

Merton Council

Planning Applications Committee

Membership

Councillors

Linda Kirby (Chair)
Najeeb Latif (Vice-Chair)
Laxmi Attawar
David Chung
David Dean
Russell Makin
Simon McGrath
Peter Southgate
Marsie Skeete
Dave Ward

Substitute Members:

Rebecca Lanning
Dennis Pearce
Stephen Crowe
Daniel Holden
Edward Foley
Carl Quilliam

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

Date: 7 June 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

7 June 2018

- 1 Apologies for absence
- 2 Declarations of Pecuniary Interest
- 3 Minutes of the previous meeting 1 - 14
- 4 Town Planning Applications
The Chair will announce the order of Items at the beginning of the Meeting.
A Supplementary Agenda with any modifications will be published on the day of the meeting.
Note: there is no written report for this item
- 5 94 Aylward Road, SW20 9AQ 15 - 24
Application number: 18/P0775 Ward: Merton Park
Officer Recommendation: GRANT Planning Permission subject to conditions,
- 6 The Study, Camp Road, Wimbledon, SW19 4UN 25 - 64
Application number: 17/P4202 & 17/P4184 Ward: Village
Officer Recommendation: GRANT Planning Permission and Listed Building Consent subject to conditions.
- 7 Former Sparrowhawk site, 159 Commonside East, Mitcham, CR4 2QB 65 - 86
Application number: 17/P2574 Ward: Figges Marsh
Officer Recommendation: GRANT Planning Permission subject to a section 106 agreement for affordable housing and carbon offsetting and relevant conditions.
- 8 83 Dora Road, Wimbledon, SW19 7JT 87 - 94
Application number: 18/P0952 Ward: Wimbledon Park
Officer Recommendation: GRANT Planning Permission subject to conditions.
- 9 219 Manor Way, Mitcham, CR4 1EN 95 - 108
Application number: 17/P4225 Ward: Longthornton
Officer Recommendation: GRANT Planning Permission subject to conditions.
- 10 Planning Appeal Decisions 109 - 112
Officer Recommendation:
That Members note the contents of the report.
- 11 Planning Enforcement - Summary of Current Cases 113 - 118
Officer Recommendation:
That Members note the contents of the report.

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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Phone – 020 8545 3356

e-mail – democratic.services@merton.gov.uk

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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

26 APRIL 2018

(7.15 pm - 10.31 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 David Dean,
Councillor Andrew Judge, Councillor Geraldine Stanford and
Councillor Joan Henry

ALSO PRESENT Councillor Adam Bush
Councillor John Sargeant
Neil Milligan – Building and Development Control Manager
Tim Bryson – Planning Team Leader North
Jonathan Lewis – Planning Team Leader South
Tim Lipscomb – Planning Officer
Sarath Attanayke – Transport Planning Officer
Amy Dumitrescu – Democratic Services Officer

1 APOLOGIES FOR ABSENCE (Agenda Item 1)

There were no apologies for absence.

2 DECLARATIONS OF PECUNIARY INTEREST (Agenda Item 2)

There were no declarations of interest.

3 MINUTES OF THE PREVIOUS MEETING 22 MARCH 2018 (Agenda Item 3)

RESOLVED: That the minutes of the meeting held on 22 March 2018 are agreed as an accurate record.

4 MINUTES OF MEETING 8 MARCH 2018 (Agenda Item 4)

RESOLVED: That the minutes of the meeting held on 8 March 2018 are agreed as an accurate record.

5 TOWN PLANNING APPLICATIONS (Agenda Item 5)

Supplementary Agenda: Amendments and modifications to the Officer's report were published in a Supplementary Agenda. This applied to items 6, 7, 8, 9, 12 and 14.

Order of the meeting – The Chair announced that the items would be taken in agenda order with the exception of items 6 and 13 which would be taken at the end of the agenda. Item 16 would remain as the final item on the agenda.

6 8 LAKE ROAD, WIMBLEDON, SW19 7EL (Agenda Item 6)

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 2x semi-detached and 2x detached houses at the rear of the site with associated access, parking and landscaping works.

The Development Control Team Leader presented the report and noted that the viability assessment referred to in the report had now been reviewed by the Planning Officers and this was explained in depth on the modification sheet. The Committee noted the officers report, presentation and additional information in the Supplementary Agenda.

Members expressed concern about the lack of affordable housing and commented that they wanted to see more affordable housing provided.

RESOLVED

The Committee voted to 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 (Agenda Item 7)

Proposal: Demolition of all buildings on site, comprising a builder's yard with associated office and sheds along with 2x 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.

The Planning Team Leader presented the report and additional information provided in the Supplementary Agenda which was noted by the Committee.

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

The objectors raised residents' concerns including:

- The development would be disproportionately detrimental
- The proposal is in a conservation area
- The information misrepresents the effect of the size and height of the proposal to neighbouring properties
- The overshadowing report is out of date
- The proposal would damage enjoyment of neighbouring residents' garden

- Overlooking which would lead to loss of light and privacy
- The outlook would be restricted from the first floor living space
- The limited distance to the flank wall
- The low ceiling heights
- There would be limited natural light
- There would be poor outlook
- There would be poor quality communal space
- Other uses for the site had not been thoroughly assessed

The Applicant's Agent made points including:

- The site could be accessed by emergency vehicles
- The application complied with standards in relation to light
- Due to the size and location of the site no other uses for the site would be viable
- There would be no harm to the conservation area
- The proposal would be an improvement on what was currently on the site

The Planning Team Leader gave an overview of potential other uses for the site and reasons why these would not be viable and advised that the materials were thoughtful and modern and there was no overriding reason why they were required to be identical to others in the area. The Planning Team Leader advised that there was space for storage of refuse containers and to allow movement on collection days.

Councillor Adam Bush made points including:

- The design is inconsistent with surrounding roads
- There would be a negative effect on the character of the conservation area
- The application should be refused under policy DMD4
- The proposal would be a visual eyesore
- The plot of land was unsuitable for three houses and would be an overdevelopment
- The design was insufficient and did not provide enough amenity space
- The design was below the London standard and in contradiction of DMD2 A4

- The standard of accommodation would be poor with its' enclosed nature, poor ventilation and poor light
- The proposal failed on various planning policies and should be refused

Members Questions

A Member asked that the visual amenity of the current site was a concern and asked if any evaluation had suggested that the view would be obstructed by the proposal? Officers responded that the judgement had been that it would not be unduly intrusive.

A member asked if the amenity would be reduced, would there be adequate light and would the light be obscured by the proposal? Officers responded that following negotiations the proposal had been reduced and remodelled to a thoughtful layout and that the level of afternoon sunlight should be good and that any shadow on the ground created wouldn't result in such areas as to breach the guidelines.

A member asked for confirmation that the application was in a conservation area, what the minimum size for a 1 bedroom property was, whether the land was employment land and where the bin collection point would be. Officers responded that the proposal was in a conservation area and that the land is a scattered employment site. Officers advised that the minimum levels for a 2 person dwelling is 58 square metres and the proposal would have 62 square metres and officers demonstrated on the plans where the bin collection points and access for collection vehicles would be.

A member asked for clarification on the increase in height of the proposal from the current site; officers advised the wall proposed would be 2.5m high which did constitute an increase. Officers advised that it would change the outlook however there would be changing levels rather than one mass.

A member referred to the bicycle racks being moved into the amenity space to allow for emergency vehicle access at the front and asked if the amenity space was large enough to be able to also incorporate that? Officers responded that the amenity space was over and above what was considered appropriate and even if it was lost the proposal would still be considered acceptable.

Members made comments on the proposal including:

- Employment land should be protected
- Consideration should be given to the rhythm, siting and massing of the proposal as it was in a Conservation area
- The area was not on the roads and therefore could not be the same style as the roads nearby
- There is a housing issue in London and housing needs to be provided
- The visual amenity currently is poor and will improve with the proposal

- The proposal did not fit with DMD2
- The interior space and the exterior are not ideal

A motion to refuse on the grounds of design, overdevelopment, loss of amenity and inappropriate for a 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 proposal constituted an unneighbourly overdevelopment and would harm the visual amenities of neighbouring residents, and;
 - The proposals by reason of their design, size and siting would be detrimental to the character of the Conservation Area.
2. DELEGATE to the Director of Environment and Regeneration the authority to make any appropriate amendments in the context of the above to the wording of the grounds of refuse including references to the appropriate policies.

8 LAND RO 18 LANSDOWNE ROAD, SW20 8AW (Agenda Item 8)

Proposal: Application 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 (Amendment involves revisions to design of roof lights, addition of 3x 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).

The Development Control Team Leader presented the report and information within the Supplementary Agenda which was noted by the Committee.

The Committee received verbal representations from two objectors and the Applicant.

The Objectors raised residents' concerns including:

- The Application followed 10 years of refusals to previous applications on the site
- The loss of light
- The drawings were not drawn to proportion

- The application was misleading in relation to the potential impact of the proposal
- The gutter overhang was not mentioned in the report
- New light reports were required
- The proposed deeper foundations would cause damage to the trees
- The proposal exceeded the heights agreed previously

The Applicant made points including:

- The Application was recommended for approval
- The Local Architect had suggested that the changes were relatively small and were changes to improve the living conditions within the property
- The changes had been considered as acceptable by Planning Officers
- Following two previous appeals the Planning Inspector had made comments that needed to be taken into account and there was no justifiable reason to refuse the application

Member Questions

In response to Member's questions Officers responded:

- The roof overhang had been considered in relation to reducing light but the judgement had been that it would not increase harm.
- The height of the roof would remain the same but the application was for the rooflights to go up rather than being flat, however they would be angled away from the neighbouring properties
- There would be an increase in floor space

RESOLVED

The Committee voted to GRANT Planning Permission subject to the completion of a Deed of Variation to the existing S106 Agreement.

Councillor Steven Crowe requested that his vote against the proposal to grant the application be recorded.

9 74 LEOPOLD ROAD, WIMBLEDON, SW19 7JQ (Agenda Item 9)

Proposal: Conversion of existing house into 5x flats, plus the erection of 4x dwelling houses. New access from Arthur Road with car parking and landscaping.

The Committee noted the officer's report and presentation and additional information contained within the Supplementary Agenda. The Committee received verbal representations from two objectors and the Applicant's Agent.

The Objectors raised residents' concerns including:

- The 3 mews houses would cause significant harm to the conservation area and to 42 Arthur Road
- There would be an overbearing impact
- The property is very large already
- The proposed mews would add more bulk
- The siting scale and bulk would be overbearing on number 42 and give a sense of enclosure
- The proposal would cause overshadowing of the garden
- There would be loss of mature planting
- The proposal failed to enhance or preserve the conservation area
- There should be a condition to reduce the noise during construction if permission was granted
- Noise disturbance is a concern particularly in relation to the residents' son's health condition

The Applicants' Agent made point including:

- The proposal had been thoughtfully designed
- The Agent was sensitive to the area and the amenity of the neighbours
- The report was compliant with planning policies
- The Agent was mindful of the effect to the neighbours and had consequently reduced the footprint and moved the location away from boundary line.
- The application had been amended to assist with privacy
- The Agent was sympathetic to residents' concerns in regards to their son and would do what they could to minimise the noise and would be happy to accept any conditions in relation to working hours during construction.

Members expressed their sympathy for the residents' son's health condition and asked how far the construction noise could be conditioned. Officers responded that it was difficult to go above and beyond the conditions already in place and gave an overview of the current conditions which would need to be complied with.

Members made comments including:

- It was not clear that there was real intrusion
- The strongest enforcement ought to be used on noise issues
- A more detailed proposal more respectful of the context was required
- There was not due consideration of the Conservation Area

RESOLVED

The Committee voted to GRANT Planning Permission subject to conditions.

10 168 LONDON ROAD, MORDEN, SM4 5AT - TYRE AND SERVICE CENTRE
(Agenda Item 10)

Proposal: Application for continued use of part of site as a vehicle tyre and service centre (sui generis)

The Planning Team Leader presented the report and advised that the site was already in use and had been since October 2016 however at present they had been informed that only tyre replacement was taking place on site.

The Committee noted the officer's report and presentation.

Providing a verbal representation at the meeting, Ward Councillor John Sargeant raised residents' concerns including:

- Contrary to the information provided, there had been long term issue on the site and activity had been evidenced dating back to 2010 and references to issues since 2007
- The operation on site was significant
- There appeared to be a contradiction between the manning levels given and the low level of car throughput
- There had been a large number of problems at this location including tyres being stacked on the asbestos roof, burning of tyres, residential use of the site, out of hours operation outside of the hours stated on the advert including on Sundays, rubbish and rats issues
- There had been a petition previously regarding the noise in 2009
- The residents wished for the site to be reviewed to ensure the operation was properly controlled

Councillor Sargeant suggested a number of conditions which residents wished to see enforced if permission was granted, those being:

- No residential use of any part of the site
- That the hours of operation proposed by displayed clearly on site (ideally reducing the hours at weekends)
- Tyre storage must be kept at a realistic level

Members asked officers questions regarding the noise implications and visual impact of moving the location of the car wash and the current use of the site. Officers responded that given the previous use of the site it could arguably be used as a delivery depot and could clean those vehicles and that they would ensure the various conditions would be attached if granted.

Members made comments including:

- There was an inconsistency between the staffing levels and the vehicle movements suggested in the report
- There should be a condition restricting residential use on the site if permission were granted

A motion to refuse on the grounds of harmful impact on neighbourhood amenity was moved and seconded and put to the vote.

RESOLVED

The Committee agreed to:

1. REFUSE the application for the following reasons:
 - The operation of the vehicle tyre and service centre including ancillary storage of tyres gives rise to noise and disturbance to the detriment of neighbour amenity and has the potential to detract from the visual amenities of the area.
2. DELEGATE to the Director of Environment and 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.

11 168 LONDON ROAD, MORDEN, SM4 5AT - CAR WASH (Agenda Item 11)

Proposal: Application for continued use of part of site as a car wash (sui generis) involving relocation of existing use within the site.

The Planning Team Leader presented the report and advised that there was evidence that car washing activity had taken place at the far end of the site but that unlike the tyre replacement use car washing did not appear to be currently taking

place and that in any event the application was to locate a car wash in an area currently being used for parking cars.

The Committee noted the officer's report and presentation.

Providing a verbal representation at the meeting, Ward Councillor John Sargeant raised residents' concerns including:

- Contrary to the information provided, there had been long term issue on the site and activity had been evidenced dating back to 2010 and references to issues since 2007
- There was a list of noisy equipment listed within the report relating to the car wash
- The operation on site was significant
- There appeared to be a contradiction between the manning levels given and the low level of car throughput
- There had been a petition previously regarding the noise in 2009
- The residents wished for the site to be reviewed to ensure the operation was properly controlled

Councillor Sargeant suggested a number of conditions which residents wished to see enforced if permission was granted, those being:

- No residential use of any part of the site
- That the hours of operation proposed by displayed clearly on site (ideally reducing the hours at weekends)

Members asked officers questions regarding the noise implications and visual impact of moving the location of the car wash and the current use of the site. Officers responded that given the previous use of the site it could arguably be used as a delivery depot and could clean those vehicles and that they would ensure the various conditions would be attached if granted.

Members made comments including:

- There was an inconsistency between the staffing levels and the vehicle movements suggested in the report
- There should be a condition restricting residential use on the site if permission were granted

A motion to refuse on the grounds of harmful impact on neighbourhood amenity and failure to provide full details was moved and seconded and put to the vote.

RESOLVED

The Committee agreed to:

- REFUSE the application for the following reasons:
 - The proposal would be harmful to the visual amenities of the area
 - The applicant had failed to demonstrate that the proposals can operate without harm to the environment and neighbour amenity
 - DELEGATE to the Director of Environment and 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.

12 28-30 RIDGWAY PLACE, WIMBLEDON, SW19 4EP (Agenda Item 12)

Proposal: Variation of condition 2 (approved plans) attached to LBM Ref: 15/P3366 relating to the demolition of existing two houses and erection of 4x4 bedroom semi-detached houses with basement accommodation.

The Committee noted the Officers' presentation, report and information provided within the Supplementary agenda.

The Committee received verbal representations from one objector.

The Objector raised residents' concerns including:

- The extra basements applied for had already been built
- If granted, the application would extend the other 2 basements at a later stage having established precedent
- There had been a breach of planning consent and no action had been taken following this breach
- There were issues with rainwater and drainage

Members asked questions regarding whether the basements had been extended already to which the officer responded that it was difficult to tell however each application had to be considered on its own merits.

In response to questions on the alleged breach and clarification on the application, officers responded that the application was for just the two middle basements to be extended and that if it was felt there had been a breach then a complaint would need to be submitted and would be a matter for enforcement to investigate.

In response to further questions from members officers confirmed that the property would be larger underground than above ground.

RESOLVED

That the Committee voted to GRANT Planning Permission subject to a S106 Legal Agreement and Conditions.

13 62A AND B RIDGWAY PLACE, WIMBLEDON SW19 4SW (Agenda Item 13)

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.

The Committee noted the officer's report and presentation.

RESOLVED:

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

14 18 SPENCER HILL, WIMBLEDON, SW19 4NY (Agenda Item 14)

Proposal: Erection of additional storey to existing residential block, creating 2x 1 bed flats within the new roofspace.

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

The Committee received verbal representations from one objector.

The Objector raised residents' concerns including:

- The amenity of neighbours is key
- The impact on the neighbours' garden has not been addressed particularly in regards to loss of light
- The proposal would be visually overbearing with an oppressive effect on the garden.
- The daylight survey only assessed the upper floors not the lower level
- There would be a risk of overlooking

Officers advised that the daylight assessment did make reference to all four windows and that there would be a loss of light/outlook but overall wouldn't justify refusal.

Members asked questions of officers regarding whether the building would be re-clad as part of the proposal, to which officers confirmed it would be and that it was a condition that this was done prior to occupation.

RESOLVED

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

15 FLAT 4, 74 WOODSIDE, WIMBLEDON, SW19 7QL (Agenda Item 15)

Proposal: Erection of single storey rear extension.

The Committee noted the officer's report and presentation and received verbal representation from two objectors and the Applicants' agent.

The Objectors raised residents' concerns including:

- The light in the kitchen area of the neighbouring property would be affected
- The access to the garden was a concern
- The proposal was disproportionate
- There would be a detrimental impact from the proposal
- Visual impact and harmful design
- Loss of light
- Overshadowing
- The proposal would restrict greenery
- Overdevelopment
- The Proposal was in a conservation area
- The high density of the proposal was unacceptable
- Loss of privacy

The Applicants' agent made points including:

- The proposal was modest, thoughtful, considered and respectful of the area
- The materials would match the existing property and would be of high quality
- The proposal was recommended for approval by the Council
- The proposal was modest in scale with a sympathetic design
- The proposal would increase the size of the property from 23 square metres to 40 square metres

- There was no justification for refusal.

RESOLVED

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

16 TPO - 13 CHESTER ROAD, WIMBLEDON, SW19 4TS (Agenda Item 16)

Officer Recommendation: That the Merton (No.718) Tree Preservation Order 2017 be confirmed, without modification.

The Committee noted the Officer's report.

RESOLVED

That the Merton (No.718) Tree Preservation Order 2017 be confirmed, without modification.

17 PLANNING APPEAL DECISIONS (Agenda Item 17)

The Committee noted the Officer's report on Planning Appeal decisions.

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

The Committee noted the Officer's report on Planning Enforcement.

PLANNING APPLICATIONS COMMITTEE

7th June 2018

<u>APPLICATION NO.</u>	<u>DATE VALID</u>
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18/P0775	12/02/2018
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Address/Site: 94 Aylward Road, Merton Park, SW20 9AQ

Ward Merton Park

Proposal Demolition of existing double garage in the rear garden and the erection of a garden studio comprising basement and mezzanine levels.

Drawing No's Site location plan, drawings (07)-001 C, (08)-001 C & (09)-001 C

Contact Officer Leigh Harrington (020 8545 3836)

RECOMMENDATION

GRANT PLANNING PERMISSION subject to conditions

CHECKLIST INFORMATION

- Head of agreement: No
- Is a screening opinion required: No
- Is an Environmental Statement required: No
- Has an Environmental Impact Assessment been submitted: No
- Design Review Panel consulted - No
- Number of neighbours consulted - 3
- Press notice - No
- Site notice - Yes
- External consultations - No
- Density - N/A
- Number of jobs created N/A

1. INTRODUCTION

- 1.1 This application is brought before the Planning Applications Committee at the request of Councillor Sargeant and as a result of the level and nature of objection.

2. SITE AND SURROUNDINGS

- 2.1 The application site is a mid-terrace house located on the north east side of Aylward Road in Merton Park. The house benefits from a single storey rear extension, rear roof dormer and a double garage to the rear of the garden with access out onto a gated alleyway that opens onto Leafield Avenue. The vehicle accessway services the rear garages of a number of neighbouring properties.
- 2.2 The site is not within a conservation area nor an area at risk of flooding.

3. CURRENT PROPOSAL

- 3.1 The proposal is for the demolition of the existing full width, 3.15m high, 6.3m long double garage and the erection of a new full width 7.2m long studio building with a basement level and mezzanine storage space..
- 3.2 The design and scale of the building has been revised following neighbour and officer comments such that there is no longer direct access to the rear vehicleway and the height has been lowered to 3.525m from the originally submitted height of 3.825m. These revision have undergone a further re-consultation with neighbours.
- 3.3 Access is now solely through a double set of French doors serving the garden and opening into the main room which features a reduced mezzanine storage area above it. Stairs at the rear lead down to a basement level which would receive natural light through the glazed floor area of the main room.
- 3.4 Externally the structure would have a barn style roof with rooflights for additional light and clerestory windows on the front elevation above the French doors. The structure would be finished in wood panelling.

4. PLANNING HISTORY

- 4.1 11/P1570 Lawful development certificate issued for a proposed single storey rear extension

5. CONSULTATION

- 5.1 The application was advertised by means of neighbour notification letters and a site notice.
- 5.2 In response to the initial consultation letters of objection were received from five local residents raising the following concerns:-
- The proposed three storey building is disproportionately large, visually intrusive and over bearing

- The separate access would present a security risk for other properties.
- Not in keeping with adjacent dwellings or any of the end of garden structures in the vicinity.
- Would lead to loss of light and create light pollution
- Even if height reduced it could still be used now or in the future as a stand alone dwelling
- This would set and precedent for back garden buildings and a local Councillor had given assurances that there would be no building on back gardens.
- The site notice was displayed at the rear in a locked alleyway.

5.3 Councillor Sargeant:

- This is an overbearing separate residence.
- The site notice was only displayed in the rear alley not in public view.

5.4 The John Innes Society;

- This is disproportionately large for its claimed purpose.
- No reference to it being ancillary to the main house
- The access track to the rear would allow it to be used for commercial or independent residential purposes
- The basement excavations are likely to destroy or damage the tree in the garden
- The glass will lead to light pollution
- It is out of character and will cause unacceptable visual intrusion and disturbance to neighbours.

5.5 Following the re-consultation The John Innes Society stated the changes were minor and their objections still stood.

5.6 A letter of support was received from an adjoining neighbour raising no objections subject to usual planning restrictions being imposed to control future use.

5.7 Merton flood risk manager. No objection.

5.8 Merton Arboricultural officer. No objection.

6. POLICY CONTEXT

6.1 Merton Sites and Policies Plan (July 2014):

DM D1 (Urban design)

DM D2 (Design considerations)

DM O2 Nature conservation and trees

6.2 London Plan 2015

7.4 (Local character)

- 6.3 Merton Core Strategy 2011
CS 13 (Open space and nature conservation)
CS 14 (Design)

7.0 PLANNING CONSIDERATIONS

- 7.1 The planning considerations in this case relate to the scale, design and use of the proposed studio outbuilding and the impact on neighbour amenity and the appearance of the area, trees and subterranean development.

7.2 Scale and design.

SPP policy DM D2 and Core Strategy Policy CS 14 require well designed proposals to respect the siting, rhythm, scale, proportions, height, materials and massing of surrounding buildings. The proposal has been reduced in height from the originally submitted design by 300mm and whilst the depth is 0.9m longer, the height would only be 0.4m higher than existing and would be of a comparable size with other garages in the immediate vicinity of the site. A number of objections referred to the structure as being three storey. The basement would be set below ground level and the mezzanine level is little more than a storage area accessible through a loft hatch whilst the main ground floor has a head height of only 2.15m. The other garages and outbuildings along the vehicleway exhibit an eclectic range of materials and building styles with painted render, pebbledashing, shutters, flat roofs, tiled roofs and clad roofs. Consequently with no established style of outbuilding the use of an American barn style roof and timber exterior tiled roof would be considered appropriate.

7.3 Use of the building

A number of objections suggested that the use of the building would not be ancillary and that it may be used for separate accommodation. The applicants are expecting twins and therefore the intention will be to work from home more and to provide additional space for the family and this proposals is considered to be able to address that need. The design has been revised such that there is no independent access to the building and a condition can be attached to ensure the use be ancillary to the use of the main residence.

7.4 Neighbour amenity

SPP policy DM D2 and DM EP2 require proposals not to impact on neighbour amenity in terms of loss of light, outlook, privacy, visual intrusion and protection from noise and disturbance. The studio would be located at the far end of the garden and therefore loss of light to habitable rooms is not considered an issue. Concerns were raised in relation to light pollution from the structure. The building will be at the end of a garden in a suburban setting. There is already a certain level of ambient light from houses and street lighting and given the incidental nature of the use it is not anticipated that issues of light pollution would arise such as to create a noticeable detrimental impact on neighbour amenity. It is considered that it would be unreasonable to refuse planning permission on

grounds of light pollution. With regards to visual intrusion the overall height has been reduced and is no taller than the tallest garage along the vehicleway and whilst it will appear new and modern the proposals are not considered to be any more visually intrusive than those other garages.

- 7.5 SPP policy DM D2 also requires that developments provide layouts that are safe and secure and take account of crime prevention. Objections have suggested that the applicant's use of the studio would leave the alley gates unlocked and therefore increase the risk of burglary and theft for other residents. As stated previously there would be no access out onto the vehicleway and with the new building replacing the existing garage there would be less traffic along the vehicleway. The proposals are therefore not considered to represent a risk to the safety and security of neighbours.
- 7.6 In order to protect neighbour amenity during the construction stage conditions to limit the hours of construction and for details of construction vehicle parking and the storage of materials to be approved.
- 7.7 Objectors raised concerns that the site notice had not been posted in front of the property but on the rear. While the applicant acknowledged that they had posted a notice at the rear they subsequently posted a second notice at the front providing further publicity to the scheme and an opportunity for others to comment.
- 7.8 Trees
Policy DM.D2 requires that developments ensure trees and other landscape features are protected. The proposals would result in the loss of one medium size tree and a bush in the back garden. Officers consider that the location of the tree does not contribute to the quality of the public realm. The Planning section's arboricultural officer raises no objections to the loss of the tree subject to a condition requiring the details of a replacement tree to be approved.
- 7.9 Subterranean development.
The site is within flood risk Zone 1 so is at low risk of flooding. SPP Policy DM D2 requires that basements are confined to the curtilage of the site, do not harm neighbouring buildings, heritage assets or amenity value trees, do not cover 50% of the site and include a sustainable urban drainage scheme. The principles of the proposal are considered to meet these policy requirements and a condition requiring a construction method statement is recommended to address the design and construction details of the works.

8. SUSTAINABILITY AND ENVIRONMENTAL IMPACT ASSESSMENT REQUIREMENTS

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

9. CONCLUSION

- 9.1 The proposed outbuilding has been reduced in size and in terms of the amount of the building above ground level it is considered to be considered in keeping with similar garages and outbuildings that are also served by the accessway to the rear of the site. The amendment to the access to the building and the imposition of a suitable condition mean that the use of the building would remain ancillary to the main dwelling house and the building can serve its purpose of providing the occupiers with more space without having a negative impact on the amenity of neighbours or the character of the man house and its wider setting. In view of these considerations the proposals are recommended for approval subject to the imposition of suitable conditions.

RECOMMENDATION

Grant planning permission subject to conditions

Conditions

1. A1 - Commencement of Development.
2. A7 - Construction in accordance with plans; Site location plan, drawings (07)-001 C, (08)-001 C & (09)-001 C.
3. B1 - Materials to be approved.
4. D9 - No external lighting.
5. E4 – Ancillary residential use.
6. D 11- Hours of construction.
7. H 9 - Construction vehicles.
8. F-11 (amended) Details of a replacement tree to be approved and implemented in the first available planting season following the completion of the works.

9. Prior to the commencement of development a Construction Method Statement shall be submitted to and approved in writing by the Local Planning Authority setting out how the development will be excavated, sequenced, phased and managed in order to demonstrate that neighbour amenity and the structure of neighbouring properties will not be harmed.

Reason. To protect the amenity of neighbouring occupiers and the structural integrity of neighbouring properties in accordance with policy DM D2 in the Merton Sites and Policies Plan 2014.

10. NPPF Informative.

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

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PLANNING APPLICATIONS COMMITTEE

7th June 2018

APPLICATION NO.

DATE VALID

17/P4202 & 17/P4184

14/11/2017

Address/Site

The Study, Preparatory School, Wilberforce House, Camp Road, Spencer Hill and Peek Crescent, Wimbledon, SW19 4UN.

Ward

Village

Proposal:

Partial demolition of existing single storey extension and erection of a two storey extension (and associated Listed Building Consent application 17/P4184).

Drawing Nos

702-WH-PL-001 Rev 01, 702-WH-PL-002 Rev 03, 702-WH-PL-003 Rev 03, 702-WH-PL-004 Rev 03, 702-WH-PL-010 Rev 05, 702-WH-PL-011 Rev 04, 702-WH-PL-012 Rev 06, 702-WH-PL-050 Rev 00, 702-WH-PL-100 Rev 06, 702-WH-PL-101 Rev 05, 702-WH-PL-201 Rev 02, 702-WH-PL-300 Rev 03, 702-WH-PL-301 Rev 03, 702-WH-PL-305 Rev 01, 702-WH-PL-306 Rev 01, 702-WH-PL-307 Rev 02, 702-WH-PL-400 Rev 02, W-L01 Rev Q, W-L03 Rev H, W-L12 Rev B, W-L20 Rev G and 25719-100 Version 2.

Contact Officer:

Tim Lipscomb (0208 545 3496)

RECOMMENDATION

Grant planning permission and Listed Building Consent subject to conditions.

CHECKLIST INFORMATION

- S106: Not required.
- Is a Screening Opinion required: No
- Is an Environmental Statement required: No

- Has an Environmental Statement been submitted: No
- Press notice: Yes
- Site notice: Yes
- Design Review Panel consulted: No
- Number of neighbours consulted: 36
- External consultations: Yes (Historic England)
- Controlled Parking Zone: Yes Zone VQ
- PTAL: 0
- Flood Zone: Flood Zone 1 (low probability)
- Conservation Area: Yes – Wimbledon Village
- Listed Building: Yes – (Grade II)
- Protected trees: Yes, by virtue of being within a Conservation Area.

1. **INTRODUCTION**

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

2. **SITE AND SURROUNDINGS**

- 2.1 The site comprises Wilberforce House, which forms part of The Study Preparatory School, which is split across two sites; Wilberforce House and Spencer House (which is located approximately half a mile away from Wilberforce House).

- 2.2 The site is approximately 0.46 hectares in area.

- 2.3 Wilberforce House is a Grade II Listed Building, whereby the key feature is the Octagon building, which forms the core of the school building. The listing text describes the building as follows:

“School. 1758-61, extended 1834 and later. Restored 1974-6 by Dry Halasz Dixon with the Borough Architects Department. Brick. Steeply pitched tiled roof. Octagonal plan with short wing extending to west. 2 storeys. Segmental headed flush framed sashed windows, glazing bars. Pair of oculi flank ground floor window to south. Segmental entrance to north side. Segmental arches to ground floor western projection. Brick eaves cornice.”

- 2.4 The site is within the Wimbledon West Conservation Area (Sub Area 3). Sub Area 3 encompasses the buildings bounded by Camp Road, Camp View, West Place and North View. The West Wimbledon Conservation Area Character Assessment describes

the Study School as follows:

“The Study Preparatory School: A single storey group of modern brick buildings fronted by a grade II listed two storey octagon described by Pevsner as:

- 2.5 A most engaging building. A simple two-storey octagonal brick schoolhouse of 1758-61, built as a charity school for fifty poor children, originally containing both schoolroom and master's accommodation. Extended in 1834 to the SE, and altered and added to after 1870. Restored in 1974-6 by Dry Halasz Dixon with the Borough Architect's Department, when it was converted as an E.S.N. school, with a low NW polygonal extension sympathetically detailed. Brown brick with pantiled roofs. [Pevsner, p. 454].
- 2.6 The original almshouses were set up by the Vestry with the financial assistance of the Marryat family [Milward 1989 p.52], but was closed down as a result of the Poor Law Administration Act of 1834. It was shortly afterwards replaced by almshouses which were themselves replaced in 1929 by the modern buildings described under Sub Area 3D, below [Milward “Historic Wimbledon” pp.66-7]. The Vestry was responsible for providing at least 20 children with clothes and an allowance to enable them to “go into service”, and John Cooksey (1707-1777) a local vicar, persuaded the Dorothy Cecil Charity to pay schoolmasters to teach boys from the workhouse.
- 2.7 Then in 1757 he persuaded the Vestry to set up a committee of leading gentlemen to plan and build a school and secured Earl Spencer's permission to enclose two acres of the Common, by the modern Camp Road. There an octagonal schoolhouse (the present William Wilberforce School) was built with money raised from the local gentry.
- 2.8 In 1813 it was linked to the National Society for the Education of the Poor in the Principles of the Established Church and so became known as the National School, later becoming the Old Central. [Milward, “Historic Wimbledon” pp. 63 & 66].
- 2.9 The schoolhouse was extended in 1834 and altered and added to after 1870. In the 1960s the Church of England built a new primary school in Lake Road and the octagonal building was taken over by Merton Education Committee. It was partly rebuilt and reopened as William Wilberforce School for handicapped children. [Milward, “Historic Wimbledon” p.66] It was restored in 1974-6 and converted to a school for the “educationally sub-normal” [Pevsner p.454] and

- is now The Study Preparatory School.”
- 2.10 The Character Assessment goes on to states that:
- “All the buildings in Camp View are either of considerable historic interest (The Study Preparatory School) or exceptional architectural quality (Nos. 1 to 4 Camp View and Keir Cottage)”.
- 2.11 The site has an area of 0.46ha in a roughly rectangular site bounded by Camp Road to the south and Camp View to the west. To the southwest of the site is Wimbledon Golf Club and Helston Court Business Centre. To the north and east are primarily residential dwellings.
- 2.12 The road network in the immediate vicinity of the site is relatively narrow, which can contribute to congestion at peak times.
- 2.13 To the south of the Site is Cannizaro Park, a Grade II* Listed Park and Garden. Royal Wimbledon Golf Club is situated on the opposing corner of Camp Road and Camp View situated to the south west. To the north and east are residential dwellings.
- 2.14 The school is currently 2 form entry with up to 24 pupils per class, giving a total of 336 pupils. Wilberforce House accommodates the lower four years, (Reception and years 1, 2 and 3), totalling 192 pupils, while Spencer House accommodates years 4, 5 and 6 with a total of 144 pupils.
- 2.15 There are 38 staff members at Wilberforce House.
- 2.16 There is currently on site parking for 19 cars and 21 cycle parking spaces.
- 2.17 The majority of the site is laid to hardstanding with a car park to the northwest part of the site and a hard surfaced playground to the eastern part of the site. There is a lawned area to the southwest and southern part of the site.
- 2.18 The main vehicular access into the site is to the western side, leading off from Camp View. There are also pedestrian accesses into the site along Camp Road.
- 2.19 There are mature trees along the southern boundary of the site, also near the vehicular access and more to the norther site boundary.

2.20 The site has a PTAL of 0 (the lowest). The site is within an Archaeological Priority Zone. The Site is located in Flood Zone 1

3. **CURRENT PROPOSAL**

3.1 The proposal is for the erection of a two-storey extension to the south elevation, following demolition of the existing single storey built form. The proposal would effectively replace the existing single storey wing with a two-storey wing.

3.2 The extension would have a GIA of 1263sqm (demolishing 562sqm of existing GIA). The proposal would provide the following:

- Six classrooms.
- Two group rooms.
- Library.
- New entrance, reception and gallery.
- A multipurpose hall for performance, with 160 retractable seats.
- New cloakrooms and toilets.
- Remodelled year 1 classrooms to provide specialist group rooms.
- Re-landscaped external areas.

3.3 The proposed extension would stand to the southeast of the existing Octagon building. The proposed extension would have a roughly square shaped footprint with a mixture of gabled and hipped roofs above to a maximum ridge height of 9.379m. The eaves height of the two-storey extension would be 6.428m in height.

3.4 To the west elevation, there would be a glazed gable projection. To the east elevation there would three glazed gable projections, with balconies overlooking the playground. To the south elevation would be a hipped roof ending sloping away from the southern boundary.

3.5 The roof would be covered in an aluminium covering (powder coated in grey) with the walls being buff brickwork, with areas of brickwork detailing. Window reveals would be dark grey aluminium extrusions.

3.6 Plant machinery and solar panels would be located on the roof.

3.7 To the frontage of the building (west), there would be an external seating area with benches.

- 3.8 The proposed extension would be wheelchair accessible and served by an internal lift.
- 3.9 Cycle and scooter parking would be accommodated in three areas on site - to the western part of the site near the pedestrian access and also to the southeast part of the site, near the existing pedestrian access onto Camp Road. There would also be a cycle rack to the northern part of the site, adjacent to the existing car park. A total of 31 cycle parking spaces would be provided (16 cycle parking spaces and 15 scooter parking spaces). No additional on-site car parking is proposed.
- 3.10 The proposed extension would be separated from the south boundary of the site by between approximately 4.9m and 7.6m.
- 3.11 The proposal would necessitate the removal of three on-site early mature pollarded Lime trees (Category B), to the southern part of the site. In addition, one autumn flowering Cherry tree would be removed (Category C).
- 3.12 The scheme proposes the planting of nine semi-mature trees to the southern and western site boundaries.
- 3.13 The ground level of the majority of the existing playground to the eastern part of the site would be raised by approximately 300mm to create a level surface flush with the finished ground floor level of the proposed extension.
- 3.14 A hard landscaped path would be installed between the entrance of the new extension and a new pedestrian access onto Camp View. (One of the existing pedestrian accesses onto Camp View would be closed). A herb and flower garden, adjacent to the Octagon, would be incorporated into the landscape design.
- 3.15 The southern boundary of the site would be demarcated with close board fencing to a height of 1.8m. To the western part of the site the boundary would be demarcated with metal railings, including the pedestrian and vehicular access (gates formed from metal railings).
- 3.16 The proposal does not seek to increase the number of pupils attending the school but would facilitate use of the Wilberforce House site by pupils at the Spencer Hill site.
- 3.17 The submission indicates that there would be a 'Stop and Drop' plan for pupil drop off/collection which would involve relocating the

existing yellow zig zag road markings further to the west along Camp View and providing a space along the street for drop offs.

- 3.18 The existing arrangement has one vehicular access and 5 pedestrian points of entry along the boundary. This would be changed to:
- Retain the vehicular access for staff and school deliveries, with a controlled entry gate.
 - Maintain the existing school entrance, but alter it to staff entry only.
 - Relocate the main school entry to the south of the listed building
 - Close the existing entry to the garden space (off Camp View) and close the entry, close to the bend in the road, to the south of the main building being demolished (off Camp Road)
 - Relocate the existing pedestrian access to the playground further east. This will require the relocation of the existing highway barrier.

4. **PLANNING HISTORY**

- 4.1 14/P0807 - Demolition of existing shed and erection of a single storey wooden outbuilding - Grant Permission subject to Conditions 14/04/2014.
- 4.2 13/P2429 - Listed building consent for erection of a single storey wooden outbuilding involving demolition of existing shed - Grant Listed Building Consent (alteration/extension) 20/02/2014.
- 4.3 12/P2977 - Application for listed building consent for the demolition of toilet and majority of northern elevation and replacement with full height glazed windows and a timber framed canopy, plus erection of single storey brick extension to west elevation and the replacement of roof over north and west elevation - Grant Listed Building Consent (alteration/extension) 21/12/2012.
- 4.4 12/P2974 - Demolition of toilet and majority of northern elevation and replacement with full height glazed windows and a timber framed canopy, plus erection of single storey brick extension to west elevation and the replacement of roof over north and west elevation - Grant Permission subject to Conditions 21/12/2012.
- 4.5 12/P2099 - Application for listed buildings consent for internal alterations including a new opening to the corridor, the removal of two doors, the removal of an internal wall and the replacement of

three internal door with fire doors in connection with the use of the former caretakers flat as additional teaching rooms. - Grant Listed Building Consent (alteration/extension) 21/09/2012.

- 4.6 12/P2098 - Change of use of former caretakers flat to additional teaching rooms involving internal alterations including a new opening to the corridor, the removal of two doors, the removal of an internal wall and the replacement of three internal doors with fire doors. - Grant Permission subject to Conditions 21/09/2012.
- 4.7 There are a large number of other planning/listed building applications prior to 2008 as well as a number of tree works applications on the site, however these are not considered relevant.

5. **CONSULTATION**

- 5.1 Site Notice, Press Notice and individual letters to 36 neighbours. 14 letters of objection have been received, however, it should be noted that some of the letters are from multiple individuals and therefore, there have been a total of 53 objections, raising objection on the following grounds:

Visual impact

- Extensions are too large and will dwarf the existing buildings and block views to the Octagon.
- Harmful impact on the character of the Conservation Area.
- The submitted Heritage Impact Statement fails to assess the significance of the Conservation Area, its character or appearance or detail the impacts thereon.
- The substantial harm caused is not outweighed by the public benefit.
- Existing buildings do not compete with the Octagon but this proposal would overwhelm the Octagon.
- Uncharacteristic urban character.
- The windows are not in keeping with the Quadrant.
- The design is ill-proportioned and sits awkwardly with the Octagon.
- The design of the extension draw no reference from the exceptional Octagon building to which it is attached and appears as an ill-conceived bolt-on addition.
- Construction materials should match the existing Octagon – the contrast is ill-conceived.
- The proposed built form would dominate the space to the south and east of the listed building and erode its setting.
- The contrast in materials between the Octagon and the

proposed extension would exacerbate the dominance of the proposed extension.

- Damage to the skyline as a result of the proposed roofline.
- Proposal would be harmful in views from the adjacent Metropolitan Open Land.
- Proposals will be harmful in views from the Grade II* Listed Cannizaro Park.
- The test for 'Tall Building' suitability set out in the Core Planning Strategy is not met.
- The submission does not detail why a single storey extension could not provide the desired facilities and therefore weakens any justification for the proposal. Assertion that the extension should be single storey only.
- The proposal would cause substantial harm to the heritage asset for which there is no sufficient justification.
- The assertion by the applicant that the proposals were welcomed at the public meeting is not correct. Instead residents were polite and expressed support for some form of development but were concerned over the size of the proposals.
- Suggestion that ground floor should be subterranean to minimize the height of the building.
- Protected trees are likely to be lost.
- Gable to south elevation is inappropriate and damaging to the Listed Building.

Highway issues

- Increase in pupil numbers will result in an increase in traffic movements, with knock on impacts for congestion and highway safety, particularly child safety.
- There is no guarantee that pupil numbers will not increase as a result of the proposal.
- Urge the Council to ensure that the pupil numbers and use of the auditorium are controlled by legal agreement.
- Cars already park on the grass verges; this proposal will exacerbate this.
- The Transport Statement does not take account of pupils at Spencer House using the proposed facilities and therefore is seriously flawed as there would be a greater level of use and traffic movements as a result.
- Concerns that proposed 'Stop and Drop' plan would actually increase congestion and create bottlenecks, particularly as it is informal and other drivers using the road network would not conform to (or even be aware of) this informal plan.
- The submission states that there is no intention to increase

pupil numbers. However, with all the additional facilities there are concerns over this and it should be the subject of a legally enforceable agreement.

- Traffic and congestion throughout construction process – suggestion that staff do not park nearby, deliveries are only accepted in off peak hours, staff being assigned to control contractor vehicle operations and deliveries and work with parents to prevent traffic chaos.
- Suggestion that an off-road drop off area be created to reduce congestion.
- A reversal of the existing one-way system would only worsen the existing gridlock.
- Additional vehicles looking to park nearby to the site for extra curricular activities will deprive users of the Common and residents from finding parking spaces.

Residential amenity

- Children already make a lot of noise throughout the day, this would increase it to an extent that it would be intolerable.
- The building will be let in the evenings and the increased noise will be disturbing, particularly by teenage parties.
- Overshadowing to the area in general.

5.2 25 letters of support have been received, expressing support for the following reasons:

- Design is high quality and sympathetic to existing building.
- The proposal will enhance the listed building.
- Little impact on surrounding housing.
- Only a small increase in traffic.
- Improved energy efficiency.
- The existing accommodation needs improving and the works will enhance the school and the quality of education offered.
- If the improvement works are not carried out then the school may fall behind others and parents will have to send children to non-fee paying schools putting a higher demand on education infrastructure.

5.3 Following amendments to the scheme on 09/05/2018 and re-consultation, a further 16 letters of objection have been received (N.B. One of these letters represents the views of 32 individuals and one represents the views of 2 individuals, giving a total of 103 in total), objecting on the following grounds:

- The amendments are an improvement but the fact remains

that a big modern hall would be erected adjacent to this iconic Listed Building, which will harm the Conservation Area.

- The pitched roof would appear squat and awkward.
- Overly dominant appearance.
- Given that the school is available only to private pupils reduces any potential public benefit.
- The depth of the extension has increased, creating an adverse visual impact.
- The proposals remain two-storey which is of concern.
- The Conservation Area Character Assessment states that it: “*should be preserved in its current form*” but this would not be the case.
- The intended public benefit is not fully articulated.
- We expect to see a detailed explanation of what the public and educational benefits are in having a two-storey extension over a single storey extension.
- Query whether a two-storey performance hall is necessary for 4 to 8 year olds, or whether it would simply benefit parents watching performances.
- Suggestion that two classrooms be used for performance space in a single storey extension.
- The Transport Statement remains flawed because it wrongly assumes that parking spaces in the Causeway and on West Side Common will be used by parents dropping off or picking up.
- The Council has not secured a guarantee by way of legal agreement that pupil numbers will not increase.
- Proposal would cause substantial harm to the heritage asset which is not justified.
- Overshadowing to Octagon buildings.
- Creeping urbanization.
- Increased air pollution.
- The proposal is not suitable for this rural area.

5.4 Following amendments to the scheme on 09/05/2018 and re-consultation, a further 35 letters of support have been received (58 in total), expressing support for the following reasons:

- The improved facilities will be beneficial to the school.
- The double height performing arts centre will be of particular benefit.
- The plans include tree planting which is positive.
- The existing buildings are outdated.
- Amendments to the scheme are an improvement.

- High quality design which will also be more sustainable.
- Additional natural light in classrooms is a huge benefit.
- Development is long overdue.
- Traffic would not be worsened.
- There would be no adverse impact on neighbours.
- Building works will be inconvenient but there is a need to make improvements.
- Proposal will secure the longevity of the school.

5.5 Wimbledon Society:

The proposed development is in the Wimbledon West Conservation Area, with part of the Wilberforce site being a listed building (as set out in application 17/P4184). According to the applicant, the proposal does not intend to increase the number of students but to improve the conditions for the existing pupils and to improve traffic congestion which occurs at times. These are considered to be eminently suitable proposals. The roads surrounding the school on the Wilberforce site, namely Camp Road, Camp View, North View and West Place, while full of character are mostly impassable to larger vehicles. The traffic study submitted with the application is welcome, and should work well on completion of the project but needs to be extended to consider the demolition and construction phases.

The traffic study suggested a much greater use of the school bus, a 'stop and drop' zone, and imposing an informal anti-clockwise traffic direction in the four roads mentioned. This would make conditions safer for the children as crossing the road would not be required, but the implementation of the traffic direction and policing of the stop and drop' zone to minimise queuing has not been clarified.

A survey in the traffic study indicates that there is no great pressure on parking places, but while the temporary building is in use, the school staff will lose their parking places. It would be useful if the traffic study could make allowance for the demolition and construction phase, when builders lorries and trucks will contribute to an increase in the general traffic, and particularly during school start/finish times.

The realistic route for builder's vehicles would be to have all lorries entering and leaving on the road beside the Cannizzaro wall i.e. the one leading to the golf club. There would need to be a 'Turn Left' notice at the junction with West Side Common for all construction vehicles, with a "banksman" stationed there, and

probably a 'No Parking' section beside the alms-houses. This would all need to be agreed with the highway engineers and enshrined in a planning Condition. The Condition will need to be worded appropriately to avoid construction traffic direction being in direct opposition to the flow of parents delivering children.

We would encourage the applicants to agree a comprehensive traffic strategy with the Council to include the construction phase and also make some allowance for the cars of the operatives to be parked.

5.6 Wimbledon and Putney Commons Conservators:

I respond to your formal statutory consultation on behalf of Wimbledon and Putney Commons Conservators to register our objection to the above proposed development.

Wimbledon and Putney Commons are identified in your Core Planning Strategy as a Publicly Accessible Open Space, Site of Metropolitan Importance, Metropolitan Open Land, a Site of Special Scientific Interest and a Special Area of Conservation.

The Conservators have a statutory duty to maintain the Common and to protect and preserve its amenity and natural aspect for the benefit and enjoyment of the public. Conservation of the Commons is a fundamental concern to the Conservators who are wholly committed to maintaining and protecting and preserving this valued and important public open space.

The defining characteristic of the Commons is its openness, and its sense of natural landscape and countryside, enclosed within its boundaries with the city beyond. It is an important part of this character that the fringes of the Commons do not disclose imposing built form, but rather allow any glimpsed buildings to recede into the landscape, with historic views towards particular parts of the urban area protected.

The balance between the open and natural aspect of the Commons and the buildings that surround it, but are largely hidden from it or of a scale and massing that does not compromise the openness, is difficult one to achieve in an urban setting, but it is this balance which is critical to its character, and which must be preserved.

This is particularly important within the 'enclave' of buildings that form the Quadrant. The Commons and other open spaces enclose

the built form and provide a particularly important and intimate relationship with the Commons.

The current development proposals, their size and siting are of such a different bulk, scale and massing, from the existing density of buildings, that the intimacy of the fringes of this part of the Commons will forever be altered to its detriment.

The character of the Common's immediate fringes is varied and where there is a strong interplay between the Commons and the adjacent built areas that adds considerable value to the whole of this Conservation Area. This is particularly important in the Quadrant which acts as a major "gateway" onto Wimbledon Common and has retained a rural "village" aspect in terms of the scale and form of the buildings which is important in terms of its proximity and relationship lying between the Common and Cannizaro Park/Royal Wimbledon Golf Club.

The subject property is situated in the most prominent location in terms of views from the Commons and is already larger in terms of massing and height when compared with other buildings. The proposal to extend the massing and height of the building will only exacerbate its already incongruous form.

Overall the proposals are considered to be intrusive and inappropriate, and detrimental to the integrity, appearance and setting, and the public enjoyment of the Commons. The current proposals harm the appearance and character of the area. Concern is expressed, that if permitted, the proposals would contribute to an unnecessary and gradual erosion of the environmental quality and amenity and character of the fringes of the Commons.

It appears to maximise development potential with inappropriate proposals, at the expense of agreed Conservation area planning requirements and its contribution to the neighbourhood and the locality, and further at the expense of the valuable contribution which the Commons affords to this already densely populated urban area.

The Conservators urge that this proposal be rejected.

5.7 Wimbledon Common West Residents' Association:

I object on behalf of the residents' association to the above planning applications. The aim of the Wimbledon Common West

Residents' Association is to help preserve and enhance the rural atmosphere of the area and this development will do the complete opposite.

We live in a conservation area on the edge of Wimbledon common with lots of characterful old buildings and wonderful vistas.

Because of its height, scale and mass the building will dominate the Grade II listed octagonal building, the skyline will alter views from around the common and in particular coming from Sunset Road and the nature of the design will fundamentally change the atmosphere and setting of Camp Road.

The proposed building is industrial in its scale and is totally unsuited to the area. Its height, mass and position will have a terrible effect on the conservation area in general and in particular.

We are by no means "nimby" in our attitude. We co-exist and even support the golf clubs, The Study, Cannizaro House and the Fox & Grapes in our area. Over many years we have had a lot of problems with the mothers of children at The Study who have parked, and continue to park in an anti-social manner when delivering and collecting children from the school. A few years ago Stephen Hammond MP got involved in the difficulties created and he, together with Paul Atie and me, walked the area and talked to the school about parking control. The increased use of the building once completed will add further traffic problems to an already congested area.

Please do not allow this development on this scale in this location

5.8 Historic England:

This application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.

5.9 Climate Change Officer:

- The BRUKL output documentation submitted for the proposed development indicates that it should achieve a 35.8% improvement in CO2 emissions on Part L 2013. This meets the 35% improvement over Part L required for major developments under Policy 5.2 of the London Plan (2015) and is therefore policy compliant.

- Furthermore the energy and sustainability statement submitted for the development indicates that it will achieve a 23% saving in CO2 emissions through fabric performance with the remainder secured through the proposed use of a solar PV. I am satisfied that, in the absence of an existing heat network and due to the distance of the site from identified district heating opportunity areas, this approach is compliant with the Mayor's energy hierarchy approach outlined in Policy 5.2 of the London Plan (2015) and Policy CS15 of Merton's Core Planning Strategy (2011).
- The application includes a robust assessment of examining the risk of overheating and demonstrates compliance with the Mayors cooling hierarchy.
- This application robustly demonstrates compliance with local and regional sustainability policies.

CONDITION:

'Unless otherwise agreed in writing by the Local Planning Authority, no part of the development hereby approved shall be used or occupied until a Post-Construction Review Certificate issued by the Building Research Establishment or other equivalent assessors confirming that the non-residential development has achieved a BREEAM rating of not less than the standards equivalent to 'Very Good', and evidence demonstrating that the development has achieved not less than a 35% improvement in CO2 emissions reduction compared to Part L 2013 regulations, has been submitted to and acknowledged in writing by the Local Planning Authority.'

INFORMATIVE:

Carbon emissions evidence requirements for Post Construction stage assessments must provide:

- Detailed documentary evidence confirming the Target Emission Rate (TER), Building Emission Rate (BER) and percentage improvement of BER over TER based on 'As Built' BRUKL model outputs; **AND**
- A copy of the Building Regulations Output Document from the approved software. The output documents must be based on the 'as built' stage of analysis and must account for any changes to the specification during construction.
- A BREEAM post-construction certificate demonstrating that the development has achieved a BREEAM rating of not less than the standards equivalent to 'Very Good'

REASON:

To ensure that the development achieves a high standard of sustainability and makes efficient use of resources and to comply the following Development Plan policies for Merton: policy 5.2 of the

London Plan 2011 and policy CS15 of Merton's Core Planning Strategy 2011.

5.10 Biodiversity Officer:

Merton Maps identifies the following:

The land does not have any specific environmental designations, however is adjacent to the following:

- Wimbledon Common SSSI (CM13, DM02)
- Wimbledon Common and Putney Heath and Cannizaro Park SINC's (CS13, DM02)
- Wimbledon Common and Royal Wimbledon Golf Club Open Spaces (CS13, DM01)
- Wimbledon Common MOL (CS13, DM01)
- Wimbledon Common Green Corridor (CS13, DM02)
- Green Chain (CS13, DM01)

The applicant has submitted an Ecology Report which details the results of a Phase 1 habitat survey and protected species walkover survey of the site completed on 21 November 2016. The methodology and findings of this are considered appropriate.

Please note the following recommendations from the report. Should you be minded to recommend approval for this application, suitably worded conditions should be included to ensure these are incorporated:

“4.4 Any vegetation clearance required to enable development should be completed outside of the bird breeding period in the months of September to February, or immediately following confirmation by an ecologist that breeding birds are absent from the area at other times.

4.5 The following enhancements should be considered to enhance the long-term ecological value of the site.

- *Incorporate bird boxes into the scheme, including house sparrow terrace boxes.*
- *Incorporate wildlife friendly planting in to future landscaping proposals.”*

I would also recommend adding Informative 14:

Demolition of buildings and tree felling should avoid the bird nesting and bat roosting seasons. Anyone who takes, damages or destroys the nest of any wild bird whilst that nest is in use, or who kills, injures or disturbs bats, obstructs access to bat roosts or damages or disturbs bat roosts, even when unoccupied by bats, is guilty of an offence

under the Wildlife and Countryside Act 1981. Buildings and trees should be inspected for bird nests and bat roosts prior to demolition or felling by an appropriately qualified person. If bats are found, Natural England should be contacted for advice.

5.11 Local Education Authority (LBM):

This application proposes the expansion of an existing education facility, which is supported by London Plan policy 3.18, Merton Core Strategy policy CS11, and Merton Sites and Policies plan policy DMC2.

5.12 Highways:

Highways comments are

H1, H2, H4, H5, H10, H13, INF8, INF9 and INF12

Highways must be contacted for CDM plan and licences for construction works

5.13 Transport Planning:

The site is within an area with a PTAL of 0, just outside of the 1a (very poor) area. A PTAL 1a rating suggests that only a few journeys could be conveniently made by public transport.

The Study is split over two sites, Wilberforce House and Spencer House. Wilberforce House accommodates Reception to Year 3 and Years 4 to 6 -attends Spencer House. This application refers to Wilberforce House only.

It is proposed that part of the existing one-storey building is to be demolished. A new 2-storey extension will be built in its place. The extension will provide 6 classrooms, a library, a 212 seat hall, a new entrance and staff offices.

The proposed development will have the same number of children and staff as there is at present. There is however a proposed performance area which will increase the traffic at certain times.

The applicant proposes to develop a stop and drop strategy to overcome an illegal, clockwise, one-way system currently utilised during school AM and PM peak hours.

The submitted drawing illustrates the highway changes that would

be required due to re-location of the pedestrian entrance. If the 'stop and drop' strategy were brought into place it would affect a CPZ space.

Car Parking

The car parking provision on site will not be changing and no additional spaces introduced as the number of staff is remaining the same.

Cycle parking

The proposal includes 3 Sheffield stands which give 6 cycle spaces (2 spaces per stand) and an additional 25 cycle spaces which satisfies the London Plan.

Travel Plan

A Travel Plan is submitted by The Study as part of the planning application.

Parking Concessions

Parking concession to parents with young children (not permits) only applies for a maximum of 10 minutes either side of the start and finishing times. (Refer to: Paul Atie's letter dated 7th June 2017.)

Parking permits are not issued for the Parents or Staff at the school.

Summary: With the proposed mitigation works the development can be accommodated without detriment to vehicle flows and road safety on the surrounding highway network.

Recommendation: Raise no objection subject to:

- There is a high demand for parking in this area. The parking bay can only be removed subject to statutory consultation and cabinet member approval.
- The details of the travel plan should be subject to detailed agreement and monitoring over a five year period. A sum of £2,000 (two thousand pounds) is sought to meet the costs of monitoring the travel plan over five years, secured via the Section 106 process.
- A demolition / Construction Logistic Plan (including a Construction Management Plan compliant with Chapter 8 of the Road Signs Manual for temporary Works) should be submitted for approval before commencement of work.
- Car parking and cycle parking maintained.

5.14 Environmental Health:

Further to your consultation in relation to the above planning application I have considered the information submitted available on planning explorer.

Should you be minded to approve the application then I would recommend the following planning conditions:-

- 1) Noise levels, (expressed as the equivalent continuous sound level) LAeq (10 minutes), from any new plant/machinery from residential/commercial use associated with the development shall not exceed LA90-10dB at the boundary with the closest residential property.
- 2) Any external lighting shall be positioned and angled to prevent any light spillage or glare beyond the site boundary.
- 3) A construction management plan shall be submitted, agreed and implemented throughout the duration of the development.

Reason: To protect the amenities of future occupiers and those in the local vicinity.

6. **POLICY CONTEXT**

6.1 The key policies of most relevance to this proposal are as follows:

NPPF - National Planning Policy Framework (2012):

Relevant sections:

- | | |
|----|---|
| 4 | Promoting Sustainable Transport |
| 7 | Requiring Good Design |
| 8 | Promoting healthy communities |
| 12 | Conserving and enhancing the historic environment |

London Plan (2016)

- | | |
|------|--|
| 3.16 | Protection and enhancement of social infrastructure |
| 3.18 | Education facilities |
| 5.1 | Climate change mitigation |
| 5.2 | Minimising carbon dioxide emissions |
| 5.3 | Sustainable design and construction |
| 5.7 | Renewable energy |
| 6.3 | Assessing effects of development on transport capacity |
| 6.9 | Cycling |
| 6.10 | Walking |

6.13	Parking
7.2	An inclusive environment
7.3	Designing out crime
7.4	Local character
7.6	Architecture
7.14	Improving air quality
7.15	Reducing and managing noise, improving and enhancing the acoustic environment and promoting appropriate landscapes
7.17	Metropolitan open land
7.19	Biodiversity and access to nature
7.21	Trees and woodlands

Adopted Merton Core Planning Strategy (July 2011)

CS11	Infrastructure
CS13	Open Space, Nature Conservation, Leisure and Culture
CS14	Design
CS15	Climate Change
CS18	Active Transport
CS19	Public Transport
CS20	Parking, Servicing and Delivery

Adopted Merton Sites and Policies Plan and Policies Map (July 2014)

DM C1	Community facilities
DM C2	Education for children and young people
DM O1	Open Space
DM O2	Nature Conservation, Trees, hedges and landscape features
DM D1	Urban design and the public realm
DM D2	Design considerations in all developments
DM D4	Managing heritage assets
DM EP2	Reducing and mitigating noise
DM T1	Support for sustainable transport and active travel
DM T2	Transport impacts of development
DM T3	Car parking and servicing standards
DM T5	Access to the Road Network

Other guidance:

National Planning Policy Guidance (2014)
 Noise Policy Statement for England - DEFRA 2010
 Wimbledon West Conservation Area Character Assessment 2004

7. **PLANNING CONSIDERATIONS**

7.1 The key planning considerations are:

- Principle of development
- Provision of education facilities
- Impact upon the character and appearance of the West Wimbledon Conservation area, visual amenity, the impact on the historic character and fabric of the Grade II Listed Building and the impact on the setting of other heritage assets
- Impact on trees
- Impact upon neighbouring amenity
- Transport and highways issues
- Sustainability
- Flooding and site drainage
- Biodiversity
- Temporary educational facilities

7.2 Principle of development

7.2.1 Paragraph 72 of the National Planning Policy Framework states that the Government attaches great importance to ensuring that there is a sufficient choice of school places to meet the needs of existing and new communities. Local Planning Authorities should take a proactive approach to meeting this requirement and should give great weight to the need to create, expand or alter schools.

7.2.2 London Plan Policy 3.18 sets out that development proposals which enhance education and skills provision will be supported. Including new build, expansion of existing or change of use to educational purposes. The policy goes on to set out that development proposals which maximise the extended or multiple use of educational facilities for community or recreational use should be encouraged. The policy also supports development proposals that encourage co-location of services between schools, in order to maximise land use, reduce costs and develop the extended school's offer.

7.2.3 Core Planning Strategy Policy CS 11 and Policy DM C2 of the Sites and Policies Plan 2014 states that development proposals for new schools and/or improved education facilities for young people will be supported, particularly where new facilities are required to provide additional school places in an area to meet an identified shortfall in supply.

- 7.2.4 Therefore, in general terms the provision of education facilities are supported in policy terms.
- 7.2.5 This benefit must be weighed against the impact on the character of the Conservation Area and this historic character and fabric of the Grade II Listed Building.
- 7.3 Provision of education facilities
- 7.3.1 As set out above the expansion of educational facilities is supported in policy terms.
- 7.3.2 The school has identified a need for additional accommodation to provide an enhanced quality of education.
- 7.3.3 The provision of a double height hall and additional classrooms is considered to be a reasonable, proportionate requirement to improve the facilities at the school. Officers consider that there is a clear public benefit to improving the facilities at the school, including the double height performance space. The fact that the school is fee paying does not negate this public benefit, as it still provides an education role within the borough.
- 7.3.4 However, this benefit must be balanced against the other aspects of the scheme.
- 7.4 Impact upon the character and appearance of the West Wimbledon Conservation area, the impact on the historic character and fabric of the Grade II Listed Building and the impact on the setting of other heritage assets
- 7.4.1 London Plan policies 7.4 and 7.6, Core Strategy policy CS14 and SPP Policies DMD2 and DMD3 require well designed proposals that will respect the appearance, materials, scale, bulk, proportions and character of the original building and their surroundings. Policy 7.6 sets out a number of key objectives for the design of new buildings including that they should be of the highest architectural quality, they should be of a proportion, composition, scale and orientation that enhances, activates and appropriately defines the public realm, and buildings should have details that complement, but not necessarily replicate the local architectural character. Policy CS14 of the adopted Core Strategy states that all development needs to be designed to respect, reinforce and enhance local character and contribute to Merton's sense of place and identity. This will be achieved in various ways including by

promoting high quality design and providing functional spaces and buildings.

7.4.2 Layout

7.4.3 The extensions are focused to the southern part of the site in the position of existing single storey accommodation.

7.4.4 Critically, the extensions are set back from the Octagon building, ensuring that this element of the building remains prominent and the proposed extensions do not compete for dominance.

7.4.5 The southern building line has been pulled in following officer comments and a greater separation to the boundary. This revised layout is considered to respect the spacious character of the surroundings to a reasonable degree.

7.4.6 In terms of layout, the design approach is considered to be appropriate.

7.4.7 Design and massing

7.4.8 The design and massing has been carefully formulated in order to respect the character of the existing Grade II Listed Building, by creating a subordinate extension, with contrasting materials and form which ensure that the new build does not appear as a contrived pastiche but instead highlights the historic aspect of the building by creating a contrast between the new and the old.

7.4.9 This contemporary form is considered to both respect the character of the existing building and surrounding area but also to provide high quality accommodation for the school.

7.4.10 The use of pitched roofs sloping away from the boundaries minimises the external visual impact of the building. The south elevation is fairly plain, however, this assists in ensuring that the Octagon building remains the prominent element of built form on the site and some visual break up of the flank walls is provided through four sets of windows.

7.4.11 An important factor in the assessment is the impact on views from the nearby common land, which is also classified as Metropolitan Open Land (MOL). Policy DM O1 states that development in proximity to and likely to be conspicuous from MOL will only be acceptable if the visual amenities of the MOL will not be harmed by reason of siting materials or design. From the common land, to the

west of the site, there are views into the site. The Octagon would remain the prominent element in this view but would be against the backdrop of the proposed extension. This would change the view from the common land, as currently, the Octagon has space around it and in the proposed scenario the space to the side of the Octagon would be infilled. However, the existing built form to the edges of the common is varied, with significantly taller buildings abutting the common land in the vicinity. Whilst there would be some change to the views from the common, it is considered that this would not cause material harm to the views from the common land or MOL.

7.4.12 It is noted that many objectors are concerned that the proposed extension is two-storeys in height. This increased mass will have an impact on visual amenity but it is considered that this impact would be justified (see section below on 'heritage issues').

7.4.13 Hard and soft landscaping

7.4.14 The proposal would involve building over some of the existing green space around the existing school buildings. However, the proposed layout would retain a reasonable amount of space to the site boundaries and would incorporate tree planting to the southern boundary which would soften the visual impact of the development.

7.4.15 The hard landscaping to the frontage of the proposed extension would assist in creating a legible scheme and would assist in unifying the built form across the site.

7.4.16 A line of tree planting to the boundaries is proposed which will assist in softening the visual impact of the proposed extensions to some degree.

7.4.17 Heritage issues

7.4.18 The NPPF advises local authorities to take into account the following points when drawing up strategies for the conservation and enjoyment of the historic environment. The following considerations should be taken into account when determining planning applications.

- The desirability of sustaining and enhancing the significance of heritage assets and preserving them in a viable use consistent with their conservation; the wider social, cultural, economic and environmental benefits that the conservation of the historic environment can bring;

- The desirability of new development in making a positive contribution to local character and distinctiveness;
- Opportunities to draw on the contribution made by the historic environment to the character of a place.

7.4.19 LPAs should also identify and assess the significance of a heritage asset that may be affected by a proposal and should take this assessment into account when considering the impact upon the heritage asset. 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.

7.4.20 The Planning (Listed Buildings and Conservation Areas) Act 1990 sets out at section 66 that In considering whether to grant planning permission [or permission in principle] for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

7.4.20 Sites and policies plan policy DM D4 requires:

b) All development proposals associated with the borough's heritage assets or their setting will be expected to demonstrate, within a Heritage Statement, how the proposal conserves and where appropriate enhances the significance of the asset in terms of its individual architectural or historic interest and its setting.

7.4.21 It is noted that neighbours have raised concern with the detail of the submitted Heritage Statement. However, officers consider that sufficient information is available to inform a decision.

7.4.22 The existing heritage asset (the Grade II Listed Building and Conservation Area) represent heritage assets of significant weight.

7.4.23 The proposed extensions would be set back behind the main listed building and would not encroach physically onto the Octagon building. It is noted that the extensions would be two-storey but they would be set down lower than the Octagon building with a subordinate ridge height.

7.4.24 The proposal would result in a significant addition of built form across the site. However, the design and layout of the proposal is such that the Octagon would be retained as the most prominent element of built form on the site.

7.4.25 The additional bulk and massing proposed, whilst being set back and subordinate in height to the Octagon, would have an impact on the heritage assets (the existing Grade II Listed Building, the wider Conservation Area and, to some degree, the setting of Cannizaro Park).

7.4.26 In terms of the impact on the setting of Cannizaro Park, there are currently views of part of the roof of the Octagon from the park, these would be largely obscured by the proposed development. However, this visual impact is not considered to cause material harm to the setting of the Listed Park as the impact would be marginal.

7.4.27 The NPPG sets out guidance as to how to assess if substantial harm is caused to a heritage asset:

“What matters in assessing if a proposal causes substantial harm is the impact on the significance of the heritage asset. As the National Planning Policy Framework makes clear, significance derives not only from a heritage asset’s physical presence, but also from its setting.

Whether a proposal causes substantial harm will be a judgment for the decision taker, having regard to the circumstances of the case and the policy in the National Planning Policy Framework. In general terms, substantial harm is a high test, so it may not arise in many cases. For example, in determining whether works to a listed building constitute substantial harm, an important consideration would be whether the adverse impact seriously affects a key element of its special architectural or historic interest. It is the degree of harm to the asset’s significance rather than the scale of the development that is to be assessed. The harm may arise from works to the asset or from development within its setting.

While the impact of total destruction is obvious, partial destruction is likely to have a considerable impact but, depending on the circumstances, it may still be less than substantial harm or conceivably not harmful at all, for example, when removing later inappropriate additions to historic buildings which harm their significance. Similarly, works that are moderate or minor in scale are likely to cause less than substantial harm or no harm at all. However, even minor works have the potential to cause substantial harm.”

7.4.28 The existing building would not be demolished but its setting would be affected by the additional built form. Although the design of the proposal is considered to be acceptable its scale is such that the impact is considered to amount to less than substantial harm to the Conservation Area and the setting of the Listed Building.

7.4.29 Therefore, it is necessary for there to be public benefits which are of sufficient value to outweigh the harm caused.

7.4.30 Public benefits may follow from many developments and could be anything that delivers economic, social or environmental progress as described in the National Planning Policy Framework. Public benefits should flow from the proposed development. They should be of a nature or scale to be of benefit to the public at large and should not just be a private benefit. However, benefits do not always have to be visible or accessible to the public in order to be genuine public benefits.

7.4.31 Public Benefits:

- The provision of large, better lit, better ventilated classrooms is a clear benefit to the education services that the school provides.
- A double height performance space will improve the offering of the school and has the potential to inspire the pupils. The fact that the pupils are only aged 4-8 is not considered to negate this benefit as suggested by objectors.
- The proposal will ensure that the existing school hall no longer is required to serve a multitude of purposes, thus improving the functioning of the school.
- The school is a private, fee paying school but is open to the general public and therefore, this does not negate the public benefit created by the proposal.

7.4.32 These public benefits are considered to be sufficiently articulated and justified within the application and are considered to outweigh the less than substantial harm caused to the setting of the Listed Building and Conservation Area.

7.4.33 The proposal is, therefore, considered to be acceptable in terms of its visual impact and impact on heritage assets, in terms of both the planning application (17/P4202) and the Listed Building Consent application (17/P4184).

7.5 Impact on trees

7.5.1 The site is within a Conservation Area wherein trees are protected. The proposal would result in the loss of three mature trees and one small cherry tree. Whilst the loss of trees is regrettable, the scheme proposes replacement planting which would mitigate for this loss and as such no objection is raised. Conditions are recommended to ensure that retained trees are protected throughout the construction process.

7.6 Impact upon neighbouring amenity

7.6.1 London Plan policies 7.14 and 7.15 seek to improve air quality or be at least air quality neutral and reduce and manage the noise environment. 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.

7.6.2 Built form and massing

7.6.3 The separation distances from the site boundaries are such that there would be no material harm caused to neighbouring amenity.

7.6.4 There is potential for disruption throughout the construction process. However, conditions are recommended to minimise this impact as far as reasonably practicable.

7.6.5 Noise

7.6.6 There is no indication that noise levels emanating within the building would be increased as a result of the proposal. External areas would generate a similar level of noise to that currently. Notwithstanding this, a condition is recommended to ensure that plant noise is minimised. The proposal is considered to be acceptable in terms of noise generation.

7.6.7 Lighting

7.6.8 Lighting across the site has the potential to adversely affect the character of the area and the impact on residential amenity and as such a condition is recommended to ensure that details of lighting are provided (which can then be assessed by officers).

7.6.9 Air quality

7.6.10 The NPFF recognises reducing pollution as being one of its core planning principles. It further indicates that LPA's should focus on whether the development is an acceptable use of land, and the impact of the use.

7.6.11 London Plan Policy 7.14 provides strategic guidance specific to air quality. It seeks to minimise exposure to existing poor air quality and make provision to address local problems. This is reflected by local policy, whereby the Core Strategy identifies the strategy to reduce air pollution through Policies CS18-20. The entire borough has been declared as an Air Quality Management Area.

7.6.12 The day to day operation of the school results in traffic movements which have an impact on air quality. However, no additional pupils are proposed and subject to a Travel Plan, there would be sustainable methods of travel. Therefore, the impact on air quality would be controlled and would be acceptable.

7.6.13 The construction process has the potential to adversely impact on air quality and a condition to secure a Construction Management Plan is recommended to minimise these impacts.

7.7 Transport and highways issues

7.7.1 London Plan policy 6.3 requires that development proposals ensure that impacts on transport capacity and the transport network at both corridor and local level are fully assessed. Development should not adversely affect safety on the transport network. Similarly Core Strategy policy CS20 requires that development would not adversely affect pedestrian or cycle movements, safety, the convenience of local residents, on street parking or traffic management.

7.7.2 London Plan policies 6.9 and 6.10 seek to ensure that developments provide integrated and accessible cycle facilities and high quality pedestrian environments while policy 6.13 sets out maximum parking standards. The policies provide an overarching framework for decision making.

7.7.3 The site is located in a low PTAL area, accessed by relatively narrow roads. There are currently issues of congestion at peak times.

- 7.7.4 The overall number of pupils would not increase and this is recommended to be controlled by way of condition, meaning that the school would need to apply for planning permission for a future increase in pupil numbers. However, there would be increased activity due to the proposed performance area which would increase the traffic at certain times.
- 7.7.5 There is currently an informal and unenforceable one way system around the surrounding roads, associated with the school. The scheme proposes to develop a stop and drop strategy to overcome this one-way system currently utilised during school AM and PM peak hours.
- 7.7.6 The submitted drawing illustrates the highway changes that would be required due to re-location of the pedestrian entrance. If the 'stop and drop' strategy were brought into place it would affect a CPZ space.
- 7.7.7 The car parking provision on site will not be changing and no additional spaces introduced as the number of staff is remaining the same. Therefore, no objection is raised.
- 7.7.8 The proposal includes 3 Sheffield stands which give 6 cycle spaces (2 spaces per stand) and an additional 25 cycle spaces which satisfies the London Plan. Therefore, no objection is raised.
- 7.7.9 A Travel Plan is submitted by the school as part of the planning application, the details of which are recommended to be controlled by condition. It is noted that the Transport Planner has suggested a legal agreement. However, in this instance a condition would provide sufficient assurance.
- 7.7.10 Cycle parking would be provided in line with London Plan guidance and is recommended to be controlled by way of condition.
- 7.7.11 The Council's Transport Planner concludes that with the proposed mitigation works the development can be accommodated without detriment to vehicle flows and road safety on the surrounding highway network.

7.8 Sustainability

- 7.8.1 Policy 5.2 Minimising Carbon Dioxide Emissions of London Plan requires that development proposals should make the fullest contribution to minimising carbon dioxide emissions in accordance with the Mayor's energy hierarchy. Merton's Core Planning

Strategy Policy CS15 Climate Change (parts a-d) requires new developments to make effective use of resources and materials, minimise water use and CO2 emissions.

- 7.8.2 An energy statement has been submitted with the application to demonstrate that the scheme has been designed to achieve a 35.8% improvement on Part L 2013, in accordance with London and Local Plan policy requirements (the requirement is for a 35% reduction).
- 7.8.3 Evidence has been submitted to confirm that the scheme has been designed to achieve BREEAM 'Very Good' level.
- 7.8.4 The proposal would meet the relevant sustainability targets, subject to condition and the proposal is considered to be acceptable in terms of climate change and sustainability, in accordance with Policy CS15 of the Core Planning Strategy 2011.

7.9 Flooding and site drainage

- 7.9.1 Policies DM F1 and DM F2 of Merton's Sites and Policies Plan and policy CS.16 of the Core Strategy seeks to ensure that development will not have an adverse impact on flooding and that there would be no adverse impacts on essential community infrastructure. The site is located within Flood Zone 1 and is therefore at low risk of flooding from fluvial flooding.
- 7.9.2 Notwithstanding the fact that the site is not in an area prone to flooding, it is necessary for the development to include details of a Sustainable Urban Drainage System and demonstrate a sustainable approach to the management of surface water on site.
- 7.9.3 There would be an increase in impermeable area across the site. The application is accompanied by a Drainage Statement, incorporating a Sustainable Urban Drainage Scheme which demonstrates that runoff rates would be reduced and is considered to be a reasonable approach to minimizing surface water runoff at the site. This matter is recommended to be controlled by way of condition.

7.10 Biodiversity

- 7.10.1 The site itself has some biodiversity potential due to the existing built form, potentially suitable for bats, and the nearby common land. The applicant has submitted an Ecology Report, which concludes that there would be no adverse impacts to biodiversity

subject to suitable mitigation measures, which can be controlled by way of condition.

7.10.2 The proposal is considered to be acceptable in terms of its impact on biodiversity and would comply with Policy 7.19 of the London Plan 2016, Policy CS13 of the Core Planning Strategy 2011 and Policy DM O2 of the Sites and Policies Plan 2014.

7.11 Temporary educational facilities

7.11.1 During construction, the existing extension will not be available for educational activities, and as such temporary educational facilities will need to be provided to ensure the continued education of the pupils during construction works. Without these facilities, the construction cannot be undertaken as the continuous provision of education is a necessary requirement. Schedule 2, Part 4, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO) confirms that the following can be considered permitted development and therefore does not require the benefit of planning permission:

“The provision on land of buildings, moveable structures, works, plant or machinery required temporarily in connection with and for the duration of operations being or to be carried out on, in, under or over that land or on land adjoining that land”.

7.11.2 As the temporary educational facilities are required in connection with the construction of the new wing, their installation constitutes permitted development under Schedule 2, Part 4, Class A of the GPDO and therefore does not require planning permission.

8. ENVIRONMENTAL IMPACT ASSESSMENT

8.1 The application site is 0.47 hectares and therefore does not require consideration under Schedule 2 development under the The Town and Country Planning (Environmental Impact Assessment) Regulations 2011.

8.1.2 The need for Environmental Impact Assessment as part of the proposed development has been assessed using the criteria in the above regulations. This assessment has concluded that there is no requirement for an Environmental Impact Assessment as part of this planning application.

9. LOCAL FINANCIAL CONSIDERATIONS

9.1 Community Infrastructure Levy

9.1.2 The scheme is not liable to pay CIL as it is a health and education use, which is CIL exempt.

10. Conclusion

10.1 The proposed development would improve education facilities at the school, which is a public benefit and supported in principle.

10.2 The additional built form would have an impact on the character of the Conservation Area and Listed Building but this impact is considered to be justified and acceptable.

10.3 The impact on residential amenity would be acceptable.

10.4 Subject to conditions the impact on traffic would be acceptable.

10.5 The proposal is considered to be acceptable in planning terms and in terms of the concurrent Listed Building Consent application.

RECOMMENDATION

Grant planning permission and Listed Building Consent subject to the following conditions:

Conditions:

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans: 702-WH-PL-001 Rev 01, 702-WH-PL-002 Rev 03, 702-WH-PL-003 Rev 03, 702-WH-PL-004 Rev 03, 702-WH-PL-010 Rev 05, 702-WH-PL-011 Rev 04, 702-WH-PL-012 Rev 06, 702-WH-PL-050 Rev 00, 702-WH-PL-100 Rev 06, 702-WH-PL-101 Rev 05, 702-WH-PL-201 Rev 02, 702-WH-PL-300 Rev 03, 702-WH-PL-301 Rev 03, 702-WH-PL-305 Rev 01, 702-WH-PL-306 Rev 01, 702-WH-PL-307 Rev 02, 702-WH-PL-400 Rev 02, W-L01 Rev Q, W-L03 Rev H, W-

L12 Rev B, W-L20 Rev G and 25719-100 Version 2.

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

3. Material samples.
4. D10 External Lighting
5. Landscaping Implementation
6. A Demolition / Construction Logistic Plan (including a Construction Management Plan compliant with Chapter 8 of the Road Signs Manual for temporary Works) should be submitted for approval before commencement of work.
7. Car parking and cycle parking maintained.
8. Any vegetation clearance required to enable development shall be completed outside of the bird breeding period in the months of September to February, or immediately following confirmation by an ecologist that breeding birds are absent from the area at other times.
9. H1 – New Vehicular Access
10. H2 – Vehicle Access
11. H4 – Provision of cycle parking.
12. H5 – Visibility splays
13. H10 – Construction vehicles – washdown.
14. Unless otherwise agreed in writing by the Local Planning Authority, no part of the development hereby approved shall be used or occupied until a Post-Construction Review Certificate issued by the Building Research Establishment or other equivalent assessors confirming that the non-residential development has achieved a BREEAM rating of not less than the standards equivalent to 'Very Good', and evidence demonstrating that the development has achieved not less than a 35% improvement in CO2 emissions reduction compared to Part L 2013 regulations, has been submitted to and acknowledged in writing by the Local Planning Authority.'

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

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

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

Reason: Having regard to the impact on neighbouring amenity and to accord with Policies DM D2, DM EP2 and DM EP4 of the Sites and Policies Plan 2014 and Policy 7.15 of the London Plan 2015.

16. No development approved by this permission, other than demolition works, shall be commenced until a detailed scheme for the provision of surface and foul water drainage has been implemented in accordance with details that have been submitted to and approved in writing by the local planning authority and in consultation with Thames Water. The drainage scheme will dispose of surface water by means of a sustainable drainage system (SuDS) in accordance with drainage hierarchy contained within the London Plan Policy (5.12, 5.13 and SPG) and the advice contained within the National SuDS Standards. Where a sustainable drainage scheme is to be provided, the submitted details shall:

- i. Provide information about the design storm period and intensity and the method employed to attenuate flows to sewer or main river. Appropriate measures must be taken to prevent pollution of the receiving groundwater and/or surface waters;
- ii. Include a timetable for its implementation;
- iii. Provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption and any other arrangements to secure the operation of the scheme throughout its lifetime;

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

17. H08 Travel Plan.
18. Tree Protection
19. Restriction on increasing pupil numbers

INFORMATIVES

1. INFORMATIVE

Carbon emissions evidence requirements for Post Construction stage assessments must provide:

- Detailed documentary evidence confirming the Target Emission Rate (TER), Building Emission Rate (BER) and percentage improvement of BER over TER based on 'As Built' BRUKL model outputs; **AND**
- A copy of the Building Regulations Output Document from the approved software. The output documents must be based on the 'as built' stage of analysis and must account for any changes to the specification during construction.
- A BREEAM post-construction certificate demonstrating that the development has achieved a BREEAM rating of not less than the standards equivalent to 'Very Good'

2. INFORMATIVE

Demolition of buildings and tree felling should avoid the bird nesting and bat roosting seasons. Anyone who takes, damages or destroys the nest of any wild bird whilst that nest is in use, or who kills, injures or disturbs bats, obstructs access to bat roosts or damages or disturbs bat roosts, even when unoccupied by bats, is guilty of an offence under the Wildlife and Countryside Act 1981. Buildings and trees should be inspected for bird nests and bat roosts prior to demolition or felling by an appropriately qualified person. If bats are found, Natural England should be contacted for advice.

3. INF8 – Construction of Accesses.

4. INF9 – Works on the Public Highway.

5. INF12 – Works affecting the public highway.

6. INFORMATIVE

The parking bay can only be removed subject to statutory consultation and cabinet member approval.

7. INFORMATIVE

The following enhancements should be considered to enhance the long-term ecological value of the site.

- Incorporate bird boxes into the scheme, including house sparrow terrace boxes.
- Incorporate wildlife friendly planting in to future landscaping proposals.

8. INFORMATIVE

Highways must be contacted for CDM plan and licences for construction works

9. INFORMATIVE

You are advised to contact the Council's Highways team on 020 8545 3700 before undertaking any works within the Public Highway to obtain the necessary approvals and/or licences. Please be advised that there is a further charge for this work. If your application falls within a Controlled Parking Zone this has further costs involved and can delay the application by 6 to 12 months.

10. 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).

11. 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.

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

And for Listed Building Consent [Click Here](#)

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PLANNING APPLICATIONS COMMITTEE

7th June 2018

APPLICATION NO. **DATE VALID**

17/P2574 17.07.2017

Address/Site Former Sparrowhawk site, 159 Commonside East, Mitcham,
CR4 2QB

Ward: Figges Marsh

Proposal: Demolition of existing buildings and the erection of a building to
create x 28 self-contained residential units with associated
parking and landscaping

Drawing Nos: Site location plan and drawings 871-GE01-P3, 871-GE02-P2,
871-GA-00-P6, 871-GA-01, 871-GA-02-P4, 871-GA-03 & 871-
GA-RF

Contact Officer: Leigh Harrington (020 8545 3836)

RECOMMENDATION

Grant planning permission subject to a section 106 agreement for affordable housing and carbon offsetting and relevant conditions.

CHECKLIST INFORMATION.

- Heads of agreement: Yes
- Is a screening opinion required: No
- Is an Environmental Statement required: No
- Has an Environmental Impact Assessment been submitted: No
- Design Review Panel consulted: Yes
- Number of neighbours consulted: 85
- Press notice – Yes
- Site notice – Yes
- External consultations: Metropolitan Police
- Archaeological Priority Zone – Yes
- Controlled Parking Zone - No
- Number of jobs created: N/A
- Density 147 Dwellings per hectare

1 INTRODUCTION

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

2. SITE AND SURROUNDINGS

2.1 The site is an irregular shaped plot of land located at the junction of Commonsides East and Hallowell Close in Mitcham. The site comprises a detached house and a disused scrap yard. The site is surrounded by predominantly residential properties with two storey interwar terraced houses and a garage area along Hallowell Close and a converted public house on Commonsides East and a block of flats being the adjacent neighbours whilst the bridge on Commonsides East screens much of the site from Mitcham Common which is opposite the site. The site is not within a CPZ or Conservation Area but is adjacent to the Mitcham Cricket Green Conservation Area. It is located within a Tier 2 Archaeological Priority Zone and has a PTAL rating of 3. The site is within Flood Risk Zone 1 and therefore deemed to be at low risk of flooding.

3. **CURRENT PROPOSAL**

3.1 This application seeks planning permission for the demolition of all buildings on the site and the erection of a new part three storey part four storey apartment block. In its original form the proposal involved 37 units, this was reduced at application stage such that the apartment block was to be a larger building with a larger fourth floor to provide 29 flats. Following discussion with officers the fourth floor has been reduced and the proposals will now provide 28 units.

3.2 The vehicular access to the site leading to 18 parking spaces and 1 disabled space will be from Commonsides East via a gated entrance which also serves the cycle store with a footpath leading from the car parking and cycle stores to the rear door to the block. The main pedestrian entrance to the block would also be via Commonsides East which will be adjacent to the refuse store and lead to the lift core and plant room. There would also be three street facing entrances to the ground floor units with small private front gardens and five units on Hallowell Close will also have street facing entrances with private front gardens. The submitted plans show the existing pavement configuration would be altered to provide 6 parking spaces to replace the more informal on pavement parking along Hallowell Close in front of the site. The four 3B/5P duplex units on Hallowell Close frontage would be provided with private rear gardens and there would also be a small planting strip between the rear of the gardens and the car parking area.

3.3 The ground floor accommodates five flats and the four duplex units and a small area set aside for plant as well as the refuse area. The first floor has six flats and the upper floor of the four duplex units. The second floor has nine flats and there would be four on the third floor facing the common.

3.4 The first three floors of the block will be finished in light coloured exposed brickwork with ornamental balcony screens with the top floor being finished in aluminium cladding and large areas of glazing. The height of the building on the Commonsides East elevation would be 12.85m reducing to 7.4m on the Hallowell Close elevation.

4. PLANNING HISTORY

- 4.1 06/P1778- Planning permission granted for erection of single storey rear extension.
- 4.2 90/P1098– Planning permission granted for the construction of a mono-pitch roof above existing flat roof of warehouse building.

5. CONSULTATION

- 5.1 The application was advertised by means of Press and site notices and letters to 85 neighbouring occupiers. As a result 27 objections, including a petition, were received from neighbouring residents who raised concerns relating to;
- Too many flats for such a small plot.
 - This is a money making venture with no thought for the local community.
 - This will become an anti social development like the Beehive development has become with more people than were intended.
 - The height is out of keeping with surrounding properties and should be the same height as surrounding properties.
 - Access on Hallowell Close will impact character of the area and lead to loss of privacy.
 - Height will cause issues of overlooking and loss of privacy and light.
 - Too close to the pavement.
 - Design and Access statement full of errors, misleading and erroneous elements.
 - D&A statement uses wide angle lens view to create impression of more space than there is in reality.
 - Insufficient parking on site.
 - Increased pressure on the street parking capacity.
 - Existing town centre parking, school parking by staff and at pick up and drop off times, local car repairers, white vans and commuters from Eastfields already add to parking pressure.
 - Parking survey 'stunningly inaccurate', developers 'are lying' parking is virtually full 24/7 and not only 70% full. Data is out of date.
 - Will restrict access to nearby corner garage site because of additional vehicle parking.
 - Residents would not want to park on Gaston road or Baker Lane due to the extra time this takes and security risk of poorly lit areas.
 - Difficult access to the site and to Hallowell Close from corner parking for emergency services and refuse vehicles.
 - Has a live workspace option been considered?
 - Drainage strategy inaccurate what will happen to waste and rain water.
 - Did not get the applicants pre application consultation notice.
 - No public engagement involving local residents.
 - What will impact be from Conservation Area?
 - No comment in the documents about views of the site from the CA.
 - Projecting balconies will be visually intrusive.
 - Does not address the corner.

- Should provide more dual aspect family accommodation with new communal space.
 - 5% affordable housing is not enough.
 - Dust and pollution from construction will impact children at the primary school.
- 5.2 Councillor Stanford. While the reduction in quantum of development was positive there is no capacity for overspill parking on nearby roads. Queried the use of aluminium cladding on the top floor.
- 5.3 Metropolitan Police safer by design officer. No objection to the proposals but did make a number of security suggestions for the proposals including the introduction of CCTV, access control, buffer zones, secure cycle storage, planting, lighting. The officer saw no reason why the development could not achieve Secured By Design Gold or Silver awards and sought a condition requiring a full and detailed application for the SBD award scheme.
- 5.5 Transport Planning No objection. In order to retain the existing footway parking the footway fronting Hallowell Close is to be widened to 1.5-2m to provide for an improved environment for the future and exiting residents of Commonsides East and Hallowell Close. This provides an improvement in pedestrian safety over the existing situation. It is intended that this footway will be offered for adoption as highway maintainable at the public expense. The level of parking and cycle storage provision was also considered acceptable. No objections were raised subject to conditions.
- 5.6 Environmental Health No objections subject to the imposition of conditions relating to site contamination given the use of the site for scrap dealing, noise impact on future residents, construction management and hours of operation and external lighting.
- 5.7 Climate change officer. The proposals would meet current policy requirements for a 35% reduction in CO2 emissions although London Plan policy seeks for major developments to achieve 100% improvement. Where that cannot be achieved through savings on site, a cash contribution for carbon offset can be secured through a s106 agreement which in this instance equates to £35,460.
- 5.7 Arboricultural officer. Three off site trees are noted to be in close proximity, but outside the site and although of modest quality the officer raised no objections to the proposed development but requested conditions to protect the three on site trees during construction.
- 5.8 Flood Risk Manager.
- No objections were raised subject to conditions relating to a sustainable urban drainage scheme.
- 5.9 Design Officers were involved at a number of stages of the development of the design including the pre application stage when that design was submitted to the DRP. In September the design officer commented 'Whilst the current proposal is a significant improvement from the original, there still remain

important issues that are not resolved with this relatively simple, regular-shaped site. The site layout is considered appropriate and sensible, but there remain issues with the massing, materials and quality of the internal layout'. The officer was of the opinion that 3 storeys would be appropriate along Hallowell close and 4 storeys on Commonsides East and the plans were amended to reflect this advice. Similarly concerns that these two elevations needed different treatments have been incorporated into the design.

In terms of layout a number of recommendations were made including increasing the number of dual aspect units, not having bedrooms on the ground floor at the front of the units, separate kitchens for the 3 bedroom duplex units, better bedroom layouts to show more storage. These elements were not brought into the latest drawings. Improved CGIs were requested and submitted

Design Review Panel.

- 5.10 A pre application design was referred to the Design Review Panel in September 2016 and the panel commented; "The Panel had a number of concerns regarding this proposal at a range of levels. The site was not as straightforward as it first seemed. It was not a natural corner site, as the corner was close to small scale houses which the taller element overpowered. The north-western end had clear views over the common which would benefit from a taller part of the development. This suggested that the elevations needed to be treated differently – one facing the common and one more intimate and facing the existing street." (Officers note that the Hallowell Close elevation now features a more domestic appearance with street level entrances whilst the Commonsides East elevation has an elevation that reflects the flatted element of the design).

It was noted that the location was excellent for families, with local facilities nearby. This led the Panel to suggest that the development should have less flats and take a different approach, providing more family accommodation and this would help it better relate to the different site contexts on each frontage. The Panel were also critical of the high number of single aspect flats, with little justification for them. Fewer units of higher value may be more appropriate." (Officers note that while the mix does not slavishly reflect the borough wide recommended mix for new dwellings as set out in the Sites and Policies Plan the proposal will provide family sized units whilst the smaller sized units would add to the mix of housing types in the area).

With these thoughts in mind, the Panel suggested that if the access was moved further to the middle of the frontage, a mews development could be created. It was felt that the parking was causing design problems to the rear and that the layout was poor. The amount and type of amenity space was poor and fragmented and would benefit from being re-ordered to provide a single communal space. Less parking could be provided if a car club was provided. The public realm around the building needed further consideration given that bedrooms would face the street at ground floor, though individual front doors for the ground floor flats was welcomed". (Officers note that the flats' entrance on Commonsides East has now been set centrally on that elevation whilst the car parking layout has been amended. Whilst the

submitted scheme did incorporate the communal amenity space it was considered by officers to be better served to provide a larger garden for the family unit and on balance members may consider this acceptable).

The Panel questioned the design of the courtyard and felt that the partial enclosure by the roof garden would undermine its quality. It could feel more like a large corridor rather than an amenity space. The use of Corten (steel cladding) was questioned as it was considered difficult to make work successfully, particularly with residential buildings. It was noted that most local buildings were white in colour so the choice of materials was not understood". (Officers note that the Corten Steel design was discarded in favour of a softer lighter coloured materials palette).

The Panel also could not see how the rhythm of surrounding buildings was reflected in the architecture as stated by the applicant. It was felt that the horizontal forms of the top floor and balconies was competing with the verticality of the bays, which looked more convincing on plan than in elevation. The drawings gave no indication of the finesse required in contemporary architecture and which the architect had shown in more traditional schemes in their portfolio. It was considered that the design would be highly susceptible to de-specification and value engineering an unlikely to achieve a high quality building on this important site overlooking the common". (Officers note that the impact of the horizontal arrangement has been lessened by a reduction in the number of floors whilst the detailed design includes features to highlight the verticality of the design along Hallowell Close).

The Panel felt that the layout, architecture and overall quality of the proposal needed to be significantly improved. VERDICT: **RED**

- 5.11 Historic England (archaeology) No objections subject to a condition for a two stage process of archaeological investigation, firstly an evaluation to clarify the nature and extend of any surviving remains followed if necessary by a full investigation.

6 POLICY CONTEXT

- 6.1 NPPF (2012). Key sections:
 - 6. Delivering a wide choice of high quality homes.
 - 7. Requiring good design.
- 6.2 Relevant policies in the 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),
 - 5.1 (Climate change mitigation),
 - 5.3 (Sustainable design and construction),
 - 5.7 (Renewable energy),
 - 5.13 (Sustainable drainage),
 - 6.9 (Cycling),
 - 7.5 (Public realm),

- 7.6 (Architecture) &
7.21 (Trees and woodlands).
- 6.3 London Housing Supplementary Planning Guidance 2016 and Viability Guidance 2017.
- 6.4 DCLG Technical Housing Standards 2015
- 6.5 Merton Core Strategy 2011.
CS8 (Housing choice),
CS 9 (Housing targets),
CS 12 (Economic Development),
CS 13 (Open Space, Nature conservation),
CS 14 (Design),
CS 15 (Climate change),
CS 16 (Flood risk),
CS 18 (Transport) &
CS 20 (Parking, Servicing & delivery).
- 6.6 Merton Sites and Policies Plan 2014
DM D1 (Urban Design and the public realm),
DM D2 (Design considerations in all developments),
DM D4 (Heritage Assets),
DM E3 Protection of scattered employment sites,
DM EP4 Pollutants,
DM F1 (Flood risk management),
DM F2 Sustainable urban drainage systems
DM EP 2 (Reducing and mitigating noise),
DM EP4 (Pollutants),
DM H2 (Housing mix),
DM 02 (Trees, hedges and landscape features),
DM T2 (Transport impacts of development) &
DM T3 (Car parking and servicing standards).

7. PLANNING CONSIDERATIONS

- 7.1 The main planning considerations in this case relate to the loss of the scattered employment site, the principle of development, the suitability of accommodation, design and tenure mix of the new flats, the impact on occupier and neighbour amenity, the impact on the character and appearance of the local area and servicing of the development.
- 7.2 Loss of the scattered employment site
Sites and Policies Plan policy DM E3 (Protection of scattered employment sites) seeks to ensure that there is a diverse mix of size, type, tenure and location of employment facilities which can support a range of employment opportunities within the borough. For the purposes of this policy 'employment' and business refers to premises or land that operates within the B1 (a), B1 (b), B1 (c), B2 and B8 Use Classes.

- 7.3 Applications proposing a loss of a scattered employment site will have to show that full and proper marketing has been undertaken to demonstrate that employment uses are no longer viable on the site. Applicants should demonstrate that:
- the site has been marketed for 30 months unless otherwise agreed with the council;
 - Site is in a predominantly residential area
 - Size, configuration and access make it unsuitable and financially unviable for whole site employment use.
 - the site has been marketed using new (on the internet) and traditional marketing tools available; and
 - the site has been marketed at a price which is considered reasonable (based on recent and similar deals or transactions).
- 7.4 The applicant has provided documentation to show that the site has been marketed by CSJ since January 21st 2015 on a rental and sale basis both on their own website and through RightMove, Zoopla and Prime Location with a £50,000 pa rental. There were 21 expressions of interest but no further action was taken by those persons. The site is within a residential area and its use as a scrap yard is not one that would now be considered suitable for such a location and the constrained access limit its suitability for regular traffic from larger commercial vehicles. In view of these considerations there would be no justification for resisting the change of use to a residential one.
- 7.5 Provision of housing.
Policy CS. 9 within the Council's Adopted Core Strategy [July 2011] and policy 3.3 of the London Plan [March 2016] state that the Council will work with housing providers to provide a minimum of 4,107 additional homes [411 new dwellings annually] between 2015 and 2025 whilst the Draft London Plan is seeking a considerably greater increase in housing provision. This proposal will provide 28 new flats of which 4 would be 3 bedroom family units and 9 would be two bedroom units, the remaining 15 being 1 bedroom units and is therefore considered to accord with these policies. Although Merton's housing policy looks to a one third mix of one, two and three plus units the trend in London has been towards a higher proportion of smaller units whilst this scheme could be seen in the wider setting as providing a mix of housing to an area of predominantly family sized housing.
- 7.6 Density/Bulk/Massing/Design/Appearance/Layout.
Sites and Policies Plan policies DM D1 (Urban design), DM D2: (Design considerations) as well as LBM Core Strategy Policy CS14 are all policies designed to ensure that proposals are well designed and in keeping with the character of the local area.
- 7.7 The London Plan sets an ideal maximum Sustainable Residential Quality (SQR) density for a suburban location with a PTAL of 3 at 50-95 units per hectare. The proposal equates to 147 units per hectare. While density is a material consideration, it is not the overriding factor as to whether a development is acceptable. The London Plan density matrix was only meant to be a conceptual and indicative tool of what could be developed on a site,

and not to be used prescriptively. Nevertheless the intensity of development in this instance requires further careful scrutiny against other adopted policies.

- 7.8 The potential for additional residential and non-development may be better considered in the context of its bulk, scale, design, sustainability, amenity, including both neighbour and future occupier amenity, and the desirability of protecting and enhancing the character of the area and the relationship with neighbouring sites.
- 7.9 Officers acknowledge that the proposed building is higher than those surrounding it. However, following feedback to the applicant the scale has been reduced such that the highest element, the third floor, faces Mitcham Common and is set back from the sides of the main block. Officers consider that this softens its visual impact and, along with a lighter colour palette for the materials, as a matter of judgement the bulk and massing may be considered acceptable.
- 7.10 The applicant has also responded to officer concerns regarding the layout of the site. Whilst there were some objections to having direct access to the street, the provision of direct street access for the ground floor units with small private gardens is considered to improve connectivity between the site and its location whilst improving natural surveillance and vitality along the two street elevations.
- 7.11 Standard of accommodation and the amenity of future occupiers.
SPP Policy DM D2, Core Strategy 2011 policies CS 9 Housing Provision and CS 14 Design and London Plan policies 3.3 Increasing Housing Supply, 3.4 Optimising Housing Potential, 3.5 Quality and Design of Housing Developments are all policies that seek to provide additional good quality residential accommodation.

7.12 Schedule of accommodation

Unit	Type	Proposed GIA	Minimum reqd GIA	Proposed private amenity space	Min Req'd amenity
GF 1	2B/3P	63m ²	61m ²	9.5m ²	6m ²
GF 2	2B/3P	69m ²	61m ²	9.5m ²	6m ²
GF 3	1B/2P	50m ²	50m ²	None	5m ²
GF 4	2B/3P	63m ²	61m ²	None	6m ²
GF 5	2B/4P	86m ²	70m ²	30m ²	7m ²
GF 6	3B/5P	105m ²	93m ²	37m ²	8m ²
GF 7	3B/5P	105m ²	93m ²	32m ²	8m ²
GF 8	3B/5P	105m ²	93m ²	39m ²	8m ²
GF 9	3B/5P	105m ²	93m ²	44m ²	8m ²
1 st F 1	2B/4P	79m ²	79m ²	5.5m ²	7m ²
1 st F 2	1B/2P	50m ²	50m ²	5m ²	5m ²
1 st F 3	1B/2P	50m ²	50m ²	5m ²	5m ²
1 st F 4	1B/2P	50m ²	50m ²	5m ²	5m ²

1 st F 5	2B/4P	76m ³	79m ²	5.5m ²	7m ²
1 st F 6	2B/3P	80m ³	70m ²	5m ²	6m ²
2 nd F 1	2B/4P	79m ³	79m ²	5.5m ²	7m ²
2 nd F 2	1B/2P	50m ²	50m ²	5m ²	5m ²
2 nd F 3	1B/2P	50m ²	50m ²	5m ²	5m ²
2 ND F 4	1B/2P	50m ²	50m ²	5m ²	5m ²
2 ND F 5	2B/4P	73m ²	79m ²	5.5m ²	7m ²
2 ND F 6	1B/2P	62m ²	50m ²	None	5m ²
2 ND F 7	1B/2P	51m ²	50m ²	None	5m ²
2 ND F8	1B/2P	56m ²	50m ²	None	5m ²
2 ND F9	1B/2P	55m ²	50m ²	None	5m ²
3 RD F1	1B/2P	50m ²	50m ²	5m ² +	5m ²
3 RD F2	1B/2P	50m ²	50m ²	5m ² +	5m ²
3 RD F3	1B/2P	50m ²	50m ²	5m ² +	5m ²
3 RD F4	2B/3P	67m ²	70m ²	5m ² +	6m ²

N.B

- Ground floor units 3, 4 and 5 have front garden areas but these are not private amenity spaces.

7.13 The table demonstrates that all the units meet or exceed the minimum internal space GIA requirements. Whilst not all of the flats meet the balcony space standards Mitcham Common is on the other side of the road and therefore it is considered that the proposals will provide sufficient amenity space for future residents. The plans originally included a communal amenity space for those units without balconies but officers were concerned as to its suitability and felt that using the space to provide better garden areas for the family sized units was a better utilisation of the land.

7.15 The proposal has been referred to the Metropolitan Police Designing Out Crime Officer who has made a number of comments and suggestions to improve the security of the building and wider area to assist with the policy goal of providing a safe and secure layout. To that effect an informative that the development meet Safer by Design standards is recommended.

7.15 Neighbour Amenity.

The application has been assessed against adopted planning policies London Plan policy 7.6 and SPP policy DM D2 which require that proposals do not have a negative impact on neighbour amenity in terms of loss of light, privacy visual intrusion or noise and disturbance.

7.16 The proposals were accompanied by a daylight/sunlight/overshadowing assessment that utilises methodology in accordance with the BRE's 'Site layout Planning for daylight and Sunlight 2nd edition 2011'. This showed that in relation to the neighbouring properties opposite the site in Hallowell Close (Nos 2-14) all these properties would continue to receive the required BRE Vertical Sky Component although for four windows in the Beehive development they would not reach this standard.

- 7.17 The erection of a boundary fence would itself impact light to those lower windows at the former Beehive whilst the upper windows in the Beehive development are obscure glazed on their lower sections with the rearmost bathroom windows conditioned to be fully obscured.
- 7.18 The report assessed the impact of the proposals in terms of both the Annual Probable Sunlight hours and Winter Probable Sunlight Hours on 34 neighbouring windows. Of the 34 windows only 1 window failed to meet the standards such that 33 windows would still receive more than the recommended 371.5 hours of sunlight a year. Consequently it is considered that the proposals would not result in harm to neighbour amenity that would warrant a refusal of consent.
- 7.19 In relation to impact on garden space the garden of 17 Hallowell Close was the only back garden to be affected and an overshadowing Analysis demonstrated that more than 50% of that rear garden will receive a total of 6.25 hours of sunlight on the 21st of March which exceeds the minimum 2 hour standard and therefore the report concluded that the proposed development would not have an impact on that amenity space. Overall the proposals would not be considered so detrimental to neighbour amenity from loss of light so as to warrant a refusal of consent.
- 7.20 The proposals would introduce a parking area in place of open land to the rear of the dwelling to be demolished. The absence of landscaping along this boundary is disappointing and while the introduction of planting would soften the outlook from neighbouring properties it would diminish the available amenity space for ground floor units. Members may reasonably consider that the provision of good quality amenity space for the dwellings should be given greater weight. Similarly the parking area would be a source of noise and activity experienced by neighbours and it may be appropriate to consider robust boundary treatment and the use of acoustic fencing so as to mitigate any impact.

Parking, servicing and deliveries.

- 7.21 Core Strategy Policy CS 20 requires proposals to have regard to pedestrian movement, safety, serving and loading facilities for local businesses and manoeuvring for emergency vehicles as well as refuse storage and collection. Notwithstanding objections regarding parking, the scheme will provide 19 on site parking bays and the parking standards contained within the London Plan (2015) provides the following maximum parking standards for Residential Developments:
- 1-2 beds: less than 1 per unit;
 - 3 beds: 1 – 1.5 per unit;
 - 4 + beds: 1.5 – 2 per unit.

The above standard for the proposed development would require a maximum of 30 parking spaces. Given known levels of car ownership per household in Merton as surveyed by TfL and derived from census data (0.67 cars per household) the parking provision of 19 spaces including 2 disabled spaces and

an electric charging point in conjunction with the formalisation of 6 bays on Hallowell Close for general use is considered acceptable in this instance..

7.22 Cycle Parking:

The London Plan cycle parking standards for residential development are one space per one bed units and two spaces per unit for all other dwellings.

The proposal provides 33 cycle parking spaces in the form of stacked cycle stands, within an external shelter accessed via the parking area / access road as well as a side door by the rear pathway. The no. of cycle spaces provided is satisfactory.

7.23 Refuse Collection:

Refuse collection at the site will take place on-street.

The bin storage areas for the apartments are located on the ground floor adjacent to the main flat entrance. A separate door provides access to the bin store, allowing the bins to be located within 10m of the public highway. Each flat / house with a front door onto Commonside East and Hallowell Close is provided with their own refuse storage area, outside the property allowing on-street collection to occur.

7.24 Sustainable design and construction.

Any new building 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 as set out in policies in the London Plan (2016) – Chapter 5 and the Council's LDF Core Planning Strategy (2011) policies CS15 and CS16). Climate change officers were satisfied the design was policy complaint in terms of achieving a 35% reduction in CO2 emissions whilst the carbon offset contribution will assist towards the Mayor's zero carbon goals .

7.25 Affordable Housing

Policy CS 8 within the Core Strategy states that for new development involving housing of 10 or more dwellings the affordable housing target is for 40% of the units to be affordable of which the desired tenure mix should be 60% social Rented and 40% intermediate. The proposal was submitted with an Economic Viability Assessment that has been independently assessed. Based on the information supplied, the assessors agreed with the applicant that delivering 40% affordable housing on a policy basis is unviable; and the revised sales values indicate no affordable housing can be provided on site save for a contribution of £40,000 (subject to any reduction in CIL) towards affordable housing to be paid on implementation of the scheme.

7.26 Officers consider that the viability should be reappraised at appropriate stages in the development process to determine the potential to make a contribution towards delivering affordable housing. It is recommended that following is included within the terms of a S106 agreement.

- Early and late stage reviews to be included within the s106 agreement based on the independent appraisal;

- Homes to be identified by plans to be delivered on site in event viability allows for affordable housing delivery;
- Restrictive obligation that ground rents are not charged on the development.

7.27 Officers would also note that interim amended plans submitted during the course of negotiation showed a large ground floor plant room subsequently deleted which was comparable to that of a flat. It may be prudent to factor into a s106 a suitable mechanism to capture for the purposes of affordable housing any increased value derived from amending the scheme (in the event that proposals are brought forward that might not necessarily entail the submission of an application for the whole development but which change a small part of the layout enabling the provision of extra units).

Flood risk

7.28 Policies DM F1 and DM F2 of Merton's Sites and Policies Plan and policy CS.16 of the Core Strategy seeks to ensure that development will not have an adverse impact on flooding and that there would be no adverse impacts on essential community infrastructure. The site is located within Flood Zone 1 and therefore at a low risk of flooding. However, site run-off is a policy consideration.

7.29 In order to ensure no increase in surface water runoff as a result of the development, the proposed discharge rate will be limited to no more than 2 l/s and sustainable drainage systems used to accommodate the 1 in 100 year plus 40% climate change storm events.

7.30 Subject to conditions issues of flooding and surface run-off are considered to be acceptable.

Archaeology

7.31 The site is within a Tier 2 Archaeological Priority Zone, which is a heritage asset. Policy DM D4 sets out that all development proposals associated with the borough's heritage assets or their setting will be expected to demonstrate, within a Heritage Statement, how the proposal conserves and where appropriate enhances the significance of the asset in terms of its individual architectural or historic interest and its setting.

7.32 Historic England responded that no objection was raised but given the historic significance of the site they requested a two stage process of archaeological investigation be provided by means of condition.

8. SUSTAINABILITY AND ENVIRONMENTAL IMPACT ASSESSMENT REQUIREMENTS.

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

- 8.2 In order to ensure that the development is policy compliant a condition to that effect requiring CO2 reductions of not less than a 35% improvement on Part L regulations 2013, and internal water usage rates of not more than 105 litres per person per day is recommended in addition to the carbon offset payment that would be included within the s106 agreement.

9. CONCLUSION

- 9.1 The previous use of part of the land for scrap merchants, would not be a use that would now be considered acceptable in such close proximity to residential properties. The site has been marketed for employment purposes without success. It is considered that it would be unreasonable to resist the loss the scattered employment site.
- 9.2 The proposed development will provide 28 new flats of which 4 would be 3 bedroom family units for which there is an identified need in the Borough. The proposals provide each unit with at least the minimum internal floor area and members may consider the combination of balconies and the nearby common to provide adequate outdoor amenity space.
- 9.3 Notwithstanding the scale of the proposals, supporting documentation demonstrates that there should not be an unacceptable impact on neighbour amenity in terms of loss of light and sunlight. Officers consider that the proposals, as amended would not harm the outlook of neighbouring occupiers and that on balance the external and internal design to be acceptable and a suitable backdrop when glimpsed from the Common beyond.
- 9.4 While the site is in a location with high levels of on street parking the proposals will provide 19 parking spaces. Coupled with the proposed remodelling of the highway on Hallowell Close to provide extra parking spaces for general use (to be secured as part of any S106 agreement) and known average car ownership per household levels in Merton, it is considered that the proposals would not compound parking pressure locally and that it may be unreasonable to resist the proposals on parking grounds. Cycle space provision meets the required standard.
- 9.5 The issue of affordable housing has been independently assessed and currently only a small off site contribution would be viable and along with a contribution towards carbon offsetting would be dealt with by means of a section 106 agreement. Officers wish to ensure that any S106 agreement is sufficiently robust as to maximise opportunities to deliver additional affordable housing where feasible.
- 9.6 Subject to the completion of the section 106 agreement and the imposition of suitable planning conditions, the proposal is considered to be acceptable and in compliance with relevant planning policy and is therefore recommended for approval.

RECOMMENDATION

GRANT PERMISSION SUBJECT TO A SECTION 106 AGREEMENT

Heads of terms

- i) That the developer makes a contribution of £35,460 towards carbon offsetting on implementation of the development.
- ii) Affordable housing contribution of £40,000 towards off site provision and any additional contribution subject to further viability reviews in accordance with the Mayor of London's Housing SPG (2017), to include any variation to the approved scheme including the provision of additional units and that does not entail resubmission of a new application for the whole building and is made within 2 years of occupation of the development hereby approved.
- iii) Dedication of land as public highway including the applicant entering into an agreement under the Highways Act, to be consolidated into the planning agreement, for a scheme of works to deliver a new footpath and parking bays on a remodelled highway, and associated public realm improvements (general arrangements being shown on approved drawing 871-GA-00-P6).
- iv) The developer agreeing to meet the Councils costs of preparing, drafting and monitoring the Section 106 Obligations.

And conditions

- 1 Commencement of works
- 2 In accordance with plans; Site location plan and drawings 871-GE01-P3, 871-GE02-P2, 871-GA-00-P6, 871-GA-01, 871-GA-02-P4, 871-GA-03 & 871-GA-RF
3. B1 External materials to be approved; No construction shall take place until details of particulars and samples of the materials to be used on all external faces of the development hereby permitted, including window frames and doors, windows and tiles (notwithstanding any materials specified in the application form and/or the approved drawings), have been submitted to the Local Planning Authority for approval. No works which are the subject of this condition shall be carried out until the details are approved, and the development shall be carried out in full accordance with the approved details. Reason; To ensure a satisfactory appearance of the development and to comply with the following Development Plan policies for Merton: policy 7.6 of the London Plan 2015, policy CS14 of Merton's Core Planning Strategy 2015 and policies DM D2 and D3 of Merton's Sites and Polices Plan 2014
- 4 B5 Boundary treatments to be approved; No development shall take place until details of all boundary walls or fences including methods for the temporary security of the site during construction 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, to mitigate impacts arising from noise 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 D2 and DM.EP2 of Merton's Sites and Polices Plan 2014.

5 D11 Construction Times No demolition or construction work or ancillary activities such as deliveries shall take place before 8am or after 6pm Mondays - Fridays inclusive, before 8am or after 1pm on Saturdays or at any time on Sundays or Bank Holidays. Reason; To safeguard the amenities of the area and the occupiers of neighbouring properties and ensure compliance with the following Development Plan policies for Merton: policy 7.15 of the London Plan 2015 and policy DM EP2 of Merton's Sites and Polices Plan 2014.

6 H9 Construction Vehicles Prior to the commencement of the development a working method statement (Construction Environmental Management Plan) (compliant with Chapter 8 of the Road Signs Manual for temporary Works) shall be submitted to and approved in writing by the Local Planning Authority to accommodate:

- (i) Parking of vehicles of site workers and visitors;
- (ii) Loading and unloading of plant and materials;
- (iii) Storage of construction plant and materials;
- (iv) Wheel cleaning facilities;
- (v) Control of dust, smell and other effluvia;
- (vi) Control of surface water run-off;
- (vii) Removal of waste materials from site.

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

7. F1 Landscaping

8. F5 Tree protection

9. F8. Site supervision

10. Non standard Noise

Prior to the commencement of the development details of noise attenuation and noise management methods to mitigate against the likely impact of the existing noise environment on the development shall be submitted to and approved by the local planning authority. The approved methods shall be implemented in strict accordance with the approved details prior to the first occupation of the development. The standards should comply with BS8233:2014 as a minimum. Reason; To safeguard the amenities of the future occupiers of the development and ensure compliance

with the following Development Plan policies for Merton: policy 7.15 of the London Plan 2011 and policies DM D2, DM D3, DM EP2 and DM EP4 of Merton's Sites and Polices Plan 2014.

11. Non standard Contaminated Land

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; In order to protect the health of future occupiers of the site and adjoining areas in accordance with the following Development Plan policies for Merton: policy 5.21 of the London Plan 2011 and policy DM EP4 of Merton's Sites and Polices Plan 2014.

12 External lighting. Any external lighting shall be positioned and angled to prevent any light spillage or glare beyond the site boundary. Reason; To safeguard the amenities of the area and the occupiers of neighbouring properties and ensure compliance with the following Development Plan policies for Merton: policies DM D2 and DM EP4 of Merton's Sites and Polices Plan 2014.

13. Provision of vehicle parking. The vehicle parking areas shown on the approved plans shall be provided before the commencement of the buildings or use hereby permitted and shall be retained for parking purposes for occupiers and users of the development and for no other purpose. Reason; To ensure the provision of a satisfactory level of parking and comply with the following Development Plan policies for Merton: policy 6.13 of the London Plan 2015, policy CS20 of Merton's Core Planning Strategy 2011 and policy DM T3 of Merton's Sites and Polices Plan 2014.

14. H1 New vehicle access

15. H3 Redundant crossover

16. Prior to occupation of the development hereby approved the developer shall enter into a section 278 Highways Act agreement for the works to create the parking bays on Hallowell Close.

17. Prior to occupation of the development hereby approved the developer shall enter into a section 36 Highways Act agreement for the adoption of a section of pavement adjacent to the new parking bays on Hallowell Close

18. H6 Cycle storage

19. H 11 Parking management strategy

20. Prior to any works commencing on site a detailed Construction Logistics Plan shall be submitted to and approved in writing by the Local Planning Authority. This shall identify the steps that will be taken to minimise the impacts of deliveries and waste transport. It shall demonstrate compliance with Transport for London's guidance on Construction Logistics Plans July 2017 v3.0 and the Borough's Air Quality Supplementary Planning Guidance, and shall be implemented for the duration of the construction of the development. 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 2011, policy CS20 of Merton's Core Planning Strategy 2011 and policies DM T2, T3 and T5 of Merton's Sites and Polices Plan 2014.

21. All Non-Road Mobile Machinery (NRMM) used on site during the course of the demolition, site preparation and construction phases shall comply with the emissions standards set out in the Borough's Construction Code of Practice and chapter 7 of the GLA's supplementary planning guidance 'Control of Dust and Emissions During Construction and Demolition' dated July 2014 (SPG) or subsequent guidance. The developer shall keep an up-to-date list of all NRMM used during the demolition, site preparation and construction phases of the development on the online register at <https://nrmm.london/> Reason: To ensure the interests of vehicle and pedestrian safety and the amenities of neighbouring occupiers and to comply with the following Development Plan policy for Merton: policy CS20 of Merton's Core Planning Strategy 2011

22. 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 2l/s;
- ii. Include a timetable for its implementation;
- iii. Provide a management and maintenance plan for the lifetime of the development, including arrangements for adoption to ensure the schemes' operation throughout its lifetime.

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

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

with policies CS16 of the Core Strategy and DMF2 of the Sites and Policies Plan.

23. 'No part of the development hereby approved shall be occupied until evidence has been submitted to, and approved in writing by, the Local Planning Authority confirming that the development has achieved CO2 reductions of not less than a 35% improvement on Part L regulations 2013, 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

24. Non standard condition, Archaeology

No demolition or development shall take place until a stage 1 Written Scheme of Investigation which has been submitted by the applicant and approved by the local planning authority in writing. For land that is included within the WSI, no demolition or development shall take place other than in accordance with the agreed WSI and the programme and methodology of site evaluation and the nomination of a competent person(s) or organisation to undertake the agreed works. If heritage assets of archaeological interest are identified by stage 1 then for those parts of the site which have archaeological interest a stage 2 WSI shall be submitted to and approved in writing by the LPA. For land that is included within the stage 2 WSI, no demolition/development shall take place other than in accordance with the agreed stage 2 WSI which shall include;

A) The statement of significance and research objectives, the programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works

B) The programme for post-investigation assessment and subsequent analysis, publication and dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the stage 2 WSI

Informatives:

1. Written schemes of investigation will need to be prepared and implemented by a suitable qualified professionally accredited archaeological practice in accordance with Historic England's Guidelines for Archaeological projects in greater London. This condition is exempt from deemed discharge under schedule 6 of the Town and Country planning (Development management Procedure) (England) Order 2015.

2. 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

3. 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'.

4. 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. NPPF informative.

6. The Council strongly recommends that condition inspections are undertaken of the surface water sewer in Commonsides East, prior to your proposed connection and this should be discussed with Thames Water. Merton have been aware of some siltation issues in the past resulting in highway ponding.

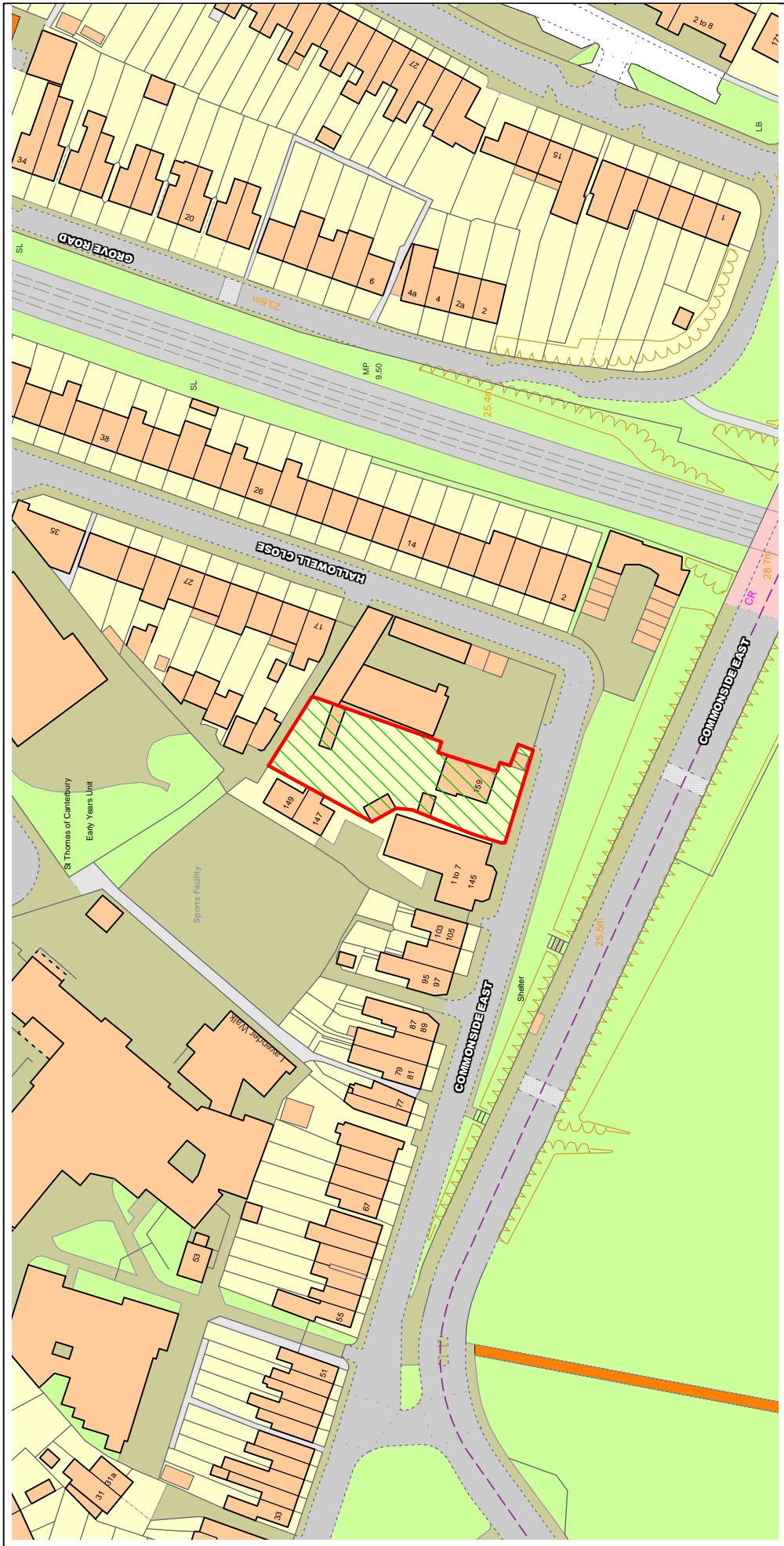
7. Maintenance of communal drainage features, such as permeable paving or an attenuation tank, will be the responsibility of the site owner in perpetuity. Maintenance of shared surface water drainage systems can be arranged through appointment of a site management company.

8. The applicant is reminded of the need for the development to be constructed and finished in accordance with the requirements of the Secured by Design standards.

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

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NORTHGATE SE GIS Print Template



Text Details **Former Sparrowhawk Site**

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PLANNING APPLICATIONS COMMITTEE

7th June 2018

APPLICATION NO.

18/P0952

DATE VALID

26/02/2018

Address/Site: 83 Dora Road
London
SW19 7JT

Ward: Wimbledon Park

Proposal: EXPANDING THE ROOF TO THE REAR TO CREATE A FLAT TOP, WITH HIP TO GABLE CONVERSION, REAR DORMER WITH 2x JULIET BALCONIES AND 4x ROOFLIGHTS ON THE FRONT ROOF SLOPE; ACCOMPANIED WITH A DOUBLE STOREY REAR EXTENSION, SINGLE STOREY GROUND FLOOR EXTENSION AND VARIOUS WINDOW ALTERATIONS ON THE SIDE ELEVATION.

Drawing No.'s: 01, 02, 03, 04, 05, 06, 07, 08, 09.

Contact Officer: Catarina Cheung (020 8545 4747)

RECOMMENDATION

Grant planning permission subject to conditions.

CHECKLIST INFORMATION

- Is a screening opinion required: No
- Is an Environmental Statement required: No
- Has an Environmental Statement been submitted: No
- Press notice: No
- Site notice: No
- Design Review Panel consulted: No
- Number of neighbours consulted: 5
- External consultations: 0
- Controlled Parking Zone: Yes
- Conservation Area: No

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 comprises a two-storey detached dwelling located on the western side of Dora Road in Wimbledon Park. The character of the street is

predominantly residential with detached and semi-detached properties. Dora Road sits on a slightly sloping road therefore naturally sits lower than number 81 (southern neighbour); and toward the rear, properties along Vineyard Hill Road sit on a slightly higher ground level.

2.2 The site is not located within a Conservation Area nor is a Listed Building, but it does adjoin Vineyard Hill Road Conservation Area to the West.

3. CURRENT PROPOSAL

3.1 This application seeks planning permission for:

- A hip to gable roof extension;
- Two storey rear extension projecting 2m and creating a partially flat top crown on the roof;
- A rear dormer with one window and 2 Juliet balconies – depth 3.7m, width 9.1m, height 2.7m;
- Ground floor rear extension expanding the full width of the property – depth 3.3m, eaves height 2.59m and maximum height 3.43m;
- Installation of 4 rooflights on the front roof slope.

4. PLANNING HISTORY

18/P0848: APPLICATION FOR PRIOR APPROVAL IN RESPECT OF THE PROPOSED ERECTION OF A SINGLE STOREY GROUND FLOOR REAR EXTENSION WITH THE FOLLOWING DIMENSIONS:
EXTENDS BEYOND THE REAR WALL OF THE ORIGINAL DWELLINGHOUSE BY 5.3 METRES
THE MAXIMUM HEIGHT OF THE ENLARGED PART OF THE DWELLINGHOUSE WILL BE 3.5 METRES
THE HEIGHT OF THE EAVES OF THE ENLARGED PART OF THE DWELLINGHOUSE WILL BE 2.6 METRES – Prior approval granted 03/04/2018

5. CONSULTATION

Public consultation was undertaken by way of post sent to neighbouring properties. 7 representations were received, the summary of their objections are as follows:

- Full width dormer and windows/Juliet balconies would increase overlooking and considered bulky;
- Properties drawing closer to those on Vineyard Hill Road reducing privacy, increasing visual intrusion, light and noise pollution;
- Loss of trees at boundary further reducing privacy and screening;
- Disproportionate size of the extension would detract from the character of the local area;
- Overdevelopment by reason of extending at the ground, first and second floor levels;
- Loss of garden area;
- Loss of light toward neighbouring properties on Dora Road;
- No part of the roof or gutters should cross the boundary line to encroach on neighbouring properties;
- Concerns of the proposed works influence on foundation stability and drainage;

- Noise and dust from construction works.

6. POLICY CONTEXT

- 6.1 NPPF - National Planning Policy Framework (2012):
Part 7 Requiring Good Design
- 6.2 London Plan Consolidated 2016:
7.4 Local character
7.6 Architecture
- 6.3 Merton Sites and Policies Plan July 2014 policies:
DM D2 Design considerations in all developments
DMD3 Alterations and extensions to existing buildings
DMD4 Managing heritage assets
- 6.4 Merton Core Strategy 2011 policy:
CS 14 Design

7. PLANNING CONSIDERATIONS

- 7.1 The planning considerations for the extension works relate to the impact of the proposed works on the character and appearance of the host building and surrounding area, and the impact upon neighbour amenity.

Character and Appearance

- 7.2 London Plan Policies 7.4 and 7.6, Core Strategy Policy CS14 and SPP Policies DMD2 and DMD3 require well designed proposals that will respect the appearance, scale, bulk, form, proportions, materials and character of the original building and their surroundings. SPP policy DM D3 further seeks for roof extensions to use compatible materials, to be of a size and design that respects the character and proportions of the original building and surrounding context, do not dominate the existing roof profile and are sited away from prominent roof pitches unless they are a specific feature of the area.

Hip to gable conversion

- 7.3 It is noted that the immediate neighbours of 83 Dora Road, particularly the detached properties sited south, are of varying architectural styles, therefore there is not a uniform pattern in the streetscene which to adhere to. Toward the road, the most prominent change would be the hip to gable conversion. This is not considered contrary to the character of the area as many other dwellings have this roof style, including number 81 Dora Road. The smaller hipped roof over the front double storey bay would be retained thereby preserving an original feature and ensuring visual interest in the roofscape. The introduction of four rooflights on the front roofslope would not be considered detrimental to the character of the dwelling or streetscene. The removal of the chimney at the front would be acceptable and the chimney on the left hand side (southern boundary) would be kept but rebuilt higher to match the new roof shape.

- 7.4 Number 83 is built up to the boundaries on either side, however, the separation gap between the properties would still be visible following the hip to gable roof extension.

Two storey rear extension with flat roof top

- 7.5 The proposal involves a two storey rear extension, extending the body of the building by 2m resulting in a partially flat roof top. This would not be immediately visible from the front but partially visible from the side, and potentially at the rear from Vineyard Hill Road. Even though this would be a departure from the original hipped roof it would not be detrimental to the character of the area as neighbouring detached properties display independent architectural styles which adds to the interest of the streetscene.
- 7.6 The rear building line of the neighbouring properties either side currently project further than that at number 83. Therefore, the 2m two storey rear extension would bring the rear building line to a similar projection with the neighbours, slightly behind and not beyond.

Single storey ground floor rear extension

- 7.7 A previous prior approval scheme was granted at the application site for a 6m rear extension. The current single storey extension in this scheme would be the same extension and finish at the same depth and height shown on the prior approval application.
- 7.8 The single storey rear extension would sit as a subordinate addition to the main dwellinghouse and be finished in materials to match the existing. This element is at the rear and considered to be of an appropriate design and scale.

Rear dormer

- 7.9 The rear dormer would not cover the entirety of the new rear roof slope, being set back from the eaves by approximately 0.56m and set down from the ridge by approximately 0.73m. Three glazed openings are proposed – one window and two Juliet balconies. There are rear dormers present in the surrounding area and some with Juliet balconies, therefore this roof addition would not appear contrary to the character of the area.
- 7.10 Overall, the proposed extensions are considered acceptable and the increase in bulk of the building would be in line with the neighbouring large detached properties. The proposal is considered to comply with Policies DMD2, D3 and D4, and would not cause harm to the character of the area or the setting of the adjoining Conservation Area.

Neighbouring Amenity

- 7.11 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.

85 Dora Road

- 7.12 85 Dora Road has an existing single storey rear extension, projecting around 3m, and their main dwellinghouse finishes beyond the rear building line of 83. Therefore, with regards to amenity, the proposed rear extensions would be similar in depth to the neighbouring projection, and would have little impact on the amenity of this neighbour in terms of light and outlook.
- 7.13 The existing side windows at number 85 already face onto the side elevation of number 83 and are already overshadowed. The further 2m two storey rear extension and hip to gable extension are not likely to significantly alter the access to light for these windows.

81 Dora Road

- 7.14 Number 81 were previously granted permission for a number of extension works, ref: 15/P3585, and works still look to be ongoing (as observed from the site visit 28/03/2018). Their permission saw the approval of a part double storey, part single storey rear extension, roof extension and front entrance alterations.
- 7.15 The two storey extension proposed at number 83 would bring the main dwelling's rear building line closer to number 81's (based on the given dimensions, unlikely to be deeper) so there would not be a significant impact in terms of light or outlook.
- 7.16 The proposed rear building line of the single storey ground floor extension would also not go beyond number 81's 6.4m ground floor rear extension. The maximum height of the proposed single storey rear extension is 3.43m and the neighbouring ground floor extension is flat roofed with a maximum height of 3.2m, but as the site is on a slight slope, number 81 would still finish higher.
- 7.17 It is noted that the existing south flank elevation has omitted the side window from the ground floor rear dining room. Even so, the proposal does not look to introduce further windows on the ground floor which reduces any potential overlooking toward number 81. There area also no further first floor windows proposed on the south flank elevation.
- 7.18 The full height ground floor side window at number 81 serves their dining/living room. However, given that there is a boundary gap between the properties and their rear dining/living space benefits from a large lantern skylight and a fully glazed rear elevation with sliding doors, there would not be a significant impact on light levels into the rear living area.

Vineyard Hill Road

- 7.19 Objections have been raised by the rear neighbours concerning the dormer and introduction of Juliet balconies at the second storey level and the extension of the property drawing 5.3m closer to the rear properties.
- 7.20 It is noted from the site visit that a number of properties along Vineyard Hill Road have Juliet balconies at their second storey level. Therefore, the introduction of Juliet balconies at the application site would result in mutual overlooking –the proposed window would serve a bathroom, which is not considered a habitable room and the applicant has confirmed that this window

would be obscure glazed. Some representations have noted that there has been a removal of trees in 83's rear garden, however the site still retains several large trees at the rear boundary of the site which the applicant does not seek to remove.

- 7.21 The two storey rear extension would not project further than the rear building line of its neighbours – in fact sitting slightly behind. Therefore, the proposed Juliet balconies would not introduce as much overlooking as feared toward the properties on Vineyard Hill Road. The dormer has also been set back from the eaves by around 0.56m. Therefore, it is unlikely that the Juliet balconies/window would inappropriately encroach further toward the rear boundary and windows of properties on Vineyard Hill Road.
- 7.22 Given that the proposed two storey rear extension at number 83 would not project further than 81's, the separation distance from Vineyard Hill Road's rear windows and the Juliet balconies remain acceptable at around 30m plus. Therefore, should the window/Juliet balconies on the rear dormer be obscure glazed or not, an appropriate separation distance is retained minimising overlooking opportunities.

Other matters

- 7.23 Representations received have raised issues concerning the foundation and drainage treatment. These matters would be dealt with during the building control stage. Party Wall notice would also be served should the proposal involve construction works toward the boundary.
- 7.24 Overall, the proposed works are not considered to have a detrimental impact upon the neighbouring amenity and is considered to comply with Policies DMD2 and DMD3.

8. CONCLUSION

- 8.1 The scale, form, design, positioning and materials of the proposed extensions are not considered to have an undue detrimental impact upon the character or appearance of the surrounding area, the host building or on neighbouring amenity. Therefore, the proposal complies with the principles of policies DMD2, DMD3 and DMD4 of the Adopted SPP 2014, CS14 of the LBM Core Strategy 2011 and 7.4 and 7.6 of the London Plan 2016.

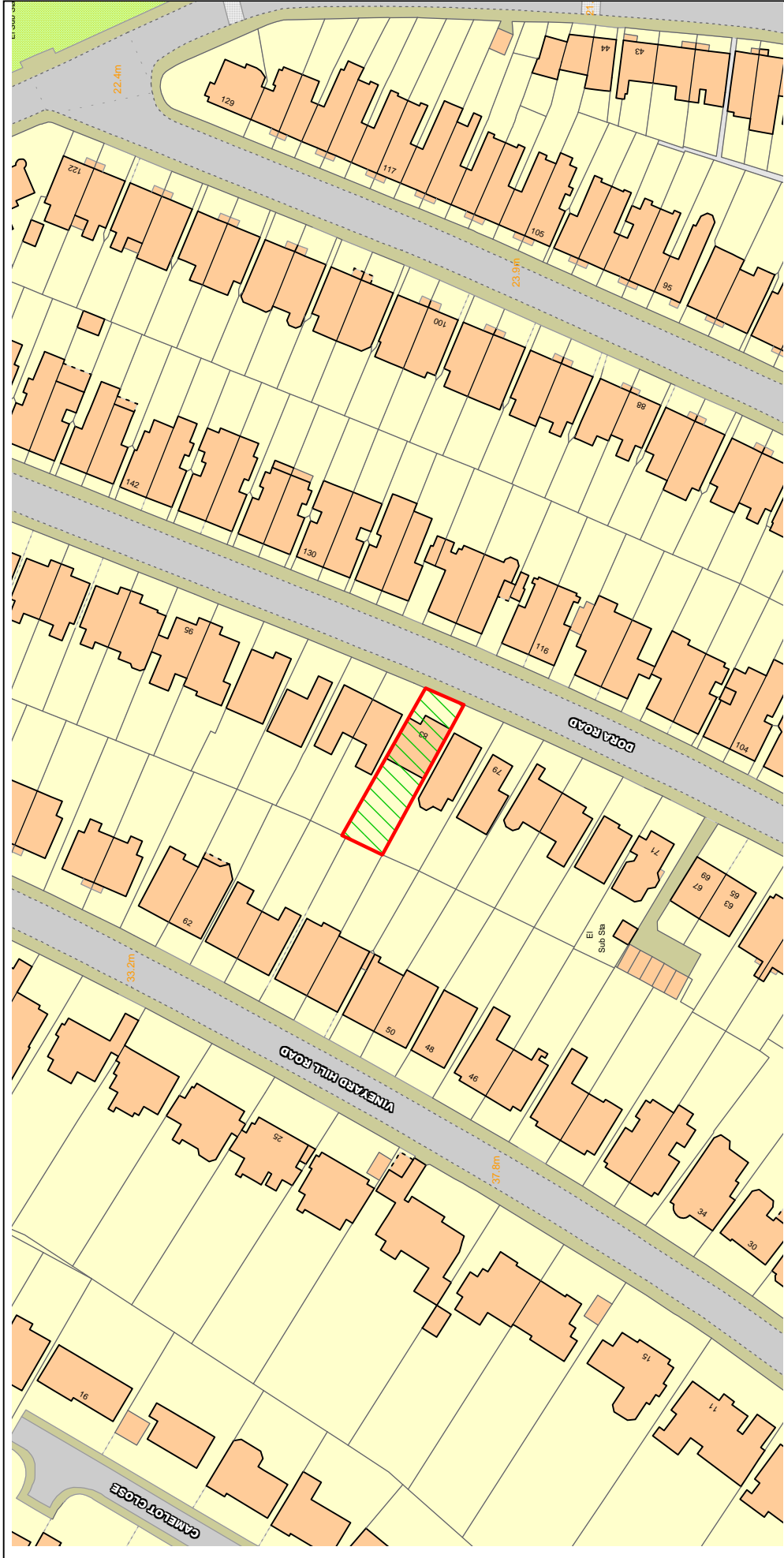
9. RECOMMENDATION

Grant planning permission
Subject to the following conditions:

1. A1 Commencement of Development
2. A7 Approved Plans
3. B3 External Materials as specified
4. C02 No Permitted Windows
5. C08 No Use of Flat Roof
6. Note to Applicant – approved schemes

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

NORTHGATE SE GIS Print Template



Text Details **83 Dora Road**

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PLANNING APPLICATIONS COMMITTEE

7 June 2018

APPLICATION NO.

17/P4225

DATE VALID

04/01/2018

Address/Site: 219 Manor Way
Mitcham
Surrey
CR4 1EN

Ward: Longthornton

Proposal: Erection of a part single, part two-storey end of terrace dwelling and extension of garage to rear of 219 Manor Way to front on to Rowan Road.

Drawing No.'s: Site Location Plan & drawings D17/MAN219A/200C; 201B; 202B; 203B, 204 & 205.

Contact Officer: Tony Smith (020 8545 3144)

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: 13
- External consultations: 0
- Conservation area: No
- Listed building: No
- Archaeological priority zone: No
- Tree protection orders: No
- Controlled Parking Zone: No
- Flood risk zone: No
- Open Space: No

1. INTRODUCTION

1.1 This application is being brought to the Planning Applications Committee for

determination at the request of Councillor Brenda Fraser.

2. SITE AND SURROUNDINGS

- 2.1 The application site encompasses an end of terrace plot which is located on the north-western side of Manor Way and on the junction with Rowan Road. The property comprises a two storey end of terrace dwellinghouse with a front, side and rear garden area. The property has previously been extended by way of a single storey rear extension and a garage is situated to the rear of the rear garden, fronting a shared accessway which has access from Rowan Road. The application site has an approximate area of 352sq.m and slopes downward slightly towards the rear.
- 2.2 Manor Way is residential in character and features a distinctive pattern of development whereby the majority of the dwellings are two storey terraced properties with hipped roofs with small front gable projections and two storey front bay windows. The properties facing the application site on Rowan Road are similar in architectural style.
- 2.3 The site has a public transport accessibility level (PTAL) of 2 which is poor (with 1a being the lowest and 6b being the highest). The site is not located within a conservation area.

3. CURRENT PROPOSAL

- 3.1 This application seeks planning permission for the erection of part single, part two storey end of terrace dwelling, providing a 2 bedroom, 3 person unit with front and rear gardens. It is also proposed to extend the existing garage at the rear of the site to front on to Rowan Road. The proposed dwelling would have an internal floor area of 75.sq.m. while the site would have a total area of 175.sq.m. This application seeks to overcome previously refused planning proposals.
- 3.2 The proposed dwelling would be erected to the north east elevation of 219 Manor Way. The dwelling would be of an integrated design, running flush with the front and rear façades of the existing dwellinghouse and would terminate in a hipped roof. A single storey, pitched roof side element would extend toward the eastern boundary which would wrap around the rear. The dwelling would continue features of the terrace row by the inclusion of a two storey bay window to the front and a pitched roof single storey front addition and the use of matching materials. The proposed dwelling would have a regular footprint and would have the following dimensions: 4.7 width at ground floor, 4m width at 1st floor, 12m depth at ground floor, 9m depth at first floor, 6.1m eaves height, 8.6m ridge height. The proposal would have a separation distance from the north-eastern boundary with Rowan Road of 0.3m at ground floor and 1m at first floor.
- 3.4 The front courtyard area would remain paved and would be split with a 1m high fenced boundary. The plans show a small car can utilise the existing highway crossover for off street parking within the courtyard. The existing garden to the rear would be split with a close boarded timber fenced boundary and a bicycle storage shed would be erected in the north western corner. A full width patio would extend rearward of the dwelling by 5.3m at a height of 0.3m.
- 3.5 The existing gable ended garage owned by 219 Manor Way would be extended at the same heights and depth along the rear of the site to meet Rowan Road. The proposed garage would have the following dimensions: 4.9m width, 5m depth, 3.8m ridge height, 3.1m eaves height.
- 3.6 Following the initial submission of the application, officers raised concerns regarding

inadequate living space and confusion from the public regarding the extension to the garage at the rear. Revised drawings were subsequently submitted with the following adjustments:

- increased width at ground floor level to increase internal floor space to meet minimum standards
- Front door moved from side to front elevation to match style of terrace row and alleviated concerns over narrow alley width.
- Car parking space indicated to front
- New block plan and garage plan provided to show extent of new double garage and position in relation to shared accessway.

4. PLANNING HISTORY

4.1 MER440/84- ERECTION OF TWO STOREY SIDE EXTENSION. Granted 09/07/1984.

4.2 14/P1219 - ERECTION OF A PART ONE AND PART TWO STOREY WRAPAROUND EXTENSION WITH 2X JULIETTE BALCONIES. Refused 29/05/2014.

Reason: The proposed extension, by reason of its size, bulk, siting and design, would appear as a visually prominent and overly dominant addition to the host property, resulting in a harmful visual impact on the streetscene and loss of openness at the junction with Rowan Road.

4.3 14/P2762 - ERECTION OF A TWO STOREY SIDE EXTENSION AND A SINGLE STOREY REAR EXTENSION. Refused 11/09/2014.

Reason: The proposed extension, by reason of its size, bulk, siting and design, would appear as a visually prominent and overly dominant addition to the host property, resulting in a harmful visual impact on the streetscene and loss of openness at the junction with Rowan Road.

4.4 15/P0311 - ERECTION OF A PART TWO STOREY, PART SINGLE STOREY SIDE EXTENSION AND A SINGLE STOREY REAR EXTENSION. Granted 17/03/2015.

5. CONSULTATION

5.1 Public consultation was undertaken by way of a site notice and post sent to 11 neighbouring properties initially. In addition, re-consultation was undertaken for a 14 day period due to the aforementioned amendments being received, whereby an additional 2 recipients who had initially objected were included. Re-consultation was undertaken again due to an amendment to the application whereby the garage extension was added to the description and an additional two neighbouring properties near this element of the proposal were included. The outcome of the combined consultation periods are summarised as follows:

5.2 Representations were received from 2 individual persons, the objections are summarised as follows:

- Proposal fails to meet internal space standards
- Side door with only 800mm access path
- Garden has already been cleared in preparation
- Juliette balconies out of keeping with terrace
- Not accessible for wheelchair users
- Concern over amount of natural light to front room
- Garden area fails to meet minimum standards
- Garage development would block rear access road
- Movement of cycles would have to go through dwelling to rear storage shed

- Car parking space at front is too small
- Concerns over crossover for new double garage due to safety

5.3 LBM Climate Change Officer: No objection. Advised that the proposal would need to achieve relevant sustainability requirements, being a 19% improvement on Part L of the Building Regulations 2013 and an internal water usage not exceeding 105 litres per person per day; these requirements should be secured by condition and informative.

5.4 LBM Transport and Highways Officers: No objection. The proposed vehicle parking provisions are acceptable. Standard retention of car parking condition to be attached. Cycle parking details are adequate and the standard pre-occupation condition should be included to implement this. The crossover shown on the plans will require separate arrangement with LBM Highways Team and this information is to be included as an informative.

6. POLICY CONTEXT

6.1 National Planning Policy Framework (2012)

The following principles are of particular relevance to the current proposals:

- At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking;
- The NPPF states that local authorities should act to boost significantly the supply of housing and use their evidence base to ensure that Local Plan documents meet the full, objectively assessed needs for market and affordable housing;
- Proactively drive and support sustainable economic development to deliver homes, business and industrial units, infrastructure and thriving local place that the Country needs. Every effort should be made objectively to identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth;
- Encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value;
- Local planning authorities should approach decision-taking in a positive way to foster the delivery of sustainable development and should look for solutions rather than problems. Planning should not simply be about scrutiny but instead be a creative exercise in finding ways to enhance and improve the places in which people live their lives
- Good design is a key aspect of sustainable development and it should contribute positively to making places better for people

Other NPPF sections of relevance:

4. Promoting sustainable transport
6. Delivering a wide choice of quality homes.
7. Requiring good design.
10. Meeting the challenge of climate change/flooding

6.2 London Plan (2016)

Relevant policies include:

- 2.6 Outer London: Vision and strategy
- 2.8 Outer London: Transport
- 3.3 Increasing housing supply
- 3.4 Optimising housing potential
- 3.5 Quality and design of housing developments
- 3.8 Housing choice
- 3.9 Mixed and balanced communities

- 5.1 Climate change mitigation
 - 5.2 Minimising carbon dioxide emissions
 - 5.3 Sustainable design and construction
 - 5.10 Urban greening
 - 5.11 Green roofs
 - 5.17 Waste capacity
 - 6.5 Funding Crossrail and other strategically important transport infrastructure
 - 6.9 Cycling
 - 6.10 Walking
 - 6.12 Road network capacity
 - 6.13 Parking
 - 7.1 Lifetime neighbourhoods
 - 7.2 An Inclusive environment
 - 7.3 Designing out crime
 - 7.4 Local character
 - 7.5 Public realm
 - 7.6 Architecture
 - 7.14 Improving air quality
 - 7.15 Reducing and managing noise, improving and enhancing the acoustic environment and promoting appropriate soundscapes
 - 7.19 Biodiversity and access to nature
 - 7.21 Trees and woodlands
 - 8.2 Planning obligations
 - 8.3 CIL
- 6.3 Merton Local Development Framework Core Strategy – 2011 (Core Strategy)
 Relevant policies include:
 CS 8 Housing choice
 CS 9 Housing provision
 CS 14 Design
 CS 15 Climate change
 CS 17 Waste management
 CS 18 Transport
 CS 19 Public transport
 CS 20 Parking servicing and delivery
- 6.4 Merton Sites and Policies Plan – 2014 (SPP)
 Relevant policies include:
 DM O1 Open Space
 DM O2 Nature conservation, Trees, hedges and landscape features
 DM D1 Urban Design
 DM D2 Design considerations
 DM D3 Alterations and extensions to existing buildings
 DM EP2 Reducing and mitigating noise
 DM T1 Support for sustainable transport
 DM T2 Transport impacts of development
 DM T3 Car parking and servicing standards
 DM T4 Transport infrastructure
- 6.5 Supplementary planning considerations
 London Housing SPG – 2016
 DCLG - Technical Housing Standards 2015
- 7. PLANNING CONSIDERATIONS**
- 7.1 Material Considerations

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

- Principle of development.
- Design and impact upon the character and appearance of the area.
- Impact upon neighbouring amenity.
- Standard of accommodation.
- Transport, highway network, parking and sustainable travel.
- Refuse storage and collection.
- Sustainable design and construction.

Principle of development

7.2 Policy 3.3 of the London Plan 2016 states that development plan policies should seek to identify new sources of land for residential development including intensification of housing provision through development at higher densities. Core Strategy policies CS8 & CS9 seek to encourage proposals for well-designed and conveniently located new housing that will create socially mixed and sustainable neighbourhoods through physical regeneration and effective use of space. The National Planning Policy Framework 2012 and London Plan policies 3.3 & 3.5 promote sustainable development that encourages the development of additional dwellings at locations with good public transport accessibility.

7.3 The existing use of the site is residential, the site is within a residential area and has a public transport accessibility level (PTAL) of 2 (0 is the worst and 6b being excellent). The proposals would result in an additional 3 person dwelling, thereby meeting NPPF and London Plan objectives by contributing towards London Plan housing targets and the redevelopment of sites at higher densities.

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

Design and impact upon the character and appearance of the area

7.5 Section 12 of the NPPF, London Plan policies 7.4 and 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.

7.6 The proposed dwelling would utilise an integrated approach, maintaining the same architectural style and features of the existing terrace row in the form of a ground floor front projection, first floor bay windows and a hipped roof. The dwelling would continue the existing building line to the front and rear and would utilise matching materials; this would be confirmed by way of condition to ensure the visual style of the terrace is preserved. The single storey side element would be modest in size and would have a sloped roof which is considered to be sympathetic to the character of the terrace row. The single storey rear extension would be of a suitable scale and design and would continue a similar pattern of rear extensions within the adjacent dwellings.

7.7 Lastly, the extension of the garage to the rear would be built to the same design as the existing, with a dual pitched roof and garage door. It is considered the garage would reflect the pattern of development at the rear of the site whereby a number of similar style, albeit smaller, garages are present with access to the shared accessway.

It is noted that similar schemes at the site have previously been refused due to harmful visual impact on the street scene and loss of openness at the junction with Rowan Road. It is considered this proposal, reducing the two storey element to no further than the rear wall of the dwellinghouse and being a separate dwelling rather than an extension would overcome previous reasons for refusal.

- 7.8 As a whole, whilst being in a prominent siting, it is considered the proposal would be in keeping with the character of the surrounding area, would be moderate in scale and bulk and would incorporate appropriate set-ins from the side boundary with Rowan Road. It is therefore not considered the proposal as to not result in a significant impact to the street scene o.

Impact upon neighbouring amenity

- 7.9 London Plan policies 7.6 and 7.15 along with SPP policies DM D2 and DM EP2 state that proposals must be designed to ensure that they would not have an undue negative impact upon the amenity of neighbouring properties in terms of light spill/pollution, loss of light (sunlight and daylight), quality of living conditions, privacy, visual intrusion and noise.
- 7.10 Due to the positioning and orientation of the proposal, the only occupiers to be considered in terms of amenity impact is no. 217 Manor Way to the west and the occupiers of the host dwelling, no. 219.
- 7.11 The part single, part two storey side element would be positioned away from both occupiers and would not extend rearwards of the front or rear building line; it is therefore not considered to impact the amenity of either property.
- 7.12 The single storey rear element would have a modest height and depth, extending to a similar depth and height as the adjacent 3 properties in the terrace row. It is therefore not considered the rear extension would result in an undue impact to neighbouring amenity.
- 7.13 The extension to the garage in the rear garden is positioned 14m from the rear of the terrace row and is of a gabled form with the eaves facing into the garden. Due to the separation distance, the form and scale of the extension it is not considered the development would result in an impact to neighbouring amenity.
- 7.14 The primary outlook from the proposed dwellings would be directed toward the front (to the public highway) and rear (into their own amenity space), which would not be considered to unduly impact upon neighbouring privacy.

Standard of accommodation

- 7.15 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 DCGL – 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.
- 7.16 The London Plan and DCLG - Technical Housing Standards require that a 2 bed, 3 person, 2 storey dwelling have a gross internal floor area of 70sq.m. The proposed dwelling would have a gross internal floor area of 75.32sq.m which would exceed the minimum standards. The dwelling would be dual aspect and all habitable rooms are

served by windows which are considered to offer suitable natural light, ventilation and outlook to prospective occupants.

- 7.17 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. The proposed block plan has indicated a garden with 66.5sq.m of useable space which is in excess of this and would therefore be acceptable. The resultant garden area left for the occupants of 219 Manor Way would also be generous with 80.sq.m excluding the footprint of the garage.
- 7.18 As outlined above, the scheme is considered to offer a high standard of living for prospective occupants.

Transport, highway network, parking and sustainable travel

- 7.19 London Plan policies 6.3 and 6.12, CS policies CS18 and CS20 and SPP policy DM T2 seek to reduce congestion of road networks, reduce conflict between walking and cycling, and other modes of transport, to increase safety and to not adversely effect on street parking or traffic management. London Plan policies 6.9, 6.10, 6.13, CS policy CS20 and SPP policies DM T1 and DM T3 seek to promote sustainable modes of transport including walking, cycling, electric charging points and to provide parking spaces on a restraint basis (maximum standards).
- 7.20 The LBM Transport Planner has reviewed this application and their comments are integrated into the assessment below.
- 7.21 The site is not within a controlled parking zone and has a PTAL of 2 which is poor, as such, vehicle parking would be required. The scheme proposes 1 parking space to the front, which appears to be substandard in size, however, would be able to accommodate a small car and therefore satisfies minimum requirements whilst not exceeding maximum standards; maximum standards are in place to ensure vehicle parking provisions do not undermine sustainable travel objectives.
- 7.23 In accordance with London Plan policy 6.9 and table 6.3, 2 cycle storage spaces would be required for the development; cycle storage for residential units should be secure, sheltered and adequately lit, with convenient access to the street. It is noted that the plans indicates a proposed cycle shed with four spaces in the rear garden. It is considered that this arrangement would be acceptable and in line with policy. LBM Transport Officers request a condition regarding the proposed cycle shed to be implemented before occupation and to be retained thereafter.

Refuse storage

- 7.25 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.
- 7.26 A storage area for bins has been indicated on the plans to the front of the dwelling. It is considered the siting for the refuse is acceptable and would be in line with existing arrangements at the neighbouring dwellings.

Sustainable design and construction

- 7.27 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.

7.28 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. Climate Change officers recommend to include a condition and informative which will require evidence to be submitted that a policy compliant scheme has been delivered prior to occupation.

8. CONCLUSION

8.1 The proposal is considered to be acceptable in principle, providing a residential development at an increased density, in line with planning policy. The proposal is considered to be well designed, appropriately responding to the surrounding context in terms of massing, heights, layout and materials. The proposal is not considered to unduly impact upon neighboring amenity. The proposal would offer living standards for prospective occupants that exceed adopted standards. The proposal would not unduly impact upon the highway network, including parking provisions. The proposal would achieve suitable refuse provisions. It is considered that the proposal would achieve appropriate sustainable design and construction standards.

8.2 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 used in the development hereby permitted shall match those of the existing building in materials, style, colour, texture and, in the case of brickwork, bonding, coursing and pointing.

Reason: To ensure a satisfactory appearance of the development and to comply with the following Development Plan policies for Merton: policy 7.6 of the London Plan 2016, policy CS14 of Merton's Core Planning Strategy 2011 and policies DMO1 DMD2 and DMD3 of Merton's Sites and Policies Plan 2014.

4) Amended standard condition [Parking]: The development hereby permitted shall not be occupied until the vehicle parking provisions shown on the approved plan D17/MAN219A/200C have been provided and made available for use. These facilities shall be retained for the occupants of, and visitors to, the development at all times thereafter.

Reason: To ensure the provision of a satisfactory level of parking and comply with the following Development Plan policies for Merton: policy 6.13 of the London Plan 2016, policy CS20 of Merton's Core Planning Strategy 2011 and policy DM T3 of Merton's Sites and Policies Plan 2014.

- 5) Standard condition [Cycle storage]: The development hereby permitted shall not be occupied until the cycle parking shown on the plans hereby approved has been provided and made available for use. These facilities shall be retained for the occupants of and visitors to the development at all times.

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

- 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: 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) 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.

- 8) 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.

- 9) Standard condition [Permitted development rights]: Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no extension, enlargement or other alteration of the dwellinghouse hereby 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.

- 10) Amended standard condition [Permeable paving]: 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:

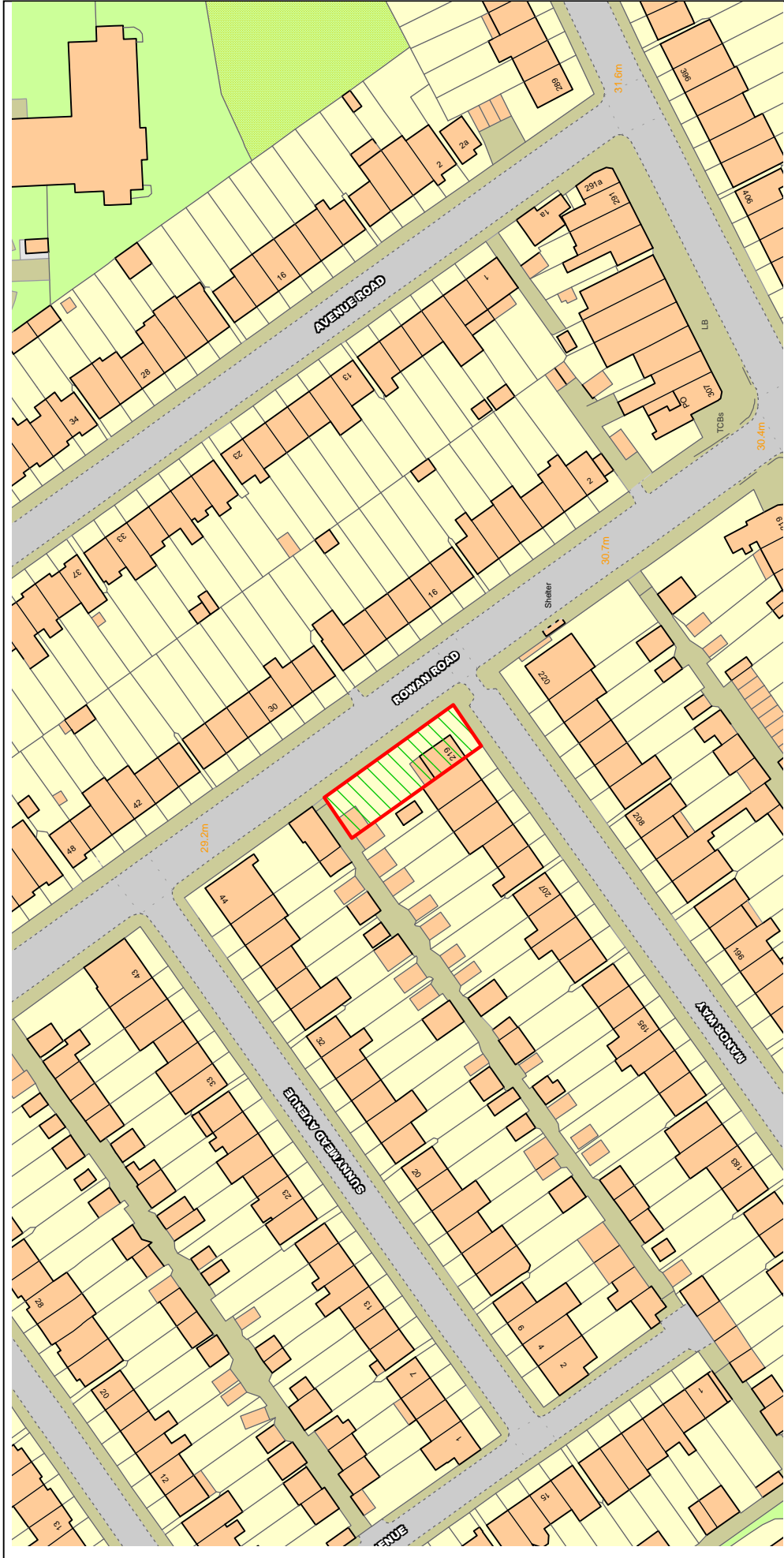
- a) In accordance with paragraphs 186 and 187 of the National Planning Policy Framework, The London Borough of Merton takes a positive and proactive approach to development proposals focused on solutions. The London Borough of Merton works with applicants or agents in a positive and proactive manner 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.
- b) 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
- c) Water efficiency evidence requirements for Post Construction Stage assessments must provide:
- Detailed documentary evidence representing the dwellings 'As Built'; showing:
 - the location, details and type of appliances/ fittings that use water in the dwelling (including any specific water reduction equipment with the capacity / flow rate of equipment); and
 - the location, size and details of any rainwater and grey-water collection systems provided for use in the dwelling; along with one of the following:
 - Water Efficiency Calculator for New Dwellings; **or**
 - Written confirmation from the developer that the appliances/fittings have been installed, as specified in the design stage detailed documentary evidence; **or**

- Where different from design stage, provide revised Water Efficiency Calculator for New Dwellings and detailed documentary evidence (as listed above) representing the dwellings 'As Built'
- d) You are advised to contact the Council's Highways team on 020 8545 3700 before undertaking any works within the Public Highway to obtain the necessary approvals and/or licenses. Please be advised that there is a further charge for this work.
-

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

Please note these web pages may be slow to load

NORTHGATE SE GIS Print Template



Text Details **219 Manor Way**

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Committee: Planning Applications

Date: 07 June 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: **17/P0839**
Site: 239 West Barnes Lane, New Malden KT3 6JD
Development: Lawful Development for the erection of a rear roof extension with 2 X side dormers
Recommendation: Refused (Delegated Decision)
Appeal Decision: **DISMISSED**
Date of Appeal Decision: 16th May 2018

[Link to Appeal Decision Notice](#)

Application Numbers: **17/P1350**
Site: 231 Coombe Lane, Raynes Park SW20 0RG
Development: Demolition of garage and erection of a two storey end-of-terrace dwellinghouse
Recommendation: Refused (Delegated Decision)
Appeal Decision: **DISMISSED**
Date of Appeal Decision: 30th April 2018

[Link to Appeal Decision Notice](#)

Application Numbers: **17/P2349**
Site: High Range, 2 Lansdowne Road, West Wimbledon SW20 8AP
Development: Erection of additional two storeys to provide 4 x 2 bed flats
Recommendation: Refused (Delegated)
Appeal Decision: **DISMISSED**
Date of Appeal Decision: 10th May 2018

[Link to Appeal Decision Notice](#)

Application Numbers: **17/P3722**
Site: 66 Edna Road SW20 8BT
Development: Prior approval for a single storey rear extension
Recommendation: Refused (Delegated)
Appeal Decision: **DISMISSED**
Date of Appeal Decision: 18th May 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.

Committee: Planning Applications Committee

Date: 7th June 2018

Wards: All

Subject: PLANNING ENFORCEMENT - SUMMARY OF CURRENT

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:	754	¹ (731)	New Appeals:	(0)	(0)
New Complaints	44	(42)	Instructions to Legal	0	(1)
Cases Closed	21		Existing Appeals	1	(2)
No Breach:	9		<hr/>		
Breach Ceased:	12		TREE ISSUES		
NFA ² (see below):	0		Tree Applications Received	44	(40)
Total	21	(20)	% Determined within time limits:	95%	
New Enforcement Notices Issued			High Hedges Complaint	0	(1)
Breach of Condition Notice:	0		New Tree Preservation Orders (TPO)	2	(2)
New Enforcement Notice issued	1	(1)	Tree Replacement Notice	0	
S.215: ³	0		Tree/High Hedge Appeal	1	
Others (PCN, TSN)	1	(0)			
Total	0	(0)			
Prosecutions: (instructed)	1	(1)			

Note (*figures are for the period 18th April 2018 to 30th May 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. A Planning Enforcement was issued on 16th March 2018 requiring the demolition of the single story wooden extension, with a one month compliance period. The Notice has not been complied with and to date no notification of an appeal.

•22 St George's Road, Mitcham, CR4 1EB. The council issued an Enforcement Notice on the 7 May 2018 for 'erection of high fence and patio at the property. The notice requires removal of the fencing and decking from the Property and will take effect on 14th June 2018 with a compliance period of one month of this date unless an appeal is made. No appeal has been made.

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 re-served an Enforcement Notice on 9th February 2016 against the unauthorised conversion of the former public house into eight self-contained flats. The notice came into effect on 18th March 2016 as there was no appeal prior to that date and the requirement is to cease using the building as eight self-contained flats within 6 months. Six of the flats are vacant and the owners have instructed builders to remove all kitchens units. Court action is currently on-going to 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. The Notice has now been complied with.
- **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. The Remedial Notice has now been complied with.
- **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 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**