 8 and 10 metres in length plus a three metre single storey rear projection. House 4 would be sited between 14 and 18 metres away from the rear boundary of the site and 4.5 metres from the boundary with 7 Lake Road. House 4 would be a mirror image of house 1. Houses 2 and 3 would be a pair of semi-detached dwellings and would be sited 4.3 metres back from the frontage of house 1 and would comprise pair of four bedroom dwellings. A traditional design has been adopted for the proposed houses and each house would have its own rear garden.

- 3.5 Access to the site would be from Lake Road via the existing access in the north west corner and underground parking for 19 cars would be provided beneath the apartment block, Electric vehicle charging points would be provided by parking bays beneath Block 'A'. Secure cycle parking would be provided for 38 cycles beneath the apartment block.
- 3.6 A traditional design approach has been adopted for the proposed development, with the buildings constructed of facing brickwork with traditional roof tiles.

4. **PLANNING HISTORY**

- 4.1 In July 2015 a pre-application meeting was held to discuss the redevelopment of the site for residential purposes (LBM Ref.15/P2191/NEW).
- 4.2 In March 2017 planning permission was refused by the Planning Applications Committee for the redevelopment of the site by the erection of two blocks of flats containing 29 apartments (LBM Ref.16/P0965). Planning permission was refused on the grounds that:-

'The design of the proposed buildings is considered to inappropriate for the site which is adjacent to the Merton (Wimbledon Hill Road) Conservation Area and situated between two locally listed buildings. The proposed development would therefore fail to preserve or enhance the adjacent conservation area of the setting of the locally listed buildings contrary to policy CS14 (Design) of the Adopted Merton Core Planning Strategy (2011) and policies DM D2 (Design Considerations in all Developments) and DM D4 (Managing Heritage Assets) of the Adopted Merton Sites and Policies Plan (2014)'.

- 4.3 The applicant appealed against the Council's refusal of planning permission and the subsequent appeal was dismissed on 10 January 2018 (Appeal Ref.APP/T5720/W/17/3181730). The Inspector considered that the presence of a long 2/3 storey elevation close to the garden boundary of 7 Lake Road would have a significant effect on the outlook and enjoyment of the garden area for the neighbouring residents. The Inspector also considered that the kitchen window within the flank elevation of the rear block of flats facing 1 Helme Close could give rise to unreasonable overlooking. The Inspector noted the benefits of the provision of additional homes in an accessible location, however the impact upon the amenities of occupiers of 7 lake road and 1 Helme Close outweigh the benefits of the scheme.

- 4.4 The Inspector also dismissed the appeal on the grounds that the proposal would have harmed the streetscene due to its relationship with the locally listed buildings at 6 and 7 Lake Road and the adjacent Conservation Area.
- 4.5 Following the refusal of planning permission and the subsequent appeal decision, a further pre-application meeting was in held to discuss a more traditional scheme comprising apartments on the site frontage and the provision of housing at the rear of the site (LBM Ref.17/P4086).

5. **CONSULTATION**

- 5.1 The application has been advertised by site and press notice procedure and letters of notification to occupiers of neighbouring properties. In response two letters of objections have been received from the Wimbledon Society and the Merton Green Party.

5.2 Wimbledon Society

The Wimbledon Society state that the Council's Core Planning Strategy stipulates a target of 40% affordable housing for all developments of 10 or more housing units. However, the applicants planning statement stipulates that no affordable housing will be provided on site or off site and that no financial contribution will be made because this would render the development unviable. We submit that the 40% target is crucially important for the long term stability of the borough and its housing stock and that the Council should insist on adherence to the target unless there are very sound reasons for not doing so.

5.3 Merton Green Party

Policy CS8 in the council's core planning strategy sets a borough-wide affordable housing target of 40%. Paragraph 7.4 of the applicant's planning statement states that there will be no affordable housing because it would make the development unviable. Merton Green Party would ask the Council to insist that the 40% target be met and ask that the applicant's viability assessment and the assessment commissioned by the Council be made public, so that others with an interest can see the evidence on this vital issue. The Council has itself released a viability assessment for another application (the Volante site in Summerstown, 15/P4798). The Merton Green Party also draw attention to the fact that their colleagues in Islington, Southwark and Greenwich now require viability assessments to be made public. There is widespread concern about the use of viability assessments by developers to avoid meeting their obligations to provide much-needed affordable housing.

5.4 Crime Prevention Officer

The Crime Prevention officer has no objections to the proposal subject to the development incorporating security measures to minimise the risk of crime and to meet the specific security needs of the development in accordance with the principles of Secured by Design.

5.5 Tree Officer

It is proposed to remove 10 individual trees, of which only 1 is classified as a 'B' category tree (T15 a Crab Apple). The rest are 'C' category trees. There is a small group of Lawson Cypress trees also to be removed. No arbouricultural objection is raised to these removals as the applicant has provided a landscaping masterplan which makes provision for new trees. The most visually important trees are located adjacent to the front boundary line, and these are to be retained. There is an existing early mature Acacia towards the rear of the property and whilst this is proposed for removal, the landscape plans do include a replacement tree. The proposed landscaping is appropriate for this application and will serve to enhance the overall landscape quality of the new development. Details of the proposed trees and plants should be sought by condition.

5.6 Transport Planning

The application site is within PTAL 5 and therefore has good access to public transport. The application site is also within a controlled parking zone with restricted parking on Monday to Saturday 08.30-18.30. The site lies in an area within PTAL 5 which is very good. Lake Road is a two way carriageway with a varying carriageway width between 7.2m and 7.6m with a footway width between 3.8m to 4.5m footways on both sides. Lake Road is subject to a 20mph speed limit being located within a school zone area. Lake Road is illuminated with a 6.5m width restriction for vehicles. The existing site is located via two separate vehicular accesses off Lake Road. As part of the proposals the southern access will be removed and the northern vehicular accesses retained and upgraded to form an internal access road along the northern side of the site before turning right across the site allowing access to all the properties.

5.7 Currently the site contains 14 apartments across three separate residential blocks with separate rear garages at 8 Lake Road in Wimbledon. The proposal comprises, a residential block with a total of 19 apartments, 2 semidetached houses and 2 detached houses. The residential block is located near the front of the site close to Lake Road and contains 19 apartments across five floors with a basement car park. The rear of the development contains houses with drives. The site lies within a Controlled Parking Zone between Monday and Friday between the times of 11am and 3pm. Lake Road is subject to a 20mph speed limit being located within a school zone area. Lake Road is illuminated with a 6.5m width restriction for vehicles.

5.8 Car Parking: The apartment block will contain a basement car park comprising 17 standard spaces and 2 disabled spaces. 5 standard car parking spaces are located outside of the houses at ground floor level. The London Plan standards outline the maximum residential parking per residential unit as follows:

- 1-2 bedrooms (<1 space per unit)
- 3 bed units should have max. 1.5 spaces per unit.

The site is proposed to contain 22 standard car spaces and 2 disabled spaces. The number of car parking spaces provided satisfies 'The London Plan' parking standards.

Electric vehicle charging points: In line with TfL requirements a total of 20% of parking spaces should have charging points, with further 20% of spaces to have passive provision for vehicles in future. The proposal would require 5 spaces to have charging points and further 5 spaces to have passive provision for vehicles in future.

Cycle Parking: The London Plan and London Housing SPG Standard 20 (Policy 6.9) states all developments should provide dedicated storage space for cycles at the following level:

- 1 per studio and one bed dwellings; and
- 2 per all other dwellings

The proposal provides 38 cycle spaces within the basement and further 8 cycle spaces in the rear gardens of the houses.

The provision of cycle spaces for the proposal is satisfactory.

Refuse and Recycling: Refuse collection will not service the proposed units as existing arrangement. Waste collection points should be located within 30 metres of residential units and within 20 metres of collection vehicles from Lake Road.

The proposal involves the reinstatement of the existing southern vehicular cross over: It is Council's policy for the Council's contractor to construct new vehicular access and the applicant should contact Council's Highway Team on prior to any work starting to arrange for this works to be done.

5.9 The proposal is unlikely to have a significant impact on the adjoining highway network and there are no Transport Planning objections subject to conditions being imposed on any grant of planning permission in respect of: Car and cycle parking maintained, provision of electric vehicle charging points, details of refuse and recycling storage provision (within 20m of Lake Road) and submission of a Demolition / Construction Logistic Plan (including a Construction Management Plan compliant with Chapter 8 of the Road Signs Manual for temporary Works) sent LPA before commencement of work be required.

5.10 Flood Risk Officer
No objection, subject to conditions

6. **POLICY CONTEXT**

6.1 Adopted Merton Core Strategy (July 2011)
CS6 (Wimbledon Town Centre), CS8 (Housing Choice), CS9 (Housing Provision), CS11 (Infrastructure), CS13 (Open Space), CS14 (Design), CS15 (Climate Change), CS16 (Flood Risk Management), CS20 (Parking, Servicing and Delivery).

- 6.2 Sites and Policies Plan (July 2014)
DM H2 (Housing Mix), DM H3 (Affordable Housing), DM O2 (Nature Conservation, Trees, Hedges and Landscape Features), DM D2 (Design Considerations in all Developments), DM D4 (Managing Heritage Assets), DM F1 (Support for Flood Risk Management), DM F2 (Sustainable Urban Drainage Systems (SUDS)), DM T1 (Support for Sustainable Transport and Active Travel), DM T2 (Transport Impacts for all Development), DM T3 (Car Parking and Servicing Standards),
- 6.3 The London Plan (2016)
The relevant policies within the London Plan are 3.3 (Increasing London's Housing Supply), 3.4 (Optimising Sites Potential), 3.5 (Quality and Design of Housing), 3.8 (Housing Choice), 3.12 (Negotiating Affordable Housing), 3.14 (Existing Housing), 5.2 (Minimising Carbon Dioxide Emissions), 5.3 (Sustainable Design and Construction), 6.9 (Cycling), 6.13 (Parking), 7.4 (Local Character), 7.6 (Architecture), 7.8 (Heritage Assets and Architecture), 7.21 (Trees and Woodlands) and 8.2 (Planning Obligations).
- 6.4 Supplementary Planning Guidance
New residential Development (1999), Design (2004), Planning Obligations (2006) and the Wimbledon Hill Road Conservation Area Character Assessment.

7. **PLANNING CONSIDERATIONS**

- 7.1 The main planning considerations concern demolition of existing buildings, design and impact on character of area and adjacent conservation area and locally listed buildings, standard of residential accommodation, neighbour amenity, parking, trees, sustainability trees, developer contributions and the previously dismissed scheme (LBM Ref.16/P0965).
- 7.2 Demolition of Existing Buildings
The existing buildings are of little architectural merit and there are no objections to the demolition of the existing buildings on the site. The application site is not within a conservation area so there is no requirement to justify demolition in terms of policy DM D4.
- 7.3 Design, Character of Area and Conservation Area/Locally Listed Buildings
A traditional design approach has been adopted for the proposed development. The apartment block on the Lake road frontage would be constructed of facing brickwork with a tiled pitched roof with feature gables and traditional window proportions. The proposed houses at the rear of the site would also be of traditional appearance constructed in facing brickwork with tiled hipped roofs incorporating feature dormer windows to front and rear roof elevations.

The design of the previous scheme took a contemporary approach. The previous scheme was objected to by the Council and the Inspector in terms of its design and impact on the streetscene. Specifically, the Inspector noted the adjacent properties had pitched roofs whereas the appeal scheme had large

amounts of flat roof. The current proposal would have similar bulk and mass to that of the appeal scheme, however, it would have a pitched roof with a flat roof hidden behind. This results in a traditional building which would be more in keeping in the streetscene. The massing of the side elevations has been broken up with the use of gable ends and break in roof line, which assists with the buildings appearance in the streetscene.

The proposed buildings at the rear of the site would be broken up into 4 houses. This is a significant change to that proposed under the appeal scheme. The overall scale, form and design of the dwellings would be visually acceptable in the backland location. The more traditional design approach adopted for both the frontage flats and the 4 houses would result in a development that now respects the setting of the adjacent locally listed buildings.

Overall the proposal is considered to result in a development which would not cause harm to the streetscene, Conservation Area and setting of the locally listed buildings. The design of the proposed buildings are considered to be acceptable in terms of policies CS14, DM D2 and DM D4.

7.4 Standard of Residential Accommodation

The proposal involves the provision of 19 flats and four houses. The mix of units and room sizes is set out below:-

Basement/Undercroft	GIF Area	London Plan
Flat 1: 2 bed/4 person	88m ²	70m ²
Ground Floor		
Flat 1: 2 bed/4 person	86m ²	70m ²
Flat 2: 2 bed/4 person	89m ²	70m ²
Flat 3: 2 bed/4 person	94m ²	70m ²
Flat 4: 2 bed/4 person	98m ²	70m ²
Flat 5: 2 bed/4 person	94m ²	
First Floor		
Flat 1: 2 bed/4 person	93m ²	70m ²
Flat 2: 2 bed/4 person	95m ²	70m ²
Flat 3: 2 bed/4 person	94m ²	70m ²
Flat 4: 2 bed/4 person	98m ²	70m ²
Flat 5: 2 bed/4 person	95m ²	70m ²
Second Floor		
Flat 1: 2 bed/4 person	87m ²	70m ²
Flat 2: 2 bed/4 person	90m ²	70m ²
Flat 3: 2 bed/4 person	94m ²	70m ²
Flat 4: 2 bed/4 person	98m ²	70m ²
Flat 5: 2 bed/4 person	94m ²	70m ²
Third Floor		
Flat 1: 3 bed/5 person	142m ²	86m ²
Flat 2: 3 bed/5 person	118m ²	86m ²
Flat 3: 3 bed/5 person	123m ²	86m ²

Houses	GIF Area	London Plan
House 1: 4 bed	175m ²	113m ²
House 2: 4 bed	168m ²	113m ²
House 3: 4 bed	168m ²	113m ²
House 4: 4 bed	175m ²	113m ²

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

7.5 Neighbour Amenity

The design and layout of the development has been designed to have regard for the amenities of occupiers of neighbouring residential properties. The four storey (plus basement/undercroft parking) apartment block on the site frontage would be sited 5.3 metres away from the boundary with the access road to Helme Close and would be 6.1 metres away from the boundary with 7 Lake Road. Windows within the south-west elevation of the apartment block at first and second floor level immediately adjacent to the side elevation of 7 Lake Road would be glazed with obscure glass in order to protect privacy to 7 Lake Road. Windows within the north-east elevation of the apartment block would face across the access road to Helme Close and would not result in any overlooking and/or loss of privacy to occupiers of properties in Helme Close. The proposed houses at the rear of the site have been designed to protect the amenities of both 1 Helme Close and the garden of 7 Lake Road. The flank wall of house 1 would be sited 4 metres from the boundary with 1 Helme Close and the flank wall of house 4 would be 4.5 metres away from the boundary with the garden of 7 Lake Road. The only window within the side elevation of house 4 would be a ground floor utility room window and the only window in the side elevation of house 1 would also be a ground floor utility room. The rear elevations of each of the four houses would be more than 10 metres from the rear boundary of the site (which abuts garages accessed from Glendale Drive).

The Inspector objected to overlooking from the rear block of flats to 7 Lake Road and 1 Helme Close. The current proposal has no windows in the side elevations of houses 1 and 4 and therefore has overcome the previous objection. Further, the flank wall to house 4 is reduced in depth when compared to the previous block of flats and thereby would not be overbearing to 7 Lake Road. The position of house 1 would be set away from the boundary with Helme Close and would not cause intensively overbearing impact or loss of sunlight and daylight. Therefore the proposed development would not have any adverse impact upon neighbour amenity and would comply with policy DM D2.

7.6 Parking

The proposal would provide 22 standard parking space and two disabled spaces. The parking provision is considered to be acceptable and satisfies the London Plan parking standards for new development. Secure cycle parking would also be provided for 38 cycles within the basement/undercroft of the apartment block and 8 cycle spaces provided on the four house. The

application site is however within a Controlled parking Zone (CPZ P2 Se) and a 'permit free' development secured through a S.106 Agreement would be appropriate in this instance.

7.7 Trees

The council's tree officer has examined the proposal and has no objections to the proposed development subject to tree protection and landscaping conditions being imposed on any grant of planning permission. In terms of landscape, the current proposal includes front soft landscaping, which would be an enhancement over the appeal scheme. The proposal is therefore acceptable in terms of policy DM O2.

7.8 Sustainability Issues

In terms of sustainability, the development there is scope to incorporate photo voltaic panels on the roofs of buildings and incorporate a rainwater harvesting scheme. Permeable paving and surface water attenuation tank will also contribute to sustainable drainage. Electric car charging points are also provided within the underground car park. The Council's Climate change officer has reviewed the applicants Energy Statement and notes that the development is targeting a 35.1% improvement on Part L of the Building Regulations (2013) and the developer is proposing a £44,622 carbon offset payment to comply with the zero carbon target. The Council's Climate Change officer has advised that pre-commencement conditions should be imposed on any grant of planning permission to ensure that the energy efficiency strategy is sufficiently robust to meet the required on-site emissions reductions. It is considered that these measures are acceptable and that the proposal complies with the requirements of policies CS15 and DM F2.

7.9 Developer Contributions

The proposal involves the redevelopment of the site by the erection of a block of 19 apartments and four houses. An on-site contribution towards affordable housing in the borough would therefore be required. Policy CS8 of the Adopted Merton Core Planning Strategy requires that for a development of 23 dwellings a 40% affordable housing provision is required and the policy stipulates that only in exceptional circumstances will the Council consider off-site provision or financial contributions. Where a developer contests that it is not viable to provide affordable housing, the onus is on the applicant to demonstrate the maximum amount of affordable housing that could be viably achieved. This should be achieved through an open book approach, and the applicants are required to submit all inputs and assumptions used to assess the viability of the proposed scheme. In this instance the developer contests that there is a viability issue with providing either affordable housing on-site or off-site as part of this development. A viability report in line with the requirements of policy CS8 and the provisions of the national planning policy Framework and Nation Planning Policy Guidance has been submitted with the application. The viability report concludes that the scheme is not viable under any scenario to provide affordable housing either on site or through a contribution. A financial contribution was proposed and accepted under the previous appeal scheme.

7.10 The applicants Financial Appraisal is currently being independently audited by the consultant appointed by the Local Planning Authority. At the time of writing the committee report officers have not received the formal appraisal of the applicant's viability assessment. The recommendation will therefore reflect this and an update will be given at the committee meeting. Should off-site contributions be accepted this would be secured through a S.106 Agreement. The applicant would also be subject to both the Merton CIL and the Mayor of London's CIL.

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

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

9. **CONCLUSION**

9.1 The proposed development would result in the provision of 19 apartments and four houses in an area with good public transport accessibility. The design of the proposed buildings is considered to be acceptable and the proposal would not harm neighbour amenity, the character of the area, adjacent Conservation area and setting of the Locally Listed Buildings. Accordingly it is recommended that planning permission be granted.

RECOMMENDATION

GRANT PLANNING PERMISSION

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

1. The developer making a financial contribution towards affordable housing in the borough (Subject to confirmation from the Councils viability assessor).
2. The development being designated 'permit free'.
3. The developer making a £44,622 carbon offset payment.
4. The developer paying the Council's legal and professional costs in drafting completing and monitoring the legal agreement.

and subject to the following conditions:-

1. A.1 (Commencement of Development)
2. A.7 (Approved Drawings)
3. B.1 (Approval of Facing Materials)
4. B.4 (Details of Surface Treatment)

5. B.5 (Details of Boundary Treatment)
6. C.1 (Removal of Permitted Development -Extensions) (Houses 1-4)
7. C.2 (No Permitted Development -Doors and Windows) (Houses 1-4)
8. C.4 (Obscure Glazing – Windows Within South-West Elevation of Apartment Block (as shown on drawing number 616/P10))
9. C.6 (Refuse and Recycling (Details to be Submitted))
10. C.8 (No Use of Flat Roofs-Houses)
11. C.9 (Balcony Screening-Apartment Block)
12. D.9 (External Lighting)
13. D.11 (Construction Times)
14. F.1 (Landscaping Scheme)
15. F.2 (Landscaping Implementation)
16. F.3 (Tree Survey Required)
17. F.5 (Tree Protection)
18. F.8 (Site Supervision –Trees)
19. The details of measures for the protection of the existing trees as specified in the approved document 'Arbouricultural Report to BS5873:2012' reference AWA1429 dated September 2015 and the 'Arbouricultural Method Statement' reference No297(100)03 B and dated 25/02/2016 including the drawing titled: 'Tree Protection Drawing' numbered (03)013 Rev.B shall be fully complied with. The methods for the protection of the exiting trees shall follow the sequence of events as set out in the document.

Reason for condition: To protect and safeguard the existing trees in accordance with the following Development Plan policies for Merton: policy 7.21 of the London Plan 2015, policy CS13 of Merton's Core Planning Strategy 2011 and polices DM D2 and 02 of Merton's Sites and Polices Plan 2014'.
20. H.4 (Provision of Parking (including provision of electric vehicle charging Points)))
21. H.6 (Cycle Parking – Details to be Submitted)
22. H.9 (Construction Vehicles)

23. H.10 (Washdown Facilities)

24. Prior to commencement of development a Basement Construction Method Statement shall be submitted to and be approved in writing by the Local planning Authority. The basement shall be constructed in accordance with the approved details.

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

25. No development approved by this permission shall be commenced until a scheme for the provision of surface water drainage has been implemented in accordance with details that have been submitted to and approved in writing by the local planning authority. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system (SuDS) to ground, watercourse or sewer in accordance with drainage hierarchy contained within the London Plan Policy 5.13 and the advice contained within the National SuDS Standards. Where a sustainable drainage scheme is to be provided, the submitted details shall:
- i. provide information about the design storm period and intensity, the method employed to delay (attenuation provision of no less than 15m³ of storage) and control the rate of surface water discharged from the site to no greater than 5l/s and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
 - ii. include a timetable for its implementation;
 - iii. include a CCTV survey of the existing surface water outfall and site wide drainage network to establish its condition is appropriate.

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

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

Reason: To ensure the risk of ground water ingress to and from the development is managed appropriately and to reduce the risk of flooding in compliance with the following Development Plan policies for Merton: policy 5.13 of the London Plan 2011, policy CS16 of Merton's Core Planning

Strategy 2011 and policies DM D2 and DM F2 Of Merton's Sites and Policies Plan 2014.

27. No part of the development hereby approved shall commence until evidence has been submitted to and approved in writing by the Local Planning Authority confirming that the development will achieve a CO2 reduction of not less than a 19% improvement on Part L Regulations 2013, and internal water usage rates of no greater than 105 litres per person per day.

Carbon emissions evidence requirements for design stage assessments must provide:

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

-Water efficiency evidence requirements for Design Stage assessments must provide:

-Detailed documentary evidence representing the dwellings 'As Designed'; and Water Efficiency Calculator results to demonstrate that the dwelling will achieve no for greater than 105 litres per person per day.

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

28. No 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.'

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 for condition: 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

28. Informative

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

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

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PLANNING APPLICATIONS COMMITTEE

26 APRIL 2018

APPLICATION NO.

DATE VALID

17/P2023

27/07/2017

Address/Site: 40A Lambton Road
Raynes Park
London
SW20 0LP

Ward: Raynes Park

Proposal: Demolition of all buildings on site, comprising a redundant builder's yard with associated office and sheds along with 2 x residential units, and redevelopment of the site to provide a terrace row of 3, 1 bed, single storey residential units with accommodation in the roof space together with landscaping, cycle storage and refuse storage.

Drawing No.'s: 1514_PL-00 (Rev: A), 1514_PL-10 (Rev: C), 1514_PL-11 (Rev: B), 1514_PL-12 (Rev: C), 1514_PL-13 (Rev: C), 1514_PL-14 (Rev: C) and 1514_PL-18.

Contact Officer: Jock Farrow (020 8545 3114)

RECOMMENDATION

Grant planning permission subject to conditions.

CHECKLIST INFORMATION

- S106: No
- Is a screening opinion required: No
- Is an Environmental Statement required: No
- Has an Environmental Statement been submitted: No
- Press notice: Yes (conservation area)
- Site notice: Yes (conservation area)
- Design Review Panel consulted: No
- Number of neighbours consulted: 22
- External consultations: 2
- Conservation area: Yes – Lambton Road
- Listed building: No
- Tree protection orders: No
- Controlled Parking Zone: No
- Flood zone: No
- Town Centre: No (just beyond Raynes Park Town Centre)

1. INTRODUCTION

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

2. SITE AND SURROUNDINGS

- 2.1 The application site is located to the east side of Lambton Road, to the rear of the terrace rows of both Lambton Road and Tolverne Road. The site is accessed via an under-croft through No. 40 Lambton Road. There is a narrow access way which opens out to a regular shaped plot; the site (not including the access way) has an area of approximately 286 sq.m.
- 2.2 The site is located within the Lambton Road Conservation Area and is located just outside of the Raynes Park town centre. The site has a public transport access level (PTAL) of 5 (0 being the lowest and 6b being the best) which is high, being an approximate 3 minute walk from Raynes Park Station. The site is not within a controlled parking zone (CPZ); albeit the surrounding streets along with the lower portion of Lambton Road are CPZ's.
- 2.3 The site is currently occupied by a series of single storey buildings, including 2 dwellings (which became lawful through the passage of time) and a portacabin and sheds relating to the former use as a builders yard.
- 2.4 The surrounding area is predominantly residential use and characterised by two storey (with loft level) dwellings.

3. CURRENT PROPOSAL

- 3.1 This application seeks planning permission for the demolition of the existing single storey buildings on site and the redevelopment of the site to provide a terrace of 3 one bed dwellings.
- 3.2 The dwellings would be built along the eastern boundary of the site and would be set back from the western boundary by approximately 2.4m, this setback would provide a walkway to access each dwelling. The proposed dwellings would have regular footprints and would incorporate a mezzanine floor within the roof space. The roof would rise to a peak toward the south west corner of each dwelling with a ridge line running down to the north east corner. The southern portion of each dwelling would reduce to single storey and would incorporate a flat roof; this portion of the dwellings would adjoin the next dwelling in the terrace. The design would present a varied roof scape which would rise and fall along the length of the terrace. Given the mezzanine floor and raised corner of each dwelling, they would be akin to 1.5 storey dwellings. Each dwelling would be provided with a 20 sq.m private terrace along with 25 sq.m of shared outdoor amenity space; the shared space would be acquired from the rear garden of No. 40 Lambton Road. In addition, the wall along the eastern boundary would be raised by 0.675m, equating to 2.5m high as measured from the properties to the east.
- 3.3 Access would remain unchanged which would involve the existing underpass through No. 40 Lambton Road; cycle parking would be located within the underpass. A portion of No. 38 Lambton Road would be acquired to provide refuse storage. The walkway in front of the dwellings along with the shared outdoor amenity space would be provided with seating and planting.
- 3.4 The proposed terrace would have the following key dimensions:
- Footprint of individual dwellings: 10m wide and 6.8m deep.
 - Footprint of terrace: 30m long and 6.8m deep.
 - Heights: 3.8m high to the flat section of roof, 4.2m high to the eaves and 6.43m maximum height.

- 3.5 The pitched roof of the proposed dwellings would comprise a standing seam zinc roof with the vertical components, at roof level, comprising timber louvres; the flat roof section would be a green roof; the front elevation at ground level would comprise translucent cladding; the northern elevation would be zinc cladding; the main entrance door and balustrade to the terrace would be timber; the remaining doors, windows and fascias and gutters would be powder coated aluminium.
- 3.6 The scheme as originally submitted proposed a terrace row of 4 dwellings. Officers raised concerns regarding the amount of development proposed and the lack of private amenity space for each dwelling. Amendments to the scheme were subsequently submitted which reduced the number of dwellings proposed to 3 and increased the private amenity space for each unit.

4. RELEVANT PLANNING HISTORY

- 4.1 MER170/81: Rebuilding of existing workshops and stores as offices – Refused (reason not recorded).
- 4.2 13/P4057: Application for a lawful development certificate in respect of the use of single storey buildings on the site known as 40A Lambton Road as two self-contained residential units [Use Class c3] called studio 3 and studio 4 – Granted.

5. CONSULTATION

- 5.1 Public consultation was initially undertaken by way of site and press notices and by post sent to neighbouring properties, re-consultation was then undertaken to alert residents of the aforementioned amendments to the scheme. The results of the combined consultation exercises are summarised as follows:
- 5.2 23 objections from individual properties received which are summarised as follows:
- Impact upon the conservation area
 - Incongruous development
 - Out of keeping
 - Excessive scale
 - Over development
 - Lack of outdoor space
 - Loss of privacy
 - Visually intrusive/overbearing
 - Loss of outlook
 - Loss of daylight and sunlight
 - Increased parking pressure
 - Impact upon highway performance and safety
 - Undesirable precedent
 - Poor access
 - Poor access for emergency services
 - Impact upon wildlife
 - Concerns regarding health and safety
 - Inappropriate location for new housing
 - Misleading and vague information
 - Poor quality living conditions for prospective occupants
 - Loss of employment land
 - Undesirable housing mix
 - Increased noise/disturbance
 - Light pollution
 - Increased litter
 - Additional pressure on services
 - Drainage

- Concern flat roof components will be used as roof terraces
 - Loss of security to surrounding properties
 - Contrary to relevant legislation and policy
 - Reduction to value of surrounding properties
- 5.3 Wimbledon Society: Objection. Misleading consultation exercise. The proposal is not in accordance with policy DMD2. The accommodation in the roof space is substandard; the outdoor amenity space fails to meet relevant standards; the proposal would receive poor levels of natural light. The proposal would be out of keeping, visually intrusive and would result in loss of light to surrounding properties. Exacerbate parking pressure and lack of access for emergency vehicles.
- 5.4 The Resident's Association of West Wimbledon: Objection. Lack of access for emergency vehicles; lack of light and poor quality living conditions for prospective occupants; lack of outdoor amenity space; loss of light and visually intrusive to surrounding properties; incongruous and out of keeping; exacerbate highway and parking pressure.
- 5.5 Councillor Adam Bush: Requested that should this application be recommended for approval, it be heard before the Planning Applications Committee.
- 5.6 Metropolitan Police – Designing out Crime Officer: Raised concerns regarding the visibility of the proposal and the location of the cycle store. Advised various technical standards should be met to ensure a high level of security.
- 5.7 Environment Agency: No objection.
- 5.8 LBM Climate Change Officer: No objection. Advised that the proposal will need to comply with the relevant CO2 and water consumption standards.
- 5.9 LBM Environmental Health: No objection. Advised conditions relating to a demolition and construction method statement, external lighting and contamination.
- 5.10 LBM Transport Officer: No objection. Vehicle access is not possible due to the narrow entrance. The area is highly sustainable in terms of accessibility (PTAL 5). Cycle and refuse storage are both acceptable. Advised conditions relating to a construction management plan and service management plan.
- 5.11 LBM Conservation Officer: No objection. The proposal is not visible from the street. No objection to the proposed materials.
- 6. POLICY CONTEXT**
- 6.1 National Planning Policy Framework (2012)
 Section 4 – Promoting sustainable transport.
 Section 6 – Delivering a wide choice of high quality homes.
 Section 7 – Requiring good design including optimising the potential of a site to accommodate development.
 Section 12 – Conserving and enhancing the historic environment.
- 6.2 London Plan (2016)
 Relevant policies include:
 3.3 Increasing housing supply
 3.4 Optimising housing potential
 3.5 Quality and design of housing developments
 3.8 Housing choice

- 5.1 Climate change mitigation
- 5.2 Minimising carbon dioxide emissions
- 5.3 Sustainable design and construction
- 5.10 Urban greening
- 5.11 Green roofs
- 5.17 Waste Capacity
- 5.21 Contaminated land
- 6.5 Funding Crossrail and other strategically important transport infrastructure
- 6.9 Cycling
- 6.13 Parking
- 7.1 Lifetime neighbourhoods
- 7.2 An inclusive design
- 7.3 Designing out crime
- 7.4 Local character
- 7.5 Public realm
- 7.6 Architecture
- 7.8 Heritage assets and archaeology
- 7.15 Reducing and managing noise, improving and enhancing the acoustic environment and promoting appropriate soundscapes
- 8.2 Planning Obligations
- 8.3 CIL

6.3 Merton Local Development Framework Core Strategy – 2011 (Core Strategy)

Relevant policies include:

- CS 8 Housing choice
- CS 9 Housing provision
- CS 11 Infrastructure
- CS 13 Open space and leisure
- CS 14 Design
- CS 15 Climate change
- CS 17 Waste management
- CS 18 Transport
- CS 20 Parking servicing and delivery

6.4 Merton Sites and Policies Plan – 2014 (SPP)

Relevant policies include:

- DM D1 Urban Design
- DM D2 Design considerations
- DM D4 Managing Heritage Assets
- DM EP 2 Reducing and mitigating noise
- DM O2 Nature conservation
- DM T3 Car parking and servicing standards

6.5 Supplementary planning considerations

- London Housing SPG 2016
- Technical Housing Standards 2015
- Sustainable Design and Construction SPG 2014

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 conservation area.
- Impact upon neighbouring amenity.

- Standard of accommodation.
- Transport and parking.
- Refuse storage and collection.
- Cycle storage.
- Sustainable design and construction.
- Site contamination.

Principle of development

- 7.2 Policy DM E3 of the SPP seeks to protect scattered employment sites, and states that where proposals would result in the loss of an employment site, they would be resisted except where: the site is located predominantly in a residential area and it can be demonstrated that it is having a significant adverse effect on residential amenity, the site characteristics make it unviable for whole site employment, there is no reasonable prospect of employment or community use on the site in the future.
- 7.3 The site is not considered to be suitable for employment use given its size, access arrangements and sitting within a residential area. It is noted that while the site was formerly used as a builders yard, it is unlikely that such a use would be granted planning permission under current policy as the use would likely result in a significant adverse effect on local residential amenity. In addition, it is noted that there are currently two residential units on the site which obtained a lawful development certificate confirming their lawfulness. In this instance, the loss of employment land is considered to be acceptable.
- 7.4 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.
- 7.5 Core Strategy policies CS8 & CS9 seek to encourage proposals for well-designed and conveniently located new housing that will create socially mixed and sustainable neighbourhoods through physical regeneration and effective use of space.
- 7.6 There are currently two residential units on site and the site is surrounded by residential use; the site is no longer considered to be suitable for employment uses; given this application seeks to increase residential density, the principle of development is considered to be acceptable, 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 conservation area
- 7.7 Section 12 of the NPPF, London Plan policies 7.4, 7.6 and 7.8, Core Strategy policy CS14 and SPP Policies DM D2 and DM D4 require well designed proposals which make a positive contribution to the public realm, are of the highest quality materials and design and which are appropriate in their context, thus they must respect the appearance, materials, scale, bulk, proportions and character of their surroundings. Core Strategy policy
- 7.8 London Plan policy 7.8 states “*Development affecting heritage assets and their settings should conserve their significance, by being sympathetic to their form, scale, materials and architectural detail*”.
- 7.9 The National Planning Policy Framework (2012), section 12, paragraph 134 states that: ‘Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use’.

- 7.10 Paragraph 1.3.61 of the London Plan Housing SPG 2016 states that *fully optimising housing potential will necessitate high quality, innovative design to ensure new development successfully responds to challenges and opportunities presented on a particular site*. The site is considered to be unique in that it is located between, and to the rear of, two terraces; thus the site is screened from the streetscene. In addition, while the site is visible from the surrounding dwellings, it is isolated in the sense that it would not be read together with the surrounding terraces. There is therefore an opportunity to develop a unique design approach, appropriate to the unique characteristics of the site in this instance.
- 7.11 Given the isolated and unique nature of the site, a contemporary approach to the design is considered to be appropriate. The proposed dwellings could be described as 1.5 (ground floor with mezzanine) storeys in height; they would have reduced eaves and a single storey element connecting each dwelling, the resulting form would be an undulating terrace and roofscape. It is considered that the proposed form would break up the massing of the proposed terrace and reduce the apparent bulk, ensuring the proposed dwellings would be subordinate to the surrounding terraces. Considering the siting of the proposal, being a backland site located between, and to the rear of, two residential terraces, it is not considered that the bulk or massing of the proposals would appear unduly dominant. The proposed palette of materials is considered to be high quality, providing a coherent and interesting final design.
- 7.12 While the proposal does not seek to replicate the surrounding development, it is considered to achieve a coherent and high quality design which would not detract from the surrounding conservation area. Given the development does not seek to create a single isolated dwelling, but rather an ensemble of three dwellings, it is considered to achieve a semblance of its own character, unique to the site.
- Impact upon neighbouring amenity
- 7.13 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.
- 7.14 The proposed terrace would abut the site's eastern boundary, which would place the proposed terrace within a distance ranging from 6.1m to 10.3m from the rear elevations of the terrace fronting Tolverne Road; it is noted that where the separation distance is 6.1m, the dwelling fronting Tolverne Road has an existing 4m deep rear extension. The site currently sits approximately 0.6m below the height of the rear gardens to the east; the proposal would further excavate the site to increase this difference in levels to approximately 1.5m. As such, the wall of the proposed terrace which would abut the site's eastern boundary would be approximately 2.5m in height, as viewed from the rear gardens to the east. The proposal would present an undulating roof profile and would be designed such that the highest point of the roof would be near the centre of the site (with the highest point having a separation distance from the eastern boundary of approximately 5m), thus the reduced eaves would be built along the eastern boundary. In addition, the proposed terrace would maintain a separation distance of approximately 2.4m from the western boundary. Given the above, it is considered that the bulk and massing of the proposal has been appropriately reduced and broken up, thus the proposal is not considered to be unduly visually intrusive or to result in undue loss of light to neighbouring properties.
- 7.15 In addition to the above, the submitted overshadowing diagrams further demonstrate that the proposal would not result in undue loss of light to neighbouring properties.

- 7.16 Each proposed dwelling has one upper floor window which is directed toward to the south; these windows would provide outlook to the dwellings own terrace, the section of green roof, the roof of the adjoining dwelling, the shared access way and to the garages beyond the southern boundary. Given the above, it is not considered that neighbouring privacy would be unduly compromised as a result of the proposal.

Standard of accommodation

- 7.17 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) and the DCLG – Technical Housing Standards 2015. Policy DM D2 of the Adopted Sites and Policies Plan (2014) states that developments should provide for suitable levels of privacy, sunlight and daylight and quality of living conditions for future occupants.
- 7.18 The DCLG housing standards state that a 1 bed, 2 person dwelling with accommodation over 2 levels would require a minimum gross internal area (GIA) of 58sq.m. Each dwelling would be provided with approximately 62sq.m of GIA which is acceptable.
- 7.19 All habitable rooms are served by windows which are considered to offer suitable natural light, ventilation and outlook to prospective occupants. To the front and at ground floor level, each dwelling would have translucent cladding, providing additional light to the kitchen and dining area. The kitchen/dining area along with the bedroom would be provided outlook into the private terrace; the terrace would be 5.2m long and 3.85m deep, it is considered that these dimensions are sufficient to ensure the rooms would not feel enclosed and to ensure adequate natural light.
- 7.20 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. However, given the proposed dwellings are not family dwellings (3 bed or more), having only 1 double bedroom, a smaller amenity area can be considered in this instance. Each unit would be provided with a 20sq.m private terrace, providing a suitable space for passive recreation. Furthermore, the site would be provided with 25sq.m of shared amenity space and the communal walkway would be provided with bench seats and planting. Overall it is considered that the scheme would offer acceptable provisions of outdoor space given the level of occupancy proposed.
- 7.21 The private terrace areas would be enclosed by timber screening. This would ensure privacy to the terrace area along with the windows to the kitchen/dining room and bedroom.
- 7.22 The scheme offers a unique approach to developing a constrained site, offering high quality living accommodation for 3, 1 bed dwellings.

Transport and Parking

- 7.21 Core Strategy policy CS20 and SPP policy DM T3 require that developments would not adversely affect pedestrian or cycle movements, safety, the convenience of local residents, on street parking or traffic management.
- 7.22 Given the size and configuration of the site, onsite parking would not be provided. It is noted that there are currently two dwellings onsite, thus this application constitutes a net increase of one dwelling. It is not considered that the addition of one dwelling, in an area that does not have controlled parking, would impact upon parking in the

area to such a degree as to warrant refusal of the application. It is further noted that the surrounding streets are CPZ's, thus residents of the proposed scheme would not qualify for parking permits in these zones. Furthermore, given the high PTAL of 5, the occupancy of each dwelling being 2 and as there is access to car club cars in the immediate area, it is unlikely the prospective residents would require their own cars.

- 7.23 Given the restricted nature of the site, it is recommended to include a condition which would require details of a demolition and construction method statement prior to commencement.

Refuse storage and collection

- 7.24 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.

- 7.25 Refuse would be stored to the rear of No. 38 Lambton Road (which is owned by the applicant) throughout the week. Refuse would then be moved to the pavement on collection day. The proposed provisions are considered to be acceptable.

Cycle storage

- 7.26 In accordance with London Plan policy 6.9 and table 6.3, 3 cycle storage spaces would be required for the development.
- 7.27 8 cycle storage spaces are proposed within the undercroft, these provisions are considered to be acceptable.

Sustainable design and construction

- 7.28 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.
- 7.29 As per CS policy CS15, minor residential developments are required to achieve a 19% improvement on Part L of the Building Regulations 2013 and water consumption should not exceed 105 litres/person/day. It is recommended to include a condition which will require evidence to be submitted that a policy compliant scheme has been delivered prior to occupation.

Site contamination

- 7.30 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.
- 7.31 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 is considered to be acceptable in principle, redeveloping a former builder's yard which is also in partial residential use, to provide a residential development at an increased density, in line with planning policy. The proposal is considered to be well designed, appropriately responding to the surrounding context in terms of massing, heights, layout and materials, thus preserving the character of the conservation area.

- 8.2 The proposal has been sensitively designed to ensure it would not unduly impact upon neighboring amenity. The proposal would offer high quality living standards for prospective occupants. 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.
- 8.3 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.

RECOMMENDATION

Grant planning permission subject to the following conditions.

Conditions:

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

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

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

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

3. Amended standard condition [Materials]: The facing materials to be used for the development hereby permitted shall be those specified on the approved plans unless otherwise agreed in writing by the Local Planning Authority.

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

4. 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.

5. 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;

measures to control noise and vibration; measures to control dust and dirt; control of surface water run-off; a scheme for recycling and disposing of waste from demolition and construction. 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.

6. 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.

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

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

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. Standard condition [Cycle storage]: Prior to occupation of the development hereby approved, cycle parking facilities for the occupants and visitors of the development shall be provided in accordance with the approved plans.

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.

10. 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.

11. 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, 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 policy DM D2 of Merton's Sites and Policies Plan 2014.

12. Amended-standard condition [Use of flat roof]: Access to the flat roof parts of the development hereby permitted, shall be for maintenance or emergency purposes only and shall not be used as a roof garden, terrace, patio or similar amenity area.

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

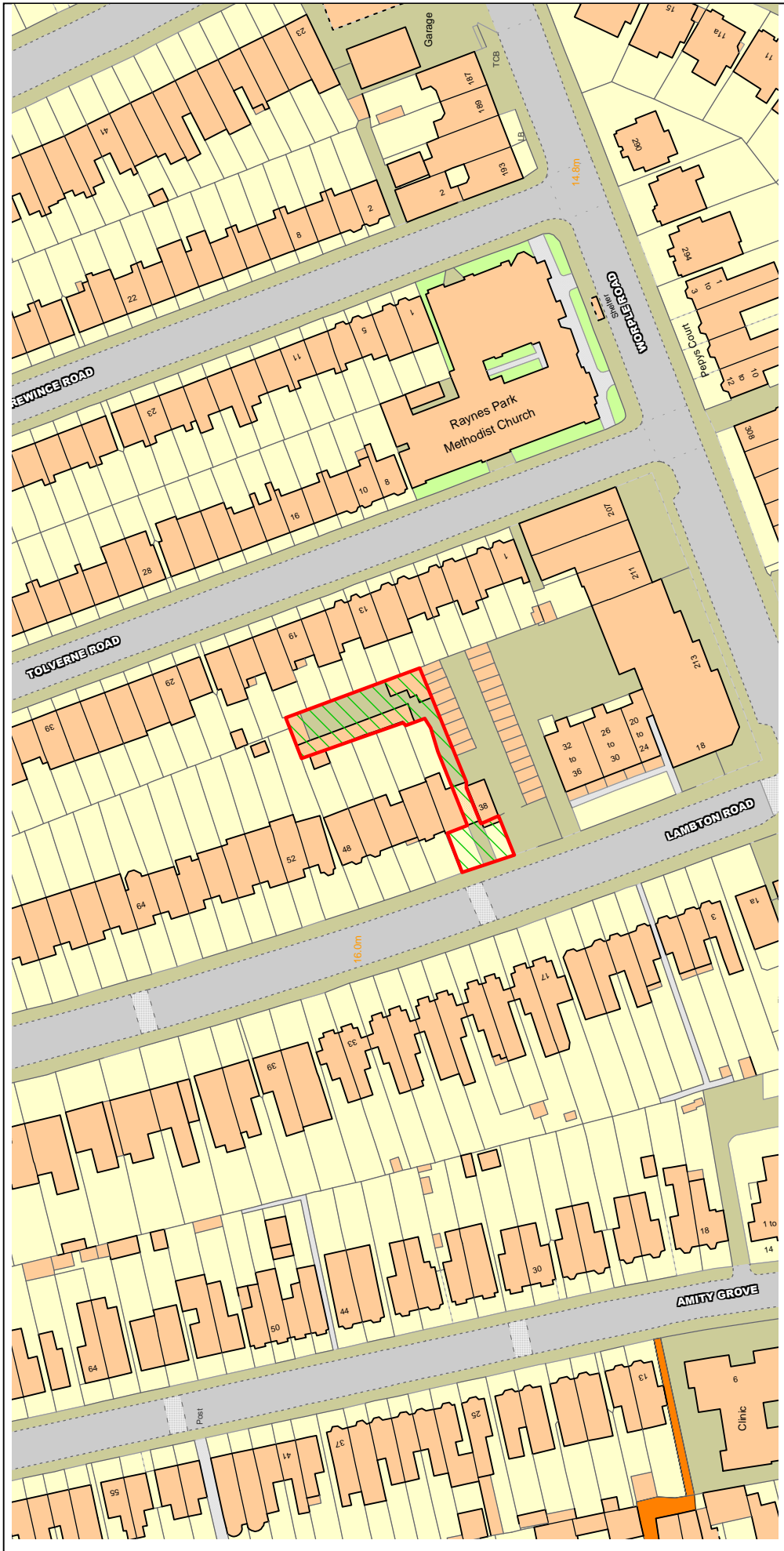
INFORMATIVES:

- a) **INFORMATIVE:** 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.

[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
26 APRIL 2018**

<u>APPLICATION NO.</u>	<u>DATE VALID</u>
18/P0072	04/08/2015
Address/Site	Rear of Aston Court, 18 Lansdowne Road, West Wimbledon SW20 8AW
Ward	Raynes Park
Proposal:	Application to Vary Condition 2 (Approved Plans) attached to LBM Planning Permission Ref.15/P3039 (dated 10/10/2016) relating to the demolition to demolition of existing garages at the rear of Aston Court and erection of a single storey, two bedroom dwelling house (Amendment involves revisions to design of roof lights, addition of 3 x solar tunnel lights to bathrooms and living room, increasing in width of corridor between living room and bathroom by 360mm, addition of covered walkway and pergola within entrance courtyard and addition of roof overhang on east elevation).
Drawing Nos	PV13, PV16, PV18, PV19, PV20, PV21, PV24, PV26 and PV27
Contact Officer:	Richard Allen (8545 3621)

RECOMMENDATION

GRANT Variation of Condition subject to completion of a Deed of Variation to the existing S.106 Agreement

CHECKLIST INFORMATION

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

1. **INTRODUCTION**

- 1.1 The current application seeks to vary Condition 2 (Approved Plans) attached to LBM Planning Permission ref.15/P3039 (Dated 10/10/2018) in respect of minor material amendments to the previously approved scheme. The current application is brought to the Planning Applications Committee due to the number of objections received.

2. **SITE AND SURROUNDINGS**

- 2.1 The application site comprises a group of eight garages situated at the rear of Aston Court, 18 Lansdowne Road. Aston Court comprises two blocks of flats situated on the west side of Lansdowne Road and the garages are accessed via an access way between the two blocks of flats. To the north and south of the site are large detached houses; whilst to the rear of the site are residential properties in Arterberry Road. There are a number of mature trees abutting the site boundaries. The application site is not within a conservation area. However, the application site abuts the boundary with the Merton (Wimbledon West) Conservation Area and Lansdowne Road is within a CPZ.

3. **CURRENT PROPOSAL**

- 3.1 The current applications seeks to Vary Condition 2 (Approved Plans) attached to LBM Planning Permission Ref.15/P3039 (dated 10/10/2016) relating to the demolition of existing garages at the rear of Aston Court and erection of a single storey, two bedroom dwelling house. The amendments to the previously approved plans are set out below:-

- Revisions to design of roof lights,
- The addition of 3 x solar tunnel lights to bathrooms and living room,
- Increasing the width of corridor between living room and bathroom by 360mm,
- The addition of covered walkway and pergola within entrance courtyard
- The addition of roof overhang on east elevation).

- 3.2 Full details of the previously Approved scheme are set out below for information:-

The proposal involves demolition of six of the eight existing garages and the erection of a single storey, two bedroom dwelling house. The proposed house would be 23 m in length and 5.5 m in width and the building would be 2.8 metres in height. The proposed house would have a flat roof. The eastern part of the site would be 4.1 m from the corner elevation of the existing flats at Aston Court. The front elevation of the proposed house would be constructed on the building line of the existing garages.

- 3.3 Internally, the proposed house would comprise a pair of double bedrooms and two bathrooms and a combined living/kitchen/dining room arranged around a small central courtyard. To the east of the proposed house 22m² of amenity space would be provided.

- 3.4 The proposed house would be faced in reclaimed London stock brickwork, with a patinated zinc roof. It is also proposed to landscape the external surfaces with permeable surfacing and install additional landscaping to improve the outlook from Aston Court.
- 3.5 It is also proposed to refurbish the two retained garages within the northern corner of the site (including installation of new doors and replacement roofs) for ancillary storage purposes and resurface the northern corner of the site. No off-street car parking would be provided for the development, however three secure cycle parking spaces would be provided along with refuse and recycling facilities.

4. **PLANNING HISTORY**

- 4.1 In June 2007 planning permission was refused for the erection of a single storey detached dwelling (LBM Ref.07/P1149). Planning permission was refused on the grounds that:-

'The proposed dwelling house, by reason of its position in relation to neighbouring properties would be visually intrusive and result in overlooking and an unacceptable loss of privacy, outlook and light to occupiers of neighbouring residential properties; particularly those on the lower floors of 18 Lansdowne Road; contrary to policy BE15 of the Adopted Merton UDP (October 2003) and

The proposal by reason of its siting, position and relation to the adjacent properties, would be a cramped form of over-development that would be detrimental to the quality of residential development for both existing neighbours and future occupiers in terms of outlook, privacy and daylight/sunlight; contrary to policy HS.1 of the Adopted Merton UDP (October 2003) and the SPG on New Residential Development Plan (September 2003) and

The proposed development, by reason of its proximity to the trunks and root systems of trees within the Wimbledon West Conservation Area, would result in the damage to, and possible loss of trees with significant amenity value that the Local Planning Authority would seek to protect; contrary to policy NE.11 of the Adopted Merton UDP (October 2003) and

The proposed development, by reason of the net loss of seven off-street parking spaces in a area with a low Public Transport Accessibility Level, would add to on-street parking pressures in the locality to the detriment of the existing traffic conditions of the surrounding area and the amenities of local residents contrary to policy PK.3 of the Adopted Merton UDP (October 2003)'.

- 4.2 In April 2012 a planning application was submitted for the demolition of the existing garages and erection of a single storey, three bedroom dwelling house (LBM Ref.12/P1214). However, the application was withdrawn on 27/06/2012.

- 4.3 In January 2013 planning permission was refused for the demolition of existing garages and erection of a single storey two bedroom dwelling house (LBM Ref.12/P2434). Planning permission was refused on the grounds that:-

'The proposed dwelling would, by reason of its height and siting have an unsatisfactory relationship with the existing flats at 4 – 11 Aston Court and would constitute a visually intrusive form of development that would be detrimental to the amenities of the occupiers of the flats, contrary to retained Policy BE.15 (New Buildings and Extensions; Daylight, Sunlight, Privacy, Visual Intrusion and Noise) of the Merton UDP (October 2003)'.

- 4.4 The applicant appealed against the Council's refusal of planning permission (Appeal Ref,APP/T5720/A/13/2201852). The Planning Inspector subsequently DISMISSED the appeal on 13 December 2013. The Inspector considered the lack of affordable housing and education contributions and the effect of the development upon the living conditions of flats at 4 – 11 Aston Court. The Inspector whilst acknowledging the Council's concerns regarding the proximity of the proposed dwelling to the flats at 4-11 Aston Court, including the windows and light wells, the proposed dwelling would be a similar distance to the windows and light wells as the existing fencing and garages on the appeal site. The Council themselves except the proposed development mimics the existing development of the site. Consequently the Inspector did not consider that the proximity of the proposed development would have a negative impact upon with regards to the outlook currently enjoyed by the occupants of 4-11 Aston Court. The Inspector noted that the gaps between garages no longer exists as fencing has been erected between the garages on the site and from the condition of the fencing it has been in place for some time. Given the condition of the garages and fencing, the current outlook from the rear of Aston Court is poor. The proposed development would be an enhancement, particularly if sensitive use was made of materials and landscaping. Although the proposed roofs would not be sloping like the existing garages the main roof would only be marginally higher than the apex of the roof of the existing garages. Whilst the Inspector accepted that the central roof light would be higher it would be set back from the eastern elevation by 1.5 metres. Consequently, the Inspector did not consider that the development would have a negative impact on the residents of Aston Court.
- 4.5 The Inspector concluded that an affordable housing contribution would be necessary to make the development acceptable, directly related to the development and fairly and reasonably related in scale and kind. However, the Inspector did not consider a financial contribution towards secondary education to be required in this case. The Inspector considered the impact of the proposal upon the living conditions of occupiers of Aston Court and did not consider that the development would result in material harm to the occupiers of 4 – 11 Aston Court with particular reference to outlook. As a result there would be no conflict with saved policy BE.15 of the Merton UDP (2003) which sets out that new buildings will be expected to protect the living conditions of existing occupiers in terms of outlook.

- 4.5 On 2 December 2013 planning permission was refused by the Planning Applications Committee for the demolition of the existing garages at the rear of Aston Court and the erection of a single, one bedroom dwelling house (LBM Ref.13/P1118). Planning permission was refused on the grounds that:-
- ‘The proposed dwelling would by reason of its height and siting have an unsatisfactory relationship with the existing flats at 1 – 3 Aston Court and would be a visually intrusive form of development that would be detrimental to the amenities of the occupiers of the flats, contrary to retained Policy BE.15 (New Buildings and Extensions; daylight, Sunlight, Privacy, visual Intrusion and Noise) of the Merton UDP (October 2003)’.*
- 4.6 The applicant subsequently appealed against the Councils refusal of planning permission on 2 December 2013 (Appeal Ref. APP/T/5720/A/14/2218288). The Planning Inspector subsequently DISMISSED the appeal on 8 August 2014. The Inspector noted that the proposal involves the demolition of the 6 garages and the erection of a single storey, one bedroom dwelling with a courtyard and small garden. The footprint of the dwelling would be smaller than that of the 6 garages and it would be primarily situated to the rear of the southern part of Aston Court (flats 1 to 3) with mostly garden space to the rear of the northern block. Although the proposal would be taller than the garages and fencing it would replace, due to the orientation of the site and existence of surrounding obstructions, it would not result in unacceptable reductions in levels of natural light reaching nearby properties, due to its siting and modest height, and the Inspector having regard to the previous Inspectors conclusions in respect of the 2013 appeal (Ref.APP/T/5720/A/13/2201852). The Inspector was therefore satisfied that the proposal would ensure the maintenance of adequate outlook from neighbouring properties.
- 4.7 The proposed dwelling would include fixed clerestory glazing on the two long elevations with larger areas of glazing facing the courtyard and garden. This arrangement would ensure that adequate privacy for neighbouring property occupiers is maintained and future residents of the proposal would benefit from reasonable levels of privacy. However, two elements of the clerestory glazing on the front elevation would be very close to windows serving bedrooms in Aston Court. In particular, one part would be almost directly behind and above the close-boarded fence at the rear of the garden of flat 1. The Inspector considered that the use of artificial light within the appeal property would lead to an unacceptable light pollution within flat 1 and, to a lesser degree, within the flats in the northern block. Whilst noting that the appellant indicated that blackout blinds could be installed, it is not considered that a planning condition requiring this could be adequately enforced and therefore such an approach would be contrary to the ‘tests’ set out in paragraph 206 of the National Planning Policy Framework (2013).
- 4.8 The Inspector, for this reason concluded that the design and layout of the proposed house would have an unacceptable effect upon the living conditions of occupiers of neighbouring properties. It therefore fails to comply with Policy BE.15 of the Merton UDP (2003) which, amongst other matters, expects the design of new buildings to protect the amenities from visual intrusion. The

Inspector, in coming to his conclusion took into account the 2013 appeal decision. In particular the Inspector noted that the previous Inspectors assessment was limited to the effects of the proposal upon living conditions of occupiers of flats 4-11 with particular regard to outlook. As the appeal proposal would provide a small dwelling with no on-site parking, the Inspector concluded that the proposal would not result in unacceptable levels of noise disturbance. Were the proposal acceptable in other respects, scope would exist, through the imposition of a planning condition, to ensure that construction works are adequately controlled to avoid undue levels of noise disturbance.

- 4.9 In October 2016 planning permission was granted by the Planning Applications Committee for the demolition of the existing garages at the rear of Aston Court and erection of a single storey, two bedroom dwelling house (LBM Ref.15/P3039).

5. **CONSULTATION**

- 5.1 Site notice procedure and letters of notification to occupiers of neighbouring properties. In response 9 representations have been received from occupiers of nearby properties and the South Ridgway Residents Association. The grounds of objection are set out below:-

-The three solar tunnel lights re-refined roof light will add to light pollution for all the neighbouring residents.

-The east elevation is now to have a roof in an area that is already hemmed in.

-The drawings appear to shown an increase in height which was not in the previous plans.

-The changes would affect the lower flats in Aston Court.

-The Council should not allow the application as it does not have regard to the local inhabitants living conditions owing to the infringement of their personnel space.

-The proposal will result in loss of light

-The changes although individually small cannot be considered a minor-material amendment. The cumulative effect of the various changes, together with the limitations of the site and the fine balance between just about acceptable and unacceptable development (as can be seen from the planning history) means that the now proposed development will require full and proper consideration rather than just a different set of drawings.

-The applicant should be obliged to only implement what they have got planning permission for and any further changes would be unacceptable, unless the changes can be demonstrated to be acceptable through proper consideration.

- 5.2 South Ridgway Residents Association

The proposed roof lights and three solar tunnels lights would cause unwarranted light pollution to surrounding residents. There is also a roof

overhang to the eastern elevation. The site is small and the previously approved scheme only just passed muster.

6. **POLICY CONTEXT**

- 6.1 The relevant policies contained within the Adopted Merton Core Strategy (July 2011) are CS8 (Housing Choice), CS9 (Housing Provision), CS13 (Open Space, Nature Conservation, Leisure and Culture), CS14 (Design) and CS20 (Parking).
- 6.2 The relevant policies within Merton's Sites and Policies Plan (July 2014) are, DM H2 (Housing Mix), DM H3 (Support for Affordable Housing), DM O2 (Nature Conservation, Trees, Hedges and Landscape Features), DM D2 (Design Considerations in all Developments), DM D4 (Managing Heritage Assets) and DM T3 (Car Parking and Servicing Standards).
- 6.3 The relevant policies contained within the London Plan (March 2015) are 3.3 (Increasing London's Supply of Housing), 3.4 (Optimising Housing Potential), 3.5 (Quality and Design of Housing Developments), 3.8 (Housing Choice), 5.3 (Sustainable Design and Construction), 7.4 (Local Character) and 7.6 (Architecture)

7. **PLANNING CONSIDERATIONS**

- 7.1 The main planning considerations concern design and the impact of the proposed revisions to the approved scheme upon the character and appearance of the adjacent conservation area and neighbour amenity issues.
- 7.2 Design/Impact upon Character of area and Adjacent Conservation Area
The concerns of the objectors regarding revisions to the design are noted. However, the height of the building remains as approved at 2.9 metres. Although the angled roof lights would be higher than the flat roof, the roof lights would only be 400mm in height and would be located in the middle of the flat roof. The roof lights would not therefore result in a significant increase in the overall height of the building and would not affect the character or appearance of the area and adjacent conservation area. The overall width and appearance of the dwelling would remain largely as per the approved scheme.
- 7.3 Neighbour Amenity
The proposed revisions to the design of the building are of a relatively minor nature comprising revisions to design of roof lights, the addition of 3 x solar tunnel lights to bathrooms and living room, an increase the width of corridor between living room and bathroom by 360mm and the addition of covered walkway and pergola within entrance courtyard and a roof overhang on east elevation. The proposed roof lights and three solar tunnel lights would be located in the centre of the flat roof and would not affect neighbour amenity to such an extent to warrant refusal of the application due to their small scale nature and direction of the glazing towards the west. The increase in width of the internal corridor and provision of a pergola would both be within the

footprint of the dwelling house and would not have any impact upon neighbour amenity. The proposal is therefore considered to be acceptable in terms of policy DM D2.

SUSTAINABILITY AND ENVIRONMENTAL IMPACT ASSESSMENT REQUIREMENTS

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

9.2 Parking
The proposed development would not provide any off-street parking. However, the application site is within a Controlled parking Zone (CPZ) with good access to buses to Wimbledon. The development should therefore be designated 'permit free' secured through a S.106 Agreement.

10. **CONCLUSION**

10.1 The proposed revisions to the previously approved scheme are considered to be acceptable and would not affect neighbour amenity. The proposal would also preserve the character of the adjacent conservation area and would not cause visual harm to the local area. Accordingly it is recommended that a Variation of condition be granted.

RECOMMENDATION

GRANT Variation of Condition, subject to completion of a Deed of Variation to the existing S.106 Agreement

Condition 1 (Approved Plans)

The development shall be carried out in accordance with the approved drawing numbers PV13, PV16, PV18, PV19, PV20, PV21, PV24, PV26 and PV27.

Reason: In the interest of proper planning.

Condition 2 (Conditions)

All remaining conditions attached to LBM Planning Permission Ref.15/P3039 (Dated 10/10/2016) still apply to this permission.

Reason: In the interest of proper planning.

[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 26 APRIL 2018

<u>APPLICATION NO.</u>	<u>DATE VALID</u>
17/P4426	18/12/2017
Address/Site	74 Leopold Road, Wimbledon, SW19 7JQ
Ward	Wimbledon Park
Proposal:	Conversion of existing house into 5 x flats, plus the erection of 4 x dwellinghouses. New access from Arthur Road with car parking and landscaping.
Drawing Nos	0402-101-PR-P-SP Rev F, 0402-102-PR-P-GF Rev B, 0402-102A-PR-P-GF Rev C, 0402-103-PR-P-01 rev A, 0402-103A-PR-P-01 Rev E, 0402-104-PR-P-02, 0402-105-PR-P-RF Rev A, 0402-105A-PR-P-RF Rev D, 0402-106-PR-E-NE_03 Rev B, 0402-106A-PR-E-NE_03 Rev B, 0402-108-PR-E-NW_03 Rev B, 0402-109-PR-E-NW_04 Rev D, 0402-109A-PR-E-NW_04 Rev B, 0402-111-PR-E-SW_05 Rev A, 0402-116-PR-S-F Rev D, 0402-117-PR-E-NW_Fence, CCL09791b/IAP Rev 4 and CCL09791b/TPP Rev 4.
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: Yes
- Site notice: Yes
- Design Review Panel consulted: No
- Number of neighbours consulted: 12
- External consultations: No
- Controlled Parking Zone: P2(s)

1.0 INTRODUCTION

- 1.1 The application is brought before the Committee at the request of Councillor Howard.

2.0 SITE AND SURROUNDINGS

- 2.1 The site comprises Caley House, a part two-storey, part three storey, substantial single family detached dwellinghouse on the corner of Leopold Road and Arthur Road. The building is locally listed.
- 2.2 The building is set well back from the road and is constructed from red brick and clay tiles with gable end roofs, tile hanging and barge board and eaves detailing.
- 2.3 There is a substantial roof terrace/balcony to the western part of the building.
- 2.4 A single storey timber extension adjoins the building to the south elevation.
- 2.5 There is a vehicular access onto Leopold Road.
- 2.6 The peripheries of the site are well treed and the southern part of the site is heavily treed.
- 2.7 The site is enclosed by a brick wall (approx. 1.7m in height).
- 2.8 The site is within the Wimbledon North Conservation Area (Sub Area 3) and is locally listed. The Wimbledon North Conservation Area Character Assessment 2007, describes the vicinity as follows:

“The sinuous alignment of Arthur Road follows a ridge for most of its length, and forms a contrast with the mainly straight Leopold Road, both laid out in the 1870’s on former parkland. Both are lined with mostly late 19th Century buildings, many of quality...

...The length of the corner plot with Arthur Road runs along Leopold Road, allowing it’s side and rear gardens to contribute greenery and spaciousness to the vicinity. There are also other gaps of various sizes between buildings that allow views through to the mature planting within the rear gardens, and contribute to the sense of spaciousness.”

- 2.9 The buildings within this part of the Conservation Area are described as follows:

“Building characteristics common to many of the houses are similar to those within Arthur Road and include the use of: clay tiled hipped roofs; gables, particularly front gable projections; asymmetrical front elevation designs; a rich variety of fenestration types and styles, including bay windows, casements, the use of small panes and/or mullions; a variety of decorative details including eaves detailing and banding;; tall, ornate chimney stacks; and often lower, subordinate additions attached to the side or front. Buildings are often two or three storeys with the upper floors contained or partially contained within the roof space, resulting in the use of dormer windows, sometimes at the front, and windows breaking through the eaves line.”

- 2.10 No.61 Arthur Road, opposite the site to the north, is statutorily listed.
- 2.11 The site is covered by a group TPO. The Merton (No.339) Tree Preservation Order 2001 ‘74 Leopold Road’ applies to a Horse Chestnut adjacent to Arthur Road together with sixteen other individual trees, including Beech, Tree of Heaven, Cypress, Holly and other species, within the garden of no. 74 and alongside the boundary to Leopold Road.
- 2.12 The site has a PTAL of 1b (very poor).
- 2.13 The site is within a controlled parking zone.

3. **CURRENT PROPOSAL**

- 3.1 The proposal is for the subdivision of the existing dwelling into five flats, the flats would be incorporated into the existing envelope of the building with minor changes to fenestration but no extensions proposed.
- 3.2 Also proposed is the conversion of the existing two-storey part of the main dwellinghouse (to the southern part of the building) to a separate dwellinghouse.
- 3.3 Also proposed is the erection of a two-storey building to the southern part of the site, which would be physically separated from the main dwelling. This building would provide three new dwellinghouses. The building would take the form of a dual ridge, part gabled/part hipped end wing. The building would have contemporary fenestration, with full height glazing, with flat roof dormer elements punctuating the eaves line. There would be some brickwork detailing to the elevations. Construction materials would be red brick and clay tiles.
- 3.4 The proposed building would measure 7.9m to the ridge and 4.7m to the eaves.

3.5 The total accommodation proposed is as follows:

Unit	Number of bedrooms/people	Number of habitable rooms	GIA (sqm)	External amenity space (sqm)
Apartment A	2 bed/4 person	3	85	Access to communal garden
Apartment B	2 bed/4 person	4	127.5	Access to communal garden
Apartment C	1 bed/2 person	2	61	Access to communal garden and verandah
Apartment D	2 bed/4 person	3	78	Access to communal garden and verandah
Apartment E	3 bed/6 person	4	123	Access to communal garden and verandah
Mews 1	3 bed/5 person	4	119	Access to communal garden and small terrace area
Mews 2	3 bed/5 person	4	100.7	Access to communal garden and private garden
Mews 3	3 bed/5 person	4	98.9	Access to communal garden and private garden
Mews 4	3 bed/5 person	4	104.9	Access to communal garden and private garden

- 3.6 Part of the proposal involves obscure glazing the lower halves of 9 existing first floor and second floor facing windows to the northeast elevation (elevation facing No.42 Arthur Road).
- 3.7 A new vehicular access would be created onto Arthur Road, leading to a driveway and parking area for five cars; 1 space per flat (surfaced with Cellweb infilled with angular stone). The existing access and driveway would be retained and slightly enlarged (pavers to match the existing) to serve the four proposed houses (4 parking spaces).
- 3.8 A bike store would be provided to the eastern part of the site, providing 16 cycle parking spaces.
- 3.9 A bin store would be provided to the eastern and western parts of the site.
- 3.10 The scheme proposes the removal of 22 trees on site (all Category C or less).
- 3.11 The scheme has been amended from the original submission to show the Mews Houses to be further separated from the boundary, to include a hipped roof to the northeast side and show partial obscured glazing to existing windows to the northeast elevation. Further amendments to the plans have been made to increase the separation distance between the proposed Mews Houses and the protected Beech tree to the western part of the site (adjacent to the existing vehicular access).

4. **PLANNING HISTORY**

- 4.1 98/P1251 - CONSERVATION AREA CONSENT TO DEMOLISH PART OF FRONT BOUNDARY WALL FACING LEOPOLD ROAD TO FORM NEW VEHICULAR ACCESS. Grant Conservation Area Consent* 15-12-1998.

Various tree work applications.

5. **CONSULTATION**

- 5.1 21-day Site Notice procedure, individual letters to neighbouring occupiers and Press Notice. 3 letters of objection have been received (2 from the neighbouring occupier at No.42 and one from the occupier at No.61 Arthur Road), raising objection on the following grounds:
 - Adverse impact on living conditions of No.42 due to bulk, mass and proximity to the boundary by way of overbearing form, sense of enclosure, overshadowing, loss of privacy and noise disturbance. (Concern is raised in particular as the son of the occupiers of No.42

Arthur Road has a medical condition which makes him extremely sensitive to noise).

- Concern that any development should not adversely impact on the existing foliage on the shared boundary between the site and No.42.
- Harm to character of the Conservation Area by way of loss of characteristic open space between buildings and loss of trees.
- Gated access onto Arthur Road is not in keeping with the character of the area unless it is constructed from wrought iron.
- Highway safety concerns regarding new access onto Arthur Road due to proximity of the mini roundabout junction.
- Query whether Design and Access Statement has been submitted.

Comments from the occupier of No.42 following amendments to the scheme:

- Changes to the scheme do not overcome concerns raised.
- Request overshadowing report be submitted.
- Concern regarding small strip of garden land directly adjacent to the boundary due to noise disturbance.

5.2 Climate Change Officer:

- The submitted SAP calculation / energy statement indicates that the proposed development should achieve an 19% improvement in CO2 emissions on Part L 2013. This meets the 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 95 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

5.3 Flood Risk and Drainage Engineer:

Recommend the following condition on any application recommended for approval:

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 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.

Informative:

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

5.4 Transport Planner:

Application seeks planning permission for the conversion of the existing house into 5 no. flats; 2 x 1 bed, 2 x 2 bed and 1 x 3 bed, and 1 x 3 bed mews house. The erection of 3 no. two storey mews houses; 1 x 2 bed and 2 x 3 bed. New access from Arthur Road, car parking and landscaping.

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 site is enclosed with by a high brick wall with vehicular access via solid wooden gates from Leopold Road and separate pedestrian access via a garden door also off Leopold Road.

The existing access to the site from Leopold Road will be retained and it is proposed to create a new access from Arthur Road.

The new entrance will provide access to the flats in the main structure and create a new car park area.

The introduction of the new parking area, as well as the new entrance to the site is satisfactory subject to adequate pedestrian visibility to both sides of the new access is maintained.

Car parking

The proposal shows 5 car spaces for the conversion of the existing house accessing off the proposed new entrance off Arthur Road and 4 car spaces to the proposed development off Leopold Road.

Car parking as shown is satisfactory.

Cycle parking:

16 secure, covered cycle parking places are proposed all located within the confines of the existing dwelling house to be converted into 5 flats.

It is considered one store accommodating 8 cycles is out of reach of the occupiers of the proposed development and should be re located to a convenient position.

The no. of cycle spaces proposed is satisfactory.

Refuse and Recycling

Waste collection points should be located within 30 metres of residential units and within 20 metres of collection vehicles.

Recommendation

Transport has no objection to the proposal subject to conditions regarding re-siting of cycle storage, pedestrian visibility splays and a Construction Logistics/Management Plan.

5.5 Highways Officer:

No objection - INF8, INF9, INF12, H2, H5 and H12.

5.6 Tree and Landscape Officer:

The amended details are acceptable. I would recommend attaching the following planning conditions:

- **Tree Protection:** The details and measures for the protection of the existing trees as specified in the approved document 'BS 5837 Arboricultural Report Impact Assessment & Method Statement' reference '09791b' dated '17 April 2018' shall be fully complied with. The methods for the protection of the existing trees shall fully accord with all of the measures specified in the report. The details and measures as approved shall be retained and maintained until the completion of site works.
Reason: To protect and safeguard the existing trees in accordance with

the following Development Plan policies for Merton: policy 7.21 of the London Plan 2015, policy CS13 of Merton's Core Planning Strategy 2011 and policies DM D2 and 02 of Merton's Sites and Policies Plan 2014;

- F8 – Site Supervision (Trees)
- Hard standing – The new hard surface to be constructed within the Root Protection Area of the Horse Chestnut tree (referred to as T69 in the arboricultural report) and the Cedar of Lebanon (referred to as T54 in the arboricultural report) shall be installed using a no-dig approach consisting of a 3D cellular confinement system to be incorporated into a no-fines sub-base. The excavation for the area of hard surface shall be limited to the removal of the layer of turf. The measures for the installation of the area of hard standing shall accord with the approved arboricultural measures. Reason: To protect and safeguard the existing etc.,

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 D3	Alterations and extensions to existing buildings
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 Design SPG 2004
- DCLG Technical Housing Standards - Nationally Described Space Standard 2016
- Mayor's Housing SPG 2016
- The National Planning Policy Framework 2012
- National Planning Policy Guidance

7. **PLANNING CONSIDERATIONS**

7.1 The main planning considerations concern the principle of the sub-division of the existing dwelling, the erection of new dwellings, the impact on the character and appearance of the Conservation Area, including the impact on trees, together with neighbouring amenity, standard of accommodation, biodiversity issues, drainage considerations, highway considerations and sustainability issues.

7.2 Principle of development

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

- 7.2.2 The scheme includes a number of three bedroom units and as such no concern is raised in relation to the loss of family sized dwellings. The proposal would comply with Policy CS14 in this regard.
- 7.2.3 The proposed development would be on garden land. The London Plan sets out that land in built-up areas such as private residential gardens is not categorised as previously developed land. The London Plan sets out at Policy 3.5 that boroughs may in their LDFs introduce a presumption against development on back gardens. The NPPF also states, at paragraph 53 that Local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area.
- 7.2.4 Policy CS13 of the Core Planning Strategy states that any proposals for new dwellings in back gardens must be justified against the:
- local context and character of the site
 - biodiversity value of the site
 - value in terms of green corridors and green islands
 - flood risk and climate change impacts
- 7.2.5 The Core Planning Strategy goes on to states that private back gardens provide a significant resource for biodiversity and amenity space and contribute to mitigating against the impacts of climate change and flood risk. PPS3 Housing (2010) excludes private residential gardens from the definition of previously developed land. PPS3 states that there is no presumption that land that is previously developed is necessarily suitable for housing development nor that the whole curtilage should be developed. (It is noted that PPS3 is now superseded by the NPPF 2012).
- 7.2.6 Therefore, whilst there is not a presumption in favour of development, the proposal would be acceptable in principle subject to compliance with Development Plan policies.
- 7.2.7 The principle of development is acceptable subject to compliance with other development plan policies.
- 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 8 additional units must be weighed against the planning merits of the proposal.
- 7.3.5 The London Plan provides a density matrix to act as a guide indicating suitable levels of density depending on the characteristics of the area. In this type of area (suburban with a low PTAL) the London Plan indicates a density range of 35-55 units per hectare and 150-200 habitable rooms per hectare. The proposed density is 30 dwellings per hectare and 107 habitable rooms per hectare. This falls below the indicated density range, however, the resultant density is not the overriding factor in the assessment. The key issues will be the impact on the character and appearance of the Conservation Area and impact on neighbouring properties.
- 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 5 x 3 bed units, 3 x 2 bed units and 1 x 1 bed unit. This housing mix is supported as it would go some way to redress the historical under provision of family sized units.
- 7.3.7 The proposal is considered to be acceptable in terms of density and housing mix.
- 7.4 Impact on the character and appearance of the Wimbledon North Conservation Area (Sub-Area 3)

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 Wimbledon North Conservation Area Character Assessment 2007 describes Arthur Road as follows:

“Arthur Road contains a variety of buildings erected at various times in styles typical of their period. These include many substantial Victorian and Edwardian houses on large plots, some now converted into smaller dwellings or flats, as well as more recent buildings, mostly erected since the 1950s.”

7.4.4 In relation to the part of Leopold Road that the site occupies, the Character Assessment sets out:

“The buildings fronting the road are set back from it, contributing a sense of spaciousness, and are mostly aligned in a row. The corner property with Arthur Road (No. 74 Leopold) also aligns with the adjacent houses there. There is, nevertheless, variety in the pattern of development: Those buildings at the southern corner with Vineyard Hill Road are set at an angle to face the junction with Lake Road, while Highland Lodge to their rear fronts onto Vineyard Hill Road. Also, Stable Cottage, although erected at a similar time to other buildings, is located on a backland plot to the rear of No.72...

...Most of the plots are large and rectangular, but those at the southern corner are smaller, due to subdivision in the 1950s. The

length of the corner plot with Arthur Road runs along Leopold Road, allowing its side and rear gardens to contribute greenery and spaciousness to the vicinity. There are also other gaps of various sizes between buildings that allow views through to the mature planting within the rear gardens, and contribute to the sense of spaciousness. Some of these are over lower side additions to buildings.”

- 7.4.5 Therefore, whilst there is a range in the pattern and form of development in this area, it is clear that the gaps in the streetscene contribute towards the spacious character and appearance of the area.
- 7.4.6 In terms of layout the proposed development would elongate the built form across the site into the currently open part of the site to the south. The scheme seeks to create a courtyard type addition to the existing building. The building that would accommodate three of the proposed mews houses would involve an extension into this currently open area with the loss of a number of low category trees.
- 7.4.7 The additional built footprint would retain a space to the southern part of the site and the proposed building would be substantially set in from the boundary with Leopold Road (circa. 12.5m). Whilst a number of low category trees would be removed there would remain a reasonable degree of tree cover and open space across the site and on balance, it is considered that the proposed development would not result in material harm to the spacious character of the area. The specific impact on trees to be retained is considered further in this report.
- 7.4.8 The form and design of the proposed building is considered to complement the existing built form without competing for dominance. The scale of the proposed building is considered to be suitably subordinate to the main building. The architectural form of the building would be less detailed than the existing building, but this approach would allow for a neutral impact, whereas replicating the existing historic form on site would likely appear as a contrived pastiche. The contrast of the more contemporary design of the proposed building is considered to complement the existing historic built form.
- 7.4.9 The staggered form of the building would assist in visually breaking up the bulk and mass of the proposed building and this design approach is supported, as it adds visual interest to the building.
- 7.4.10 The works to the main building are mainly internal and the alterations would not adversely affect the character of the area.

- 7.4.11 The scheme would include bin and cycle stores but these would be discreetly sited behind existing boundary walls so as to minimise their impact.
- 7.4.12 The proposal would involve additional car parking on the site but this would also largely be concealed by the existing boundary wall and would not result in material harm to the character of the area.
- 7.4.13 The proposed gates to the proposed vehicular access onto Arthur Road would be constructed from timber with brick piers. The gates and piers have been designed to match the existing gates and piers at the access onto Leopold Road and it is considered that the proposed gates would be suitable for the character of the area.
- 7.4.14 The proposal would fill in a currently open space within the Conservation Area but due to the reasons set out above it is considered that the proposal would satisfactorily preserve the character and appearance of the Conservation Area and therefore complies with Policies CS14 of the Core planning Strategy, Policy DM D4 of the Sites and Policies Plan and the NPPF.

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. A number of these are protected by way of TPO as well as by virtue of being within the Conservation Area.
- 7.5.2 There are 71 trees or tree groups on site currently. The scheme proposes the removal of 22 Category C trees, with the most important trees on site being retained.
- 7.5.3 The trees to be lost are not of a high amenity value individually but do contribute to the verdant character of the area through their group value.
- 7.5.4 Whilst there is some reservation over the loss of trees it is noted that the peripheries of the site would remain well treed and it is considered that the proposed tree loss would not result in a materially harmful impact on the character and appearance of the Conservation Area. Further the Council's Tree and Landscape Officer has assessed the Arboricultural report and is satisfied that the trees to be retained would not be harmed by the proposal. Conditions have been recommended to ensure protection.

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	Number of bedrooms/people	GIA (sqm)	External amenity space (sqm)	London Plan minimum GIA (sqm)
Apartment A	2 bed/4 person	85	Access to communal garden	70
Apartment B	2 bed/4 person	127.5	Access to communal garden	70
Apartment C	1 bed/2 person	61	Access to communal garden and verandah	50
Apartment D	2 bed/4 person	78	Access to communal garden and verandah	70
Apartment E	3 bed/6 person	123	Access to communal garden and verandah	95
Mews 1	3 bed/5 person	119	Access to communal garden and small terrace area	93
Mews 2	3 bed/5 person	100.7	Access to communal garden and	93

			private garden	
Mews 3	3 bed/5 person	98.9	Access to communal garden and private garden	93
Mews 4	3 bed/5 person	104.9	Access to communal garden and private garden	93

7.6.4 All the units proposed would exceed the minimum space standards in terms of overall GIA and the provision of private and communal amenity space would also meet the requirements of the London Plan.

7.6.5 The proposal meets the minimum requirements of the London Plan in terms of the internal GIA and external amenity space and the standard of accommodation is considered to be acceptable.

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 Impact on No.42 Arthur Road

7.7.3 The existing single storey timber outrigger stands approximately 1.7m from the shared boundary with No.42. As this is a relatively low level structure it has a limited impact on the amenities of the neighbouring property. The existing built form on the site projects some 10m beyond the rear building line of No.42 and as such there is a historic relationship which results in some adverse impact on No.42. The proposed addition would be set in from the site boundary by a minimum of 3m with a hipped roof (the application has been amended from its original form by moving the proposed addition further from this shared boundary and altering the roof form from a gable end to a hipped end).

7.7.4 Whilst the proposed building would be visible from the neighbouring property and there would be some marginal impact in terms of light to part of the garden of No.42, by way of some marginal overshadowing at late afternoon, the separation of 3m to the boundary, coupled with the hipped roof sloping away from the boundary and height of the building, is such that there is considered to not be a materially harmful impact on the neighbour's amenity by virtue of the bulk and massing proposed.

- 7.7.5 In terms of overlooking, there are currently 14 side facing windows to the northeast elevation, facing No.42 Arthur Road. There is no existing requirement for these windows to be obscurely glazed and as such there is a degree of overlooking to No.42 currently.
- 7.7.6 No new side facing windows are proposed at first floor level or above and therefore the proposal would not result in additional overlooking, over and above the existing situation. However, in order to minimise the impact of the development, as a whole, on the occupiers of No.42 the applicant has amended the proposal to ensure that 9 existing first floor side facing windows (northeast side) are obscurely glazed to the lower portions of the windows to minimise overlooking. The windows to be obscurely glazed are towards the rear of this elevation and would significantly reduce the actual level of overlooking to No.42.
- 7.7.7 In terms of noise disturbance, whilst the use would remain as residential, there would be an intensification of development on site and there would be more activity on the site as a result of the additional dwellings. The majority of car movements would not affect the neighbouring occupier at No.42 as the existing building would block the majority of direct noise disturbance. There is an external private amenity space for use By Mews House 1 that is proposed to be located between the existing building and the boundary with No.42. Whilst it would be possible to use this area currently as an amenity area the layout and single dwelling occupation of the site is such that there is no demand for this area to provide amenity space currently. Therefore, following the development this area would be more heavily used than currently. It is noted that the occupiers of Mews House 1 would have access to the wider communal garden in addition to this private area. Whilst the use of this private external amenity space would result in the potential for some noise emanation, it is considered that the limited size of the terrace is such that it is unlikely to be used over and above the usual use of a small external amenity space and it is considered that this could not reasonably form a reason for refusal as any harm would be very limited.
- 7.7.8 The impact on No.42 is therefore considered to be acceptable.
- 7.7.9 Impact on No.72 Leopold Road
- 7.7.10 The rear elevation of the proposed Mews Houses facing to the southeast (towards No.72) would be separated from the site boundary by 15-16m with intervening deciduous and evergreen tree screening retained. There is a vehicular access at No.72 to the other side of the boundary and the side facing elevation is set away from the site boundary by approximately

5-6m, giving an overall window to window separation of 20-22m at the closest points.

7.7.11 The separation distance, coupled with the substantial screening that would be retained is such that it is considered that the impact on No.72 would be acceptable.

7.7.12 Impacts within the site

7.7.13 The proposal would result in some degree of intervisibility within the site, with some windows and balconies overlooking one another. For example the front elevations of the Mews Houses would face toward the existing building with a separation distance of 12.7m. However, in this case, with the existing building being subdivided into flats and new housing created in a courtyard arrangement, it is considered that this proximity would be acceptable. It is also noted that it would be the less private front facing windows of the Mews Houses that would be affected and on balance, the impact of the development on the future occupiers of the development is considered to be acceptable.

7.7.14 Overall, the proposal is considered to be acceptable in terms of the impact on residential amenity.

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 In terms of car parking, nine formal parking spaces would be created on site to serve the nine units, which is in accordance with London Plan maximum parking standards. There are areas of hardstanding that could also be used for occasional parking. The level of parking provided with the proposal is considered to be acceptable.

7.8.4 Cycle parking would be provided on site and no objection is raised on this basis. The comments of the Transport Planner, in relation to the suggested re-siting of cycle parking spaces, are noted but it is considered that the cycle parking would be adequately accessible and no objection is raised in relation to the specific siting of the store.

7.8.5 In terms of the proposed vehicular access onto Arthur Road, the proposed arrangement would be acceptable in highway safety terms provided that pedestrian visibility splays are provided (this would be secured by way of condition as suggested by the Council's Transport Planner and Highway Officer).

7.8.6 The concerns of neighbours in relation to the proposed vehicular access is noted, however, it would be sited well over 20m from the mini roundabout junction of Leopold Road and Arthur Road and the juxtaposition has been assessed as being acceptable in highway safety terms by the Council's Transport and Highway Officers.

7.8.7 The proposal is considered to be acceptable in terms of parking and highway considerations.

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 scheme includes suitable refuse and recycling storage arrangements and no objection is raised on this basis.

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. However, issues of surface water runoff are relevant to the assessment.

7.10.2 The application is accompanied by a Sustainability Statement which recognises the requirement to minimise surface water runoff. The Council's Flood Risk and Drainage Engineer has reviewed the proposals and is satisfied that the relevant policy targets can be met.

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.

7.10.4 The impact on surface water runoff is considered to be acceptable subject to 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 The existing site and buildings have the potential to accommodate protected species. None of the trees to be removed are suitable for occupation by bats. The submitted Preliminary Ecological Appraisal submitted with the application states that no further protected species surveys are required.
- 7.11.3 Subject to conditions to minimise external lighting across the site and an informative to ensure that vegetation clearance occurs outside of bird and bat nesting season, it is considered that the impact on protected species would be acceptable.

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, conditions to restrict working hours and secure a Construction Logistics Plan and Working Method Statement would be imposed to ensure that the disruption is minimised as far as reasonably possible.
- The comments from the neighbour in relation to the medical condition of their son have been carefully considered. Whilst the proposal is considered to be acceptable in planning terms, the construction works do have the potential for disturbance and as such will be minimised as far as reasonably practicable through the use of planning conditions.
- There is no indication that the existing boundary screening between the site and No.42 would be removed. However, a condition which sought to retain this screening would not be in accordance with the tests for planning conditions as set out in the NPPG, as it would not be reasonable, as this boundary screening could be removed lawfully at any point and is not essential to the acceptability of the scheme.

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 Whilst the proposal would result in a currently open part of the site being developed. However, for the reasons set out above, the impact on the character of the area and neighbouring amenity is considered to be acceptable.
- 9.3 The proposal is considered to be acceptable in planning terms.

RECOMMENDATION

Grant permission subject to the following conditions:

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans: 0402-101-PR-P-SP Rev F, 0402-102-PR-P-GF Rev B, 0402-102A-PR-P-GF Rev C, 0402-103-PR-P-01 rev A, 0402-103A-PR-P-01 Rev E, 0402-104-PR-P-02, 0402-105-PR-P-RF Rev A, 0402-105A-PR-P-RF Rev D, 0402-106-PR-E-NE_03 Rev B, 0402-106A-PR-E-NE_03 Rev B, 0402-108-PR-E-NW_03 Rev B, 0402-109-PR-E-NW_04 Rev D, 0402-109A-PR-E-NW_04 Rev B, 0402-111-PR-E-SW_05 Rev A, 0402-116-PR-S-F Rev D, 0402-117-PR-E-NW_Fence, CCL09791b/IAP Rev 4 and CCL09791b/TPP Rev 4.

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

3. No development shall take place until details of particulars and samples of the materials to be used on all external faces of the development hereby permitted, including window frames and doors (notwithstanding any materials specified in the application form and/or the approved drawings), have been submitted to the Local Planning Authority for approval. No

works which are the subject of this condition shall be carried out until the details are approved, and the development shall be carried out in full accordance with the approved details.

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

4. No development shall take place until details of the surfacing of all those parts of the site not covered by buildings or soft landscaping, including any parking, service areas or roads, footpaths, hard and soft have been submitted in writing for approval by the Local Planning Authority. No works that are the subject of this condition shall be carried out until the details are approved, and the development shall not be occupied / the use of the development hereby approved shall not commence until the details have been approved and works to which this condition relates have been carried out in accordance with the approved details.

Reason: To ensure a satisfactory standard of development in accordance with the following Development Plan policies for Merton: policies 7.5 and 7.6 of the London Plan 2015, policy CS14 of Merton's Core Planning Strategy 2011 and policies DM D1 and D2 of Merton's Sites and Policies Plan 2014.

5. No development shall take place until details of all boundary walls or fences are submitted in writing for approval to the Local Planning Authority. No works which are the subject of this condition shall be carried out until the details are approved, and the development shall not be occupied / the use of the development hereby approved shall not commence until the details are approved and works to which this condition relates have been carried out in accordance with the approved details. The walls and fencing shall be permanently retained thereafter.

Reason: To ensure a satisfactory and safe development in accordance with the following Development Plan policies for Merton: policies 7.5 and 7.6 of the London Plan 2015, policy CS14 of Merton's Core Planning Strategy 2011 and policies DM D1 and D2 of Merton's Sites and Policies Plan 2014.

6. 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 (including the installation of any new windows) of the dwellinghouse other than that expressly authorised

by this permission shall be carried out without planning permission first obtained from the Local Planning Authority.

Reason: The Local Planning Authority considers that further development could cause detriment to the amenities of the occupiers of nearby properties or to the character of the area and for this reason would wish to control any future Development 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.

7. Before the development hereby permitted is first occupied, the nine windows shown to have the lower portions of the window obscurely glazed on drawing number 0402-106-PR-E-NE_03 Rev B shall be glazed with obscured glass as shown on the drawing and shall be maintained as such thereafter.

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

8. The development hereby approved shall not be occupied until the refuse and recycling storage facilities shown on the approved plans have been fully implemented and made available for use. These facilities shall thereafter be retained for use at all times.

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

9. No external lighting shall be installed without the prior approval in writing of the Local Planning Authority.

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

10. 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.

11. The details and measures for the protection of the existing trees as specified in the approved document 'BS 5837 Arboricultural Report Impact Assessment & Method Statement' reference '09791b' dated '17 April 2018' shall be fully complied with. The methods for the protection of the existing trees shall fully accord with all of the measures specified in the report. The details and measures as approved shall be retained and maintained until the completion of site works.

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

12. 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 2015, policy CS13 of Merton's Core Planning Strategy 2011 and policy O2 of Merton's Sites and Policies Plan 2014.

13. The new hard surface to be constructed within the Root Protection Area of the Horse Chestnut tree (referred to as T69 in the arboricultural report) and the Cedar of Lebanon (referred to as T54 in the arboricultural report) shall be installed using a no-dig approach consisting of a 3D cellular confinement system to be incorporated into a no-fines sub-base. The excavation for the area of hard surface shall be limited to the removal of the layer of turf. The measures for the installation of the area of hard standing shall accord with the approved arboricultural 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 2015, policy CS13 of Merton's Core

Planning Strategy 2011 and policy O2 of Merton's Sites and Policies Plan 2014.

14. 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, quantities and location of the proposed plants. The approved work shall be carried out in the first available planning 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 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 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.

15. The development hereby permitted shall not be occupied until the cycle parking shown on the plans hereby approved has been provided and made available for use. These facilities shall be retained for the occupants of and visitors to the development at all times.

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

16. Prior to the commencement of the development hereby permitted, a Construction Logistics Plan shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented prior to the first occupation of the development hereby permitted and shall be so maintained for the duration of the construction period, unless the prior written approval of the Local Planning Authority is first obtained to any variation.

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

17. Prior to the occupation of the development, 2 metre x 2 metre pedestrian visibility splays shall be provided either side of the vehicular access to the site. Any objects within the visibility splays shall not exceed a height of 0.6 metres.

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.

18. The doors of the garage or gates hereby approved shall not open over the adjacent highway.

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.

19. 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 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 ensure satisfactory means of surface water drainage, to reduce the risk of flooding and to comply with the following Development Plan policies for Merton: policy 5.13 of the London Plan 2015, policy CS16 of Merton's Core Planning Strategy 2011 and policy DM F2 of Merton's Sites and Policies Plan 2014.

20. 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.

21. Development shall not commence until a Delivery and Servicing Plan (the Plan) has been submitted in writing for approval to the Local Planning Authority. No occupation of the development shall be permitted until the Plan is approved in writing by the Local Planning Authority and implemented in accordance with the approved plan. The approved measures shall be maintained, in accordance with the Plan, for the duration of the use, unless the prior written approval of the Local Planning Authority is obtained to any variation.

Reason: To ensure the safety of pedestrians and vehicles and the amenities of the surrounding area and to comply with the following Development Plan policies for Merton: policies 6.3 and 6.14 of the London Plan 2015, policy CS20 of Merton's Core Planning Strategy 2011 and policies DM T2, T3 and T5 of Merton's Sites and Policies Plan 2014.

22. The development hereby approved shall not be occupied until the proposed vehicle access has been sited and laid out in accordance with the approved plans.

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.

23. 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) Control of dust, smell, noise and other effluvia;

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.

24. The hardstanding hereby permitted shall be made of porous materials, or provision made to direct surface water run-off to a permeable or porous area or surface within the application site before the development hereby permitted is first occupied or brought into use.

Reason: To reduce surface water run-off and to reduce pressure on the surrounding drainage system in accordance with the following Development Plan policies for Merton: policy 5.13 of the London Plan 2015, policy CS16 of Merton's Core Planning Strategy 2011 and policy F2 of Merton's Sites and Policies Plan 2014.

INFORMATIVES

1. INFORMATIVE

In accordance with paragraphs 186 and 187 of the NPPF, The London Borough of Merton (LBM) takes a positive and proactive approach to development proposals focused on solutions. LBM works with applicants/agents in a positive and proactive manner by:

- i) Offering a pre-application advice and duty desk service.
- ii) Where possible, suggesting solutions to secure a successful outcome.
- iii) As appropriate, updating applicants/agents of any issues that may arise in the processing of their application.

In this instance:

- i) The applicant was offered the opportunity to submit amended plans in order to make the proposal acceptable in planning terms.
- ii) The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.

2. INFORMATIVE

The applicant is advised to check the requirements of the Party Wall Act 1996 relating to work on an existing wall shared with another property, building on the boundary with a neighbouring property, or excavating near a neighbouring building. Further information is available at the following link:

<http://www.planningportal.gov.uk/buildingregulations/buildingpolicyandlegislation/currentlegislation/partywallact>

3. INFORMATIVE

It is Council policy for the Council's contractor to construct new vehicular accesses. The applicant should contact the Council's Highways Team on

020 8545 3829 prior to any work starting to arrange for this work to be done. If the applicant wishes to undertake this work the Council will require a deposit and the applicant will need to cover all the Council's costs (including supervision of the works). If the works are of a significant nature, a Section 278 Agreement (Highways Act 1980) will be required and the works must be carried out to the Council's specification.

4. INFORMATIVE

This planning permission contains certain conditions precedent that state 'before development commences' or 'prior to commencement of any development' (or similar). As a result these must be discharged prior to ANY development activity taking place on site. Commencement of development without having complied with these conditions will make any development unauthorised and possibly subject to enforcement action such as a Stop Notice.

5. 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

6. 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).

7. 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.

8. INFORMATIVE

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'.

9. INFORMATIVE

It is Council policy for the Council's contractor to construct new vehicular accesses. The applicant should contact the Council's Highways Team on 020 8545 3829 prior to any work starting to arrange for this work to be done. If the applicant wishes to undertake this work the Council will require a deposit and the applicant will need to cover all the Council's costs (including supervision of the works). If the works are of a significant nature, a Section 278 Agreement (Highways Act 1980) will be required and the works must be carried out to the Council's specification.

10. INFORMATIVE

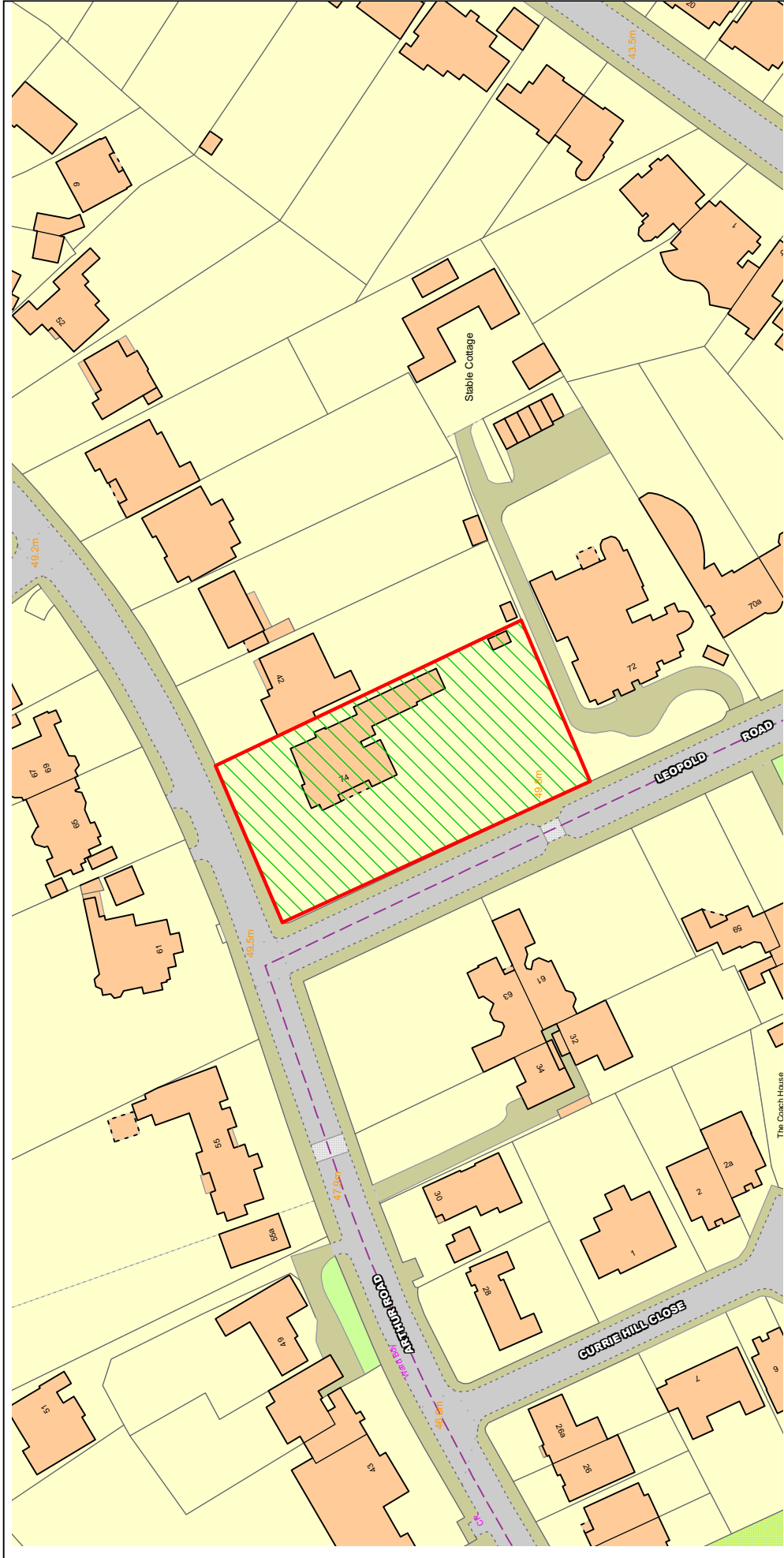
Any works/events carried out either by, or at the behest of, the developer, whether they are located on, or affecting a prospectively maintainable highway, as defined under Section 87 of the New Roads and Street Works Act 1991, or on or affecting the public highway, shall be co-ordinated under the requirements of the New Roads and Street Works Act 1991 and the Traffic management Act 2004 and licensed accordingly in order to secure the expeditious movement of traffic by minimising disruption to users of the highway network in Merton. Any such works or events commissioned by the developer and particularly those involving the connection of any utility to the site, shall be co-ordinated by them in liaison with the London Borough of Merton, Network Coordinator, (telephone 020

8545 3976). This must take place at least one month in advance of the works and particularly to ensure that statutory undertaker connections/supplies to the site are co-ordinated to take place wherever possible at the same time.

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

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PLANNING APPLICATIONS COMMITTEE 26 APRIL 2018

<u>APPLICATION NO.</u>	<u>DATE VALID</u>
17/P3627	26/10/2017
Address/Site:	168 London Road Morden Surrey SM4 5AT
Ward:	Merton Park
Proposal:	Application for continued use of part of site as as a vehicle tyre and service centre (sui generis)
Drawing No.'s:	TP11B, TP12 and TP10.
Contact Officer:	Jock Farrow (020 8545 3114)

RECOMMENDATION

Grant planning permission subject to conditions.

CHECKLIST INFORMATION

- S106: No
- Is a screening opinion required: No
- Is an Environmental Statement required: No
- Has an Environmental Statement been submitted: No
- Press notice: No
- Site notice: Yes
- Design Review Panel consulted: No
- Number of neighbours consulted: 60
- External consultations: 1
- Conservation area: No
- Listed building: No
- Tree protection orders: No
- Controlled Parking Zone: No
- Flood zone: No

1. INTRODUCTION

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

- 1.2 This application is one of three applications submitted concurrently and relating to various parcels of land making up the 168 London Road site, the others being:
- 17/P3629 – Application for continued use of part of the site for vehicle storage yard (sui generis) and its relocation within the site; and,
 - 17/P3630 – Application for continued use of part of site as a car wash (sui generis) and its relocation within the site.

2. SITE AND SURROUNDINGS

- 2.1 The application site forms part of a wider site which is 168 London Road. 168 London Road was formerly a milk storage and distribution depot (Class B8) belonging to Express Dairy. The wider site comprises a single storey warehouse building located toward the northeast corner of the site; a single storey office building positioned along the northern boundary of the site, to the western side; a single storey porta-cabin/office positioned along the western boundary of the site; with the remainder of the site comprising approximately 280sq.m of hardstanding. The warehouse building is positioned behind No. 166 London Road, a two storey building which was used as ancillary offices to the former use of the site. The site has existing access from London Road.
- 2.2 The warehouse building to the northeast is currently in use as a vehicle tyre and service centre. The hardstanding area to the rear of the site is in use as a carwash. The hardstanding area to the front of the site, adjacent to the vehicle access, is used for vehicle storage with the vehicles being sold online. The applicant asserted that the uses commenced on 03/10/2016 - none of the uses on site have planning permission.
- 2.3 The site is not located within a conservation area. The site is accessed from London Road which forms part of Transport for London's 'red route' network.
- 2.4 Beyond the north boundary near the northwest corner of the site are the rear gardens of two storey terraced properties in Cedars Road; beyond the western boundary, near the northwest corner of the site is the former Crystal Autocare site which has approval for a part 2, part 3 storey building providing 12 flats – construction has commenced and the building is substantially complete. The north east (side) boundary is adjacent to the rear garden boundary of two storey semi-detached properties in Camrose Close and the side boundary of the two storey semi-detached property at 164 London Road. The south west boundary is shared with the residential building called 'Homefield', Homefield provides 24 flats in a three storey building with a 50 metre long side elevation facing towards the application site. On the opposite side of London Road are the four storey residential buildings called Morden House (40 flats) and Grosvenor Court (96 flats).

3. CURRENT PROPOSAL

- 3.1 This application seeks planning permission to regularise the vehicle tyre and service centre use on site. The operation is taking place within the former milk store and servicing building.

3.2 The applicant has described the use as tyre storage and replacement and wheel brake servicing with approximately 5 to 8 vehicles to be worked on per day. The machinery and tools associated with the use are as follows: 1 x fixed vehicle lifting ramp, 1 x electric air compressor, 1 x tyre changing machine, manual trolley jacks, hand operated drills and air guns and general hand tools. Opening times are as follows: Monday to Saturday (inclusive): 09:00 – 18:30 while it would be closed on Sundays and public holidays.

3.3 Separate applications have been made to regularise the other uses on the site.

4. RELEVANT PLANNING HISTORY

4.1 07/P2531: CHANGE OF USE FROM DAIRY DEPOT TO CAR PARK INCLUDING CONTRACT PARKING AND CAR VALETING – Refused.

Reason: The proposed change of use from milk depot (Class B8) to car parking, including contract parking and car valeting (Sui Generis) would:

a) result in the loss of employment land, for which the applicant has failed to demonstrate that there is no demand, or that it is unsuitable or financially unviable for any employment or community use, to the detriment of providing and safeguarding employment opportunities in the Borough,

b) facilitate and lead to an increased number of vehicle/commuter trips to the town centre thereby failing to reduce the need to travel by car and failing to promote more sustainable forms of transport thereby constituting an unsustainable form of development; and would be contrary to policies E.6, PK4 and LU.3 of the Adopted Unitary Development Plan (October 2003).

4.2 07/P2597: RETENTION OF ADVERTISING DISPLAYS, IN CONNECTION WITH THE USE OF THE LAND FOR CAR PARKING, ON AND TOWARDS THE LONDON ROAD FRONTAGE – Granted.

4.3 14/P3362: Demolition of the existing building [Use Class B8 1165 square metres] and the construction of a new building rising to a total of 4 storeys providing 29 (reduced from 34) residential dwellings [9 one bedroom, 16 two bedroom and 4 three bedroom flats] with 3 off street car parking spaces for people with disabilities, cycle storage, ground level and rooftop amenity space and the formation of new vehicle layby in London Road that includes adjustments to the existing public footpath – In July 2015 PAC resolved to grant permission subject to the completion of a S106 agreement to deliver affordable housing, restrictions on parking permits and dedication of land to provide for a vehicle loading bay. The application remains undetermined.

4.4 17/P3764: PRIOR APPROVAL IN RELATION TO THE CHANGE OF USE FROM OFFICE USE CLASS B1(a) TO RESIDENTIAL USE CLASS C3 – Refused.

Reasons:

- 1) The lawful use of the site has not been established as B1(a) and therefore Schedule 2, Part 3, Class O of the Town and Country Planning (General Permitted Development) Order 2015 is not considered to be applicable to this application.
- 2) The submitted application has failed to provide a plan indicating the site and showing the proposed development, contrary to condition O.2.-(1) and paragraph W.-(2) (b) of Schedule 2, Part 3, Class O of the Town and Country Planning (General Permitted Development) Order 2015.
- 3) The applicant has failed to provide a Noise Impact Assessment providing sufficient information to allow the impacts of noise from commercial premises on the intended occupiers of the development to be adequately assessed, contrary to condition O.2.-(1) and paragraph W.-(3)(b) of Schedule 2, Part 3, Class O of the Town and Country Planning (General Permitted Development) Order 2015.
- 4) As determined during the site visit on 05/12/2017, works to implement the conversion to dwellings had begun prior to written notice being issued to the applicant that prior approval is not required, prior approval is granted or the expiry of 56 days following the submission of the application without receiving notice from the planning authority, O.2.-(1) and paragraph W.-(11) (a) (b) and (c) of Schedule 2, Part 3, Class O of the Town and Country Planning (General Permitted Development) Order 2015.

4.5 Concurrent applications for:

- 17/P3629: APPLICATION FOR CONTINUED USE OF VEHICLE STORAGE YARD (SUI GENERIS) INVOLVING ITS RELOCATION WITHIN THE SITE; and
- 17/P3630: APPLICATION FOR CONTINUED USE AS A CAR WASH (SUI GENERIS) INVOLVING ITS RELOCATION WITHIN THE SITE

5. CONSULTATION

5.1 Public consultation was undertaken by way of site notice and by post sent to neighbouring properties – 13 objections were received which are summarised as follows:

- Noise
- Disturbance
- Site is kept in an untidy state
- Opening hours should be reduced
- Number of tyres onsite should be restricted
- Tyres should not be stored on roof or edge of site
- Sound proofing should be installed
- Green screening should be installed
- There should be no residential use on site
- Activities are unauthorised
- No proper means of disposal for oil, batteries or tyres
- A strategy should be required for keeping the site tidy, pest control and tyre disposal

- 5.2 Transport for London: No objection. All vehicles associated with the activity must only stop within permitted locations and times and the highway network shall not be obstructed as a result of the activity. 3 cycle storage spaces should be provided.
- 5.3 LBM Environmental Health: No objection. The premises should not be open to the public beyond the opening hours specified in the application form. The shutter on the eastern façade of the building should be kept closed at all times during operation, except during ingress/egress and emergencies. The Environmental Health Department has recorded 9 complaints relating to noise from the site from 2008 to 2017 i.e. one per year. Environmental Health Officers did not witness any noise following receipt of the complaint.
- 5.4 LBM Transport Planner: No objection. The number of vehicle movements is unlikely to have a significant impact upon the highway network.
- 5.5 Councillor John Sargeant: The activities have been the cause of considerable disturbance and irritation for residents for many years, and for them to continue as is would be unreasonable. If officers are minded to approve consider applying conditions and refer to Committee for determination. Areas for consideration include hours of operation, noise control, tyre storage and carwash runoff. No buildings should be used for residential purposes.

6. POLICY CONTEXT

- 6.1 National Planning Policy Framework (2012)
 Section 1 - Building a strong, competitive economy
 Section 7 – Requiring good design including optimising the potential of a site to accommodate development.
 Section 11 – Conserving and enhancing the natural environment
- 6.2 London Plan (2016)
 Relevant policies include:
 4.1 Developing London's economy
 4.4 Managing industrial land and premises
 5.22 Hazardous substances and installations
 6.3 Assessing effects of development on transport capacity
 6.9 Cycling
 6.10 Walking
 6.11 Smoothing traffic flow and tackling congestion
 6.12 Road Network Capacity
 6.13 Parking
 7.2 An inclusive environment
 7.14 Improving air quality
 7.15 Reducing and managing noise
- 6.3 Merton Local Development Framework Core Strategy – 2011 (Core Strategy)
 Relevant policies include:
 CS 11 Infrastructure
 CS 12 Economic Development
 CS 15 Climate Change

CS 18 Active Transport
CS 20 Parking servicing and delivery

6.4 Merton Sites and Policies Plan – 2014 (SPP)

Relevant policies include:

DM D1 Urban design and the public realm
DM D2 Design considerations
DM T2 Transport impacts of Development
DM T3 Car parking and servicing standards
DM EP2 Reducing and mitigating noise
DM EP4 Pollutants
DM E1 Employment areas in Merton
DM E4 Local employment opportunities

7. PLANNING CONSIDERATIONS

7.1 Material Considerations

- Principle of development
- Impact upon neighbouring amenity
- Transport and parking
- Drainage and pollutants

Principle of development

7.2 Notwithstanding that the Council in 2015 endorsed proposals for the use of the site for housing resulting in the loss of employment land the issue of the use of the land vis a vis Merton's adopted employment policies is nevertheless revisited. Policy DM E3 of the Sites and Policies Plan seeks to protect scattered employment sites, it states that where proposals would result in the loss of an employment site, they would be resisted except where: the site is located predominantly in a residential area and it can be demonstrated it is having a significant adverse effect on residential amenity, the site characteristics make it unviable for whole site employment, it has been demonstrated that there is no prospect of employment or community use on the site in the future. Where the above criteria cannot be met, the loss can be mitigated by providing employment as part of a mixed use scheme.

7.3 For the purpose of policy DM E3, 'employment sites' are sites that operate within use classes B1 (a, b & c), B2 and B8. However, the policy also states that it is intended to protect D2 and *sui generis* uses on scattered employment sites where appropriate. While the site has not operated as a storage and distribution depot for some time, its lawful use would still fall within B8.

7.4 Three separate applications have been made to regularise the current uses on site, being a vehicle tyre and service centre, a carwash and vehicle storage; all three of these uses are considered to fall within use class *sui generis* i.e. they do not fall within a specific class as identified by the Use Class Order. While the existing uses would not strictly fall within the definition of 'employment uses' for the purpose of policy DM E3, the policy does cater for such a scenario, given that the uses have similarities to classes B1 (a, b & c), B2 and B8. In addition, each use currently provides the following employment on site:

- Vehicle tyre and service centre: 2 full time employees and 1 part time
 - Carwash: 4 full time employees and 2 part time
 - Car storage: 3 full time employees
- 7.5 It is considered that the existing uses, due to their nature and the amount of employment they provide, satisfy the intention of policy DM E3 of the Sites and Policies Plan.
- 7.6 Given the above, it is considered the proposal is acceptable in principle; subject to compliance with the relevant London Plan policies, Merton Local Development Framework Core Strategy, Merton Sites and Policies Plan and supplementary planning documents.
- Impact upon neighbouring amenity
- 7.7 London Plan policies 7.14 and 7.15 along with SPP policies DM D2, DM EP2 and DM EP4 state that proposals must be designed to ensure that they would not have an undue negative impact upon the amenity of neighbouring properties in terms of light spill/pollution, loss of light, quality of living conditions, privacy, visual intrusion, noise and pollution.
- 7.8 The applicant has described the operation as generating low levels of noise given most tools are hand operated or electric; in addition, there would be no continuous noise generating activities as tools would only be used as necessary. As the number of vehicles to be worked on would be approximately 5 and 8 per day, the level of noise is not considered to be significant. Given the nature and scale of the operation, it is not considered that it would unduly impact upon neighbouring amenity, subject to appropriate conditions.
- 7.9 Given the above, it is recommended to restrict opening hours to between 09:00 and 18:30 from Monday to Saturday (inclusive) with the operation to be closed on Sundays and public holidays. It is recommended to include a condition which would limit any amplified sound to be below a 'statutory nuisance' at the property boundary. In addition, it is recommended to include a condition which would ensure the shutter in the eastern façade remains closed except during ingress/egress and in emergencies.
- 7.10 It is noted that as the lawful use remains as B8 and as the former use of site was unrestricted, any B8 use could operate within the site similarly unrestricted. Thus this application provides an opportunity to change the lawful use of the land while applying restrictions to such use. It is further noted that LBM's Environmental Health Department have not objected to the application.
- Transport and Parking
- 7.11 Core Strategy policy CS20 and SPP policies DM T1 and DM T3 require that developments would not adversely affect pedestrian or cycle movements, safety, the convenience of local residents, on street parking or traffic management.

7.12 The vehicle access along with the central portion of the site would be left clear to facilitate easy ingress and egress to/from London Road, thus the use of the site would not unduly impact traffic movements of the 'red route'. With regard to parking provisions, the operators would only accept as many cars as the site could reasonably accommodate.

7.13 Given the above, it is not considered that the proposal would unduly impact upon the highway network in terms of performance or safety. Furthermore, it is noted that neither TFL nor the LBM Transport Planner objected to the proposal.

8. CONCLUSION

8.1 Given the nature of the proposal along with the employment generation, the principle of the use is considered to be acceptable. The proposal is not considered to unduly impact upon neighbouring amenity or upon the performance or safety of the highway network. As such, the proposal is considered to comply with London Plan policies 7.14 and 7.15, Core Strategy policy CS20 and Site and Policies Plan policies DM E3, DM T3, DM D2, DM EP2 and DM EP4.

8.2 The proposal would accord with the relevant National, Strategic and Local Planning policies and guidance and approval could reasonably be granted in this case. It is not considered that there are any other material considerations which would warrant a refusal of the application.

RECOMMENDATION

Grant planning permission subject to appropriate conditions.

Conditions:

1. Standard condition [Approved plans]: The development hereby permitted shall operate in accordance with the following approved plans: TP11B, TP12 and TP10.

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

2. Standard condition [Opening hours]: The use hereby permitted shall operate only between the hours of 09:00 and 18:30 from Monday to Saturday (inclusive) and shall not operate on Sundays or bank holidays.

Reason: To safeguard the amenities of surrounding area and to ensure compliance with policy 7.15 of the London Plan 2016 and policies DM D2 & DM EP2 of Merton's Sites and Policies Plan 2014.

3. Amended standard condition [Noise levels amplified sound]: No music or other amplified sound generated on the premises shall be audible at the boundary of any adjacent residential building such as to constitute a statutory nuisance.

Reason: To safeguard the amenities of surrounding area and to ensure compliance with the following Development Plan policies for Merton: policy 7.15 of the London Plan 2015, policy CS7 of Merton's Core Planning Strategy 2011 and policy DM EP2 of Merton's Sites and Policies Plan 2014.

4. Non-standard condition [Usage of shutter]: The shutter in the eastern façade of the building shall remain closed at all times except for as long as reasonably necessary to allow for ingress and egress and in emergency situations.

Reason: To safeguard the amenities of surrounding area and to ensure compliance with policy 7.15 of the London Plan 2016 and policies DM D2 & DM EP2 of Merton's Sites and Policies Plan 2014.

Informative:

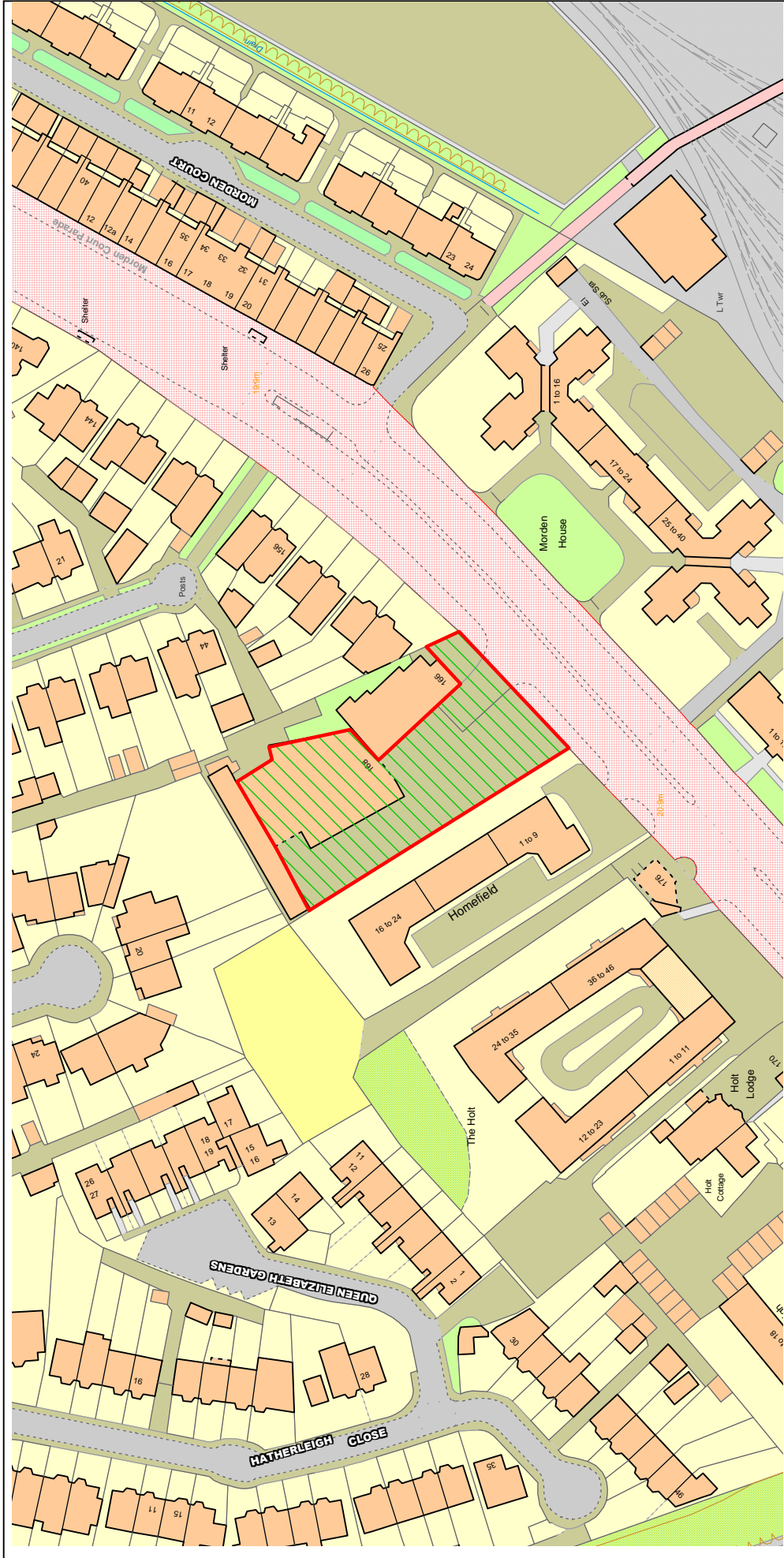
a) Informative: In accordance with paragraphs 186 and 187 of the National Planning Policy Framework, The London Borough of Merton takes a positive and proactive approach to development proposals focused on solutions. The London Borough of Merton works with applicants or agents in a positive and proactive 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 LBM officers have provided feedback and allowed for additional time and amendments to improve the scheme. In addition, the Planning Committee considered the application where the applicant or agent had the opportunity to speak to the committee and promote the application.

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**PLANNING APPLICATIONS COMMITTEE
26 APRIL 2018**

<u>APPLICATION NO.</u>	<u>DATE VALID</u>
17/P3630	26/10/2017
Address/Site:	168 London Road Morden Surrey SM4 5AT
Ward:	Merton Park
Proposal:	Use of part of site as a car wash (sui generis) involving relocation of existing use within the site.
Drawing No.'s:	TP14A, TP11B and TP10.
Contact Officer:	Jock Farrow (020 8545 3114)

RECOMMENDATION

Grant planning permission subject to conditions.

CHECKLIST INFORMATION

- S106: No
- Is a screening opinion required: No
- Is an Environmental Statement required: No
- Has an Environmental Statement been submitted: No
- Press notice: No
- Site notice: Yes
- Design Review Panel consulted: No
- Number of neighbours consulted: 25
- External consultations: 2
- Conservation area: No
- Listed building: No
- Tree protection orders: No
- Controlled Parking Zone: No
- Flood zone: No

1. INTRODUCTION

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

- 1.2 This application is one of three applications submitted concurrently and relating to various parcels of land making up the 168 London Road site, the others being:
- 17/P3629 – Application for continued use of part of the site for vehicle storage yard (sui generis) and its relocation within the site; and,
 - 17/P3627 – Application for continued use of part of site as a vehicle tyre service centre (sui generis).

2. SITE AND SURROUNDINGS

- 2.1 The application site comprises a single storey warehouse building located toward the northeast corner of the site; a single storey office building positioned along the northern boundary of the site, to the western side; a single storey porta-cabin/office positioned along the western boundary of the site; with the remainder of the site comprising approximately 280sq.m of hardstanding. The site previously belonged to Express Dairy and was used for storage and distribution (Class B8). The warehouse building is positioned behind No. 166 London Road, a two storey building which was used as ancillary offices to the former use of the site. The site has existing access from London Road.
- 2.2 The warehouse building is currently in use as a vehicle tyre and service centre. The hardstanding area to the rear of the site is in use as a carwash. The hardstanding area to the front of the site, adjacent to the vehicle access, is used for vehicle storage with the vehicles being sold online. The uses are reported to have commenced on 03/10/2016 - none of the uses on site have planning permission.
- 2.3 The site is not located within a conservation area. The site is accessed from London Road which forms part of Transport for London's 'red route' network.
- 2.4 Beyond the north boundary near the northwest corner of the site are the rear gardens of two storey terraced properties in Cedars Road; beyond the western boundary, near the northwest corner of the site is the former Crystal Autocare site which has approval for a part 2, part 3 storey building providing 12 flats – construction has commenced and the building is substantially complete. The north east (side) boundary is adjacent to the rear garden boundary of two storey semi-detached properties in Camrose Close and the side boundary of the two storey semi-detached property at 164 London Road. The south west boundary is shared with the residential building called 'Homefield', Homefield provides 24 flats in a three storey building with a 50 metre long side elevation facing towards the application site. On the opposite side of London Road are the four storey residential buildings called Morden House (40 flats) and Grosvenor Court (96 flats).

3. CURRENT PROPOSAL

- 3.1 This application seeks planning permission to regularise the carwash use and to relocate it within the site. It is proposed to move the carwash element to the southwest portion of the site, to front London Road.

- 3.2 The applicant has described the use as averaging approximately 7 to 10 vehicle movements per day and accommodating up to 4 vehicles onsite at any time. Vehicles would queue onsite along the edge of the shared access zone. It is proposed for wastewater to be filtered via a silt trap. Opening times are as follows: Monday to Saturday (inclusive): 09:00 – 18:00 while it would be closed on Sundays and public holidays.
- 3.3 The car storage component of the site does not form part of this application; however, it is noted that the repositioning of the car storage component would facilitate the repositioning of the carwash to the front of the site.
- 3.4 Separate applications have been made to regularise the other uses on the site.

4. RELEVANT PLANNING HISTORY

- 4.1 07/P2531: CHANGE OF USE FROM DAIRY DEPOT TO CAR PARK INCLUDING CONTRACT PARKING AND CAR VALETING – Refused.

Reason: The proposed change of use from milk depot (Class B8) to car parking, including contract parking and car valetting (Sui Generis) would:

- a) **result in the loss of employment land, for which the applicant has failed to demonstrate that there is no demand, or that it is unsuitable or financially unviable for any employment or community use, to the detriment of providing and safeguarding employment opportunities in the Borough,**
- b) **facilitate and lead to an increased number of vehicle/commuter trips to the town centre thereby failing to reduce the need to travel by car and failing to promote more sustainable forms of transport thereby constituting an unsustainable form of development; and would be contrary to policies E.6, PK4 and LU.3 of the Adopted Unitary Development Plan (October 2003).**

- 4.2 07/P2597: RETENTION OF ADVERTISING DISPLAYS, IN CONNECTION WITH THE USE OF THE LAND FOR CAR PARKING, ON AND TOWARDS THE LONDON ROAD FRONTAGE – Granted.
- 4.3 14/P3362: Demolition of the existing building [Use Class B8 1165 square metres] and the construction of a new building rising to a total of 4 storeys providing 29 (reduced from 34) residential dwellings [9 one bedroom, 16 two bedroom and 4 three bedroom flats] with 3 off street car parking spaces for people with disabilities, cycle storage, ground level and rooftop amenity space and the formation of new vehicle layby in London Road that includes adjustments to the existing public footpath – In July 2015 PAC resolved to grant permission subject to the completion of a S106 agreement to deliver affordable housing, restrictions on parking permits and dedication of land to provide for a vehicle loading bay. The application remains undetermined.

- 4.4 17/P3764: PRIOR APPROVAL IN RELATION TO THE CHANGE OF USE FROM OFFICE USE CLASS B1(a) TO RESIDENTIAL USE CLASS C3 – Refused.

Reasons:

- 1) **The lawful use of the site has not been established as B1(a) and therefore Schedule 2, Part 3, Class O of the Town and Country Planning (General Permitted Development) Order 2015 is not considered to be applicable to this application.**
- 2) **The submitted application has failed to provide a plan indicating the site and showing the proposed development, contrary to condition O.2.-(1) and paragraph W.-(2) (b) of Schedule 2, Part 3, Class O of the Town and Country Planning (General Permitted Development) Order 2015.**
- 3) **The applicant has failed to provide a Noise Impact Assessment providing sufficient information to allow the impacts of noise from commercial premises on the intended occupiers of the development to be adequately assessed, contrary to condition O.2.-(1) and paragraph W.-(3)(b) of Schedule 2, Part 3, Class O of the Town and Country Planning (General Permitted Development) Order 2015.**
- 4) **As determined during the site visit on 05/12/2017, works to implement the conversion to dwellings had begun prior to written notice being issued to the applicant that prior approval is not required, prior approval is granted or the expiry of 56 days following the submission of the application without receiving notice from the planning authority, O.2.-(1) and paragraph W.-(11) (a) (b) and (c) of Schedule 2, Part 3, Class O of the Town and Country Planning (General Permitted Development) Order 2015.**

- 4.5 17/P3629: APPLICATION FOR CONTINUED USE OF VEHICLE STORAGE YARD (SUI GENERIS) INVOLVING ITS RELOCATION WITHIN THE SITE – Yet to be determined.

- 4.6 17/P3627: APPLICATION FOR CONTINUED USE AS A VEHICLE TYRE AND SERVICE CENTRE (SUI GENERIS) – Yet to be determined.

5. CONSULTATION

- 5.1 Public consultation was undertaken by way of site notice and by post sent to neighbouring properties – 13 objections were received which are summarised as follows:

- Noise
- Impact on property values
- Site is kept in an untidy state
- Opening hours should be reduced
- Screening should be required to stop pedestrians from being sprayed
- Drainage must be designed to meet health and safety requirements and treat chemicals and oil
- There should be no residential use on site
- Activities are unauthorised

- A strategy should be required for keeping the site tidy, pest control and tyre disposal
- 5.2 Transport for London: No objection. All vehicles associated with the activity must only stop within permitted locations and times and the highway network shall not be obstructed as a result of the activity.
- 5.3 LBM Environmental Health: No objection. The premises should not be open to the public beyond the opening hours specified in the application form. The Environmental Health Department has recorded 9 complaints relating to noise from the site from 2008 to 2017 i.e. one per year. Environmental Health Officers did not witness any noise following receipt of the complaint.
- 5.4 LBM Transport Planner: No objection. Physical screening and drainage should be provided to London Road frontage to protect pedestrians from spray and to avoid overflow to the highway. There is adequate parking onsite to avoid congestion.
- 5.5 LBM Flood Risk Engineer: No objection. Any contaminated water should be passed through an interceptor and drained into the foul sewer network with the approval of Thames Water. Some attenuation of water should be provided onsite. Perimeter drainage should be provided across the front of the site to contain surface flows. The aforementioned provisions should be secured by way of condition.
- 5.6 Thames Water: No objection.
- 5.7 Councillor John Sargeant: The activities have been the cause of considerable disturbance and irritation for residents for many years, for them to continue as is would be unreasonable. If officers are minded to approve consider applying conditions and refer to Committee for determination. Areas for consideration include hours of operation, noise control, tyre storage and carwash runoff. No buildings should be used for residential purposes.

6. POLICY CONTEXT

- 6.1 National Planning Policy Framework (2012)
Section 1 - Building a strong, competitive economy
Section 7 – Requiring good design including optimising the potential of a site to accommodate development.
Section 11 – Conserving and enhancing the natural environment
- 6.2 London Plan (2016)
Relevant policies include:
 - 4.1 Developing London's economy
 - 4.4 Managing industrial land and premises
 - 5.22 Hazardous substances and installations
 - 6.3 Assessing effects of development on transport capacity
 - 6.9 Cycling
 - 6.10 Walking
 - 6.11 Smoothing traffic flow and tackling congestion

- 6.12 Road Network Capacity
- 6.13 Parking
- 7.2 An inclusive environment
- 7.14 Improving air quality
- 7.15 Reducing and managing noise

6.3 Merton Local Development Framework Core Strategy – 2011 (Core Strategy)

Relevant policies include:

- CS 11 Infrastructure
- CS 12 Economic Development
- CS 15 Climate Change
- CS 18 Active Transport
- CS 20 Parking servicing and delivery

6.4 Merton Sites and Policies Plan – 2014 (SPP)

Relevant policies include:

- DM D1 Urban design and the public realm
- DM D2 Design considerations
- DM T2 Transport impacts of Development
- DM T3 Car parking and servicing standards
- DM EP2 Reducing and mitigating noise
- DM EP4 Pollutants
- DM E1 Employment areas in Merton
- DM E4 Local employment opportunities

7. PLANNING CONSIDERATIONS

7.1 Material Considerations

- Principle of development
- Design and impact upon the character and appearance of the area
- Impact upon neighbouring amenity
- Transport, parking and pedestrian movements
- Drainage and pollutants

Principle of development

7.2 Notwithstanding that the Council in 2015 endorsed proposals for the use of the site for housing resulting in the loss of employment land the issue of the use of the land vis a vis Merton's adopted employment policies is nevertheless revisited. Policy DM E3 of the Sites and Policies Plan seeks to protect scattered employment sites, it states that where proposals would result in the loss of an employment site, they would be resisted except where: the site is located predominantly in a residential area and it can be demonstrated it is having a significant adverse effect on residential amenity, the site characteristics make it unviable for whole site employment, it has been demonstrated that there is no prospect of employment or community use on the site in the future. Where the above criteria cannot be met, the loss can be mitigated by providing employment as part of a mixed use scheme.

7.3 For the purpose of policy DM E3, 'employment sites' are sites that operate within use classes B1 (a, b & c), B2 and B8. However, the policy also states that it is intended to protect D2 and *sui generis* uses on scattered employment

sites where appropriate. While the site has not operated as a storage and distribution depot for some time, its lawful use would still fall within B8.

7.4 Three separate applications have been made to regularise the current uses on site, being a vehicle tyre and service centre, a carwash and vehicle storage; all three of these uses are considered to fall within use class *sui generis* i.e. they do not fall within a specific class as identified by the Use Class Order. While the existing uses would not strictly fall within the definition of 'employment uses' for the purpose of policy DM E3, the policy does cater for such a scenario, given that the uses have similarities to classes B1 (a, b & c), B2 and B8. In addition, each use currently provides the following employment on site:

- Vehicle tyre and service centre: 2 full time employees and 1 part time
- Carwash: 4 full time employees and 2 part time
- Car storage: 3 full time employees

7.5 It is considered that the existing uses, due to their nature and the amount of employment they provide, satisfy the intention of policy DM E3 of the Sites and Policies Plan.

7.6 Given the above, it is considered the proposal is acceptable in principle; subject to compliance with the relevant London Plan policies, Merton Local Development Framework Core Strategy, Merton Sites and Policies Plan and supplementary planning documents.

7.7 Design and impact upon the character and appearance of the area
London Plan policies 7.4 & 7.6, Core Strategy policy CS14 and SPP Policies DM D2 and DM D3 require well designed proposals which make a positive contribution to the public realm, are of the highest quality materials and design and which are appropriate in their context, thus they must respect the appearance, materials, scale, bulk, proportions and character of their surroundings.

7.8 In the 'Transport, parking and pedestrian movements' section of this report (below), it is recommended to require details of screening to London Road to avoid spray from the carwash affecting pedestrian movements. The principle of screening along the London Road boundary is considered to be acceptable, with the final materials, dimensions and appearance to be subject to the approval of Council, thus it is not considered that such screening would unduly impact upon the character or appearance of the area.

Impact upon neighbouring amenity
7.9 London Plan policies 7.14 and 7.15 along with SPP policies DM D2, DM EP2 and DM EP4 state that proposals must be designed to ensure that they would not have an undue negative impact upon the amenity of neighbouring properties in terms of light spill/pollution, loss of light, quality of living conditions, privacy, visual intrusion, noise and pollution.

- 7.10 It is proposed to relocate the carwash to the front of the site; this location is considered to be more appropriate given it would front the busy London Road. The applicant has described the use as averaging approximately 7 to 10 vehicle movements per day and accommodating up to 4 vehicles onsite at any time. Given the nature and scale of the operation, it is not considered that it would unduly impact upon neighbouring amenity, subject to appropriate conditions.
- 7.11 Given the above, it is recommended to restrict opening hours to between 09:00 and 18:00 from Monday to Saturday (inclusive) with the operation to be closed on Sundays and public holidays. It is recommended to include a condition which would limit any amplified sound to be below a 'statutory nuisance' at the property boundary. In addition, it is recommended to prohibit the use of pressure washers, power washers or similar motorised/powered equipment on site which would generate noise that may cause a nuisance to neighbours.
- 7.12 It is further noted that LBM's Environmental Health Department have not objected to the application.

Transport, parking and pedestrian movements

- 7.13 Core Strategy policy CS20 and SPP policies DM T1 and DM T3 require that developments would not adversely affect pedestrian or cycle movements, safety, the convenience of local residents, on street parking or traffic management.
- 7.14 The vehicle access along with the central portion of the site would be left clear to facilitate easy ingress and egress to/from London Road, thus the use of the site would not unduly impact traffic movements of the 'red route'. With regard to parking provisions, the operators would only accept as many cars as the site could reasonably accommodate.
- 7.15 As it is proposed to relocate the carwash to the front of the site, spray affecting the pavement and pedestrian movement needs to be addressed. It is therefore recommended to include a condition requiring details of how the carwash will be physically screened from the pavement. Furthermore, it is recommended to prohibit the use of pressure washers, power washers or similar equipment on site which will further protect pedestrian movements from over spray.
- 7.16 Given the above, it is not considered that the proposal would unduly impact upon the highway network in terms of performance or safety. Furthermore, it is noted that neither TFL nor the LBM Transport Planner objected to the proposal.

Drainage and pollutants

- 7.17 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.

- 7.18 The NPPF section 11, London Plan policy 5.22, CS policy CS15 and SPP policy DM EP4 seek to prevent both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability and to limit the risks of hazardous substances to people and the environment.
- 7.19 The LBM Flood Risk Engineer has reviewed this application and advised that any contaminated water should be passed through an interceptor and drained into the foul sewer network with the approval of Thames Water. Some attenuation of water should be provided onsite. Perimeter drainage should be provided across the front of the site to contain surface flows.
- 7.20 Given the above, it is recommended to require details of drainage and filtration by way of planning condition.

8. CONCLUSION

- 8.1 Given the nature of the proposal along with the employment generation, the principle of the use is considered to be acceptable. The proposal is not considered to unduly impact upon neighbouring amenity, the performance or safety of the highway network or on drainage or the environment in terms of pollutants. As such, the proposal is considered to comply with the NPPF, London Plan policies 5.12, 5.13, 5.22, 7.14 and 7.15, Core Strategy policies CS15, CS16 and CS20 and Site and Policies Plan policies DM F1, DM F2, DM E3, DM T3, DM D2, DM EP2 and DM EP4.
- 8.2 The proposal would accord with the relevant National, Strategic and Local Planning policies and guidance and approval could reasonably be granted in this case. It is not considered that there are any other material considerations which would warrant a refusal of the application.

RECOMMENDATION

Grant planning permission subject to appropriate conditions.

Conditions:

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

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

2. Standard condition [Approved plans]: The development hereby permitted shall be carried out in accordance with the following approved plans: TP14A, TP11B and TP10.

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

3. Standard condition [Opening hours]: The use hereby permitted shall operate only between the hours of 09:00 and 18:00 from Monday to Saturday (inclusive) and shall not operate on Sundays or bank holidays.

Reason: To safeguard the amenities of surrounding area and to ensure compliance with policy 7.15 of the London Plan 2016 and policies DM D2 & DM EP2 of Merton's Sites and Policies Plan 2014.

4. Amended standard condition [Noise levels amplified sound]: No music or other amplified sound generated on the premises shall be audible at the boundary of any adjacent residential building such as to constitute a statutory nuisance.

Reason: To safeguard the amenities of surrounding area and to ensure compliance with the following Development Plan policies for Merton: policy 7.15 of the London Plan 2015, policy CS7 of Merton's Core Planning Strategy 2011 and policy DM EP2 of Merton's Sites and Policies Plan 2014.

5. Non-standard condition [Details of screening]: The use hereby permitted shall not commence until details of screening to London Road have been provided. No works which are the subject of this condition shall be carried out until the details are approved, and the use of the development shall not commence unless the scheme has been approved and implemented in its approved form and shall remain in place at all times thereafter.

Reason: To protect pedestrian movements in accordance with Core Planning Strategy 2011 policy CS20 and Sites and Policies Plan 2014 policy DM T1.

6. Non-standard condition [Details of drainage]: The use hereby permitted shall not commence until a detailed scheme for the provision of surface and foul water drainage and filtration has been submitted 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 use of the development shall not commence unless the scheme has been approved and implemented in its approved form and shall remain in place at all times thereafter.

Reason: To reduce the risk of surface and foul water flooding and pollution in accordance the NPPF section 11, London Plan policies 5.12, 5.13 and 5.22, policies CS15 and CS16 of the Core Strategy 2011 and DM EP4 & DMF2 of the Sites and Policies Plan 2014.

7. Non-standard condition No pressure washers, power washers or similar motorised/powering equipment or cleaning equipment, shall be used on site as part of the operations of the development hereby permitted.

Reason: To safeguard the amenities of the area and the occupiers of neighbouring properties and to protect pedestrian movements in accordance with the following Development Plan policies for Merton: policies 7.14 and

7.15 of the London Plan 2015, Core Planning Strategy 2011 policy CS20 and policies DM T1, DM D2, DM EP2 and DM EP4 of Merton's Sites and Policies Plan 2014.

Informative:

a) Informative: 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 LBM officers have provided feedback and allowed for additional time and amendments to improve the scheme. In addition, the Planning Committee considered the application where the applicant or agent had the opportunity to speak to the committee and promote the application.

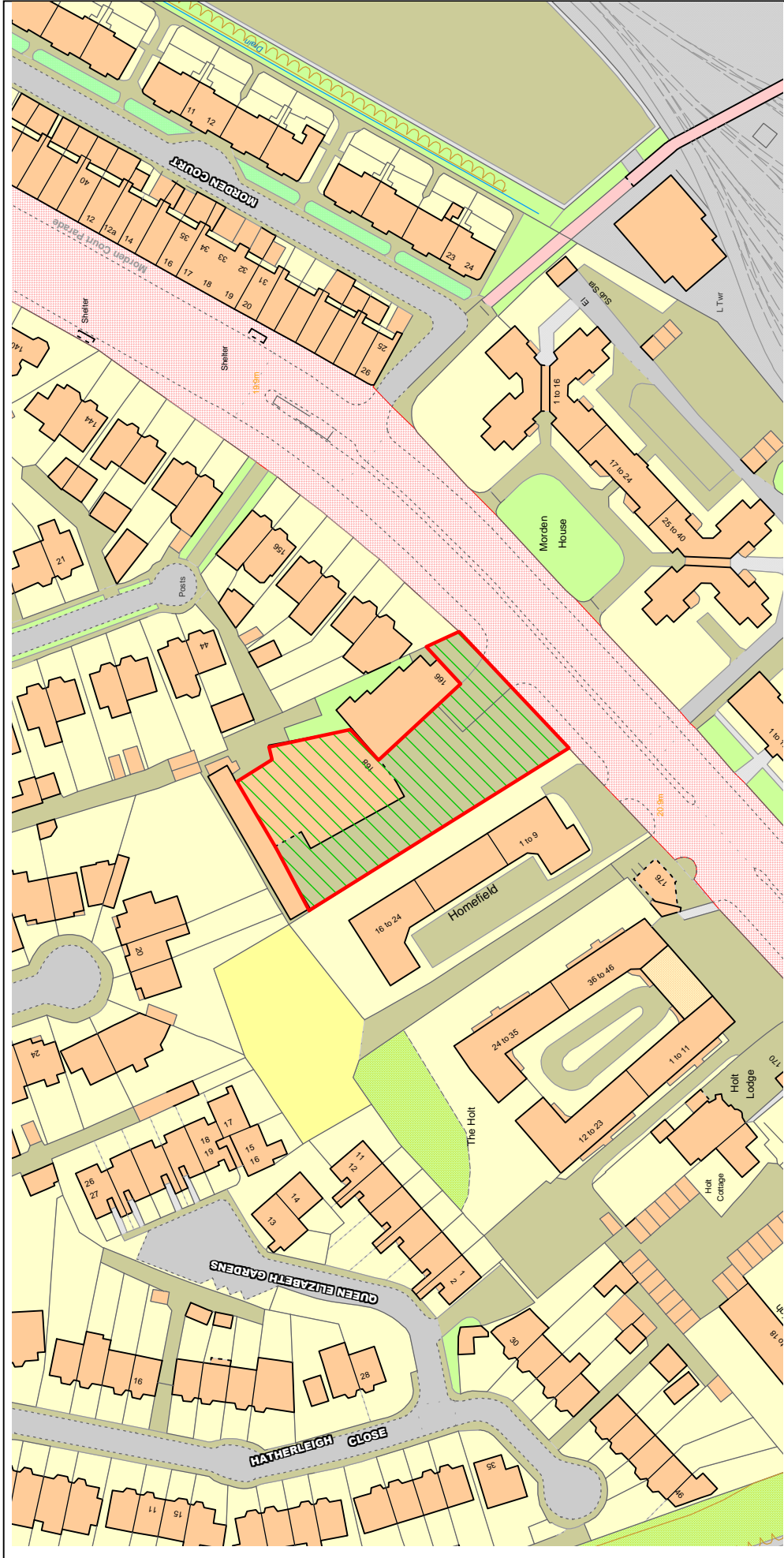
b) Informative: No surface water runoff should discharge onto the public highway including the public footway or highway. When it is proposed to connect to a public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Where the developer proposes to discharge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

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PLANNING APPLICATIONS COMMITTEE 26 APRIL 2018

<u>APPLICATION NO.</u>	<u>DATE VALID</u>
18/P0253	21/12/2017
Address/Site:	28 & 30 Ridgway Place, Wimbledon, SW19 4EP
Ward	Hillside
Proposal:	Variation of condition 2 (approved plans) attached to LBM Ref: 15/P3366 relating to the demolition of existing two houses and erection of 4 x 4 bedroom semi-detached houses with basement accommodation.
Drawing Nos:	640/001 P3, 010 P4, 040 P6, 041 P4, 042 P4, 043 P4, 044 P5, 050 P4, 060 P5, 061 P6, 065 P2, Basement Construction Method Statement (Ref: 3845-ST-ST001 P3) & Flood Risk and SuDs Assessment (Ref: 3845-FR001D)
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: 28
- External consultations: None

1. INTRODUCTION

- 1.1 The application has been brought before the Planning Applications Committee due to the number of representations received as a result of public consultation.

2. SITE AND SURROUNDINGS

- 2.1 The application site comprises four semi-detached houses arranged over four floors (basement, ground, first and roof level floors) which are currently being constructed following the grant of planning application LBM Ref: 15/P3366.
- 2.2 The application site is located on a steep section of Ridgway Place, with the road following the gradient of the hill, which slopes downwards from northwest to southeast.
- 2.3 The surrounding area is generally characterised by low-density detached residential houses.
- 2.4 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 (CPZ).

3. CURRENT PROPOSAL

- 3.1 The current application is for a minor material amendment to the approved drawings (condition No.2) from LBM Ref: 15/P3366 relating to the demolition of existing two houses and erection of 4 x 4 bedroom semi-detached houses with basement accommodation. The proposed amendment involves extending the basements of two houses (the two middle houses) at the rear by 3m and extending the basements of all four houses at the front to accommodate en-suite bathrooms.

4. PLANNING HISTORY

The following planning history is relevant:

4.1 No.28

No Planning history.

4.2 No.30

WIM2891 – Erection of 1 x Bungalow and garage. Granted - 14/08/1956

4.3 Nos. 28 & 30

15/P0663 - Demolition of existing 2 x houses and erection of 4 x semi-detached houses with associated landscaping. Refused - 13/04/2015

15/P3366 - Demolition of existing 2 x houses and erection of 4 x semi-detached houses with associated landscaping. Granted - 02/08/2016

5. POLICY CONTEXT

- 5.1 The following policies from the Adopted 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 The relevant policies in the Adopted Core Strategy (July 2011) are: CS.8 (Housing Choice), CS.9 (Housing Provision), CS.14 (Design), CS.20 (Parking, Servicing and Delivery)
- 5.3 The relevant policies in the 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, 11 letters of objection have been received. The letters of objection are on the following grounds:
- Impact of basements on drainage and should be restricted to the originally approved plans
 - Development already represents a significant overdevelopment of the site
 - Basements have been built to the disregard of the approved plans and by approving this variation it would set a harmful precedent
 - Impact on health and safety
- 6.3 The Council's Flood risk engineer has assessed the proposal and has raised no objections.

7. PLANNING CONSIDERATIONS

- 7.1 The amendments to the approved scheme involve the extension of the basements of two of the houses at the rear and the 'squaring off' of the basements of all four houses at the front to accommodate en-suite bathrooms. Given these works are subterranean there will be no material additional residential amenity or traffic/parking. The visual changes would be minor with two flat roof lightwells above the rear basement extensions and the 'squaring off' of the front basements not considered to cause visual harm to the local area or the character of the originally approved dwellings.
- 7.2 A basement construction method statement, flood risk and SuDs assessment was submitted during the original application (LBM Ref: 15/P3366) demonstrating how the stability of ground conditions will be maintained in relation to adjoining properties and details of a drainage strategy in relation to surface water and ground water flows. The Councils Flood Engineer has assessed the application and does not consider that the proposed amendments would materially impact ground and surface water flow in comparison to the currently consented scheme and as such there is no

requirement for the submission of a further flood risk and Suds assessment in this instance. It is therefore considered that the proposal would accord with policies DM D2 and DM F2 of the Adopted Sites and Policies Plan and Policies Maps (July 2014).

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 a Community Infrastructure Levy (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

10.2 Permit Free

10.21 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.

10.22 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 extensions to the basements would not have an unacceptable impact on surface water and ground water flow or the structural stability of adjoining houses. The minor visual variances are considered to be acceptable. 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.6 (Levels)
6. C.1 (No Permitted Development (Extensions))
7. C.2 (No Permitted Development (Windows and Doors))
8. C.4 (Obscured Glazing (Opening Windows))
9. C.8 (No Use of Flat Roof)
10. C.10 (Hours of Construction)
11. F.1 (Landscaping/Planting Scheme)
12. F.2 (Landscaping (Implementation))
13. F.9 (Hardstandings)
14. 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.

15. The details approved under LBM Ref: 16/P3793 dated 9th February 2017 regarding the provision to accommodate all site operatives, visitors and construction vehicles and loading / unloading arrangements during the

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

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

16. H.2 (Vehicle Access to be provided)
17. H.3 (Redundant crossovers)
18. H.5 (Visibility splays)
19. H.6 (Cycle Parking – Details to be Submitted)
20. J.1 (Lifetime Homes)
21. The raised planter beds adjacent to the car parking spaces shown on the approved plans shall be implemented before the development is first occupied and retained permanently thereafter.

Reason: To ensure a satisfactory appearance of the development and to comply with the following Development Plan policies for Merton: policy 7.6 of the London Plan 2011, policy CS.14 of Merton's Core Planning Strategy 2011 and policies DM D2 and D3 of Merton's Sites and Policies Plan 2014.

22. The detailed scheme for the provision of surface water drainage approved under LBM Ref: 16/P3793 dated 9th February 2017 must be implemented in accordance with the approved details.

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

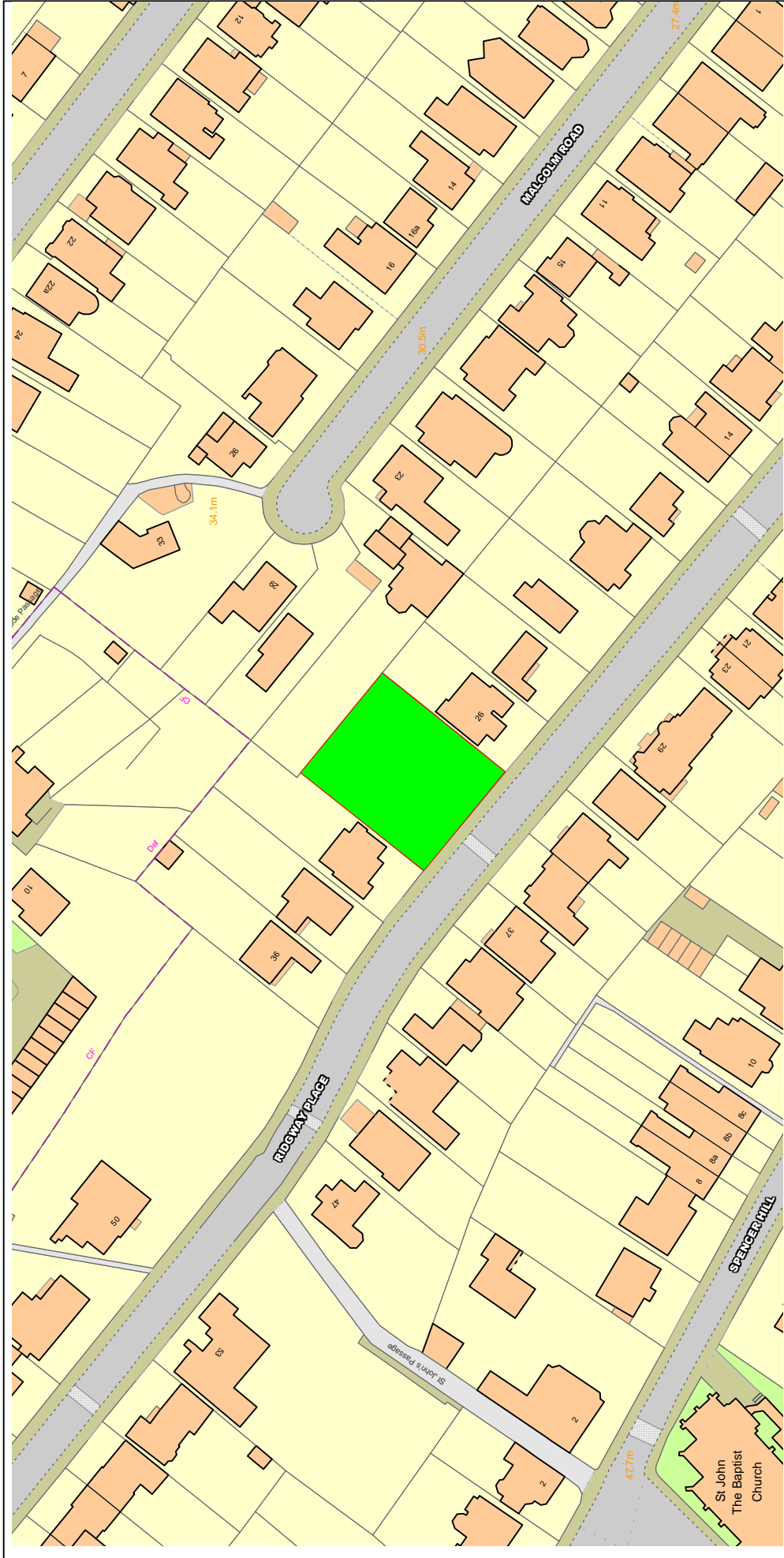
23. The detailed method statement approved under LBM Ref: 16/P3793 dated 9th February 2017 must be implemented in accordance with the approved details.

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

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

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NORTHGATE SE GIS Print Template



Text Details **28-30 Ridgway Place**

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**PLANNING APPLICATIONS COMMITTEE
26 APRIL 2018**

APPLICATION NO. DATE VALID

18/P0761

06/02/2018

Address/Site 62A and B Ridgway Place, Wimbledon SW19 4SW

Ward **Hillside**

Proposal: Conversion of ground and lower ground level flats into a single dwelling with the erection of extensions to the rear and (west) side elevation.

Drawing Nos 17461_PP_10D, 11E, 12D, 13D, 14D, 15E, 16D, 17D, 18D, 21C and Design and Access Statement and Trees and Construction BS5873 Tree Survey Assessment.

Contact Officer: Richard Allen (8545 3621)

RECOMMENDATION

GRANT Planning Permission subject to conditions

CHECKLIST INFORMATION

- Heads of agreement: No
- Is a screening opinion required: No
- Is an Environmental impact statement required: No
- Has an Environmental Impact Assessment been submitted: No
- Press notice- Yes
- Site notice-Yes
- Design Review Panel consulted-No
- Number neighbours consulted – 9
- External consultants: None
- Density: n/a
- Number of jobs created: n/a
- Archaeology Priority Zone: No

1. **INTRODUCTION**

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

2. **SITE AND SURROUNDINGS**

- 2.1 The application site comprises a four storey detached dwelling house situated on the north east side of Ridgway Place. The application property is one of a group of locally listed houses dating from the 1860's that were designed as a unified group. The property is currently occupied as four flats with each flat occupying a floor of the building. The application site is within the Merton (Wimbledon West) Conservation Area.

3. **CURRENT PROPOSAL**

- 3.1 The current proposal involves the conversion of the ground and lower ground level flats into a single dwelling with the erection of side and rear extensions. The existing front door would provide access to the new dwelling and the retained flats.
- 3.2 The proposed rear extension would be constructed at lower ground level and would be 3 metres in length and 9 metres in width. The extension would be 2.5 in height and would have a flat roof which would form a terrace. External stairs would provide access to the rear garden. A 1.8 metres high privacy screen would be installed adjacent to the boundary with 64 Ridgway Place.
- 3.3 The proposed side extension would be constructed at lower ground and first floor levels on the west elevation of the dwelling house. The extension would be 11.4 metres in length and 2 metres in width. The side extension would have an eaves height of 4.5 and a mono-pitched roof with an overall height of 6.2 metres. The side extension would be set back from the front elevation of the building by 300mm.
- 3.4 Internally, at lower ground floor level three bedrooms, two bathrooms and utility room would be provided. A small rear terrace would be formed at lower ground floor level with external stairs providing access to garden level. At ground floor level the split level unit would be accessed via the existing front door with a new lobby being formed to provide access to both the new unit and the retained flats at first and second floor levels. The ground floor accommodation would consist of a large open plan living/kitchen/dining room with a cloakroom. A pair of patio doors would provide access to the rear terrace formed above the proposed lower ground floor level rear extension.
- 3.5 The proposed extension would be constructed in facing materials to match the existing elevations of the building including facing brickwork, timber windows, and slate roofs. The features and mouldings on the existing south elevation are to be restored to the original state (as has been done at numbers 68/64 Ridgway Place). The non-original window on the north elevation is to be removed. The side extension has been set back from the front elevation so that the original building remains clearly defined. The rear extension to lower ground floor level would incorporate a small paved area and planters would terrace up to the existing garden level.

4. **PLANNING HISTORY**

- 4.1 In August 1982 retrospective planning permission was granted for the use of the basement and ground floor as two self-contained flats (Ref.MER461/82).
- 4.2 In February 2017 planning permission was granted for the conversion of the existing four flats into a single family dwelling house (LBM Ref.4869).
- 4.3 In June 2017 a planning application was submitted for the conversion of ground and lower ground floor flats into one split level flat including two storey side extensions and single storey rear extension with rear terrace, French doors and steps down to the garden (LBM Ref.17/P2339). However, the application was withdrawn on 04/09/2017.
- 4.4 In October 2017 a planning application was submitted for the conversion of ground and lower ground floor flats into one split level flat including two storey side extensions and single storey rear extension with rear terrace, French doors and steps down to the garden (LBM Ref.17/P3733). However, the application was withdrawn by the applicant on 02/02/2018.

5. **CONSULTATION**

- 5.1 The application has been advertised by site notice procedure and letters of notification to occupiers of neighbouring properties. In response 7 letters of objection have been received. The objections are set out below:-

-Whilst the restoration of missing features is supported the rearrangement of the property into flats would result in more residents and no extra space provided for parking.

-The plans involve demolition of part of the side of the existing house adjacent to number 64 Ridgway Place and construct a side extension. The extension would be 1 metre away from number 64. As the houses are no parallel would the 1 metre gap be the minimum? Access to the sides of properties is required for maintenance.

-The side extension will reduce the gap between properties and views of trees would be lost.

-Neighbours previously supported the proposal to convert the property back into a single dwelling house. Flats will result in more parking.

-It would be more appropriate for the property to revert to a single dwelling house.

-It would be wrong to make irrevocable changes to the property. The building is antique and part of the beautiful historic road scape which should be preserved in character for future generations.

5.2 The Wimbledon Society

The current application is for a building that is locally listed and is in a row of elegant three storey Victorian houses in the West Wimbledon Conservation Area. The colour of the brick used for number 62 is noticeably more red than the yellow of its neighbours. The restoration of the missing mouldings and the proposed removal of the incongruous window are both welcome in this

application. However, the intention to demolish the side wall on the two lower floors, so as to extend sideways, results in the loss of the basic character of the two internal rooms. This also results in a perceived discontinuity of the chimney breasts which disappear at ground level and then reappear on upper floors. In keeping with the character of the property as a Heritage asset, it would be more seemly to keep the chimney breasts and the basic room shapes. The proposed side extension, apart from narrowing the gap between number 62 and 64 is being brought forward to be in line with the plane of the main wall. Setting it back would express the corner more appropriately thus keeping its character and would not affect the basic gable form of the rear elevation. The application should be revised to address these issues.

5.3 Tree Officer

The Council's tree officer has no objections to the proposed development subject to tree protection and landscaping conditions being imposed on any grant of planning permission.

6. **POLICY CONTEXT**

6.1 Adopted Merton Core Strategy (July 2011)

CS8 (Housing Choice), CS9 (Housing Provision), CS14 (Design) and CS20 (Parking Servicing and Delivery).

6.2 Sites and Policies Plan (July 2014)

DM H2 (Housing Mix), DM O2 (Nature Conservation, Trees, Hedges and Landscape Features), DM D1 (Urban Design and the Public Realm), DM D2 (Design Considerations in all Developments), DM D3 (Alterations and Extensions to Existing Buildings) and DM D4 (Managing Heritage Assets).

6.3 The London Plan (March 2015) as Amended by the Mayor of London's Housing Standards, Minor Alterations to the London Plan (March and 2016 and Housing SPG (March 2016)

3.3 (Increasing London's Housing Supply), 3.8 (Housing Choice), 5.3 (Sustainable Design and Construction), 7.4 (Local Character) and 7.6 (Architecture).

7. **PLANNING CONSIDERATIONS**

7.1 The main planning considerations concern the principle of development, the standard of residential accommodation, design/conservation and neighbour amenity issues together with tree and parking issues.

7.2 Principle of Development

Planning permission 16/P4869 approved the conversion of the existing four flats into a single family dwelling house. However, this permission has not been implemented albeit that the loss of residential units was considered to be acceptable in this instance. The current application seeks to amalgamate the lower ground floor and first floor flats into a single split level unit and retain two self-contained units at first and second floor levels. In policy terms the proposal is considered to be acceptable given that planning permission has

previously be granted for the conversion of the existing four flats into a single family dwelling house. No objection is therefore raised against policy CS9.

7.3 Standard of Residential Accommodation

The existing basement flat has a floor area of 50.18m² which is below the 61m² minimum requirement of the London Plan and the one bedroom ground floor flat has a floor area of only 47.47m². The proposed three bedroom maisonette would have a floor area of 146m² which exceeds the minimum requirements of the London Plan. The proposal is therefore acceptable in terms of policies CS8 and DM H2.

7.4 Design/Conservation Issues

The proposed side extension has been designed to be subordinate to the character and appearance of the original dwelling house and incorporates an eaves detail to match the Italianate style of the original building. The side extension is also similar to other side extensions constructed elsewhere in Ridgway Place. The proposed rear extension would be at lower ground floor level and would align with the existing extension at number 64 Ridgway Place. The proposal would also involve the reinstatement of original features including decorative mouldings to the front elevation of the house. The proposed side extension would further maintain the 1.0 metre gap between the boundary and would thereby avoid any 'terracing' effect in the streetscene. The proposal would therefore preserve and enhance the character and appearance of the Merton (Wimbledon West) Conservation Area and is acceptable in terms of policies DM D2 and DM D4.

7.5 Neighbour Amenity Issues

The proposed rear extension at lower ground and ground floor level is the same depth as the extension to number 64 Ridgway Place and would not therefore result in any loss of daylight or sunlight. The proposed two storey extension to the west elevation is subordinate to the original building and a 1 metre gap would be maintained between properties. No windows are proposed in the side elevation of the extension. The proposal is therefore considered to be acceptable in terms of policy DM D2.

7.6 Trees

There are no arboricultural objections to the proposed development. However there are mature trees within the adjacent gardens and the root systems of the trees would extend into the garden of the application site. Therefore a tree protection condition would be appropriate to ensure the protection of the trees during construction works. A landscaping condition would also be appropriate to enhance the setting of the building and the wider conservation area in accordance with policy DM O2. The Council's Tree and Landscaping officer has commented on the application and assessed the applicants Arboricultural Assessment and raised no objections subject to conditions.

7.7 Parking

The existing off-street parking space would be retained for the proposed split level dwelling. The proposal would result in a building going from 4 flats to 3

flats thereby reducing parking pressures. The proposal is therefore acceptable in terms of policy CS20.

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

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

9. **CONCLUSION**

9.1 The proposed conversion of the lower ground and ground floor flats into a split level dwelling and the erection of side and rear extensions is considered to be acceptable in design terms and the proposal would not affect neighbour amenity. The proposal would also preserve the character and appearance of the Merton (Wimbledon West) Conservation Area. Accordingly it is recommended that planning permission be granted.

RECOMMENDATION

GRANT PLANNING PERMISSION

Subject to the following conditions:-

1. A.1 (Commencement of Development)
2. A.7 (Approved Drawings)
3. B.1 (Approval of Facing Materials)
4. D.11 (Hours of Construction)
5. The details and measures for the protection of the existing trees as specified in the approved document 'Trees and Construction BS5837 Tree Survey Assessment' reference `17201/A1' dated 'June 2017' shall be fully complied with. The methods for the protection of the existing trees shall fully accord with all of the measures specified in the report. The details and measures as approved shall be retained and maintained until the completion of site works.

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

6. F8 (Site Supervision (Trees))

7. No development shall take place until 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, quantities and location of the proposed new trees 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 for condition : To enhance the setting of the building and the character and appearance of the Merton (Wimbledon West) Conservation Area in accordance with the following Development Plan policies for Merton: policy 7.21 of the London Plan 2015, policy CS13 of Merton's Core Planning Strategy 2011 and policies DM D2 and 02 of Merton's Sites and Policies Plan (2014).

8. The obscured glazed privacy screen to the rear raised terrace as shown on approved drawing number 17461_PP_16D shall be implemented before the development is first occupied and retained permanently thereafter.

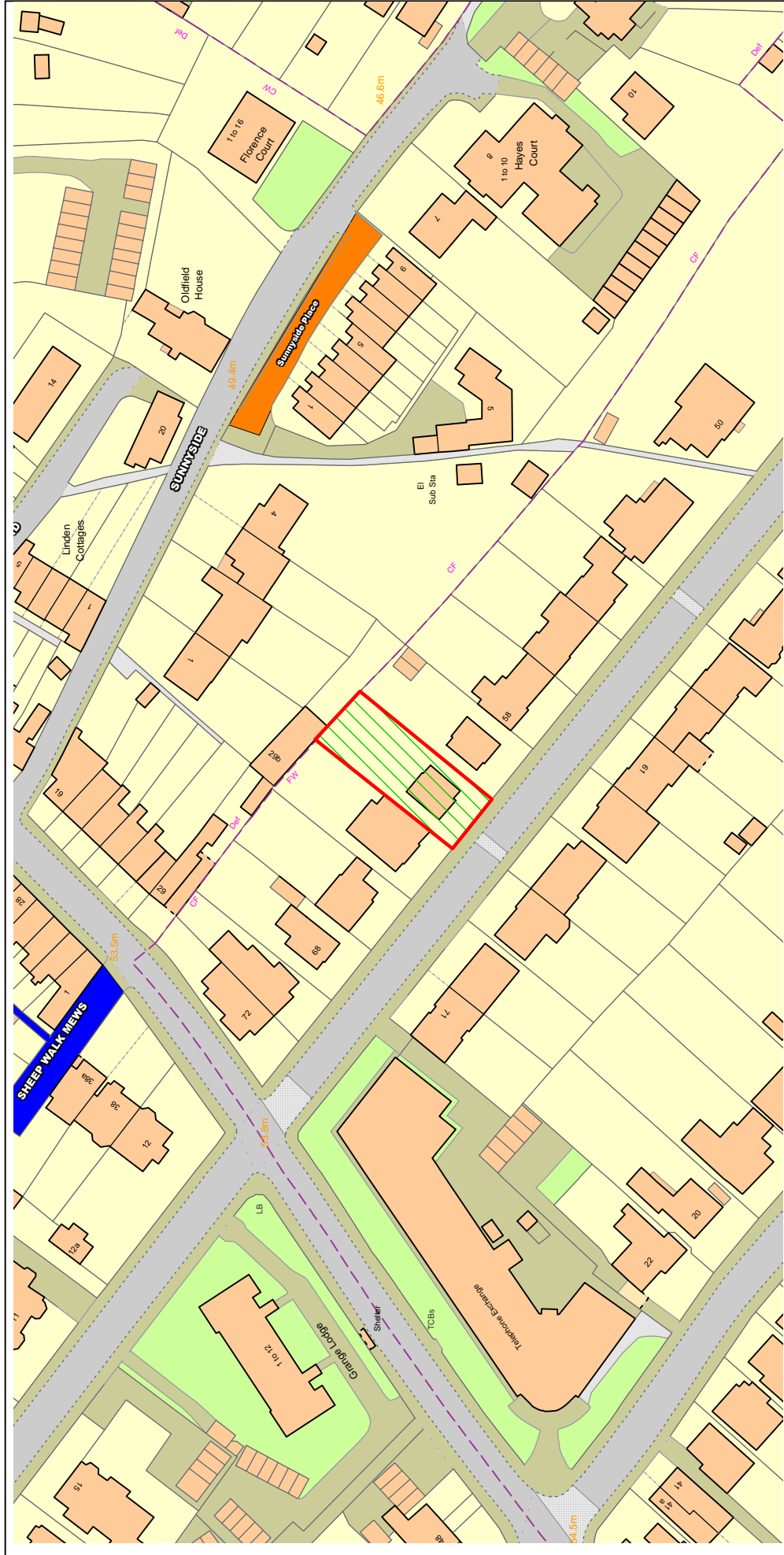
Reason for condition: To safeguard the privacy and amenities of the occupiers of the adjacent property and to comply with policy DM D2 of Merton's Sites and Policies Plan (2014).

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

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Text Details **62a & b Ridgway Place**

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PLANNING APPLICATIONS COMMITTEE 26 April 2018

<u>APPLICATION NO.</u>	<u>DATE VALID</u>
18/P0304	19/01/2018
Address/Site	Grant Court, 18 Spencer Hill, Wimbledon, SW19 4NY
Ward	Hillside
Proposal:	Erection of additional storey to existing residential block, creating 2 x 1 bed flats within the new roofspace.
Drawing Nos	215-01, 215-05 Rev A, 215-10 Rev A, 215-11 Rev A, 215-12 Rev B, 215-13 Rev A, 215_MATERIALS and 215-14.
Contact Officer:	Tim Lipscomb (0208 545 3496)

RECOMMENDATION

Grant Permission subject to conditions.

CHECKLIST INFORMATION

- Heads of Agreement: Yes – permit free parking
- 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: 10
- External consultations: No
- Controlled Parking Zone: W1

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, flat roofed block of flats to the northern side of Spencer Hill. The building is currently occupied by six separate flats.
- 2.2 The surrounding area is made up of a variety of building types, generally two to three storeys in height, with a number of traditional pitched roof buildings and other more contemporary designs. The street is generally characterised by large detached buildings in generous plots, a number of which are sub-divided.
- 2.3 There is an undercroft to provide vehicular access to the rear of the site where there is a car park with six parking spaces.
- 2.4 The site is set on a slope which slopes up from southeast to northwest.
- 2.5 There is a soft landscaped area to the frontage of the site and also to the immediate rear of the building.
- 2.6 The rear part of the site is enclosed by close board fencing with trees to the side boundaries (within adjoining properties).
- 2.7 The site is within the Wimbledon West Conservation Area, Sub-Area 20 (Spencer Hill). The Conservation Area Character Assessment describes the street as follows:

“Like the adjoining streets, Spencer Hill is lined on both sides by attractive domestic property of varying architectural and historic interest. They are not quite as distinguished as those further north, none of them being statutorily listed and only seven of the 31 properties within the Conservation Area being locally listed.”

- 2.8 No.18 (the application site), is described as follows:

“An anonymous looking three storey block of six flats built in 1973 in red brick with white window panels, the rear of which is largely devoted to car parking. The Vic Soc described its predecessor as a cousin to No. 14, and stated: Planning permission should never have been given (as it was on 1 February 1973) for the “redevelopment” of an early Victorian house of this quality.”

- 2.9 The site is subject to the following planning constraints:
 - West Wimbledon Conservation Area
 - CPZ: W1
 - PTAL 6a (very good)

3.0 CURRENT PROPOSAL

- 3.1 The proposal is for the erection of one additional floor of accommodation in the form of a mansard roof extension, to provide two additional flats.
- 3.2 The proposed mansard would increase the height of the building from 8.9m to 11.8m (measured from the lowest adjoining ground level on the southeast elevation). The scheme also proposes the raising of the existing parapet wall to the perimeter of the building from 9.0m to 9.7m. The mansard would have a roof pitch of 74 degrees.
- 3.3 There would be dormer windows to the front, rear and sides of the proposed mansard roof.
- 3.4 Construction materials would be a slate roof covering and zinc window surrounds.
- 3.5 The scheme would involve replacing the existing windows to the flatted block with timber sash windows of a more traditional style with transoms and mullions. In addition, alterations are proposed to the front elevation to remove the existing weatherboarding and replace it with render.
- 3.6 No private external amenity space is proposed but the flats would have access to the existing rear amenity space (a total of 100sqm).
- 3.7 The layout plan also shows some additional planting to the rear and front of the site.
- 3.8 No off-street car parking is proposed.
- 3.9 No cycle parking is proposed.
- 3.10 The accommodation would be as follows:

Unit	Type	GIA
Flat 1	1b/2p	50sqm
Flat 2	1b/1p	40sqm

- 3.11 The application has been amended to ensure that the size of the dormer windows is consistent between elevation drawings and floor plans.

4. PLANNING HISTORY

- 4.1 None, other than tree works applications at 18 & 20 Spencer Hill.

5. CONSULTATION

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

- Visually out of keeping and unbalancing
- Higher than neighbouring buildings and other buildings in the street.
- The increase in height would disturb the stepped nature of buildings along the street.
- Setting of a precedent.
- Overlooking to the rear.
- The general character of the area is one of single occupancy houses as opposed to 8 unit flat blocks.
- Proposal is merely to generate profit.
- Loss of light to neighbouring properties.
- Oppressive impact to neighbouring gardens.
- Adverse impact on neighbours trees due to loss of light.
- Plans do not show extension at neighbouring house and is therefore misleading.
- Lack of space in the road needed to carry out construction.
- Nos.16a and 20 are shown higher than it exists on site.
- Improvements to the exterior of the building do not justify the proposal.
- No additional car parking.
- No additional amenity space.
- Increased fire risk.
- The size and position of dormers does not match between drawings.
- One of the flats has a study and is described in one drawing as a 2 bed flat.
- Noise disturbance to flats currently on the top floor.

5.2 Wimbledon Society Planning and Environment Committee:

- The resulting structure would be higher than neighbouring properties on either side.
- The inadequate drawings show the 10 dormer windows as identical, but are shown with different widths on the plans.
- The mansard is not properly set back and should be recessed by at least 1m from the main elevations.
- No outdoor provision is made for the occupants of the small, new flats.
- The application fails to comply with Policy DM D3 and would have an adverse impact on the Conservation Area.

5.3 Merton Conservation Officer:

Overall this scheme represents a marginal enhancement of the existing building but there is some reservation over the increase in height.

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 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 Extensions and alterations to existing buildings
- 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 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 impact on the character and appearance of the Conservation Area, 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.

7.3 Provision of housing

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 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 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 two additional units and improvement works to the existing building must be weighed against the planning merits of the proposal.
- 7.3.5 The site currently accommodates a residential density of 97 dwellings per hectare, the resultant scheme would have density of 129 dwellings per hectare.
- 7.3.6 The London Plan provides a density matrix to act as a guide indicating suitable levels of density depending on the characteristics of the area.
- 7.3.7 The site has a high PTAL within a suburban setting wherein the London Plan provides an indication of suitable density levels. In this type of location a range of 70-130 dwellings per hectare is indicated to be acceptable. The proposed development would fall within this indicative density range.
- 7.3.8 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.
- 7.4 Impact on the character and appearance of the Conservation 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 Conservation Area Character Assessment states out that the existing building does not contribute positively towards the character of the Conservation Area
- 7.4.4 The site stands on a sloped part of the street where buildings heights gradually rise with the ground levels.
- 7.4.5 The existing building stands lower than the neighbouring buildings. The proposal would result in the building standing higher than both neighbouring properties (the resultant building would stand 1-1.5m higher than the neighbouring buildings). Due to the slope along the road, buildings generally follow the land levels with increasing height (relative to one another). Whilst the building would stand higher than the neighbours, it is not considered to adversely affect the pattern and rhythm of the streetscene, as the general increasing height of buildings along the street would not be substantially increased.
- 7.4.6 The existing building is of a fairly utilitarian form with no particular architectural merit. The proposed addition of the mansard roof is considered to enhance the appearance of the existing building.
- 7.4.7 The existing windows to the front and rear elevations, which are characteristic of 1960s residential estate development, would be replaced with timber sash windows and the weatherboarding with render and this is considered to improve the appearance of the building also.
- 7.4.8 The proposal is considered to complement the character and appearance of the streetscene and would enhance the character and appearance of the Conservation Area and would comply with Policies DM D2, DM D3 and DM D4 in terms of visual amenity.

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.

7.5.2 However, the development itself would not necessitate the need to remove any trees on site.

7.5.3 The proposal is considered to be acceptable in terms of the impact on trees.

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	Type	GIA	Minimum London plan GIA requirement
Flat 1	1b/2p	50sqm	50sqm
Flat 2	1b/1p	40sqm	39sqm

7.6.4 All the units proposed would meet the minimum space standards in terms of overall GIA and the use of communal external amenity space would meet the requirements of the London Plan also.

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 The proposal would involve raising the overall height of the building and also raising the existing parapet wall to the perimeter of the building. Currently the existing building stands at a lower height than both neighbouring properties. The main outlook from neighbouring properties is to the front and rear elevations and not the side facing elevations. Whilst the additional height would have some minor impact on daylight and sunlight it is considered that the impact to neighbouring amenity would not be materially harmful.

7.7.3 In addition, the applicant has submitted a Daylight and Sunlight Study which indicates that the impact on neighbouring amenity would be acceptable.

7.7.4 In terms of overlooking, the scheme proposes a number of side facing windows which would result in material overlooking to neighbouring properties. However, these windows serve bathrooms, a study and secondary windows to habitable rooms. Therefore, these windows could all be obscurely glazed to avoid overlooking, controlled via planning condition. The new front and rear windows would offer views to neighbouring properties opposite and to the rear of the site. However, owing to the separation distance, these future relationships would be acceptable.

7.7.5 Subject to conditions the impact on residential amenity is considered to be acceptable.

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 six car parking spaces on site. No parking spaces are proposed for the two proposed flats.

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 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 accommodated in the proposed bin store to the side of the access way.

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 to restrict hours of construction 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.
- In terms of setting a precedent, the principle of development is acceptable and each site and proposal is dealt with on its individual merits. Therefore, the approving of the application would not set a precedent in planning terms.
- The separation distance to properties to the rear is substantial and the relationship would not result in a material loss of privacy.
- The motive of the applicant is not a material planning consideration.
- There is no indication that Nos.16a and 20 are shown incorrectly on the submitted plans but the application is assessed on the basis of the plans of the proposed development (the representations of neighbouring properties are generally illustrative only as access cannot be ensured for detailed measurements), informed by a site visit.
- The plans have been amended to show consistent window sizes and are no longer incorrect.
- Fire risk matters would be addressed at the Building regulations stage as opposed to through the planning assessment.

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 and appearance of the Conservation Area and neighbouring amenity is considered to be acceptable.

10. RECOMMENDATION

- 10.1 Grant permission subject to s.106 agreement and conditions.

Conditions

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

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

- 2. The development hereby permitted shall be carried out in accordance with the following approved plans: 215-01, 215-05 Rev A, 215-10 Rev A, 215-11 Rev A, 215-12 Rev B, 215-13 Rev A, 215_MATERIALS and 215-14.

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

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

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

- 4. Prior to the first occupation of the development hereby approved, the external alterations shown on drawing number 215-13 Rev A (replacement of front and rear facing windows and provision of render to front and rear elevations in place of weatherboarding) shall be carried out and retained as such thereafter.

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

5. Before the development hereby permitted is first occupied, the dormer windows in the side facing elevations shall be glazed with obscured glass and shall be maintained as such thereafter.

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

6. The development hereby approved shall not be occupied until the refuse and recycling storage facilities shown on the approved plans have been fully implemented and made available for use. These facilities shall thereafter be retained for use at all times.

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

7. Access to the flat roof of the development hereby permitted shall be for maintenance or emergency purposes only, and the flat roof shall not be used as a roof garden, terrace, patio or similar amenity area.

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.

8. 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.

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

use at all times.

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

10. The development shall not commence until details of the provision to accommodate all site workers', visitors' and construction vehicles and loading /unloading arrangements during the construction process have been submitted to and approved in writing by the Local Planning Authority. The approved details must be implemented and complied with for the duration of the construction process.

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

11. 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 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 ensure satisfactory means of surface water drainage, to reduce the risk of flooding and to comply with the following Development Plan policies for Merton: policy 5.13 of the London Plan 2015, policy CS16 of Merton's Core Planning Strategy 2011 and policy DM F2 of Merton's Sites and Policies Plan 2014.

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

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

INFORMATIVES:

1. This planning permission contains certain conditions precedent that state 'before development commences' or 'prior to commencement of any development' (or similar). As a result these must be discharged prior to ANY development activity taking place on site. Commencement of development without having complied with these conditions will make any development unauthorised and possibly subject to enforcement action such as a Stop Notice.
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. **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.

4. INFORMATIVE

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;

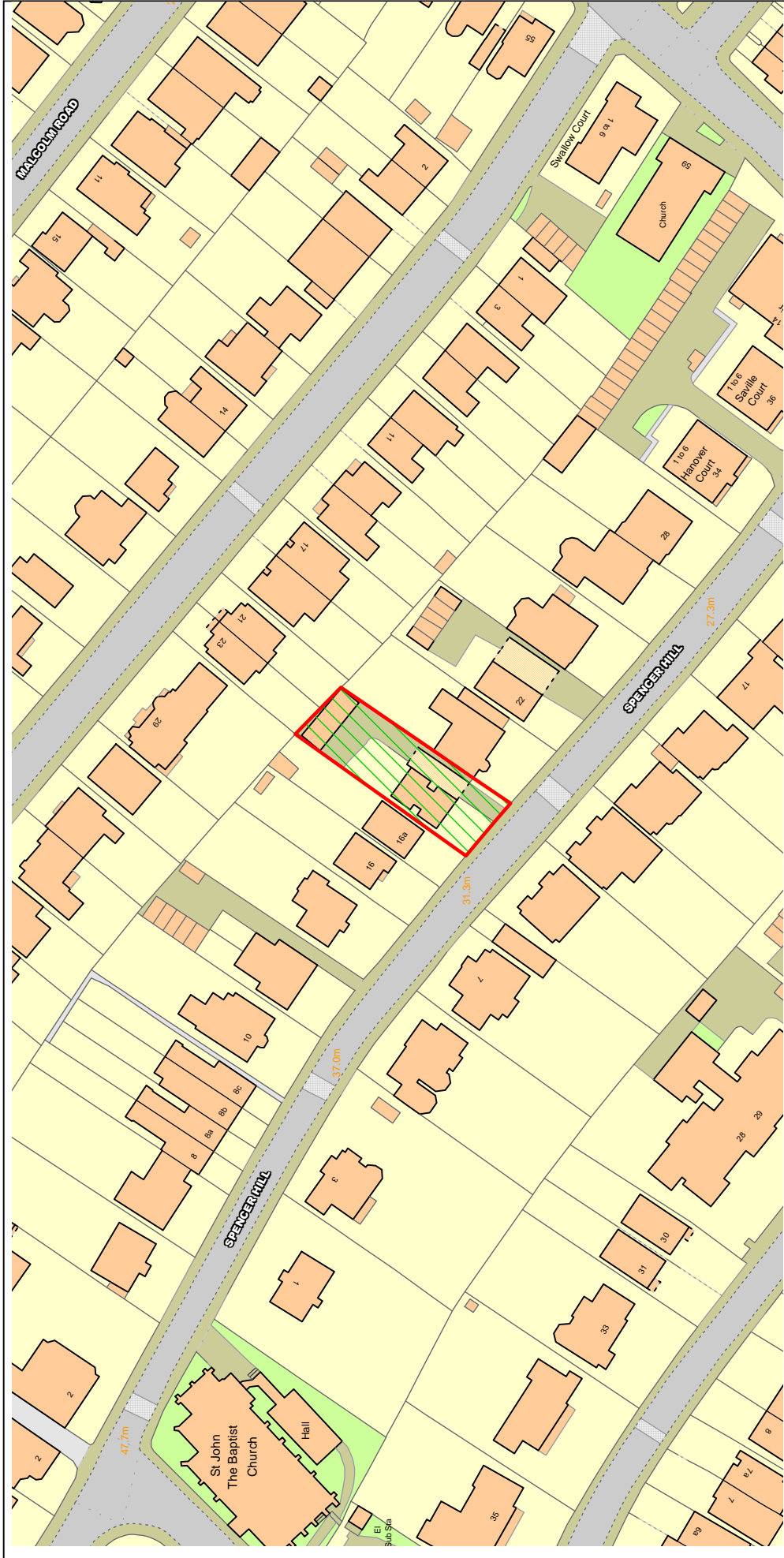
AND:

- 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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PLANNING APPLICATIONS COMMITTEE 26 APRIL 2018

<u>APPLICATION NO.</u>	<u>DATE VALID</u>
18/P0519	16/01/2018
Address/Site	Flat 4, 74 Woodside, Wimbledon SW19 7QL
Ward	Hillside
Proposal:	Erection of single storey rear extension
Drawing Nos	17027100, 115 and 116
Contact Officer:	Richard Allen (8545 3621)

RECOMMENDATION

GRANT Planning Permission subject to conditions

CHECKLIST INFORMATION

- Heads of agreement: No
- Is a screening opinion required: No
- Is an Environmental impact statement required: No
- Has an Environmental Impact Assessment been submitted: No
- Press notice- Yes
- Site notice-Yes
- Design Review Panel consulted-No
- Number neighbours consulted – 42
- External consultants: None
- Density: n/a
- Number of jobs created: n/a
- Archaeology Priority Zone: No

1. INTRODUCTION

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

2. SITE AND SURROUNDINGS

- 2.1 The application site comprises a ground floor flat within a three storey detached building comprising 11 flats situated on the north side of Woodside. Flat 4 is located at the rear of the building and has access to its own private courtyard, which overlooks the rear communal garden. There is vehicular

access to 7 garages at the rear and off-street parking within the front curtilage. The application site is within the Merton (Wimbledon Hill Road) Conservation area. Trees at the front and rear of the site are protected by TPO's. The application property is not a listed or locally listed building.

3. **CURRENT PROPOSAL**

- 3.1 The current proposal involves the erection of a single storey rear extension on the existing private courtyard. The extension would be 4.1 metres in length, 5.2 metres in width and would have an eaves height of 2.2 metres and a part sloping/part flat roof with an eaves height of 3 metres. A flat roof light would provide light to the new living space. The extension has been set back from the existing window in the neighbouring flat with a light well provided to maintain light and ventilation to the bathroom window of the adjacent flat.
- 3.2 Internally, the extension would provide an enlarged living space for the existing studio flat, with the existing area used as a separate bedroom with wc and separate shower room and kitchen area. A new internal light well would provide access to an existing manhole and provide light and ventilation to the bathroom window of the adjacent flat.

4. **PLANNING HISTORY**

- 4.1 In February 1968 planning permission was granted for the conversion of the property into 11 flats and erection of 7 garages and 4 parking spaces (Ref.MER 68/68).

5. **CONSULTATION**

- 5.1 The application has been advertised by Conservation Area site and press notice procedure. In response 6 objections have been received from neighbours and the Wimbledon East Hillside Residents' Association. The grounds of objection are set out below:-

- The proposal extension would result in loss of garden and outlook.
- Neighbouring buildings are listed and the setting should be taken into account when determining the application.
- The proposal would alter the character of the building.
- The extension would reduce the space in the rear garden and amenity value of the communal space.
- The proposal would involve the removal of hedging.
- The roof of the extension would be out of alignment with that of the existing ground floor flat.
- Flat 5 has a window overlooking the patio area.
- the extension would affect the view from flat 9.
- Incremental extensions would have a collectively detrimental effect upon the character and appearance of the conservation area.

- 5.2 The Wimbledon East Hillside Residents' Association

The WEHRA object to the proposal on the grounds of loss of habitat and outlook, and unwarranted overdevelopment. Gardens should be protected and enhanced and not built over.

6. **POLICY CONTEXT**

6.1 Adopted Merton Core Strategy (July 2011)
CS14 (Design).

6.2 Sites and Policies Plan (July 2014)
D2 (Design Considerations in all Developments), DM 3 (Alterations and Extensions to existing Buildings) and DM D4 (Managing Heritage Assets).

6.3 The London Plan (March 2015)
7.4 (Local Character).

7. **PLANNING CONSIDERATIONS**

7.1 The main planning considerations are design and neighbour amenity issues.

7.2 Design/Conservation Issues

The proposal involves the erection of a small single storey rear extension to a ground floor studio flat. The extension would be constructed on the existing patio area of flat 4 and would not encroach on the communal garden at the rear of the flats. The proposed extension would not affect the character or appearance of the Merton (Wimbledon Hill Road) Conservation Area. The design would take the form of a flat roof with glazed ground floor doors. The extension would be set back from the existing lean to extension and contrast with this and the remaining building and would not cause visual harm. The design of the proposed extension is considered to be acceptable and the proposal complies with policies CS14, DM D2, DM D3 and DM D4.

7.3 Neighbour Amenity

The concerns of the neighbours are noted. However, the proposal is for a modest extension to a ground floor flat. A light well would be provided to maintain light and ventilation to the existing bathroom window to flat 4. The size and siting of the proposed rear extension would not result in any loss of light and /or visual intrusion to occupiers of neighbouring properties and the proposal is acceptable in terms of policy DM D2.

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

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

9. **CONCLUSION**

9.1 The proposed extension is considered to be acceptable in design terms and the proposal would not affect neighbour amenity. The proposal would also

preserve the character and appearance of the Merton (Wimbledon Hill Road) Conservation Area. Accordingly it is recommended that planning permission be granted.

RECOMMENDATION

GRANT PLANNING PERMISSION

Subject to the following conditions:-

1. A.1 (Commencement of Development)
 2. A.7 (Approved Drawings)
 3. B.3 (Facing Materials)
 4. INF1 (Party Wall Act)
-

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Committee: Planning Applications Committee

Date: 26 APRIL 2018

Wards: Village

Subject: Tree Preservation Order (No.718) at 13 Chester Road,
Wimbledon, SW19 4TS

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.718) Tree Preservation Order 2017 be confirmed, without modification.

1. Purpose of report and executive summary

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

2. Application Details

- 2.1 On the 15 November 2017, the council received a s.211 notification proposing the removal of a Silver Birch tree from the front garden of the property. This submission was later confirmed to relate to a mature Purple Beech tree. The reason for the work is stated as: 'fell because of hazard posed to humans by excessive birds droppings, including pigeons. The tree has no amenity value whatsoever.'
- 2.2 The tree was assessed by the tree officer and was found to be a mature Purple Beech tree which is a mature and sizeable tree. There is a mature Beech tree located in the footway nearby, and both trees are a significant visual feature in the local area. The matter of bird droppings was not considered to be a sufficient justification to remove this tree.
- 2.3 In line with the regulations, a tree preservation order was made and is known as the Merton (No.718) Tree Preservation Order 2017 and this took effect on the 6 November 2017. A copy of the tree preservation order plan is appended to this report.

3. Background

- 3.1 09/T0131 – Planning consent granted for the Purple Beech tree to be pruned and crown reduced.
- 3.2 15/P0870 – Recommended a grant of planning consent (with conditions) for the erection of a part single, two storey rear extension and new front porch. Due to the number of objections received to this application, this case was due to be referred to the Planning Applications Committee.
- 3.3 15/T3283 – Planning consent granted for the Purple Beech tree to be crown reduced and crown thinned.
- 3.4 15/P3112 – Planning consent (with conditions) granted for the erection of a part single, part two storey rear extension and single storey front porch.
- 3.5 17/T1070 – Planning consent granted for the Purple Beech tree to be reduced back to the previous pruning points.
- 3.6 17/T3849 – Planning consent refused for the removal of the Purple Beech tree.

4. Legislative Background

- 4.1 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.
- 4.2 When issuing a tree preservation order, the Local Planning Authority must provide reasons why the tree has been protected by a tree preservation order. In this particular case 10 reasons were given that include references to the visual amenity value of the tree in the area; that the tree has an intrinsic beauty; that the tree is visible to the public view; that the tree makes a significant contribution to the local landscape; that the tree forms part of our collective heritage for present and future generations; that the tree is an integral part of the urban forest; that the tree contributes to the local bio-diversity; and that the tree protects against climate change.
- 4.3 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.

5. Objections & representation to the Order

- 5.1 On 19 November 2017, the Council received one email from a local resident in support of the preservation of the Purple Beech tree. On the 4 & 7 December 2017, the Council two objections to the tree preservation order.
- 5.2 The neighbour at 15 Chester Road objects to the Order on the grounds of:
 - The tree causes an on-going nuisance by bird droppings and risk to the health of property owners young children;

- The tree is large and over-bearing and reduces light to the property;
- The trees roots may present a risk to the property;

5.3 The owner of the tree objects to the Order on the grounds of:

- Disagrees with the Council's claim that the tree has an intrinsic beauty or provides visual amenity;
- Disagrees with the Council's claim that the loss of this tree would have a detrimental impact on the environment ;
- The main cause of concern relates to the number of birds, and particularly pigeons, which rest of the tree and produce a large quantity of bird droppings. The owner is mainly concerned with the health risk associated with bird droppings, particularly in relation to his two young children. The youngest is under 2 years of age and suffers from allergies and severe gastric reflux. Their specialist stated that '..it would not be unheard of that the reflux may have originated, or be made worse by contact with or ingestion of pigeon excrements.'
- That due to the nuisance caused by the bird droppings, the owner has to jet wash his driveway on a weekly basis; the roof of his car has been damaged; and he has had to buy two parking permits even though he bought the house for its off-road parking provision. The owner considers the tree is causing a costly and unnecessary financial burden.

5.2 The supporter of the tree preservation order takes the view that birds will sit in trees and this, therefore, will lead to droppings beneath a tree. If this reasoning is taken as a valid argument to justify the removal of a tree, then this could be applied to all trees. Note was made that the applicant incorrectly identified the tree as a Silver Birch tree and the application should have been dismissed on this basis alone.

6. Planning Considerations

6.1 A site meeting was held between the Tree Officer and the owner of the tree and the results of this discussion are incorporated into the response to each of the respective points as follows:

The neighbour at 15 Chester Road:

- This comment mirrors that of the tree owners and is dealt with below.
- The Purple Beech tree is a mature specimen which has since 2009 been managed in a reduced size and form. The canopy of this tree in combination with the canopy of the street tree is likely to reduce the amount of light available to the property from the early morning to approx. midday. From there on, the property receives full sunlight.
- Any risk to the property would need to be quantified by an expert. The local geology for this area identifies this as high level terraces consisting of gravels and sands. It is unlikely that this tree poses a risk to the property.

The tree owner at 13 Chester Road;

- The Purple Beech tree is a large mature specimen which can be readily observed in the front of the property.
 - This and the adjacent Beech tree located in the public footway are the only two trees of any great visual significance in this part of Chester Road. They are important feature trees in this residential area.
 - On-line research into bird droppings suggests that the most significant problem relates to feral pigeons, particularly those that have taken up residence around a vacant building. No feral pigeons, or any other birds, were observed at the time of the meeting. The objector describes a nuisance caused by 'pigeons', which could include wood pigeons and this species of bird is not the focus of the on-line research. The health expert could not conclude with any degree of certainty that the cause of the child's condition was due to bird droppings.
 - At the time of the two planning applications (15/P0870 & 15/P3112) the front garden was laid out as mainly open ground which had been partially surfaced with a loose covering of gravel and some concrete slabs. Any bird droppings that landed on the ground would have been washed away by rainfall. Both planning applications stated in the Design & Access Statement that there would be no changes to the existing landscape. When the objector purchased the property in November 2016, the entire front garden had been hard surfaced with concrete block paving (in excess of approx. 50 sq. metres). Under the BS 5837:2012 (Trees in relation to design, demolition and construction), it is recommended that new hard surfacing should not exceed 20% of any existing unsurfaced ground within the root protection area of a tree. In this regard, the amount of hard surfacing exceeds this recommended limit. Had this limit been applied, there would be more open ground beneath the tree and a proportionate reduction in the amount of bird droppings landing on the hard standing. This in turn would have reduced/removed the need for jet washing and the risk of damage to a car.
- 6.3 The objector was asked whether any deterrents had been tried. The tree officer was informed that enquiries had been made with a company about netting the whole tree or using a sonic device to repel birds. He was advised that these are temporary measures and that the birds would return to the tree. The tree officer suggested using other measures such as twirling shiny bird rods; head turning owl; flying falcon; silhouettes of a black cat; hanging CD discs and scary balloons. All of these suggestions were rejected by the objector as having a short lived usefulness. It was not apparent to the tree officer that any of these devices had actually been tried by the objector.
- 6.4 The objector informed the tree officer that should this tree preservation order be confirmed then he intends to take this matter to the High Court.

7. Officer Recommendations

- 7.1 The Merton (No.718) Tree Preservation Order 2017 should be confirmed without modification.

8. Consultation undertaken or proposed

None required for the purposes of this report

9. Timetable

N/A

10. 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. No claim for compensation can be made for loss or damage occurred before an application for consent to undertake work on a protected tree was made, and the authority's liability is limited by legislation.

11. 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.

12. Human rights, equalities and community cohesion implications

N/A

13. Crime and disorder implications

N/A

14. Risk Management and Health and Safety implications.

N/A

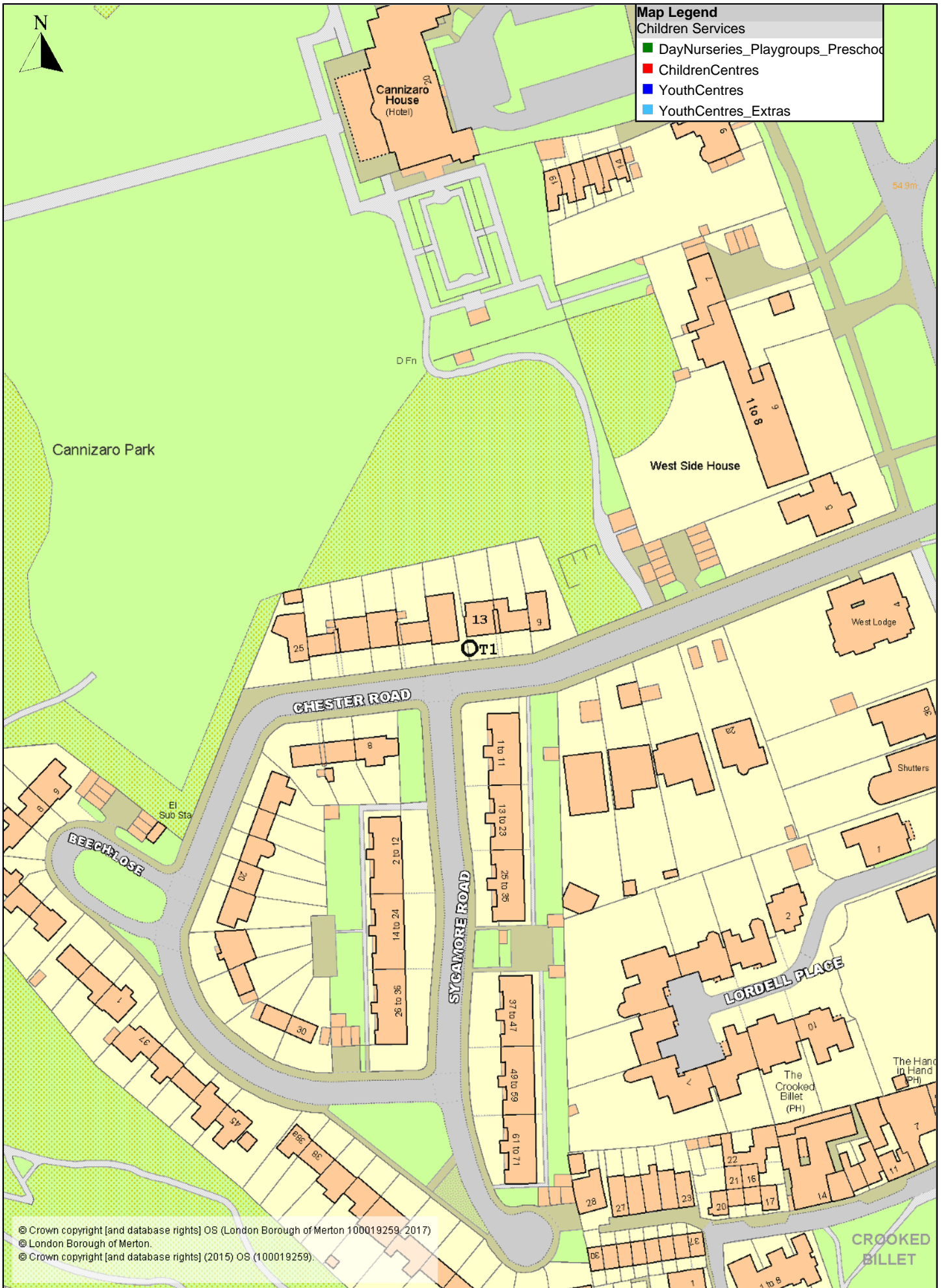
15. Appendices – the following documents are to be published with this report and form part of the report Background Papers

Tree Preservation Order plan

16. Background Papers

The file on the Merton (No.718) Tree Preservation Order 2017
Government Planning Practice Guidance on Tree Preservation Orders and trees in conservation areas.

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Merton (no. 718) Tree Preservation Order 2017 - 13 Chester Road

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Committee: Planning Applications

Date: 26 April 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:

[LINK TO COMMITTEE PAGE](#)

DETAILS

Application Numbers: **16/P3638**
Site: 271-273 The Broadway SW19 1SD
Development: Erection of 5 storey building (plus basement level) providing 14 x flats and ground floor offices & retail
Recommendation: Non-Determination
Appeal Decision: **DISMISSED**
Date of Appeal Decision: 19th March 2018

[Link to Appeal Decision Notice](#)

Application Numbers: **17/P0061**
Site: 2 Merton Hall Road, Wimbledon Chase SW19 3PP
Development: Demolition of garage and erection of a two storey end-of-terrace dwellinghouse
Recommendation: Refused (Delegated Decision)
Appeal Decision: **ALLOWED**
Costs Decision: Refused
Date of Appeal Decision: 28th March 2018

[Link to Appeal Decision Notice](#)

[Link to Costs Decision Notice](#)

Application Numbers: **17/P0293**
Site: Land adjacent to 1 Crusoe Road, Mitcham CR4 3LJ
Development: Erection of two storey dwellinghouse with vehicular crossover
Recommendation: Refused (Delegated)
Appeal Decision: **DISMISSED**
Date of Appeal Decision: 15th March 2018

[Link to Appeal Decision Notice](#)

Application Numbers: **17/P0344**
Site: 9 Albert Road, Mitcham CR4 4AL
Development: Conversion of single dwelling into 2 x self-contained flats with a single storey rear/side extension
Recommendation: Refused (Delegated)
Appeal Decision: **ALLOWED**
Date of Appeal Decision: 19th March 2018

[Link to Appeal Decision Notice](#)

Application Numbers: **17/P1139**
Site: 1A Mostyn Road, Wimbledon SW19 3LH
Development: Erection of part single, part two storey rear extension, with erection of a rear roof extension and front porch
Recommendation: Refused (Delegated)
Appeal Decision: **DISMISSED**
Date of Appeal Decision: 21st February 2018

[Link to Appeal Decision Notice](#)

Application Numbers: **17/P2447**
Site: 58 Haynt Walk, Raynes Park SW20 9NX
Development: Erection of two storey dwellinghouse
Recommendation: Refused (Delegated)
Appeal Decision: **DISMISSED**
Date of Appeal Decision: 26th March 2018

[Link to Appeal Decision Notice](#)

Application Numbers: **17/P2447**
Site: 58 Haynt Walk, Raynes Park SW20 9NX
Development: Erection of two storey dwellinghouse
Recommendation: Refused (Delegated)
Appeal Decision: **DISMISSED**
Date of Appeal Decision: 21st February 2018

[Link to Appeal Decision Notice](#)

Application Numbers: **17/P2790**
Site: 54 Bond Road, Mitcham CR4 3HE
Development: Erection of rear garage
Recommendation: Refused (Delegated)
Appeal Decision: **DISMISSED**
Date of Appeal Decision: 11th April 2018

[Link to Appeal Decision Notice](#)

Application Numbers: **17/P2821**
Site: 2a Plummer Lane, Mitcham CR4 3HR
Development: Erection of garage to rear
Recommendation: Refused (Delegated)
Appeal Decision: **DISMISSED**
Date of Appeal Decision: 11th April 2018

[Link to Appeal Decision Notice](#)

Application Numbers: **17/P2839**
Site: 31 Oakwood Road SW20 0PL
Development: Erection of single storey rear extension, erection of rear roof extension with juliette balcony and alterations to front elevation
Recommendation: Refused (Delegated)
Appeal Decision: **ALLOWED**
Date of Appeal Decision: 21st February 2018

[Link to Appeal Decision Notice](#)

Application Numbers: **17/P2951**
Site: 356 Park Gate House, West Barnes Lane, New Malden KT3 6NB
Development: Appeal against condition 4 (obscure glazing) attached to the replacement of windows
Recommendation: N/A
Appeal Decision: **ALLOWED**
Date of Appeal Decision: 19th March 2018

[Link to Appeal Decision Notice](#)

Alternative options

- 3.1 The appeal decision is final unless it is successfully challenged in the Courts. If a challenge is successful, the appeal decision will be quashed and the case returned to the Secretary of State for re-determination. It does not follow necessarily that the original appeal decision will be reversed when it is re-determined.
- 3.2 The Council may wish to consider taking legal advice before embarking on a challenge. The following applies: Under the provision of Section 288 of the

Town & Country Planning Act 1990, or Section 63 of the Planning (Listed Buildings and Conservation Areas) Act 1990, a person or an establishment who is aggrieved by a decision may seek to have it quashed by making an application to the High Court on the following grounds: -

1. That the decision is not within the powers of the Act; or
2. That any of the relevant requirements have not been complied with; (relevant requirements means any requirements of the 1990 Act or of the Tribunal's Land Enquiries Act 1992, or of any Order, Regulation or Rule made under those Acts).

1 CONSULTATION UNDERTAKEN OR PROPOSED

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

2 TIMETABLE

- 2.1. N/A

3 FINANCIAL, RESOURCE AND PROPERTY IMPLICATIONS

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

4 LEGAL AND STATUTORY IMPLICATIONS

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

5 HUMAN RIGHTS, EQUALITIES AND COMMUNITY COHESION IMPLICATIONS

- 5.1. None for the purposes of this report.

6 CRIME AND DISORDER IMPLICATIONS

- 6.1. None for the purposes of this report.

7 RISK MANAGEMENT AND HEALTH AND SAFETY IMPLICATIONS

- 7.1. See 6.1 above.

8 BACKGROUND PAPERS

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

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Committee: Planning Applications Committee

Date: 26th April 2018

Wards: All

Subject: PLANNING ENFORCEMENT - SUMMARY OF CURRENT CASES

Lead officer: HEAD OF SUSTAINABLE COMMUNITIES

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

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

Recommendation:

That Members note the contents of the report.

1. Purpose of report and executive summary

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

Current staffing levels in the Planning Enforcement Section.

It should be noted that this section currently comprises of:

The Deputy Planning Enforcement Manager (full time).

Two Planning Enforcement Officers (full time) Two Tree Officers (one full time one part time).

The Planning Enforcement Manager resigned in February 2017 and this position is not being filled as the team has been reduced from four to three Planning Enforcement Officers in the recent round of savings.

Current Enforcement Cases:	731	¹ (716)	New Appeals:	(0)	(0)
New Complaints	42	(41)	Instructions to Legal	0	(1)
Cases Closed	20		Existing Appeals	1	(2)
No Breach:	8		<hr/>		
Breach Ceased:	12		TREE ISSUES		
NFA ² (see below):	0		Tree Applications Received	40	(35)
Total	22	(26)	% Determined within time limits:	100%	
New Enforcement Notices Issued			High Hedges Complaint	1	(0)
Breach of Condition Notice:	0		New Tree Preservation Orders (TPO)	0	(2)
New Enforcement Notice issued	1	(1)	Tree Replacement Notice	0	
S.215: ³	0		Tree/High Hedge Appeal	0	
Others (PCN, TSN)	0	(0)			
Total	0	(0)			
Prosecutions: (instructed)	1	(1)			

Note (*figures are for the period 14th March 2018 to 17th April 2018*). The figure for current enforcement cases was taken directly from M3 crystal report.

¹ Totals in brackets are previous month's figures

² confirmed breach but not expedient to take further action.

³ S215 Notice: Land Adversely Affecting Amenity of Neighbourhood.

2.00 New Enforcement Actions

37 Montgomery Close, Mitcham, CR4 1XT. This concerns unauthorised extra single storey wooden extension with a height of approx. 2.7m a depth of 2.4m. Extending the width of the whole rear of the property. The Planning Enforcement will be issued on 16th March 2018 requiring the demolition of the single story wooden extension, with a one month compliance period.

Some Recent Enforcement Actions

- **9 Albert Road, Mitcham.** The property has been converted into 2 self-contained flats without planning permission. A Planning Enforcement Notice requiring the reversion of the property back to a single-family dwelling house was issued on 30th October 2017. The Notice came into effect on 4th December 2017 with a compliance period of 3 calendar months from 4th December 2017. No appeal was made against this Notice, however there is a current planning appeal against the refusal of planning permission for the retention of the two flats. An appeal has now been made against the refusal of planning permission.

- **117 Haydons Road South Wimbledon SW19.** The Council reserved an Enforcement Notice on 9th February 2016 against the unauthorised conversion of the former public house into eight self-contained flats. The notice came into effect on 18th March 2016 as there was no appeal prior to that date and the requirement is to cease using the building as eight self-contained flats within 6 months. Six of the flats are vacant and the owners have instructed builders to remove all kitchen units. Court action is currently on-going to re-possess the remaining two flats.

- **Burn Bullock, 315 London Road, Mitcham CR4.** A Listed Buildings Repair Notice (LBRN) was issued on 27th August 2014 to require a schedule of works to be carried out for the preservation of the Building which is listed.

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

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

A pre-app has been submitted which covered converting the upper floors to residential and proposal for new development at the rear and at the side. Proposals included improvements to the cricket pavilion. A pre-app report has been made.

At the site visit it was observed that there is a new ingress of water from the roof. This was pointed out to the owner asking for immediate action.

- **13 Fairway, Raynes Park SW20.** On 2nd December 2016, the Council issued an amenity land notice against the untidy front and rear gardens of the property to require the owner to trim, cut back and maintain the overgrown bushes, weeds and trees. The compliance period is within one month of the effective date. No action has been taken by the owner. The Next step is to either take direct action or prosecution. This case is now to proceed to prosecution.

- **14 Tudor Drive SM4.** An Enforcement Notice was issued on the 9th February 2017 to cease the use of the land (outbuilding and garden) from residential (Class C3) to storage (Class B8). The Notice took effect on the 15th February 2017, no appeal was made. Compliance with the Notice was expected at the end of March 2017. Site visit to be undertaken to check for compliance.

242 – 244 LONDON ROAD, MITCHAM, LONDON, CR4 3HD

- The council issued an Enforcement Notice on the 12th January 2018 for 'erection of 3 air conditioning units at the side of the ground floor of the Land. The notice requires the removal of the 3 air conditioning units on the side of the ground floor; and will take effect on 12th February 2018 with a compliance period of one month of this date unless an appeal is made. No appeal has been made.
- **1 Cambridge Road, Mitcham, CR4 1DW.** The council issued a S215 notice on 21st August 2017 to require the following steps to trim and cut back overgrown bushes from the front and rear gardens, tidy the site, clean, repair and paint the front windows and repaint the front of the proper. The notice took effect on the 21st September 2017. Prosecution proceedings are now being considered.

3.00 New Enforcement Appeals **None**

3.1 Existing enforcement appeals

- **58 Central Road Morden SM4.** An Enforcement Notice was issued on 10th January 2017 for the demolition of an outbuilding. The Notice would have taken effect on the 15th February 2017, requiring the demolition of the outbuilding to be carried out within 2 months. An appeal was lodged, and started. An appeal statement in support of the demolition of the outbuilding has been submitted. Waiting for the inspectorate decision.

3.2 Appeals determined

- **218 Morden Road SW19.** An Enforcement Notice was issued on 23rd January 2017 for the demolition of the current roof to its original condition prior to the breach in planning control or construct the roof pursuant to the approved plans associated with planning permission granted by the Council bearing reference number 05/P3056. The Notice would have taken effect on the 28th February 2017, giving two months for one of the options to be carried out. An appeal against this Notice was submitted. The appeal site visit was held on 29th January 2018. The appeal was dismissed and the Notice upheld by Decision Letter dated 1st February 2018. The Notice was varied extending the compliance period from two calendar months to ten calendar months from 1st February 2018.
- **18 Morton Road Morden SM4** the council issued an enforcement notice on 3rd October 2016 against the unauthorised change of use of an outbuilding to self-contained residential use. The notice would have taken effect on 10/11/16 but the Council was notified of an appeal. The compliance period is two calendar months. The appeal site visit was held on 29th January 2018. The appeal was dismissed and the Notice upheld by Decision Letter dated 1st February 2018 with a three months compliance period from 1st February 2018.

3 Aberconway Road Morden SM4 - The Council served an enforcement notice on 4th February 2016 against the erection of a single storey side

extension to the property following a refusal of retrospective planning permission to retain the structure. The owner is required to remove the extension and associated debris within one month of the effective date. The appeal was dismissed on 1/12/16 and the owners have to demolish the extension by 1/1/17. The Structure is still present. No compliance, awaiting prosecution.

Land at Wyke Road, Raynes Park SW20. The Council issued an enforcement notice on 4th July 2016 against the unauthorised material change in the use of the land for car parking. The notice would have come into effect on 10/08/16 but an appeal was submitted. 11th April 2017 Appeal dismissed and Notice upheld. The compliance date was 12th May 2017, however an acceptable scheme has now been approved.

2 and 2A Elms Gardens, Mitcham. An enforcement notice was issued on 12th January 2017 against the erection of a single storey bungalow at the rear of the property. The notice would have come into effect on the 18th February 2017 but an appeal has been submitted. The Appeal start date was 19th March 2017 and a statement has been sent. The planning appeal site visit is to be held on 1st September 2017. It was found on the appeal site visit that the building had been altered and could no longer be considered by the inspector to be a “bungalow” and as such the enforcement Notice referring to a “bungalow” was quashed by Decision letter dated 27th September 2017. The Council is now going to issue a new enforcement Notice referring to the building as 3 garages.

36A Cromwell Road, SW19 – Following a complaint about a **high hedge** at this address, the council served a Remedial Notice on the owner to reduce the hedge to the specified height of 3.9 metres. The subsequent appeal was dismissed and the effective date for the Notice has been re-set to 1 September 2017. The owner has 3 months to carry out the specified work. This case has now been referred to the Councils Legal Services Team.

18 Warminster Way, Mitcham, CR4 1AD. The council issued an Enforcement Notice on the 20th March 2017 for ‘erection of a single storey rear extension on the Land. The notice requires the structure to be demolished and would have taken effective on 27th April 2017. An appeal site visit took place 28th February 2018. The appeal was dismissed by Decision Letter dated 7th March 2018. The period of time for compliance with the Enforcement Notice was extended from three months to six months from 7th March 2018.

3.3 Prosecution cases.

- **170 Elm Walk Raynes Park** The council issued a S215 notice on 4th August 2016 to require the owner to repair and paint or replace windows and doors to the property as well as clear the weeds and cut back on overgrown bushes in the front and rear gardens. The notice came into effect on 1/9/16 as there was no appeal and the compliance period is one month. A site visit on 4th October 2016 confirmed that the notice has not

been complied with and prosecution documents have been forwarded to Legal Services for further action. This case is to be re-allocated to a new officer.

- **Land, at 93 Rowan Crescent Streatham, SW16 5JA.** The council issued a S215 notice on 29th July 2016 to require the following steps to trim and cut back overgrown bushes from the front and rear gardens, tidy the site, clean, repair and paint the front windows and repaint the front of the proper. The notice came into effect on 28/08/16 and the compliance period expired on 23/09/16. As the notice has not been complied with, a prosecution document has been forwarded to Legal Services for legal proceedings to be instigated. The front garden has been cleared, however the bulk of the requirements of the Notice have not been complied with. Direct action is now under consideration.
- **55-61 Manor Road, Mitcham.** An enforcement notice was issued on 3rd August 2016 against the unauthorised change of use of the land from a builder's yard to use as a scrap yard and for the storage of waste and scrap metals, scrap motor vehicles and waste transfer. The notice came into effect on 2/9/16 no notification of an appeal was received. The requirement is to cease the unauthorised use and remove any waste and scrap materials including scrap and non-scrap vehicles from the site by 8/10/16. Following a site inspection, the occupier was reminded of the enforcement action and advised that as he failed to comply with the notice, the Council was progressing prosecution proceedings. However, the owner stated that the Notice would be complied with by 21st April 2017. However the Notice was not complied with and prosecution proceedings have now been instigated. A prosecution statement in consultation with the legal services is now in progress.

3.4 Requested update from PAC – NONE

4. **Consultation undertaken or proposed** - None required for the purposes of this report
- 5 **Timetable** - N/A
6. **Financial, resource and property implications** -N/A
7. **Legal and statutory implications** - N/A
8. **Human rights, equalities and community cohesion implications** - N/A
9. **Crime and disorder implications** - N/A
10. **Risk Management and Health and Safety implications.** - N/A
11. **Appendices – the following documents are to be published with this report and form part of the report Background Papers** - N/A
12. **Background Papers** - N/A