

# 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:

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

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

**Date: 15 November 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](mailto:democratic.services@merton.gov.uk) or telephone 020 8545 3356

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# Planning Applications Committee

## 15 November 2018

- 1 Apologies for absence
- 2 Declarations of Pecuniary Interest
- 3 Minutes of the previous meeting 1 - 8
- 4 Town Planning Applications  
The Chair will announce the order of Items at the beginning of the Meeting.  
A Supplementary Agenda with any modifications will be published on the day of the meeting.  
Note: there is no written report for this item
- 5 32-34 Bushey Road, Raynes Park, SW20 8BP 9 - 28  
  
Application number: 18/P2619 Ward: Dundonald  
  
Officer Recommendation: GRANT Planning Permission subject to completion of a S106 Agreement and conditions
- 6 27 Cochrane Road, Wimbledon, SW19 3QP 29 - 40  
  
Application number: 18/P2661 Ward: Dundonald  
  
Officer Recommendation: GRANT Planning Permission subject to conditions and Section 106 agreement
- 7 41 Cottenham Park Road, West Wimbledon, SW20 0SB 41 - 66  
  
Application number: 18/P2234 Ward: Raynes Park  
  
Officer Recommendation: GRANT Planning Permission subject to conditions
- 8 356 Garth Road, Morden, SM4 4NW 67 - 86  
  
Application number: 18/P1577 Ward: Lower Morden  
  
Officer Recommendation: GRANT Planning Permission subject to conditions
- 9 6 Grange Park Place, West Wimbledon, SW20 0EE 87 - 94  
  
Application number: 18/P2843 Ward: Village  
  
Officer Recommendation: GRANT Planning Permission subject to conditions
- 10 Harris Academy, 59-63 High Path, Wimbledon, SW19 95 - 166

2JY

Application number: 18/P1921 Ward: Abbey

Officer Recommendation: GRANT Planning Permission subject to completion of a S106 Agreement and conditions

11 Unit 12 Mitcham Ind Estate, Streatham Road, CR4 2AP 167 - 176

Application number: 18/P3342 Ward: Graveney

Officer Recommendation: GRANT Planning Permission subject to conditions

12 2 Vectis Gardens, Tooting, SW17 9RE 177 - 196

Application number: 18/P2066 Ward: Graveney

Officer Recommendation: GRANT Planning Permission subject to conditions

13 TPO No.730 - 10 Murray Road, Wimbledon, SW19 4PB 197 - 202

Ward: Hillside

Officer Recommendation: That the Merton (No.730) Tree Preservation Order 2018 be confirmed, without modification

14 Planning Appeal Decisions 203 - 206

Officer Recommendation:  
That Members note the contents of the report.

15 Planning Enforcement - Summary of Current Cases 207 - 212

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](mailto:planning@merton.gov.uk))

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

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

**Please note:**

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

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

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

Phone – 020 8545 3356

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# Agenda Item 3

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

## PLANNING APPLICATIONS COMMITTEE

18 OCTOBER 2018

(7.15 pm - 10.30 am)

PRESENT Councillor Linda Kirby (in the Chair), Councillor Najeeb Latif, Councillor David Chung, Councillor Russell Makin, Councillor Peter Southgate, Councillor Marsie Skeete, Councillor Dave Ward, Councillor Dennis Pearce, Councillor Stephen Crowe, and Councillor Carl Quilliam

ALSO PRESENT Neil Milligan – Building and Development Control Manager  
Jonathan Lewis – Planning Team Leader South  
Tim Bryson – Planning Team Leader North  
Sarath Attanayke – Transport Planning Officer  
Lisa Jewell – Democratic Services Officer

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

Apologies for absence were received from Councillors Laxmi Attawar, David Dean and Simon McGrath.

The Chair welcomed Substitutes: Councillors Dennis Pearce, Stephen Crowe and Carl Quilliam

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

There were no declarations of interest.

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

RESOLVED: That the minutes of the meeting held on 20 September 2018 are agreed as an accurate record.

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

Supplementary Agenda: Amendments and modifications to the Officer's report were published in a Supplementary Agenda. This applied to items 5 and 7.

Order of the meeting – The Chair announced that the items would be taken in the following order 5,6, 7,10,8,9, 11 and 12

### 5 SOUTHEY BOWLING CLUB, 557 AND 559 KINGSTON ROAD, SW20 8SF (Agenda Item 5)

Proposal: Application for variation of condition 2 (approved drawings) attached to LBM planning application 15/P4083, to allow for additional dormer windows and a/c units relating to the demolition of existing buildings and redevelopment of site with erection of 9 houses with new access from Kingston Road; erection of new bowls

club building and associated facilities, including a new changing room building and relocation of groundsman's store using existing access to Lower Downs Road.

The Committee noted the officer's report and presentation and information in the Supplementary Agenda. Members noted that a more robust noise control was suggested that would include an control to limit the timing of the use of the air handling units to match the hours of operation of the function rooms.

The Objector raised residents' concerns, including:

- Proposed location of the air handling units is 5 steps away from the boundary of our property
- Dirty air will be expelled directly into our living space
- There will be unacceptable levels of noise in our garden
- The units will be visually intrusive
- The proposal is against Merton Policy DMD2(i)
- This development does not need air con, it has already taken away our sunlight and our alleyway

The Applicant's agent made points including:

- The Air handling units are required because of the need to soundproof the function rooms
- The units will operate at 27dB, which is quieter than average speech
- The units just chill the air, so they don't expel 'dirty' air
- The units are near the boundary, but they are necessary to protect the residents from any noise in the function rooms

Members asked officers about the location of the units, and if they could be positioned elsewhere. The Chair agreed that the Applicant's agent could answer this question and he explained that the Bowling Green Side is too narrow to accommodate the louvres of the units, and that the proposed location is where the units need to be, and by the main entrance would not be ideal.

Members asked about enforcement and control of the noise emissions from the units. Officers explained that the amendment to the noise control condition would limit the times that the units could operate and that this was a measurable and enforceable condition. Members asked about maintenance of the units, as it is known that units become noisier if not well maintained. Officers suggested that the noise limits in the condition were enforceable but an informative could suggest to the applicants that they maintain the units, and that they only run the units when they are using the function rooms, rather than running on a set timer.

Members noted that the noise levels drop from 27dB at the unit to 10dB at the boundary fence, but that Officers do not know what the noise levels would be at nearby properties. Members also noted that the units were positioned at



## RESOLVED

The Committee voted to GRANT Planning Permission subject to conditions in the officer's report, an amended condition regarding noise control, an additional informative regarding noise control and deed of variation to s.106 legal agreement.

Note: The wording of the amended condition and informative is delegated to the Director of Environment and Regeneration.

### 6 42 LINGFIELD ROAD, WIMBLEDON SW19 4PZ (Agenda Item 6)

Proposal: Erection of a single storey rear extension, erection of side dormer window to second floor left flank roof slope, first floor rear bay window and relocation of front door from side elevation to front elevation.

The Committee noted the officer's report and presentation, and noted that the property is locally listed but that the proposals are to facilitate easy access for an occupant with disabilities.

The Committee received verbal presentations from two Objectors who made points including:

- The proposal is overdevelopment, it is too big and bulky.
- It will block light to the neighbours houses and gardens, it will give the neighbours gardens a 'walled in' feel.
- Too much of the garden will be covered by the extension, this will affect wildlife and permeability
- Neighbours objections have not been considered.
- The Council's approach is inconsistent, other properties have not been allowed such extensions
- The Houses are architecturally consistent, and we are unhappy with the changes proposed.

The applicant's agent made a verbal representation and made points including:

- The application was originally submitted to allow wheelchair access to the house. Following the advise of the Heritage Officer the original plans were amended to retain the front bay window.
- The Officers report has considered loss of daylight and sunlight, as the proposal is single storey with a flat roof, and so not unacceptable
- The remaining garden is heavily vegetated
- The back extension is set back from the boundary and so it is not considered harmful to neighbour amenity
- The proposal will not cause any harm to the Conservation area.

In reply to Members' Questions, The Planning Team Leader North gave replies:

- Officers did consider the Daylight and Sunlight assessments
- The extension is too deep to be allowed in a conservation area under permitted development

Members commented that the proposal will cause a loss of symmetry between the property and its neighbours. However the reason for the proposal; to make the house wheelchair accessible, outweighs this loss of symmetry

RESOLVED

The Committee voted to GRANT Planning Permission subject to conditions

## 7 WIMBLEDON HIGH SCHOOL, MANSEL ROAD, SW19 4AA (Agenda Item 7)

Proposal: Multi-phase project to expand existing science block with erection of new storey, the refurbishment of the Hastings building, demolition of existing dining hall, part demolition of Lewis House, erection of new assembly hall, erection of sixth form centre and rooftop junior play area plus the creation of a sixth form courtyard on the site of the old dining hall and Lewis House footprint. Formation of new entrance from Wimbledon Hill Road to sixth form centre together with associated landscaping works.

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

In answer to Members' Questions, The Planning Team Leader North replied:

- The School have thought about construction safety and have produced a phased construction plan which will be finalised by condition. Ultimately the School is responsible for the on-site safety of Pupils and Staff.
- We do not know how many staff currently hold parking permits. But these will not be renewed and no further permits will be issued to staff.
- Solar Panels are proposed and the School has an Energy Strategy
- There is currently some degree of overlooking onto the ground floor playground. The proposed 6<sup>th</sup> form breakout area and new rooftop playground will be screened but there will still be some overlooking. The School have also assessed noise levels

Members commented that generally they liked the Scheme but that they expressed concerns with the Design of the Roof of the STEAM building. The Architect of the building was present and at the request of the Chair, he explained that following the DRP review of the original scheme the design of this roof had been changed. The new design sought to tie the whole site together. He commented that the design plans that Members were looking at could be better. He continued that at this stage it would be difficult to make changes to the proposed design.

Planning Officers proposed that an additional condition be added asking the School to review the materials to be used on this roof, in an attempt to improve its appearance.

RESOLVED

The Committee voted unanimously to GRANT Planning Permission subject to completion of a S.106 Agreement, conditions in the Officer's Report and an additional condition requiring the STEAM building's roof materials to be reviewed and brought back to the Chair and Vice Chair to seek their approval.

The wording of this additional condition will be delegated to the Director of Environment and Regeneration.

8 THE WILLIAM MORRIS & THE 1929 SHOP, 18 & 20 WATERMILL WAY, COLLIERS WOOD, LONDON, SW19 2RD (Agenda Item 8)

Proposal: Alterations and extensions to existing public house and restaurant involving partial demolition works and new outdoor dining facilities, and new brewery and ancillary shop

The Committee noted the officer's report and presentation.

In answer to members' questions, The Planning Team Leader made points including:

- Condition 12 does not specify the method that should be used to control odour from the microbrewery. It is for the applicant to obtain expert advice and then submit this method for scrutiny by the Council's Environmental Health team
- Allowing the microbrewery operating hours of 7am to 7pm, 7 days a week gives the operator flexibility to meet the demand for their product. There are conditions proposed in place to control any harm arising from the brewery process. An additional noise condition is proposed.
- The Environment Agency issues permits to safeguard the integrity of the water course, these are entirely separate to the planning process.

Members made comments including:

- This development will be a valuable addition to the area
- Impressed by the description of the cladding of the microbrewery

RESOLVED

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

9 2 VECTIS GARDENS, TOOTING, SW17 9RE (Agenda Item 9)

Proposal: Construction of a single storey rear extension and side extension with dormer window to the property and the construction of 1 x self-contained flat above the side extension.

NOTE: Councillor Linda Kirby left the Chair, and the dais, for the duration of this item. She spoke from the floor of the chamber and declared that she would not vote on the item.

Councillor Najeeb Latif took the Chair for the duration of this item.

The Committee noted the officer's report and presentation, and noted that the majority of the development proposed has previously been found acceptable and granted planning permission.

Councillor Linda Kirby said that she had called this item into the Committee owing to a neighbour's concerns. Councillor Kirby also has concerns with the number of conversions occurring in Graveney and Longthornton ward, and the rapidly rising number of HMOs in the area. In the case of this application she was concerned about the size and cramped nature of the proposed new first floor flat and its lack of amenity space, and that the proposal would add to the loss of small family homes in the area.

In reply to Members' questions the Planning Officer made points including:

- The proposed extension is acceptable in planning terms, and if the property was to be maintained as a single dwelling the rear extension would be allowed under permitted development rights.
- The Roof addition already has a certificate of lawfulness
- The proposed family sized flat comfortably meets the Merton garden size standard for new homes.
- Merton Council often allows one bedroomed units with no amenity space, and given that the flat was acceptable in other respects the absence of amenity space was not considered a basis to withhold permission.
- The Transport Planning Officers are content with the proposed parking arrangements

Members made comments including:

- Members felt that they could not make a decision on this application until they had received clarification on this proposed parking arrangement, as it was Member's belief that this configuration of parking was unsatisfactory and against Merton Policy.
- Members were concerned about the small size of the 1 Bedroomed unit and its lack of amenity space. Members believed that Merton Policy required high quality design and the protection of the amenities of future occupiers

#### RESOLVED

The Committee voted to DEFER this item to the next meeting so that Officers can re-examine the parking to the front of the property and the lack of amenity space for the one bedroomed flat.

#### 10 TREE PRESERVATION ORDER (NO.732) AT 45, 51 & 53 MYRNA CLOSE, COLLIERS WOOD, SW19 (Agenda Item 10)

The Committee noted the Officer's report and recommendation to confirm the Tree Preservation Order (No. 732) at 45,51 & 53 Myrna Close. The Committee noted that a temporary TPO had been issued on the three trees and they were now being asked to confirm a permanent TPO on the trees that would require the tree owners to

consult with the Council's tree officer before carrying out any work on the trees, and prevented the trees from being removed.

The Committee received verbal representations from two objectors to the TPO and from one supporter of the TPO.

The Objectors made points including:

- The trees are over 35ft tall and if one fell it would be a disaster. They need to be removed for safety reasons
- The people who have supported the TPO do not live in the houses threatened by the trees
- The report is inaccurate as there are 49 mature trees in the area and the loss of these three trees would not have a significant impact.
- Objectors believe that it is their Human Right to be protected from the threat of these trees falling.
- By imposing this TPO the Council will be penalising residents who sought to follow correct procedure by applying for Planning Permission
- Who is responsible if a tree does fall down

A supporter of the TPO made points including:

- Trees are much need to help counter the damaging effects of air pollution. One tree can replace the oxygen used up by one car in a day
- The Mayor of London is supporting the planting of more trees for this reason.
- It would be better to think about trimming or pollarding these trees
- Car covers can be used if falling leaves are a problem

In reply to Members Questions The Planning Officer made points including:

- The Council has no duty to maintain these three trees as they are not on Council land. It is the duty of the tree owners to maintain
- The Police comment in the report is not of particular importance
- If expert evidence of bad health issues is supplied it will be considered
- If the Lime Tree does cause a problem by covering a street light then something can be done.
- The comment in the report about 'no other mature trees' was not made by the tree Officer, it was just reporting what a resident had said.
- These are healthy trees and are not causing sufficient problems to warrant their removal.
- Pollarding may be too extreme – the Tree Officer can advise
- The photo showing a fallen branch is not an indication that the tree is rotten. Trees do need maintenance, there are 1000s of street trees in the borough that the Council maintains.

Members of the Committee made comments including:

- Do not want to set a precedent letting people cut down healthy trees
- The Council should help and advise residents to maintain their trees

RESOLVED

To Confirm without modification Merton (No. 732) Tree Preservation Order 2018

11 PLANNING APPEAL DECISIONS (Agenda Item 11)

RESOLVED

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

12 PLANNING ENFORCEMENT - SUMMARY OF CURRENT CASES (Agenda Item 12)

The Planning Development Manager asked the Committee to note the new enforcement action for 1 Caxton Road.

Members enquired about the Burn Bullock site and noted in enforcement terms little has happened recently.

Members asked if 299 Bishopsford Road can go back on the list of reported items

RESOLVED

The Committee noted the Officer's Report on Planning Enforcement

## PLANNING APPLICATIONS COMMITTEE

15<sup>th</sup> November 2018

### APPLICATION NO.

### DATE VALID

18/P2619

12/07/2018

### Address/Site:

32 – 34 Bushey Road, Raynes Park, SW20 8BP

### (Ward)

Dundonald

### Proposal:

Demolition of existing buildings and erection of a part three / part four storey residential building comprising 32 self-contained flats (6 x studio, 11 x 1 bed & 15 x 2 bed)

### Drawing Nos:

AM-1714\_PL100(B), PL101(C), PL102(C), PL103(C), PL104(D), PL105(C), PL106(D), PL107(C), PL108(D), PL109(B), PL110(A), PL111(B), 112(B), 113(A), PL114(D), PL115(C), PL116(D), PL117(B), PL118(A), PL120(B),

### Contact Officer:

David Gardener (0208 545 3115)

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## RECOMMENDATION

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

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### CHECKLIST INFORMATION

- Heads of agreement: Permit free, Affordable Housing, Carbon offset contribution
- Is a screening opinion required: No
- Is an Environmental Statement required: No
- Has an Environmental Impact Assessment been submitted: No
- Press notice: Yes
- Site notice: Yes
- Design Review Panel consulted: No
- Number of neighbours consulted: 109
- External consultations: Thames Water

## 1. INTRODUCTION

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

## 2. SITE AND SURROUNDINGS

- 2.1 The application site is approx. 0.18Ha in size and is located at the southern end of Edna Road. The site also fronts Bushey Road.
- 2.2 The site currently comprises two single storey buildings with vehicle access from Bushey Road. One building is used as a car showroom with ancillary offices (Sui Generis Use) and a service desk for car repairs use. The other building is used for car repairs (Use Class B2) which are partly ancillary to the car showroom use, and pet grooming (Sui Generis Use). The remainder of the site comprises areas of surface parking and storage.
- 2.3 Two-storey terrace houses are located to the north, west and east of the application site. Bushey Mansions, The David Lloyd Sports Centre and Prince Georges Playing Fields are located opposite the site, to the south of Bushey Road. A public footpath also abuts part of the sites western boundary connecting Edna Road with Bushey Road.
- 2.4 The site is not located in a Conservation Area. The site has moderate public transport accessibility (PTAL 3) and is also located in a controlled parking zone (zone RPS).

### **3. CURRENT PROPOSAL**

- 3.1 The proposal is to demolish the existing buildings and erect a residential building comprising 32 self-contained flats (6 x studio, 11 x 1-bed & 15 x 2-bed). The building would be arranged over a maximum of four storeys (Ground, first, second and third floors). 10 (31%) of the proposed flats will be affordable housing (100% shared ownership).
- 3.2 Proposed facing materials include blended stock facing brickwork, bronze anodized aluminium window frames and stone course detailing.
- 3.3 The application has been amended since it was first submitted. Amendments include the following:
  - Reduction in footprint of third floor
  - Reduction in number of flats from 34 to 32
  - Amendments to east elevation at first and second floor levels
  - Amendments to facing materials at third floor level on north, east and west elevations with anodized aluminium cladding panels proposed instead of brick
- 3.4 Three disabled off-street car parking bays would be provided at the rear of the site. The proposal includes closing off the existing access off Bushey Road, and formation of a new vehicle access off Edna Road. The amount of on-street parking on Edna Road would be reduced by two car parking spaces to make way for the new access.
- 3.5 All of the flats would have access to a minimum 5sqm private terrace or balcony with a communal garden also provided at the rear. Secure cycle storage and bin storage is located at the rear of the building.



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

The following planning history is relevant:

- 4.1 07/P2419 – Demolition of existing buildings and erection of a part 2/part 3 storey building, comprising a ground floor car showroom with 4 x 1 and 8 x 2 bed self-contained flats. Refused, 30/11/2007, for the following reasons:

“ The proposals, by reason of their bulk, design, size and siting, would constitute an unduly dominant and visually intrusive form of development which would:

- a) fail to respect the siting, rhythm, scale and proportions of surrounding buildings to the detriment of the Edna Road streetscene;
  - b) be visually intrusive and result in a loss of privacy to neighbouring occupiers and overshadowing to neighbouring gardens to the detriment of the neighbour amenity;
  - c) be unduly conspicuous and fail to achieve a high standard of design to the detriment of views along Bushey Road and would mar the backcloth to nearby Metropolitan Open Land;
  - d) result in an overintensive provision of residential accommodation resulting in an unacceptable shortfall in amenity space harmful to the amenities of future occupiers;
  - e) result in noise and disturbance to the detriment of neighbour amenity arising from the proximity and number of parking spaces to site boundaries and the activity associated with the use of those spaces;
- contrary to adopted polices BE15, BE16, BE22, BE25, NE2, S.9, RN.3 and PK3.”

And

“ The proposals by reason of the design and layout of parking and servicing areas, and the number of parking spaces would:

- a) Fail to provide either adequate servicing arrangements, or off street parking, to meet the likely needs of the proposed uses, and would give rise to additional vehicular movements to and from the site, with associated slowing, stopping, reversing and merging manoeuvres, carrying an increased risk of accident, detrimental to the safe and free movement of traffic on a classified road.”

- 4.2 17/P4346 - In December 2017 pre-application advice was sought for the demolition of existing buildings and the erection of replacement building of up to four storeys, to re-provide c. 147.5sqm commercial floorspace and circa. 26 new residential units, with associated car and cycle parking, amenity space and landscaping

#### **5. POLICY CONTEXT**

- 5.1 Adopted Merton Sites and Policies Plan and Policies Maps (July 2014): DM D1 (Urban design and the public realm), DM D2 (Design considerations in all developments), DM D3 (Alterations and extensions to existing buildings),

DM H2 (Housing Mix), DM E3 (Protection of scattered employment sites), DM O2 (Nature Conservation, Trees, hedges and landscape features), DM T1 (Support for sustainable transport and active travel), DM T2 (Transport impacts of development), DM T3 (Car parking and servicing standards)

- 5.2 Adopted Core Strategy (July 2011):  
CS.8 (Housing Choice), CS.9 (Housing Provision), CS.12 (Economic Development), CS.14 (Design), CS.15 (Climate Change), CS.18 (Active Transport), CS.19 (Public Transport), CS.20 (Parking, Servicing and Delivery)
- 5.3 London Plan March 2015 (March 2016):  
3.5 (Quality and Design of Housing Development), 5.2 (Minimising carbon dioxide emissions), 5.3 (Sustainable Design and Construction), 5.9 (Overheating and cooling), 6.3 (Assessing effects of development on transport capacity), 6.13 (Parking), 7.2 (An inclusive environment), 7.4 (Local character), 7.6 (Architecture)
- 5.4 Mayor of London Housing Supplementary Planning Guidance (March 2016)
- 5.5 Department for Communities and Local Government 'Technical housing standards – nationally described space standard'
- 5.6 National Planning Policy Framework (NPPF) - July 2018

## **6. CONSULTATION**

- 6.1 The application was originally publicised by means of a press and site notice and individual letters to occupiers of neighbouring properties. In response, 43 letters of objections were received including a letter of objection from the Apostles Residents Association. A petition containing 42 signatures objecting to the proposal was also received. Two letters of support was received. The letters of objection were on the following grounds:
- Increased traffic and lack of off-street car parking (including that from visitors and deliveries) and pressure on on-street parking in surrounding road network where there is already a lack of parking. Residents and visitors would be able to park in the CPZ outside restricted hours. Permit free agreement no legally binding. Loss of two on-street car parking spaces on Edna Road not acceptable as it would reduce number of spaces available to Edna Road residents including services they may require
  - Proposed building is too high, overbearing, visually intrusive, and out of scale with surrounding buildings, impact on character of Apostles
  - Design in not attractive and not in keeping with surrounding area
  - Overdevelopment of site with too many flats proposed, too dense
  - Poor drainage on site, potential damage to Thames Water pipes during construction
  - Loss of employment
  - Poor housing mix with too many flats and no houses
  - Loss of privacy and overlooking from balconies with privacy glass not adequate

- Loss of outlook
- East elevation is too close to boundary with Dorian Road
- Daylight/sunlight loss and overshadowing of neighbouring gardens
- Poor access arrangement, noise disturbance and air pollution from vehicular traffic
- Impact on pedestrian safety
- Developer is prioritising profit
- Impact on house prices
- Disruption during construction
- Sub-division of private and affordable housing. Affordable housing not policy compliant
- Potential impact on trees
- Poor precedent
- Current proposal hasn't overcome concerns from previous application which was refused

## 6.2 Apostles Residents Association

Object on the grounds of loss of employment land, lack of open space for existing and future residents, on-site drainage impact, car access from Edna Road, excessive height of proposed building, overdevelopment, possibility of residents being able to obtain parking permits despite development being permit free, emergency vehicle access and lack of amenity space.

6.3 The letters of support state that the proposal would rejuvenate an area in need of improvement by replacing the unsightly existing buildings with a sympathetically designed building, the building would act as a noise buffer, potential to increase house prices, improve accessibility on Edna Road through introduction of turning head, and improved landscaping.

6.3 Following amendments to the design of the building a further re-consultation was undertaken. In response 14 further objections were received including a letter of objection from the Apostles Residents Association. In addition to previous concerns, objections were raised regarding the following:

- Reduction in building size is minimal and would make little difference to loss of daylight/sunlight or overshadowing. The building is also still too high and bulky
- Concerns regarding car parking and traffic not addressed

## 6.3 Future Merton - Transport Planning

6.4 It is considered that the development is unlikely to generate a significant number of trips due to it being car free with only three disabled car parking spaces provided on-site. The application site is located in a CPZ and has a PTAL rating of 3. Therefore in order to minimise impact on surrounding streets it is considered appropriate to make the development permit free which means occupiers of the flats will not be eligible to apply for parking permits to park on surrounding roads. Non permit holders and visitors are able to park outside restricted hours (i.e. before 8.30am and after 6.30pm during week days and all

day at weekends) however it is considered that this impact would be low. It is also considered that the site is located in an area where there is satisfactory provision for walking and cycling whilst there moderate access to public transport. Overall, it is considered that the proposal will not generate a significant negative impact on the performance and safety of the surrounding highway network or its users and as such permission is recommended.

6.5 Future Merton – Flood Engineer

6.6 The development is considered acceptable in terms of surface and ground water flows subject to appropriate conditions.

6.7 Tree Officer

6.8 No objection subject to conditions

6.9 Thames Water

6.10 The proposed development is located within 15m of a strategic water main. Thames Water has therefore requested that a condition is attached requiring that no piling should take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, has been submitted to and approved in writing by the local planning authority in consultation with Thames Water.

6.11 Designing Out Crime Officer

6.12 The proposed layout and design cause no security concerns as much of the Secured by Design guidance has been included.

6.13 Future Merton – Climate Change Officer

6.14 No objections subject to S106 agreement for carbon offset contribution and appropriate conditions.

6.15 Greenspaces – Street Trees

6.16 No objections

**7. PLANNING CONSIDERATIONS**

**7.1 Principle of Development**

7.2 The proposal would result in the provision of 32 self-contained residential units (6 x Studio, 11 x 1 bed & 15 x 2 bed) which is supported by Policy CS.9 of the Core Planning Strategy 2011 which states that the Council will work with housing providers to facilitate the provision of a minimum of 4,800 additional homes for the period 2011-2026.

7.3 Car showroom (Sui Generis Use), car repairs (Use Class B2) which are partly ancillary to the car showroom use, and pet grooming (Sui Generis Use) premises are currently located on the application site. The site is classed as a scattered employment site and as such any redevelopment will have to comply with policy DM E3 of the Adopted Sites and Policies Plan and Policies Maps (July 2014) (For the purposes of this policy 'employment' refers to premises or land that operates within the B2 use class which in this instance relates to the car repairs business). Part A of this policy states that proposals that result in the loss of scattered employment sites will be resisted except where:

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

7.4 If proposals do not meet policy requirements DM E3 (a) (iii) above, the council will seek measures to mitigate against the loss of employment land. Such measures may include:

- i) Providing employment, as part of a mixed use scheme on-site; or
- ii) Providing alternative sites for employment use (for instance, 'land swaps')

7.5 The applicant proposes relocating the car repair business to an alternative location within the borough and have submitted a signed lease showing that this will take place in January 2019. The Council Property Management Team have reviewed the submitted lease and consider it satisfactory and as such it is considered that the proposal complies with policy DM E3. Overall, it is considered that the principle of development is acceptable.

## **7.6 Housing Provision – Mix/Density/Affordable Housing**

### **7.7 Mix**

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

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

- 7.8 It is considered that the proposal provides a good mix of properties with 17 studio/one bedroom units (53%) and 15 two bedroom units (47%). It is therefore considered that there is a well-balanced provision of one and two bedroom units. Although, no three bedroom units are proposed it is not considered that this would warrant a refusal of the application given there is already a high concentration of family sized properties in the wider area. It is therefore considered that a development proposing smaller one and two bedroom units in this instance would help contribute to the delivery of a balanced mix of dwelling sizes in the wider area as a whole.
- 7.9 Density  
Policy 3.4 of the London Plan advises that Boroughs should seek to ensure that development optimises housing output for different types of location within the relevant density range shown in Table 3.2 of the Plan and should resist proposals which compromise this policy. This advice is re-stated in paragraph 18.27 of the Core Planning Strategy.
- 7.10 The application site has moderate Public Transport Accessibility with a PTAL rating of 3 and sits within a suburban setting with predominantly medium density development. The appropriate density range within the London Plan matrix would be 150-250 habitable rooms per hectare (ha/hr), or given the average dwelling size 50-95 units per hectare (u/ha). The application site is 0.18 hectares giving a density of 405 ha/hr per hectare and 177 u/ha.
- 7.11 The latest National Planning Policy Framework (NPPF) which was published in July 2018 states that it is especially important that planning policies and decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site. Although the figures in the previous paragraph illustrate that the proposed development would provide for a density that exceeds the recommended density range for both units and habitable rooms, it is not considered to be excessive given latest national planning policy guidance.
- 7.12 Affordable Housing  
A total of 10 affordable units (2 x Studio, 4 x 1 bed & 4 x 2 bed) are proposed. Terraces or balconies are provided for all of the units.
- 7.13 The proposed housing offer equates to 31% of the total number of units and all 10 units would be intermediate housing units with no social rent proposed. This falls short of the 40% affordable housing target with a 60/40 split between social rented/intermediate sought by policy CS.8 of the Core Planning Strategy. However, the applicant has submitted an Affordable Housing Viability Appraisal, which the Council has independently assessed by specialist consultants, who conclude that the affordable housing offer has been maximised in relation to financial viability with the scheme currently producing

a deficit of £226,846. This would produce a profit of 17.56% which falls within the normal 15% - 20% profit range to make a development viable. In this instance the provision of intermediate housing enables the applicant to maximise the amount of affordable homes on site. It is considered that if Social Rent were to be delivered instead of Shared Ownership or a mixture of the two then, the overall quantum of delivery would be significantly reduced.

#### **7.14 Visual amenity**

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

7.16 It is considered that the proposed building is a high quality design that responds well to its surrounding context. Two-storey terrace houses are located to the north, east and west of the application site, along Edna Road and Dorian Road. The proposed building is located at the southern end of Edna Road and also fronts Bushey Road, a busy Dual Carriageway which means there is scope for a taller building on the application site. Nevertheless, the building at four storeys in height is not considered to be excessive and it is sensitively designed with its height gently stepping up from three storeys on its north side, which is closest to No. 88 Edna Road to four storeys on its southern end. There is also a large gap between the proposed building and No. 88 Edna Road due to the car access to the site and part of the top floor is also set slightly back on the buildings west elevation with the use of stack bond panels facing materials, which is considered to further reduce the buildings impact. It should be noted that this type of design approach has been used successfully on a number of other schemes in Merton, for example at 30 Griffiths Road (LBM Ref: 15/P4370). The southern elevation fronting Bushey Road is broken up into several sections through indents in the elevation, whilst the west side of the building also steps down from four to three storeys helping to reduce the buildings bulk when viewed from Bushey Road. The proposed material palette is also considered to be very high quality with for example the use of stone detailing, bronze anodised balconies and other subtle architectural features creating further visual interest.

7.17 Overall, it is considered that the proposal would result in a high quality development and as such complies with all the relevant design planning policies.

#### **7.18 Residential Amenity**

7.19 Policy DM D2 of the Adopted Sites and Policies Plan and Policies Maps (July 2014) states that proposals for development will be required to ensure provision of appropriate levels of sunlight and daylight, quality of living conditions, amenity space and privacy, to both proposed and adjoining

buildings and gardens. Development should also protect new and existing development from visual intrusion.

- 7.20 It is considered that the proposed building would not be visually intrusive or overbearing when viewed from properties along Edna Road and Dorian Road. The application has been amended on the advice of Council Planning Officers with, for example, the top floor reduced considerably in size with its east elevation, and the bulk of its north elevation cut back therefore significantly reducing its impact. The top floor would now be located a minimum of 9.6m from the rear boundary of Nos. 87 and 89 Dorian Road and between 13.4m and 16.3m from the boundary with 88 Edna Road where the building projects beyond the rear elevation of this property, which is considered acceptable in this instance. The bulk of the east facing elevation at first and second floor level would also be sited a minimum of 6m away from the rear boundaries of properties along Dorian Road which is also considered acceptable. It is noted that a small section of the southeast corner of the building extends further east, however, this is adjacent to an existing sub-station and as such is considered acceptable. The facing materials on the north and east elevations have also been amended from brick i.e. the same as that on the lower floors, to anodised aluminium cladding. This creates more visual interest and helps reduce the buildings massing by giving the top floor a more roof like appearance.
- 7.21 It is not considered that the proposal would have an unacceptable impact on levels of daylight/sunlight, overshadowing or privacy at adjoining residential properties. The applicant has submitted a daylight/sunlight assessment which illustrates that all windows and gardens of adjoin properties will comply with minimum BRE guidance on daylight, sunlight and overshadowing. In terms of privacy the windows in the east elevation facing Dorian Road will be obscure glazed and fixed shut whilst the balconies at first and second floors will have privacy screens to avoid any overlooking. North facing flats feature windows and balconies that face the rear gardens of properties along Edna Road. It is proposed that a number of these balconies and windows will be screened to protect privacy which is considered satisfactory. This will also be secured by condition.
- 7.22 The new access off Edna Road and three off-street car parking spaces would sit adjacent to the boundary with No.88 Edna Road. It is however considered that given the low number of vehicle movements that the impact on No.88 would be relatively low. In addition, the proposed use would likely reduce the amount of activity given the sites current use for car repair close to the boundary with No.88.
- 7.23 A previous application LBM Ref: 07/P2419 of comparable scale and massing was refused in 2007 in part because it was considered to be visually intrusive when viewed from adjoining properties (It is noted that the current proposal is a storey higher than the previous application however due to the different floor to ceiling heights and roof profiles that the actual maximum height of each building is very similar (maximum height of previous building was 11.4m whilst the current building is 11.5m)). The recently published National Planning Policy Framework (NPPF) (July 2018) states that it is especially important that



planning policies and decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site. It is considered that the current application complies with the latest NPPF policy by proposing 32 self-contained flats compared with only 12 proposed in the previous application. It is also considered that the current building is a significantly superior in terms of its design approach proposing blended stock facing brickwork and anodised aluminium cladding compared to the render and aluminium sheeting proposed previously. As such, it is considered that the proposal provides a good balance between best use of the site with a high quality design that is not excessive in scale.

- 7.12 Overall, it is considered that the proposal would not have a detrimental impact on the levels of amenity currently enjoyed by occupiers of surrounding properties and would accord with policies DM D2 and DM D3 Adopted Merton Sites and Policies Plan and Policies Maps (July 2014).

### **7.13 Standard of Accommodation**

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

- 7.15 The proposed residential units all meet or exceed national and regional standards in terms of gross internal floor size and bedroom sizes with the majority of flats being at least dual aspect. The majority of single aspect flats would also be south facing with only one single aspect flat north facing. It should however be noted that this flat is a studio with a shallow floorplan and large window openings and balcony which means it would still receive good levels of natural daylight. The proposed flats all have private balconies or terraces which comply with the minimum space standards set out in policy DM D2 of the Adopted Merton Sites and Policies Plan and Policies Maps (July 2014), which requires for flatted dwellings, a minimum of 5sqm of private outdoor space should be provided for 1-2 person flatted dwellings with an extra 1sqm provided for each additional occupant. It should also be noted that occupiers would benefit from a communal garden which would be located in the northeast corner of the application site.

### **7.16 Parking and Traffic**

- 7.17 The application proposes only three off-street disabled parking spaces which would be located at the rear of the site and accessed from Edna Road. On-street parking on Edna Road is not marked with individual parking bays and approx. 7m of on-street parking will be removed to make way for the new access. Policy DM T3 of the Adopted Sites and Policies Plan and Policies Maps (July 2014) states that development should only provide the level of car parking required to serve the site taking into account its accessibility by public transport (PTAL) and local circumstances in accordance with London Plan standards unless a clear need can be demonstrated. Policy 6.13 Table 6.2 of the London Plan (March 2016) allows for up to 1 space per unit where there is a PTAL rating of 3 however these are maximum standards and as such the proposed level of parking is considered acceptable.
- 7.18 The application site is located in a controlled parking zone and the proposal would result in a net increase of 32 residential flats. It is therefore considered that all of the proposed flats in the development should be subject to a Section 106 'permit free' Agreement in accordance with policy DM T3, which supports permit-free developments in areas within CPZ's and generally benefiting from good access to public transport which is generally in the PTAL 4 – 6 range, with good access to facilities and services. This would also avoid any over spill parking on the surrounding roads. Although the application site falls marginally outside the suggested PTAL range with a PTAL rating of 3 it is still considered appropriate in this instance to require that the development is permit free given the site is located only approx. 650m from Raynes Park railway station and 660m from Wimbledon Chase railway station. There are also a number of bus stops located relatively close to the application site. It should also be noted that if the site was located only 150m further west it would have a PTAL rating of 6 which is excellent. Free car club membership, which will be funded by the developer for a period of 3 years and secured by a S106 is also proposed. Policy DM T3 states that car club schemes facilitate lower levels of on-site parking provision thereby allowing developers to achieve a higher level of development on-site.
- 7.19 In the vicinity of the site, on-street parking is restricted to permit holders between the hours of 08:30 – 18:30 Monday – Friday on Edna Road, Carlton Park Avenue, Veron Avenue, Dorian Road and Dupont Road. Although visitors could park in surrounding streets outside these hours it is considered that the impact would be low. The loss of 2 on-street parking spaces on Edna Road is also considered acceptable in this instance given there are currently approx. 106 car parking spaces along Edna Road and as such the loss of two spaces would equate only a 2% reduction in on-street car parking capacity along Edna Road. It is important to highlight that para. 109 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. It should be noted that the new access would lead to a new turning head which would benefit existing residents as well as delivery drivers that will be able to use the turning head. Swept path analysis has also been submitted showing that larger vehicles such as fire appliances and light goods vehicles can safely enter and exit the application site.

7.20 Policy DM T1 of the Adopted Sites and Policies Plan and Policies Maps (July 2014) states that development must provide cycle parking in accordance set out in the London Plan. It states that residential cycle parking facilities should be provided in secure and conveniently sited positions with good access to the street. Secure cycle storage is located at the rear of the building with 56 spaces provided. This is considered to be acceptable and complies with London Plan policies, which requires 1 space per 1 bedroom unit and 2 spaces per all other dwellings.

### **7.21 Sustainability**

7.22 The submitted SAP calculations and energy report indicates that the proposed development has been designed to achieve a 35% improvement in CO2 emissions on Part L 2013 on site, in accordance with the policy requirements of Merton's Core Planning Strategy Policy CS15 (2011) and Policy 5.2 of the London Plan.

7.23 As the proposal is for a major residential development, a S.106 agreement for the carbon offset cash in lieu contribution will need to be finalised prior to planning approval to achieve zero carbon compliance, in accordance with Policy 5.2 of the London Plan. The calculated carbon offset payment for the development is £34,951. This will be secured by S.106 and paid upon commencement of the scheme.

7.24 The submitted Part G calculations indicate that the development has been designed to achieve internal water consumption rates of no more than 105l/p/d, in accordance with the policy requirements.

### **7.25 Trees and Landscaping**

7.26 There are no trees located on the site itself, however there are approx. 14 trees located close to the site which could potentially be impacted by the development. Five 'category B' London Plane trees are located to the south fronting Bushey Road, three (2 x 'category B' English Oak & 1 x 'category C' Field maple) are located to the east, five trees (4 x Cherry & 1 x English Oak, all Category C) are located to the north whilst the remaining tree, a 'category C' Lime street tree is located to the northwest of the site.

7.27 An arboricultural implications assessment and tree survey have been submitted with the application which states that the proposal would not impact on or require any tree removal. However, following assessment of the submitted documents it is deemed likely that the Lime tree (Labelled T9 on the arboricultural implications assessment) would need to be removed to facilitate the new access from Edna Road. Policy DM O2 states that development will only be permitted if it will not damage or destroy any tree which has significant amenity value. It is considered that the removal of the Lime Tree if necessary would be acceptable. This tree is heavily pollarded with no notable crown feature and has been given a 'category C' rating which means it considered to be low quality. The proposal would also include significant additional

landscaping and tree planting, including along its Bushey Road and Edna Road frontages softening the sites appearance when viewed from these streets.

## **7.28 Flood Risk**

7.29 The site is not located in a flood zone and is located in an area of low surface water risk according the EA surface water risk maps. A number of Thames Water assets intersect the site. Thames Water have been consulted and raise no objections subject to a suitable piling condition.

7.30 With regards to SuDS, the drainage strategy has identified constraints on infiltration (i.e. shallow groundwater levels). Therefore the strategy proposes an attenuation volume of 52.25 m<sup>3</sup> could be stored within SuDS features prior to discharging to the public surface water sewer at a restricted rate. This would ensure attenuation of surface water runoff during the 1% AEP event plus a 40% allowance for climate change. Permeable Paving is recommended for driveway/paths to intercept runoff, these areas should be underlain by geo-cellular storage crates to store surface water runoff. Approximately 250 m<sup>2</sup> area of permeable paving (geo-cellular storage) to a depth of 0.22 m, with a 95% void ratio would result in c. 52.25 m<sup>3</sup> attenuation.

## **8. ENVIRONMENTAL IMPACT ASSESSMENT**

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

## **9. LOCAL FINANCIAL CONSIDERATIONS**

9.1 The proposal would result in a net gain in gross floor space and as such will be liable to pay a Community Infrastructure Levy (CIL).

## **10. SECTION 106 LEGAL AGREEMENT**

10.1 Permit Free

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

10.3 Carbon Offset Contribution

10.4 As the proposal is for a major residential development, a S.106 agreement for the carbon offset cash in lieu contribution will need to be finalised prior to planning approval to achieve zero carbon compliance, in accordance with Policy 5.2 of the London Plan. The calculated carbon offset payment for the development is £34,951.

10.5 Affordable Housing

10.6 The application proposes 10 affordable housing units. This offer equates to 31% of the total number of units and all 10 units would be intermediate housing units with no social rent proposed. This falls short of the 40% affordable housing target with a 60/40 split between social rented/intermediate sought by policy CS.8 of the Core Planning Strategy. However, the applicant has submitted an Affordable Housing Viability Appraisal, which the Council has independently assessed by specialist consultants, who conclude that the affordable housing offer has been maximised in relation to financial viability.

10.7 Car Club Membership

10.8 Free car club membership will be funded by the developer for a period of 3 years and secured by a S106. Policy DM T3 states that car club schemes facilitate lower levels of on-site parking provision thereby allowing developers to achieve a higher level of development on-site.

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

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

**11. CONCLUSION**

11.1 It is considered that the proposed building is a high quality design that responds well to its surrounding context whilst making efficient use of the land. It is also considered that the proposal would be acceptable in terms of its impact on residential amenity and standard of accommodation. In terms of parking and traffic impact the flats would be 'permit free' in line with policy requirements whilst free car membership for a period of three years would be offered to all occupiers reducing reliance on on-site parking. The loss of the existing car repair business is also considered acceptable given it would be relocated to another suitable premises in the borough. Overall, it is considered that the proposal would comply with all relevant planning policies and as such planning permission should be granted.

**RECOMMENDATION**

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

- 1) Permit free
- 2) Zero carbon cash in lieu financial contribution (£34,951)
- 3) Provision of 10 affordable housing units (100% intermediate housing units)
- 4) Free Car club membership for each residential unit for a period of 3 years.

- 5) Paying the Council's legal and professional costs in drafting, completing and monitoring the legal agreement.

**And subject to the following conditions:**

1. A.1 (Commencement of Development)
2. A.7 (Approved plans)
3. B.1 (External Materials to be Approved)
4. C.3 (Obscure Glazing (Fixed Windows))
5. C.7 (Refuse & Recycling (Implementation))
6. C.8 (No Use of Flat Roof)
7. C.9 (Balcony/Terrace (Screening))
8. D.11 (Construction Times)
9. F.1 (Landscaping/Planting Scheme)
10. F.2 (Landscaping (Implementation))
11. F.5 (Tree Protection)
12. F.8 (Site Supervision)
13. F.9 (Hardstandings)
14. H.7 (Cycle Parking to be Implemented)
15. H.13 (Construction Logistics Plan to be submitted)
16. No development approved by this permission shall be commenced until a detailed scheme for the provision of surface and foul water drainage has been implemented in accordance with details that have been submitted to and approved in writing by the local planning authority and in consultation with Thames Water. The drainage scheme will dispose of surface water by means of a sustainable drainage system (SuDS) at the restricted rate of no more than 5l/s 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.

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. Prior to the commencement of development, the detailed design and specification for the permeable paving shall be submitted to and approved in writing by the Local Planning Authority. The design shall be carried out as approved, retained and maintained in perpetuity thereafter.

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

18. No piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which the piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement.

Reason: The proposed works will be in close proximity to underground sewerage utility infrastructure. Piling has the potential to impact on local underground sewerage utility infrastructure.

19. 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 of not less than a 35% improvement on Part L regulations 2013, and wholesome water consumption rates of no greater than 105 litres per person per day.

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

20. H5. (Visibility Splays)

21. H.3. (Redundant Crossovers)

22. H.2. (Vehicle Access to be provided)

23. No external windows and doors shall be installed until detailed drawings at 1:20 scale of all external windows and doors including materials, set back within the opening, finishes and method of opening have been submitted to and approved by the local planning authority. Only the approved details shall be used in the development hereby permitted.

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

24. The three disabled parking spaces shown on the approved plan AM\_1714\_PL100(RevB) shall be provided and demarcated as disabled parking spaces before first occupation of the building and shall be retained for disabled parking purposes for occupiers and users of the development and for no other purpose.

Reason: To ensure suitable access for persons with disabilities and to comply with the following development plan policies for Merton: Policy CS.8 of the Core Planning Strategy 2011 and policy DM D2 of the Site and Policies Plan 2014.

25. No residential units shall be occupied until details of charging points for electric vehicles for each of the three disabled car parking spaces has been submitted to and approved by the local planning authority and the charging point shall be installed before the development hereby permitted is first occupied. The charging point shall thereafter be retained for the use of residential occupiers.

Reason: To encourage the use of environmentally friendly electric vehicles and to comply with policy 6.13 of the London Plan 2016.

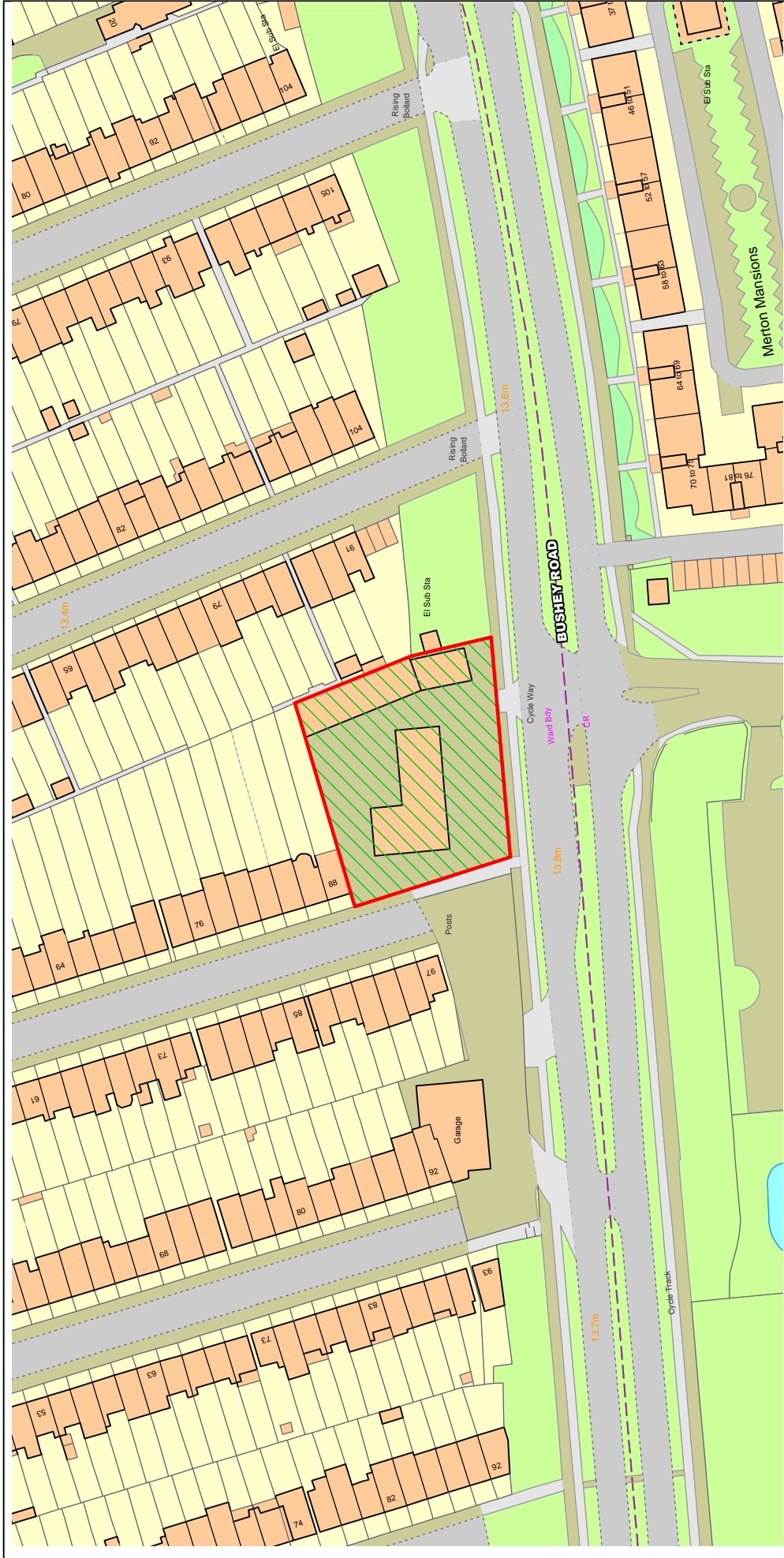
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[Click here](#) for full plans and documents related to this application.

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# NORTHGATE SE GIS Print Template



Text Details **32-34 Bushey Road**

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**PLANNING APPLICATIONS COMMITTEE  
15 NOVEMBER 2018**

<b><u>APPLICATION NO.</u></b>	<b><u>DATE VALID</u></b>
18/P2661	19/07/18
<b>Address/Site</b>	27 Cochrane Road, Wimbledon, London, SW19 3QP
<b>Ward</b>	Dundonald
<b>Proposal:</b>	Conversion of single dwellinghouse into 3 x self-contained flats, involving the erection of a single and two storey side extensions and a single storey rear extension, plus the erection of a hip to gable with L-shaped rear roof extension with two new velux windows to the front roof slope.
<b>Drawing Nos</b>	241 PL 202, 205, 206, 207, 208, 210, 211, 212, 215.
<b>Contact Officer:</b>	Anna Woodward (020 8545 3112)

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**RECOMMENDATION**

**GRANT Planning Permission subject to conditions and Section 106 agreement**

**CHECKLIST INFORMATION.**

Heads of agreement: Section 106 agreement – Parking permit free development  
Is a screening opinion required: No  
Is an Environmental Statement required: No  
Has an Environmental Impact Assessment been submitted – No  
Press notice – No  
Site notice – Yes  
Design Review Panel consulted – No  
Number of neighbours consulted – 5  
External consultations – No  
PTAL Score – 6a  
CPZ – VE – Yes (W5)

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1. **INTRODUCTION**

1.1 The application has been brought before the Planning Application

Committee at the request of a Councillor.

2. **SITE AND SURROUNDINGS**

2.1 The subject site comprises a two-storey end of terrace dwelling located on the west side and end of the cul-de-sac, Cochrane Road. The site includes a single car parking space and a single detached garage located at the end of the cul-de-sac. The subject site is located directly to the south of the Wimbledon West Railway Goods Yard. The other adjoining properties are residential.

2.2 The site is not located within a Conservation Area.

3. **CURRENT PROPOSAL**

3.1 This application seeks planning permission for the subdivision of the existing three bedroom dwelling to form a three bedroom flat in the ground floor, a one bedroom (two person) flat on the first floor and a one bedroom (one person) flat in the second floor/loft space.

3.2 To facilitate this conversion, the application includes the erection of a part single, part two-storey side extension, and for a single storey rear/side extension. It also includes a hip to gable roof extension, a rear dormer extension to the main roof slope, and a dormer over the rear outrigger. The application also involves the demolition of the existing single storey room at the rear of the dwelling.

3.3 The proposed two storey side extension will extend 1.25m to the side of the existing building. The proposed dormer to the main roof slope will be set approximately 0.2m below the existing ridgeline and will extend across the full width of the roof (including the new two storey side extension). The two-storey extension would be 1.85m in depth at roof level, with a first floor of 3.58m depth and a ground floor of 5.2m depth. Both the ground and first floors would have rooflines that angle down towards the front.

3.4 The proposed dormer roof extension over the outrigger will extend approximately 4.3m from the dormer to the main roof slope. It will be approximately 2.65m in height. The dormer would be set back from the rear elevation of the outrigger by 0.8m.

3.5 The proposed single storey side/rear wrap-around extension would extend to the rear of the outrigger by approximately 1.85m and to the side by 2m. It would be 3.15m in height.

3.6 The scheme also includes internal alterations to provide the following accommodation:

Ground floor flat: 3 bed/4 person, 78m<sup>2</sup>  
First floor flat: 1 bed/2 person, 53m<sup>2</sup>  
Second floor flat: 1 bed/1 person, 41m<sup>2</sup>

- 3.7 The shed located at the street front of the site would be used for bike and refuse storage, and no car parking is proposed.

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

- 4.1 18/P0815: NEW SINGLE AND TWO STOREY SIDE EXTENSION, SINGLE STOREY REAR EXTENSION, NEW HIP TO GABLE ROOF EXTENSION AND L SHAPED REAR ROOF EXTENSION WITH TWO NEW VELUX WINDOWS TO THE FRONT ROOF SLOPE – Permission granted subject to conditions 12/04/18.

#### 5. **CONSULTATION**

- 5.1 The application has been advertised by standard site notice procedure and letters of notification to the occupiers of neighbouring properties.
- 5.2 In response to consultation, two representations were received in objection to the application. These outlined the following concerns:
- The parking situation in Cochrane Road cannot support a further two dwellings as the road is already congested;
  - Converting the property into three flats has the potential for residents to request up to five resident parking permits;
  - The ground floor flat seems to be a cramped space for a family to live and would be suited to multiple non-related occupants whom would likely wish to have a parking permit each. Owners of the first and second floor flats would also likely request parking permits resulting in a total of 5 additional permits;
  - If planning permission is granted, a condition should be included restricting any further parking permits from being issued.

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

- 6.1 Merton Core Planning Strategy (July 2011)  
CS.6 Wimbledon Sub-area  
CS.8 Housing Choice  
CS.9 Housing provision  
CS.11 Infrastructure  
CS.14 Design  
CS.15 Climate change  
CS.17 Waste management  
CS.18 Transport  
CS.20 Parking servicing and delivery

- 6.2 Adopted Merton Sites and Policies Plan (July 2014)
  - DM D2 Design considerations in all developments
  - DM D3 Alterations and Extensions to Buildings
  - DM T1 Support for sustainable transport and active travel
  - DM T2 Transport impacts of development
  - DM T3 Car parking and servicing standards
- 6.3 London Plan (July 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
  - 5.2 Minimising carbon dioxide emissions
  - 5.3 Sustainable design and construction
  - 6.3 Assessing effects of development on transport capacity
  - 6.9 Cycling
  - 6.13 Parking
  - 7.4 Local character
  - 7.6 Architecture

## 7. **PLANNING CONSIDERATIONS**

- 7.1 The principle planning considerations in this case relate to the principle of conversion to flats, visual amenity, the impact on neighbour and occupier amenity as well as the provision of living accommodation to a suitable standard.
- 7.2 Currently Policy CS.9 within the Council’s Adopted Core Strategy and policy 3.3 of the London Plan state that the Council will work with housing providers to provide a minimum of 4107 additional homes (411 new dwellings annually) between 2015 and 2025. This proposal will provide two new flats and is therefore considered to accord with these policies.
- 7.3 Policy CS14 in the Core Strategy requires that in the event a family dwelling is converted to flats, a family size, i.e. a three bedroom unit shall be retained and have direct access to a rear garden amenity space. This proposal will provide two new one bedroom flats and retain a three bedroom unit suitable for family accommodation with direct access to a garden and is therefore considered to accord with these policies.
- 7.4 Character and appearance
  - 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. SPP policy DMD3 further

seeks for extensions to use compatible materials and to be of a size and design that respect the character and proportions of the original building and surrounding context.

- 7.4.2 Whilst the proposed two storey side extension will be visible from the front of the dwelling, due to the positioning of the site at the end of the cul de sac, with a parking space and a garage in front of the dwelling, it will not be easily visible from the street. It will be screened by the existing façade and will not be any higher than the existing building. The proposed hip to gable roof extension will also not be easily noticeable from the street due to the location of the site at the end of the street. Further, the proposed materials for these extensions will match the existing building. Therefore, it is considered to be acceptable in this location and the proposal will not cause material harm to the streetscape or the character of the surrounding area.
- 7.4.3 The architectural style of the property, which includes small dividing parapet walls at roof level, leads itself to the construction of a dormer style roof extension. The host property is not located at a junction in which the flank wall would address the street and the dormers proposed would not project above the ridgeline of the original roof. In visual terms, the main dormer extension builds up the parapet walls to ensure that the form of the extension integrates with that of the existing property and to ensure a degree of uniformity when several roof extensions are seen together.
- 7.4.4 The rear dormer over the outrigger has been designed to have a 0.8m setback from the rear of outrigger to ensure the form of this part of the building including the gable end is retained. This dormer is not considered to cause material harm to the character of the host building or the surrounding area as the gable end of the building to be retained is a typical feature of the buildings in this terrace and a part of the character of the surrounding area.
- 7.4.5 In visual terms, the proposed dormer extensions are of a typical design and relate satisfactorily with the original building in terms of their size, design, finishes and window proportions.
- 7.4.6 The proposed ground floor rear and side wrap-around extensions will appear subordinate to the host building as they are of minimal depth and will have flat rooves which match the proposed rear roof extensions. Further, they will be finished in materials to match the existing building. It should be noted that planning permission is already in place for similar extensions to the dwelling under ref 18/P0815.
- 7.4.7 As such, the proposed extensions are considered to be in keeping with the character and scale of development in the surrounding environment.

## 7.5 Standard of Accommodation

- 7.5.1 London Plan policies 3.3, 3.4 and 3.5, Sites and Policies Plan Policy DM D2 and Core Strategy 2011 policy CS14 all seek to ensure good quality residential accommodation with adequate space, levels of privacy, daylight and sunlight for existing and future residents, the provision of adequate amenity space and the avoidance of noise, vibration or other forms of pollution. London Plan policy 3.5 sets out the minimum Gross Internal Area requirements for new housing.
- 7.5.2 Table 3.3 of the London Plan (2016) requires a minimum gross internal area (GIA) of 74m<sup>2</sup> for a 3 bedroom/4 person dwelling and 50m<sup>2</sup> for a 1 bedroom/2 person dwelling, and 39m<sup>2</sup> for a 1 bedroom/1 person flat. All flats meet the minimum GIA and no objection is raised on this basis.
- 7.5.3 The London Plan requires a minimum of 5m<sup>2</sup> of private outdoor space to be provided for 1-2 person dwellings and an extra 1m<sup>2</sup> for each additional occupant. The proposal indicates a private garden space for the ground floor flat in excess of this. The two upper floor flats have no private outdoor amenity space allocated to them. The 1 bedroom/2 person flat is 3m<sup>2</sup> in excess of the minimum floor area requirement, therefore allowing some additional space for amenity. The 1 bedroom/1 person flat is 2m<sup>2</sup> in excess of the floor area standard. These factors in combination with the sites proximity to the Dundonald Recreation Ground (approximately 150m away) are considered to sufficiently mitigate the lack of private outdoor amenity space provided on the subject site. It is not considered that officers could recommend refusal on these grounds.
- 7.5.4 As such, the proposed arrangement is considered to be acceptable in terms of space and will therefore meet London Plan Policy 3.5.

## 7.6 Neighbouring amenity

- 7.6.1 London Plan policy 7.7 and SPP policy DMD2 seek to ensure that development does not adversely impact on the amenity of nearby residential properties in terms of loss of light, visual intrusion or noise and disturbance.
- 7.6.2 The property directly to the north of the subject site is a railway storage yard and is therefore not sensitive to the effects of building extensions to a residential property. As such, it is considered that the proposal will not cause material harm to this property.
- 7.6.3 The proposed rear/side extensions are of a design which will have minimal impacts on the properties directly to the rear of the subject site (No. 30, 32, 34 Newton Road). There are no new windows proposed on the



mansard extension or the two-storey side extension facing towards the rear. There is one window proposed on the rear elevation of the dormer to the main roof slope. However, this is set back further behind existing first floor windows which already overlook these properties, and therefore will not increase the level of overlooking.

- 7.6.4 It is considered that the proposed roof extensions and two-storey side extension are setback far enough from the properties to the rear so as to not cause material harm to the occupiers in terms of dominance/sense of enclosure.
- 7.6.5 It is considered that the proposed single storey ground floor extension is of a minimal scale which will not cause material harm to No. 25 Cochrane Road. It will extend from the rear wall of the outrigger by 1.85m and will have a height of 3.15m. Although this is higher than generally considered to be acceptable for rear extensions abutting side boundaries, as it is only across a depth of 1.85m, the impact on No. 25 is considered to be minimal and will not cause material harm.
- 7.6.6 Given the scale and positioning of the proposed extensions and outbuilding, they are not considered to unduly affect neighbouring amenity. As such, the proposal is considered to be compliant with SPP Policy DM D2.

## 7.7 Landscaping

- 7.7.1 No protected trees or hedgerows would be removed as part of the proposed works and no objection is raised on this basis.

## 7.8 Transport, parking and cycle storage

- 7.8.1 Core Strategy policy CS20 and London Plan policy 6.9 aim to ensure pedestrian movement and safety is not compromised by development, consideration is given to the parking requirements of a proposed development.
- 7.8.2 Core Strategy Policy CS 18 promotes active means of transport and the gardens of the houses provide sufficient space for the storage of cycles without the need to clutter up the front of the development with further cycle stores. Core Strategy Policy CS 20 seeks to implement traffic management by supporting permit free developments in areas where CPZ's benefit from good access to public transport. The subject site is in an area with a PTAL rating of 6a which means it has excellent access to public transport.

7.8.3 There would not be any impact on parking or highway safety as a result of the proposed works as the applicant has agreed to enter into a legal agreement which prohibits the occupants of the proposed additional two units (the 1-bed units) from obtaining parking permits. As such, it is not considered that the proposal would unduly impact upon parking pressure in the area.

7.8.4 Table 6.3 of the London Plan (2015) requires two cycle parking spaces per unit. The proposed development therefore requires secure storage for 6 cycles. This has been indicated in the existing shed on the plans. Therefore, the proposal complies with Policy 6.13 of the London Plan.

#### 7.9 Refuse storage and collection

7.9.1 Refuse storage has been proposed in the single garage at the street front. This is considered to be a suitable arrangement and is therefore in line with policy 5.17 of the London Plan and policy CS 17 of the Core Strategy in this regard. A condition is recommended seeking this to be secured and implemented prior to first occupation of the flats.

#### 7.10 Sustainable design and construction

7.10.1 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.

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

### 8. **CONCLUSION**

8.1 It is considered that due to the proposed scale, and design of the single storey rear/side extension, part single/part two storey side extension, hip to gable roof and rear roof extensions, it would not harm the amenities of neighbouring residents or the character and appearance of the area.

8.2 The development would provide good quality living accommodation for future occupants. The proposal would not have a detrimental impact on highway safety or parking pressure, subject to a section 106 agreement restricting occupants from obtaining parking permits. The proposal would

result in two additional residential units and increased density in line with planning policy. The proposal would accord with the relevant National, Strategic and Local Planning policies and guidance and approval could reasonably be granted in this case. It is not considered that there are any other material considerations, which would warrant a refusal of the application.

8.3 Accordingly, it is recommended that planning permission be granted subject to the planning conditions and planning obligations set out below.

9. **RECOMMENDATION**

9.1 Subject to the completion of a Section 106 Agreement and compliance with the following conditions:

1. A.1 Commencement of Development
  2. A7 Approved Plans
  3. B2 Matching Materials
  4. C02 No Permitted Development – (Windows and Doors) - rear elevation of second floor extension
  5. C7 Refuse and recycling implementation
  6. C8 No use of flat roof
  7. H7 Cycle storage implementation
  8. L2 Code for sustainable homes
- 

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

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# NORTHGATE SE GIS Print Template



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## PLANNING APPLICATIONS COMMITTEE

15 NOVEMBER 2018

### APPLICATION NO.

### DATE VALID

18/P2234

22/06/2018

**Address/Site:** 41 Cottenham Park Road  
West Wimbledon  
SW20 0SB

**Ward:** Raynes Park

**Proposal:** Demolition of single dwellinghouse and erection of a semi-detached pair of 4 bedroom dwellings, with accommodation on four floors (two storey, with basement level and accommodation at roof level), with two off-street parking spaces with associated crossovers and terraces to the rear.

**Drawing No.'s:** 001A, 002A, 010D, 011F, 012C, 013A, 017A, 018, 019 and 400.

**Supporting Documents**

- Below Ground Drainage Strategy
- BS 5837 Arboricultural Report
- Combined preliminary risk assessment, interpretive ground investigation report and remediation strategy
- Energy Statement
- Planning Statement
- Preliminary Ecological Assessment Report
- Sun Path Study

**Contact Officer:** Sarah Tapp (020 8545 4370)

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### RECOMMENDATION

**Grant planning permission subject to conditions.**

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### 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: No
- Design Review Panel consulted: No
- Number of neighbours consulted: 12

- 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 (albeit adjoins Holland Gardens Open Space to rear)

## 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 single storey, detached dwelling, with accommodation at roof level and a partial basement (garage) to the rear, resulting in a dwelling which is split across three levels. The site fronts Cottenham Park Road, which is to the north, and backs onto Holland Gardens (designated Open Space) and the end of Orchard Lane, which are to the south. The site generally falls from Cottenham Park Road down to Orchard Lane, such that Orchard Lane is approximately 5.4m lower than the former. The site is roughly regular in shape, albeit its western boundary tapers toward the rear; it has an area of approximately 365sq.m.
- 2.2 The existing dwelling is characterised by a dual pitch roof with gable ends to the front and rear; the roof houses two dormers, one to either side of the dwelling. The dwelling is setback from Cottenham Park Road by an approximate distance of 9.5m, sitting rearward of the adjacent building lines. To the rear, the dwelling has a roof terrace on top of the garage/partial basement, beyond which is a paved garden area. The dwelling has pedestrian access from Cottenham Park Road and vehicle access from Orchard Lane.
- 2.3 To the west of the site are 3 pairs of relatively modern semi-detached dwellings, with accommodation on 4 floors (2 principal floors with additional basement levels and accommodation at roof level). These dwellings front Cottenham Park Road and back on to Orchard Lane. Given the reduced elevation of Orchard Lane, the rear of the basement level is exposed giving the dwellings the appearance of three storey dwellings with additional pitched roofs (as viewed from the rear). These dwellings have roof terraces to the rear, at what would be considered first floor level (from the rear) and within the roof slope.
- 2.4 Immediately to the east of the site is a two storey detached dwelling with an additional pitched roof; to the rear it has a first floor roof terrace and a spacious rear garden. This dwelling fronts Cottenham Park Road and backs on to Holland Gardens.



- 2.5 In terms of the wider context, the area is characterised by residential development of varying scales and architectural styles, with a mix of terrace, semi-detached and detached dwellings. Along the north side of Cottenham Park Road, three storey dwellings with additional pitched roofs are commonplace. Along the southern side of Cottenham Park Road, 2 storey dwellings with additional pitched roofs are prevalent. As previously mentioned, the dwellings to the west of the application site have the appearance of three storey dwellings with additional pitched roofs, as viewed from the rear, such that this has become the established character for this section of Orchard Lane. As per the draft Borough Character Study, the application site falls within the Raynes Park Sub Area, or more specifically, the Cottenham Park Character Area; the character area is described as being an area of established high quality.
- 2.6 The site has a PTAL (public transport accessibility level) of 3 (0 being the lowest and 6b being the highest), with bus routes going to Raynes Park Overground Station which is approximately 1km from the site.

### **3. CURRENT PROPOSAL**

- 3.1 This application seeks planning permission for the demolition of the existing, single storey dwellinghouse and the erection of a two storey, with basement levels and accommodation at roof level, four bed, semi-detached pair of dwellings, with two off-street parking spaces with associated crossovers and terraces to the rear.
- 3.2 For the purpose of this report and to avoid ambiguity, the levels of the proposed dwellings will be referred to as such: lower ground floor, upper ground floor, first floor and second floor, which is consistent with the terminology used in the plans submitted by the applicant.
- 3.3 The front building line of the proposed development would roughly align with the building lines established to the east and west, with the proposed dwellings being setback some 6.9m from Cottenham Park Road. The front gardens would comprise car parking (1 space per dwelling), refuse storage, landscaping and light wells. Along the western side of the site and toward the front, the flank wall would be set in from the boundary by approximately 1.9m. This set in would reduce to approximately 1.04m toward the rear, owing to the tapering of the western boundary. The set in from the western boundary would provide a path down the partial length of this boundary. To the rear, the lower ground floor would extend beyond the rear elevation of the property to the west by approximately 3m, while the upper floors would extend beyond the rear elevation by approximately 1.3m. To the eastern side of the site, the flank wall would be set in from the boundary by approximately 0.2m (albeit the roof overhang coincides with the boundary). To the rear, the lower ground floor would extend beyond the rear elevation of the garage of the property to the east by approximately 6.8m and the upper ground floor level would extend approximately 4.1m. The first and second floors will be built in line with the existing garage of No. 39 Cottenham Park Road for the 2.6m closest to the property boundary and will extend a maximum of 3m beyond the rear

elevation of the garage at No. 39 Cottenham Park Road. The lower ground level of the dwellings would be setback from the rear boundary by approximately 11.4m on the western boundary and 8.7m on the eastern boundary. This setback would increase to a minimum of 12.5m at the upper floors. The rear of the site would provide rear gardens to the dwellings.

- 3.4 As viewed from the front, the proposed dwellings would have the appearance of two storey dwellings with steep pitched roofs amalgamated into the top floor, below which would essentially be double level basements (lower ground and upper ground floor levels). However, due to the slope of the site, these 'basement levels' would emerge toward the rear of the site, giving the dwellings the appearance of three storey dwellings with pitched roofs (as viewed from the rear). The semi-detached pair would be characterised by twin gables to the front and rear, with associated dual pitched roofs running front to back; connecting the dual pitched roofs would be a flat section of roof which would reduce to mono-pitch sections to the front and rear; gabled dormer features would be present within the side roof slopes. To the rear, the lower basement level would extend further than the upper levels, upon which would be terraces.
- 3.5 While the dwellings would utilise steeply pitched roof forms, their overall appearance would be contemporary, utilising large sections of glazing with aluminium frames to the front and rear, a combination of brick and standing seam copper cladding to the façades, timber doors and slate tiles to the roof.
- 3.6 The proposed development would have the following key dimensions:
- Western dwelling (Plot 1)
- Maximum length (at Lower Ground Floor): 24m
  - Length of upper floors: 15.6m
  - Width: 5m
  - Maximum height when viewed from Cottenham Park Road: 8.4m
  - Maximum height when viewed from Orchard Lane: 13.8m
- Eastern dwelling (Plot 2)
- Maximum length (at Lower Ground Floor): 24m
  - Length of Upper Ground Floor: 15.6m
  - Maximum length of upper floors: 14.6m
  - Width: 4.7m
  - Maximum height when viewed from Cottenham Park Road: 8m
  - Maximum height when viewed from Orchard Lane: 13.8m
- 3.7 Following the initial submission of the application, discussions ensued between LBM officer's and the developer. The Council raised the following key concerns regarding the development:
- The relationship of the development with No. 39 Cottenham Park Road, considering that the development would be unduly overbearing to this property
  - Overlooking of the adjacent neighbouring properties from the sides of both terraces
  - The need to use high quality materials, and concerns were raised

- regarding the rendered wall on the side of the terrace
- Following any amendments all bedrooms and main living rooms should still have windows providing adequate light, outlook and ventilation
- Mature trees are a regular feature to the front of properties in this section of Cottenham Park Road. To retain the streetscene there is an expectation sufficient room is provided to replace at least one semi-mature tree to the front of the properties.

Amended drawings were subsequently submitted making the following amendments:

- Reduce the rear elevation of the eastern dwelling (Plot 2) at first floor and second floor. (the dwelling has been setback from the eastern flank wall by 2.6m and the southern flank wall by a minimum of 1m and a maximum of 4m)
- Provision of a semi-mature tree and associated garden area adjacent to Cottenham Park Road on the western property boundary.
- Glazed screening on the sides of the terraces.
- Provision of proposed materials information.

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

- 4.1 WIM1457: Outline - erection of three dwelling houses (37, 39 & 41 Cottenham Park Road) - Granted.
- 4.2 WIM2874(O): Outline-division of land into three building plots, with one house on each plot (37, 39 & 41 Cottenham Park Road) - Granted.
- 4.3 WIM3984: Erection of one dwelling house and garage – Granted.
- 4.4 WIM4434: Erection of a double garage with access to orchard lane – Granted.

#### **5. CONSULTATION**

- 5.1 Public consultation was initially undertaken by way of letters sent to neighbouring properties (number). Re-consultation was then undertaken in response to the aforementioned amendments.
- 5.2 Letters of objection were received from 20 individual properties. Responses to the combined consultation periods are summarised as follows:  
Initial consultation
  - Out of keeping.
  - Excessive scale.
  - Incongruous development.
  - Excessive density.
  - Over development.
  - Development is excessive given the size of the plot.
  - Lack of outdoor amenity space.
  - Overbearing/visually intrusive.
  - Loss of views.
  - Loss of daylight and sunlight.

- Impinge right to light.
- Loss of privacy.
- Adverse impact upon the Holland Gardens Open Space.
- Access from Orchard Lane is inappropriate.
- Impact on water table and exacerbate flooding.
- Development is profit driven.
- Disturbance and safety concerns during the construction process.
- Damage to neighbouring properties during construction, especially in relation to the basements.
- Increased traffic, especially during construction, which may also restrict access for emergency vehicles.
- Cars reversing on to Cottenham Park Road will be dangerous.
- Exacerbate parking pressure.
- Development would not be sustainable.
- Obstruction of emergency services.
- Removed trees should be replaced.
- Devaluation of surrounding properties.
- Drawings are unclear.

Additional points raised in response to re-consultation

- Amended plans do not address the concerns raised in the first round of consultation
- Access on Orchard Lane is too small, vehicles will have to park on land which is subject to a covenant that does not provide a right to park on this land.
- Insufficient car parking spaces provided.

5.3 The Wimbledon Society: Objection. Comments in response to original consultation. The height and massing of the development fails to relate to the character of the area and would be unsympathetic to the streetscene and neighbouring properties. From Cottenham Park Road the development would appear as a 3 storey building which is considerable higher than properties to the east, from the rear it would appear as a 4 storey building with balconies overlooking the area. The development infringes the building lines to the front and rear. The outdoor amenity space fails to comply with the relevant standards. The development would result in undue loss of daylight and sunlight to the property to the east. The development would be visually intrusive to neighbours and Holland Gardens. The development would result in overlooking; terraces should be screened with their use restricted. Removed trees should be required to be replaced by condition. Dwellings would not be step free. Use of Orchard Lane for access during construction would be dangerous and impractical. Visibility splays for parking spaces would be obscured by on street spaces. Attenuation tanks would be required due to clay soil. Excavation of basement will compromise neighbouring land. Bird and bat boxes would be required.

5.4 The Residents Association of West Wimbledon: Objection. Comments raised in both rounds of consultation. Development is too intensive and in contravention of planning policy. The rear elevation would be 4 storeys in height, which, along with the rear terraces would cause visual intrusion, loss

of privacy and amenity to neighbouring properties. The development would result in overlooking; terraces should be screened with their use restricted. The development would not relate positively to its surroundings, they are extremely narrow and higher than the dwelling to the east. The outdoor amenity space fails to comply with the relevant standards. Basements should have a minimum of 1m soil over them to allow for landscaping and drainage, this is not achieved to the front garden. The basements would exceed 50% of the front garden space and their construction would pose a threat to neighbouring properties. Visibility splays for parking spaces would be obscured by on street spaces. Removed trees should be required to be replaced by condition. Use of Orchard Lane for access during construction, in conjunction with other approved permissions along Orchard Lane, would exceed the roads capacity and would result in safety issues and impede emergency vehicles.

- 5.5 The South Ridgway Residents Association: Objection. Comments in response to re-consultation. The proposed construction by reason of its size, massing and position would result in a total over development of this site, out of keeping with and harmful to the area. It would be visually intrusive and unduly dominant to the neighbouring properties.

Internal consultations.

- 5.6 Transport/Highways: No objection. Two secure and covered cycle spaces should be provided per dwelling. Refuse collection will occur from Cottenham Park Road as existing. The proposal is unlikely to have a significant adverse effect upon the highway network. Conditions should include maintaining parking spaces as shown, requiring cycle parking and a demolition and construction method statement.
- 5.7 Environmental Health: No objection.
- 5.8 Climate Change Officer: No objection. The information submitted suggests the development would achieve the relevant sustainability requirements, being a 19% improvement on Buildings Regulations 2013 Part L and an internal water usage rate not exceeding of 105 litres per person per day. These provisions should be secured by condition.
- 5.9 Structural Engineer: No objection. The information submitted demonstrates that the development can be built safely without adversely affecting the surrounding natural and built environment. However, due to the proximity to the highway, further information would be required by condition prior to the commencement of development, this information would include, ground movement analysis, demolition and construction method statements (including design calculations and temporary works), site levels and measures for ground movement monitoring.
- 5.10 Flood Risk Engineer: No objection. The drainage strategy is acceptable and in accordance with relevant policy. It proposes attenuation of surface water (including roof drainage) with a restricted release into the Thames Water

surface water sewer network. The drainage strategy has not calculated or proposed a runoff rate, it is therefore recommended to limit it to greenfield rates (2l/s) which should be secured by condition along with a construction method statement.

- 5.11 Trees Officer: No objection subject to the replacement planting of one semi-mature tree to be planted to the front of the property, preferably in a central position between the two dwellings. Conditions should be included to ensure the protection of neighbouring trees.

## **6. POLICY CONTEXT**

### 6.1 National Planning Policy Framework 2018 (NPPF)

- 5. Delivering a sufficient supply of homes
- 8. Promoting healthy and safe communities
- 9. Promoting sustainable transport
- 11. Making effective use of land
- 12. Achieving well-designed places
- 14. Meeting the challenge of climate change, flooding and coastal change
- 15. Conserving and enhancing the natural environment

### 6.2 London Plan 2016

Relevant policies include:

- 3.3 Increasing housing supply
- 3.4 Optimising housing potential
- 3.5 Quality and design of housing developments
- 3.8 Housing choice
- 5.1 Climate change mitigation
- 5.2 Minimising carbon dioxide emissions
- 5.3 Sustainable design and construction
- 5.10 Urban greening
- 5.12 Flood risk management
- 5.17 Waste capacity
- 5.21 Contaminated land
- 5.22 Hazardous substances and installations
- 6.9 Cycling
- 6.10 Walking
- 6.12 Road network capacity
- 6.13 Parking
- 7.1 Lifetime Neighbourhoods
- 7.2 An inclusive design
- 7.3 Designing out crime
- 7.4 Local character
- 7.5 Public realm
- 7.6 Architecture
- 7.15 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

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

Relevant policies include:

- CS 8 Housing choice
- CS 9 Housing provision
- CS 11 Infrastructure
- CS 13 Open space and leisure
- CS 14 Design
- CS 15 Climate change
- CS 16 Flood risk 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 H2 Housing mix
- DM D1 Urban Design
- DM D2 Design considerations
- DM EP 2 Reducing and mitigating noise
- DM O2 Nature conservation
- DM EP4 Pollutants
- DM T2 Transport impacts of development
- DM T3 Car parking and servicing standards
- DM T4 Transport infrastructure

6.5 Supplementary planning considerations

- London Housing SPG 2016
- Technical Housing Standards 2015
- Sustainable Design and Construction SPG 2014 – London Plan
- Merton Borough Character Study (Draft)

**7. PLANNING CONSIDERATIONS**

7.1 Material Considerations

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

- Principle of development
- Design and impact upon the character and appearance of the area
- Impact upon neighbouring amenity
- Standard of accommodation
- Transport, parking and cycle parking
- Refuse storage and collection
- Sustainable design and construction
- Landscaping and impact upon trees and biodiversity
- Impact of basement

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 2018 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 site is currently occupied by a single dwelling, it is located within a residential area and has a public transport accessibility level (PTAL) of 3 (0 being very poor and 6b being excellent). The existing building is not afforded any formal protection from demolition being neither in a conservation area or statutorily listed. The site presents an opportunity for a more intensive residential development. Delivering additional and enlarged dwellings on the site would meet NPPF and London Plan objectives by contributing towards London Plan housing targets within sustainable areas.

7.4 Given the above, it is considered the proposal can be supported in principle, but requires a more detailed assessment of the planning merits of the proposal (set out below) to determine 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 The NPPF section 12, London Plan policies 7.4 and 7.6, Core Strategy policy CS14 and SPP Policies DMD1 and DMD2 require well designed proposals which would optimise the potential of sites, that are of the highest architectural quality and incorporate a visually attractive design that is appropriate to its context, so that development relates positively to the appearance, scale, bulk, form, proportions, materials and character of their surroundings, thus enhancing the character of the wider area. As per SPP policy DMO1, the visual amenities of open space must be taken into account, this is relevant to this application given the proximity of Holland Gardens to the south, which is designated open space.

7.6 The building line of the proposed dwellings would move forward from that existing; however, this would move it more in line with the dwellings immediately to the east and west, fitting within the established building line along this section of Cottenham Park Road.

7.7 The east facing flank wall of the proposed development would be located very close to the boundary with 39 while a wider gap with the boundary would be retained on the western side. The pattern of development along this part of Cottenham Park Road has changed in recent years with a number of detached houses with generous space to their flanks being replaced by larger semi-detached houses with considerably smaller gaps. Officers acknowledge that the plots for the proposed pair of dwellings would also have a reduced width as compared to the semi-detached dwellings to the west. The changing pattern of development along this part of the road would be further reinforced by the proposals and it is a matter of judgement as to whether this is



appropriate. In the absence of a uniform house type or regular plot width it could be concluded that a more compact configuration such as that proposed would be acceptable.

- 7.8 Within the Cottenham Park Road streetscene, the proposed dwellings would appear as two storey dwellings with steeply pitched roofs amalgamated into the top floor. The ridge lines of the proposed dwellings would sit slightly below the ridge of the dwelling to the east and slightly above the ridge of the dwellings to the west, creating a suitable transition of heights between buildings. In addition, the dwellings would utilise steeply pitched roofs with modest eaves heights, further reducing the apparent bulk of the development.
- 7.9 The development does not seek to replicate the surrounding development; however, Cottenham Park Road is not considered to have a distinctive character, comprising a wide variety of buildings in terms of scale and architectural styles. The development does, however, pick up on architectural cues from the surrounding development including front gables and pitched roofs and responds successfully to the transition in neighbouring ridge heights.
- 7.10 A contemporary approach to the design and appearance could be supported, subject to it being considered of high quality. The design includes a materials palette that officers consider would complement the facing materials of neighbouring dwellings. The incorporation of large areas of glazing to the front elevation, the bold horizontal alignment of feature windows, and the use of recesses and horizontal separation between floors to add articulation to the proposals all add interest giving rise to a design of sufficient quality which may be judged high quality.
- 7.11 The development as viewed from the rear would have the appearance of three storey dwellings with additional pitched roofs. The development has taken cues from the series of the semi-detached dwellings immediately to the west, which, as viewed from Orchard Lane, have the appearance of 3 storey dwellings with additional pitched roofs and have a similar ridge height to that of the proposal. The proposals would consolidate this evolving rear aspect to the street. This has the potential to appear dominant when seen from close quarters. However, the dwellings would achieve appropriate setbacks from Orchard Lane and Holland Gardens, such that the development would not be considered to be overbearing within the streetscene or to the open space beyond. What may be perceived as the apparent bulk would be somewhat reduced given a significant portion of the dwellings would be integrated into the slope of the land as it rises to the north. It is not considered to be unduly harmful to the streetscene of Orchard Lane or to the visual amenity of the adjacent open space in Holland Gardens given the degree of separation.
- Impact upon neighbouring amenity
- 7.12 London Plan policy 7.6 and SPP policy DMD2 state that proposals must be designed to ensure that they would not have an undue negative impact upon the amenity of surrounding land and buildings, particularly residential

properties, in terms of loss of daylight or sunlight/overshadowing, quality of living conditions, privacy, visual intrusion, amenity space or noise.

- 7.13 The primary outlook of the dwellings would be directed toward the front and rear, being toward public space and into the dwellings own amenity space (and public space beyond) respectively. The dwellings do, however, include a number of secondary side facing windows, it is therefore recommended to include a condition to require all side facing windows at first and second floor levels to be obscure glazed and non-opening to a minimum height of 1.7m above adjacent floor level. With regard to the terraces to the rear, these would facilitate overlooking into neighbouring gardens along with views back in to the rear windows of neighbouring dwellings. It is noted that there is already considerable mutual overlooking to the rear of these dwellings; however, notwithstanding this point, the proposal has an opportunity to improve privacy to neighbouring dwellings while simultaneously ensuring the privacy of occupants of the development, it is therefore recommended to secure screening to the sides of the terraces by condition.
- 7.14 With regard to the property to the west, No. 43 Cottenham Park Road, given the sloping ground profile of the site, and the proportion of the development at basement level the visual impact arising from the bulk of the development would be reduced. Given the proposed dwelling would be setback from the property boundary by 1.9m and the upper three floors of the development would extend approximately 2.4m beyond the rear building line of the property the development is not considered to be unduly overbearing or visually intrusive.
- 7.15 With regards to the property to the east, No. 39 Cottenham Park Road, the upper floors of the eastern dwelling are at least 4m from the flank elevation. The footprint of the upper floors has been amended, arising from concerns raised by officers with the applicant regarding the potentially harmful visual impact of the proposals on the outlook from 39 Cottenham Park Road, and would terminate in line with the existing garage of the neighbouring property with part being setback a further 2.62m from the boundary. The amendments would reduce the visual impact of the proposals on 39 and it may be concluded that as a result of the changes any impact in terms of loss of light or outlook would not warrant refusal.
- 7.16 Officers acknowledge that the development has the potential to adversely impact neighbouring residents during the construction phase in terms of noise, vibration, dust and other pollutants. As such, it is recommended to include conditions which would require a detailed demolition and construction method statement to be submitted for approval prior to the commencement of the development.

#### Standard of accommodation

- 7.17 Policies 3.5 and 3.8 of the London Plan 2016 state that housing developments are to be suitably accessible and should be of the highest quality internally and externally and should ensure that new development reflects the minimum internal space standards (specified as Gross Internal Areas) as set out in

table 3.3 of the London Plan (amended March 2016) and the DCLG – Technical Housing Standards 2015. The London Plan Housing SPG – 2016 states that homes should provide a place of retreat; factors to be considered include privacy, the importance of dual aspect development, noise mitigation, floor to ceiling heights and daylight and sunlight. Policy DM D2 of the Adopted Sites and Policies Plan (2014) states that developments should provide for suitable levels of privacy, sunlight and daylight and quality of living conditions for future occupants.

- 7.18 The western dwelling is a 5 bed, 9 person, 4 storey unit while the eastern dwelling is a 5 bed, 10 person, 4 storey unit. The Housing Standards do not specify a minimum GIA for units of this size and nature being larger than those listed in the document's table. 8 person 3 storey dwellings are required to achieve a minimum GIA of 138sq.m. The GIA of the proposed western dwelling is 275.5sq.m and the GIA of the proposed eastern dwelling is 273 sq.m, and in the absence of a specific standard it is considered that they would both provide an acceptable internal standard of accommodation.
- 7.19 All units are considered to have a layout which offers a high standard of living and all habitable rooms are served by windows which are considered to offer suitable natural light, ventilation, privacy and outlook to prospective occupants.
- 7.20 SPP policy DMD2 requires that for all new houses, the Council will seek a minimum of 50sq.m as a single, usable, regular amenity space. Both proposed dwellings meet the minimum provision for amenity space in the form of rear gardens and terraces.
- Transport, parking and cycle storage
- 7.21 Core Strategy policy CS20 and SPP policy DM T3 require that developments would not adversely affect pedestrian or cycle movements, safety, the convenience of local residents, on street parking or traffic management.
- 7.22 Merton's Transport Planner has reviewed this application and found that it would not have a significant adverse effect upon the highway network.
- 7.23 The development would incorporate two parking spaces, one per dwelling. This provision is considered to be acceptable given the location and nature of the dwellings. The development would not be considered to unduly impact upon the surrounding parking network.
- 7.24 It is noted concerns were raised during consultation regarding vehicles accessing the application site via Orchard Lane. The proposal shows vehicle parking exclusively to the front of the site adjacent to Cottenham Park Road and hedging the full width of the rear property boundaries which would exclude vehicle access from Orchard Lane.
- 7.25 To mitigate the impact of the proposal during construction, it is recommended to require details of a demolition and construction method statement by way of condition.

7.26 In accordance with London Plan policy 6.9 and table 6.3, four, secure, covered and conveniently located cycle storage spaces would be required for the development. Four cycle storage spaces have been indicated on the plans which achieve the relevant standards, it is recommended to require specific details of the cycle storage enclosures by way of condition.

Refuse storage and collection

7.27 Refuse would be stored within enclosures adjacent to the highway with collection to occur from Cottenham Park Road, this arrangement is considered to be acceptable and would comply with policy 5.17 of the London Plan and policy CS 17 of the Core Strategy.

Sustainable design and construction

7.28 London Plan policy 5.3 and Core Strategy policy CS15 seek to ensure the highest standards of sustainability are achieved for developments which includes minimising carbon dioxide emissions, maximising recycling, sourcing materials with a low carbon footprint, ensuring urban greening and minimising the usage of resources such as water.

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

Landscaping and impact upon trees and biodiversity

7.30 NPPF section 15, London Plan policies 7.5, 7.19 and 7.21, CS policy CS13 and SPP policies DM D2 and DM O2 seek to ensure high quality landscaping to enhance the public realm, protect trees that significantly improve the public realm, to enhance biodiversity, encourage proposals to result in a net gain in biodiversity and to discourage proposals that result in harm to the environment, particularly on sites of recognised nature conservation. In addition and specifically in relation to basements, policy DMD2 of the SPP states that basements should not damage the townscape, including the loss of trees.

7.31 The site does not have any particular designations, albeit it adjoins designated open space to the rear. A preliminary ecological assessment report was submitted with the application which included a walkover survey. The report found that given the size of the site along with the lack of connectivity to sites with high ecological value, there will likely be no negative impact upon such sites. The site was not found to contain any protected habitats or species. The site was not found to have any invasive species. The report recommended mitigation measures to protect nesting birds and bats during clearance, demolition and construction. In addition, enhancement measures were recommended including bird boxes, bat boxes and planting. The mitigation and enhancement measures are considered to be reasonable and it is recommended to secure them by way of conditions.

- 7.32 The extensive excavation and formation of two floors of accommodation forward of the main body of the pair of proposed dwellings would result in the loss of one category B tree and two category C trees. These trees, especially the category B (Pine tree) tree, are considered by officers to make a positive contribution to the streetscene. It is considered that the proposals would diminish the quality of this part of Cottenham Park Road in terms of the presence of trees.
- 7.33 By way of mitigation the proposed development would provide a semi-mature tree and an associated 12.4sq.m garden area adjacent to Cottenham Park Road on the western property boundary. The LBM Tree Officer has reviewed the proposal and considers the garden bed is sufficient to support one semi-mature tree such as a Silver Birch. Other large growing species of tree would not be suitable as the root system would be curtailed by the proposed basement.
- 7.34 Notwithstanding the inclusion of a condition requiring a landscaping plan to be submitted and approved in writing by Council to include details of the species of semi-mature tree to be planted on the front boundary, it may be judged, given the Council's housing targets, that the provision of additional and larger dwellings incorporating extensive basements outweighs any impact arising from the loss of trees.

#### Impact of basement

- 7.35 Policy DMD2 of the adopted Sites and Policies Plan states that proposals for basements should be wholly confined within the curtilage of the application property and be designed to maintain and safeguard the structural stability of the application building and nearby buildings; basements should not exceed 50% of either the front, rear or side garden of the property; they should include suitable drainage schemes including 1m of soil above the basement.
- 7.36 London Plan policies 5.12 and 5.13, CS policies CS13 and CS16 and SPP policies DMD2, DM F1 and DM F2 seek to minimise the impact of flooding on residents and the environment and promote the use of sustainable drainage systems to reduce the overall amount of rainfall being discharged into the drainage system and reduce the borough's susceptibility to surface water flooding.
- 7.37 A Basement Assessment and Construction Method Statement was submitted with the application along with a Below Ground Drainage Strategy; these documents were reviewed by LBM's Structural Engineer and Flood Risk Engineer. It was found that the basement could be excavated and constructed safely without adversely affecting the surrounding natural and built environment and that a suitable drainage scheme could be incorporated. However, while it is accepted that the basement can be constructed safely and that suitable drainage provisions can be achieved, it is recommended to require further details by way of conditions to ensure a suitable standard is achieved.

7.38 It is noted that over 50% of the front garden would be occupied by the proposed basement and that the basement would not include 1m of soil above it. However, given a suitable drainage scheme has been proposed along with recommended conditions which would limit runoff to green fields rates of 2l/s, it is considered that the intention of policy DMD2 would still be achieved.

## **8. CONCLUSION**

- 8.1 The existing dwelling is not afforded any formal planning protection and the provision of more intensive residential development in sustainable locations is supported by both national and local planning guidance and policies. The proposals would provide additional and larger dwellings and make more effective use of the land.
- 8.2 The proposal seeks to respond to relevant cues in the streetscape including the transition in levels along Cottenham Park Road and would deliver a modern design that may be judged of a sufficiently high standard to warrant support.
- 8.3 The streetscene comprised diverse house types with no one form prevailing. The proposals would further consolidate the changes in appearance to this part of the Cottenham Park Road created by the introduction of pairs of semi-detached dwellings with large footprints creating a more compact streetscene.
- 8.4 While the loss of trees is disappointing the proposals are unlikely to impact harmfully on biodiversity and their loss needs to be weighed against the need to deliver more houses.
- 8.5 The scheme has been the subject of amendment to reduce the mass of the buildings and to lessen the visual impact on neighbours at 39. The proposals as amended may be considered as not unduly impacting upon neighboring amenity.
- 8.6 National Housing standards do not include dwellings of the size proposed. However, on the basis of the available standards officers consider the proposal would achieve acceptable living standards for prospective occupants
- 8.7 The proposal would not unduly impact upon the highway network, including parking provisions. The proposal would achieve suitable refuse provisions. It is considered that the proposal would achieve appropriate sustainable design and construction standards. It is considered that the basement can be constructed safely without adversely affecting the surrounding natural and built environment while suitably addressing drainage issues.

## **RECOMMENDATION**

Grant planning permission subject to appropriate conditions.

Conditions:

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

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

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

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

- 3) Standard condition [Materials]: No development (other than demolition) shall take place until details of particulars and samples of the materials to be used on all external faces of the development hereby permitted, including window frames and doors (notwithstanding any materials specified in the application form and/or the approved drawings), have been submitted to the Local Planning Authority for approval. No works which are the subject of this condition shall be carried out until the details are approved, and the development shall be carried out in full accordance with the approved details.

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

- 4) Standard condition [Timing of construction]: No demolition or construction work or ancillary activities such as deliveries shall take place before 8am or after 6pm Mondays - Fridays inclusive, before 8am or after 1pm on Saturdays or at any time on Sundays or Bank Holidays.

Reason: To safeguard the amenities of the area and the occupiers of neighbouring properties and ensure compliance with the following Development Plan policies for Merton: policy 7.15 of the London Plan 2016 and policy DM EP2 of Merton's Sites and Policies Plan 2014.

- 5) Amended-standard condition [Use of flat roof]: Access to the flat roof parts of the development hereby permitted, other than those areas specifically identified as terraces, shall be for maintenance or emergency purposes only and shall not be used as a roof garden, terrace, patio or similar amenity area.

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

- 6) Standard condition [screening]: No development (other than demolition) shall take place until a scheme of details of screening of the balcony/landing to the

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

Reason: To ensure appropriate levels of privacy for the occupiers of the development and to comply with the policy 7.6 of the London Plan 2016 and policy DM D2 of Merton's Sites and Policies Plan 2014.

- 7) Standard condition [Cycle storage]: Prior to occupation of the development hereby approved, details of secure cycle parking facilities for the occupants of the development shall be submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be fully implemented and made available for use prior to the first occupation of the development and retained thereafter for use at all times.

Reason: To ensure satisfactory facilities for cycle parking are provided and to comply with the following Development Plan policies for Merton: policy 6.13 of the London Plan 2016, policy CS18 of Merton's Core Planning Strategy 2011 and policy DM T1 of Merton's Sites and Policies Plan 2014.

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

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

- 9) 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.

- 10) Amended standard condition [Working method statement]: Prior to the commencement of development [including demolition] a working method statement shall be submitted to and approved in writing by the Local Planning Authority that shall include measures to accommodate: the parking of vehicles



of site workers and visitors; loading and unloading of plant and materials; storage of construction plant and materials; wheel cleaning facilities; control of dust, smell and other effluvia; measures to control noise and vibration; measures to control dust and dirt; control of surface water run-off; a scheme for recycling and disposing of waste from demolition and construction. No development shall be take place that is not in full accordance with the approved method statement.

Reason: It is necessary for the condition to be discharged prior to the commencement of development to ensure vehicle and pedestrian safety and to protect the amenities of neighbouring occupiers and to comply with policy CS20 of the Adopted Merton Core Planning Strategy 2011 and policy DM D2 of Merton's Sites and Policies Plan.

- 11) Non-standard condition [Basement construction method statement]: No development (other than demolition) shall take place until a basement construction method statement has been submitted to and approved in writing by the Local Planning Authority. No development shall be take place that is not in full accordance with the approved basement construction method statement.

Reason: It is necessary for the condition to be discharged prior to the commencement of development to ensure the structural stability of adjoining buildings are safeguarded, neighbour amenity is not harmed and to reduce the risk of surface and foul flooding, to comply with policies 5.13 of the London Plan 2016, CS16 of Merton's Core Strategy 2011, and DMD2 and DMF2 of Merton's Sites and Policies Plan 2014.

- 12) Non-standard condition [Sustainable drainage system]: No development approved by this permission shall be commenced until a detailed scheme for the provision of surface and foul water drainage has 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) at the agreed greenfield runoff rate of 2l/s, 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. No development shall be take place that is not in full accordance with the approved details.

Reason: It is necessary for the condition to be discharged prior to the commencement of development to reduce the risk of surface and foul water flooding 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.

- 13) Amended standard condition [Parking]: The development hereby permitted shall not be occupied until the vehicle parking provisions shown on the approved plan 013A 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.

- 14) Standard condition [External lighting]: Any external lighting shall be positioned and angled to prevent any light spillage or glare beyond the site boundary.

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

- 15) Non-standard condition [Tree protection]: The development hereby authorised shall be carried out in accordance with the details, measures, and recommendations and follow the sequence of events set out in the submitted 'BS 5837 Arboricultural Report' dated 25 May 2018 and those measures shall be retained for the duration of the construction period, or as otherwise agreed in writing by the local planning authority.

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

- 16) Standard condition [Site supervision]: The construction phase shall include the retention of an arboricultural expert to supervise, monitor and report to the LPA not less than monthly the status of all tree works and tree protection measures throughout the course of the construction period. At the conclusion of the construction period the arboricultural expert shall submit to the LPA a satisfactory completion statement to demonstrate compliance with the approved protection measures.

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

- 17) Amended-standard condition [Landscaping/Planting Scheme]: Prior to the first occupation of the development hereby approved, full details of a landscaping and planting scheme shall be submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved before the commencement of the use or the occupation of any building hereby approved, unless otherwise agreed in writing by the Local Planning Authority. The details shall include on a plan the size, species, quantities and location of the proposed new trees and plants. The approved works shall be planted in the first available planting season following the development or prior to the use/occupation of any part of the development, whichever is the sooner, and should any trees die within a period of 5 years from the completion of the development, be removed or become seriously damaged or diseased or

dying, shall be replaced in the next planting season with others of the same approved specification, unless otherwise agreed in writing by the local planning authority.

Reason: To enhance the appearance of the development and the open space in the interest of the amenities and biodiversity of the area and to comply with the NPPF section 15, policies 7.5, 7.19 and 7.21 of the London Plan 2016, policies CS13 of Merton's Core Planning Strategy 2011 and policies DM D2, O1 and O2 of Merton's Sites and Policies Plan 2014.

- 18) Non-standard condition [Ecological and biodiversity measures]: The development hereby authorised shall be carried out in accordance with the avoidance, mitigation and enhancement measures recommended/proposed and follow the sequence of events set out in the submitted 'Preliminary Ecological Assessment Report', and those measures shall be retained as per the recommendations in the report, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To mitigate and offset the impact of the development and to ensure a net gain in biodiversity and improvements to the visual amenity of the area, in accordance with NPPF section 15, London Plan 2016 policies 7.5, 7.19 and 7.21, Merton's Core Planning Strategy 2011 policy CS13 and Merton's Sites and Policies Plan 2014 policies DM D2 and DM O2.

- 19) Standard condition [Restriction of permitted development]: Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no extension, enlargement or other alteration of the dwellinghouse other than that expressly authorised by this permission shall be carried out without planning permission first obtained from the Local Planning Authority.

Reason: The Local Planning Authority considers that further development could cause detriment to the amenities of the occupiers of nearby properties or to the character of the area and for this reason would wish to control any future Development plan policies for Merton: policy 7.6 of the London Plan 2015, policy CS14 of Merton's Core Planning Strategy 2011 and policies DM D2 and D3 of Merton's Sites and Policies Plan 2014.

- 20) Standard condition [Obscure glazing]: Before the development hereby permitted is first occupied, the windows in the east and west (flank) elevations at first and second floor levels, shall be glazed with obscure glass and fixed shut to a height of 1.7m above the adjacent floor level, and shall be permanently maintained as such thereafter.

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

## **INFORMATIVES:**

a) INFORMATIVE: In accordance with paragraphs 38 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) INFORMATIVE: It is Council policy for the Council's contractor to construct new vehicular accesses. The applicant should contact the Council's Highways Team on 020 8545 3829 prior to any work starting to arrange for this work to be done. If the applicant wishes to undertake this work the Council will require a deposit and the applicant will need to cover all the Council's costs (including supervision of the works). If the works are of a significant nature, a Section 278 Agreement (Highways Act 1980) will be required and the works must be carried out to the Council's specification.

c) 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.

d) INFORMATIVE – BCMS part 1: The basement construction method statement (BCMS) must be prepared by the contractor responsible for carrying out the works and be formally reviewed and agreed by the structural engineer whom has designed the basement. The BCMS shall include: ground movement analysis (Vertical and Horizontal) including any heave or settlement analysis, and Damage Category Assessment with detailed calculations; design calculations of the temporary works supporting the highway and adjoining properties to facilitate excavation; detailed design calculations of the permanent retaining wall retaining the highway with the calculations to be carried out in accordance with Eurocodes (it is recommended to assume full hydrostatic pressure to ground level and using a highway surcharge of 10 KN/m<sup>2</sup> for the design of the retaining wall supporting the highway).

e) INFORMATIVE – BCMS part 2: The BCMS shall include: longitudinal sections with levels and the foundation level of the west retaining wall; cross sections with relevant levels; temporary works drawings and sections of the basement retaining walls; detail how flood risk and drainage will be managed during construction and how risk to pollution of the water environment will be mitigated; a movement monitoring report produced by specialist surveyors appointed to install monitoring gauges to detect any movement of the highway/neighbouring properties from start to completion of the project works - the report should include the proposed locations of

the horizontal and vertical movement monitoring, frequency of monitoring, trigger levels, and the actions required for different trigger alarms.

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

- Detailed documentary evidence confirming the Target Emission Rate (TER), Dwelling Emission Rate (DER) and percentage improvement of DER over TER based on 'As Built' SAP outputs (i.e. dated outputs with accredited energy assessor name and registration number, assessment status, plot number and development address); **OR**, where applicable:
- A copy of revised/final calculations as detailed in the assessment methodology based on 'As Built' SAP outputs; **AND**
- Confirmation of Fabric Energy Efficiency (FEE) performance where SAP section 16 allowances (i.e. CO2 emissions associated with appliances and cooking, and site-wide electricity generation technologies) have been included in the calculation

g) INFORMATIVE: Water efficiency evidence requirements for post construction stage assessments must provide:

- Documentary evidence representing the dwellings 'As Built'; detailing:
- the type of appliances/ fittings that use water in the dwelling (including any specific water reduction equipment with the capacity / flow rate of equipment);
- the size and details of any rainwater and grey-water collection systems provided for use in the dwelling; **AND**:
- Water Efficiency Calculator for New Dwellings; **OR**
- Where different from design stage, provide revised Water Efficiency Calculator for New Dwellings and detailed documentary evidence (as listed above) representing the dwellings 'As Built'

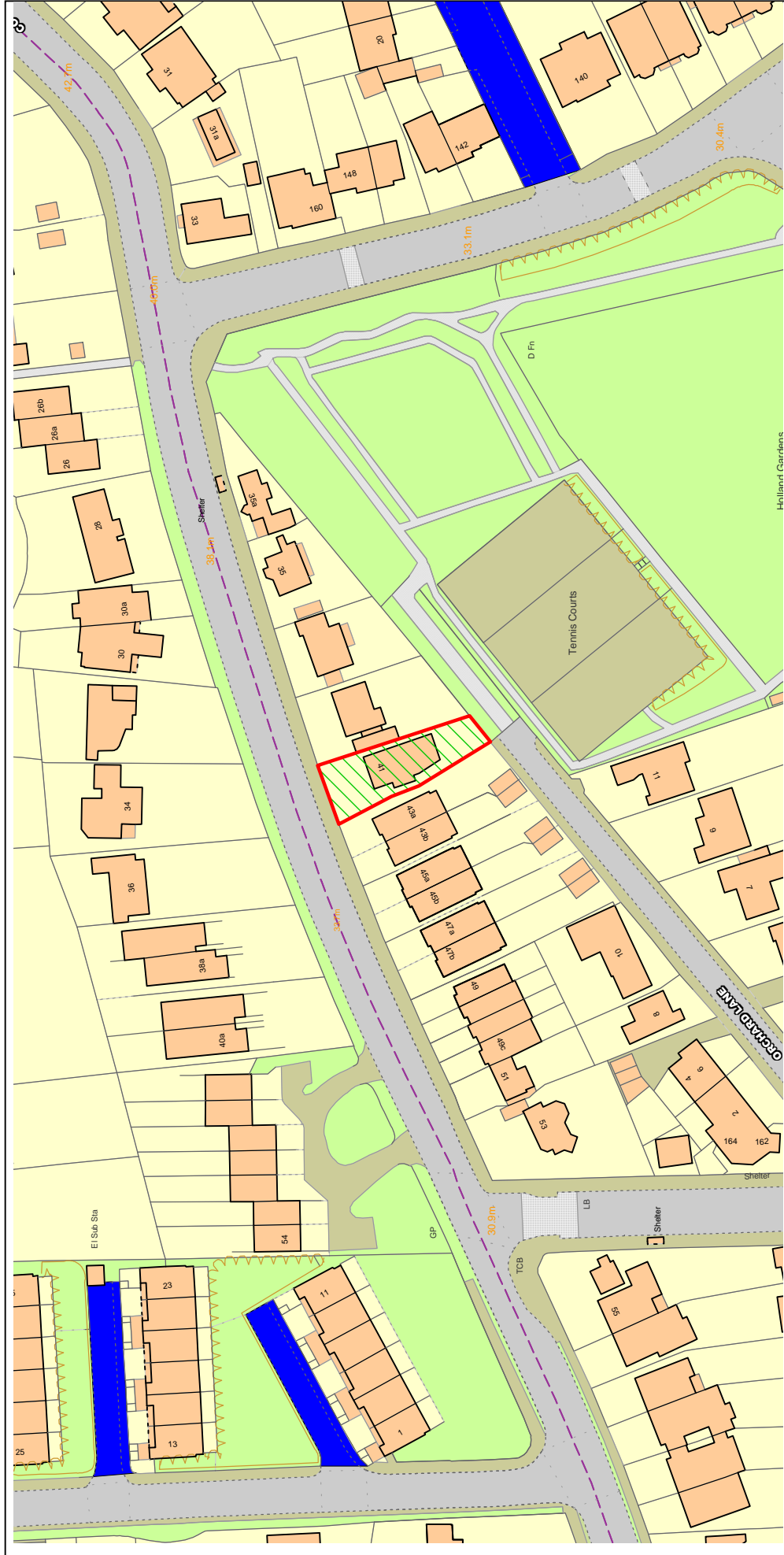
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[Click here](#) for full plans and documents related to this application.

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# NORTHGATE SE GIS Print Template



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## PLANNING APPLICATIONS COMMITTEE

15 NOVEMBER 2018

### APPLICATION NO.

18/P1577

### DATE VALID

06/04/2018

**Address/Site:** 356 Garth Road  
Morden  
SM4 4NL

**Ward:** Lower Morden

**Proposal:** Erection of an end of terrace dwelling with basement level incorporating new vehicular crossover to Wydell Close.

**Drawing No.'s:** 10602 01, 12, 13B, 14C & 15C.

**Contact Officer:** Tony Smith (020 8545 3144)

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### RECOMMENDATION

**Grant planning permission subject to conditions.**

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### 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: 4
- External consultations: 0
- Conservation area: No
- Listed building: No
- Archaeological priority zone: No
- Tree protection orders: No
- Controlled Parking Zone: No
- Flood risk zone: 1 (part of site to rear is 2 & 3)
- Open Space: No

#### **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 application site encompasses a semi-detached plot which is located on

the eastern side of Garth Road and on the junction with Wydell Close, Morden. The property comprises a two storey semi-detached dwellinghouse with a front, side and rear garden area. The property features a detached single storey garage to the south side of the dwelling and the property appears to be undertaking works to erect a hip to gable and rear roof extension, a front porch infill extension and a single storey rear extension, which have been confirmed to be within permitted development tolerances under application 18/P0643. The application site has an approximate area of 363sq.m.

- 2.2 Garth Road and Wydell Close are residential in character and the dwellings in this stretch of Garth Road and in Wydell Close are characterised by traditionally hipped roofs, two storey front and rear bay windows and single storey front porch canopies. Many dwellings in the vicinity have constructed gabled roofs and feature single storey side extensions.
- 2.3 The site has a public transport accessibility level (PTAL) of 1b which is poor (with 0 being the lowest and 6b being the highest). The site is not located within a conservation area. The rear portion of the site to the east is within Flood Zones 2 and 3, however the area that concerns this development is not considered to be at significant risk.

### **3. CURRENT PROPOSAL**

- 3.1 This application seeks planning permission for the erection of single storey (with basement level) end of terrace dwelling, providing a 1 bedroom, 2 person unit. The proposed dwelling would have an internal floor area of 64.28.sq.m while the new plot created would have a total area of 103.sq.m.
- 3.2 The existing garage to the south would be demolished and the proposed dwelling would be erected to the south elevation of 356 Garth Road. The dwelling would be single storey in height when viewed externally, terminating in a part flat, part pitched roof. The dwelling would incorporate a small front porch element with a part flat, part pitched roof and a single storey rear element with a flat roof. It would have a basement level which would create a lower level patio to the rear, extending rearward of a ground floor balcony area.
- 3.3 The proposed dwelling would be set back from the main façade of the original dwelling with the porch addition extending to be in line with the front façade. The proposed dwelling would have a regular footprint, extending rearward of the established rear building line by 3m to align with and match an approved and under construction single storey rear extension at no 365. The proposed dwelling would have the following dimensions: 3.4m maximum width, 1.5m minimum width, 10m maximum depth, 8.3m minimum depth, 5m max height, 3-3.2m eaves heights.
- 3.4 The front of the property would remain paved and would include an area for the proposed dwellings bin storage and a small glass block pavement lightwell to give light to the lower level. To the rear it is proposed to erect a highways crossover from Wydell Close to a singular off-street car parking space with a

cycle storage unit. The property boundary would be treated with 2m high timber fencing to match.

- 3.5 Following the initial submission of the application, officers raised concerns regarding the construction of the basement level given the proximity to a high flood risk area. The following documents were provided to address concerns:
- Construction Logistics Plan
  - Basement Impact Assessment
  - Flood Risk Assessment
  - Surface Water and SuDs Assessment
- 3.6 Officers also requested amended plans to address inconsistencies in heights between drawings and to reduce the height of the ground floor balcony area as to minimise potential overlooking and loss of privacy.

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

- 4.1 07/P3075 - CONSTRUCTION OF A PART SINGLE, PART TWO-STOREY SIDE EXTENSION, SINGLE STOREY REAR ROOF EXTENSION, HIP TO GABLE AND REAR ROOF EXTENSION IN CONNECTION WITH THE CONVERSION OF DWELLING HOUSE INTO 4 x 1 BED FLATS, WITH THE PROVISION OF 4 PARKING SPACES, BIN STORE & BICYCLE SHED IN REAR GARDEN. Refused 07/01/2008.

Reasons:

The proposals, by reason of size, massing, bulk and design would:

- i) be detrimental to the appearance of the host dwelling and would constitute an insensitive addition to the Garth Road streetscene to the detriment of the visual amenities of the area;
- ii) be overly dominant and visually intrusive resulting in a loss of light and outlook to the detriment of neighbouring occupiers;
- iii) result in unsatisfactory environment for future occupiers arising from sub-standard outdoor amenity space that would fail to meet the likely needs of future occupiers;
- iv) result in an unsatisfactory environment for future occupiers arising from a failure to provide a Flood Risk Assessment and demonstrate that adequate flood mitigation measures can be provided to safeguard future occupiers in an area at risk from flooding, contrary to policies HS.1, BE.15, BE.16, BE.22, BE.23, BE24, PE5 and PK2 of the Adopted Merton Unitary Development Plan (October 2003).

- 4.2 15/P2652 - ERECTION OF A DETACHED 4 BED DWELLINGHOUSE WITH 1 x PARKING SPACE. Refused 03/02/2016.

Reasons:

- 1) The proposal, by reason of its size, sitting, design would represent a form of development that would fail to achieve a high standard of design that would enhance the character of the area to the detriment of the character of the Wydell Close streetscene, contrary to policies 7.4 and 7.6 of the London Plan 2015, DM D2 of the Adopted Merton Sites and Policies Plan 2014 and policy CS.14 of the Core Planning Strategy (2011).
- 2) The proposed two-storey house by reason of its design and siting would result in the provision of cramped and unsatisfactory accommodation

failing to meet adopted minimum internal floorspace standards to the detriment of the amenities of future occupiers contrary to policy 3.5 of the London Plan 2015, policy CS 14 of the Merton Core Strategy 2011 and policy DM D2 of the Adopted Merton Sites and Policies Plan 2014.

- 3) The proposal by reason of its scale, bulk, positioning and massing in relation to neighbouring properties and the Wydell Close streetscene would result in an unacceptable amenity impact contrary to policy DM D2 of the Adopted Merton Sites and Policies Plan 2014.
- 4) The proposed development would fail to contribute to meeting affordable housing targets and in the absence of a legal undertaking securing a financial contribution towards the delivery of affordable housing off-site would be contrary to policy CS.8 of the Merton LDF Core Planning Strategy (2011).

4.3 15/P4156 - ERECTION OF A TWO STOREY SIDE EXTENSION, SINGLE STOREY REAR EXTENSION, HIP TO GABLE AND REAR ROOF EXTENSION, INSTALLATION OF 3 ROOFLIGHTS INTO THE FRONT ROOFSLOPE, PROVISION OF 4 OFF STREET CAR PARKING SPACES (INVOLVING THE CREATION OF ADDITIONAL CROSSOVER ON WYDELL CLOSE AND CHANGE OF USE FROM A FAMILY DWELLING HOUSE (USE WITHIN CLASS C3) TO A HOUSE IN MULTIPLE OCCUPATION FOR UP TO 8 PEOPLE [SUI GENERIS] COMPRISING 8 BEDROOMS AND SHARED LIVING ROOM AND KITCHEN FACILITIES. Refused 23/03/2016 & dismissed on Appeal 15/08/2016.

Reasons:

- 1) The proposed two storey side extension by reason of design, siting, scale, height, proportions and massing, represents an overly large, unduly dominant and visually intrusive form of development that fails to respect or complement the original building and the form, function and structure of surrounding buildings and locally distinctive pattern of development and would therefore also be harmful to the visual amenities of the Garth Road and Wydell Close streetscene, contrary to policies 7.4 of the London Plan 2011, LBM Core Strategy Policy CS14 and policies DM D2 and DM D3 of the Merton Sites and Policies Plan (2014).
- 2) The proposed development, by reason of the provision of communal living/dining/kitchen space in the form of a single space, when considered against the likely occupancy levels of the HMO, and the potential increased occupancy in the event of guests visiting the property, would result in a cramped and unsatisfactory environment for future occupiers contrary to policy CS. 14(d) of LBM Core Strategy (2011) , policy DM H5 of Merton's Sites and Policies Plan (2014) and Annex 1 of the London Housing SPG (2012).

4.4 18/P0643 - APPLICATION FOR A LAWFUL DEVELOPMENT CERTIFICATE IN RESPECT OF THE PROPOSED ERECTION OF A HIP TO GABLE AND REAR ROOF EXTENSION, 2 ROOFLIGHTS TO THE FRONT ROOF SLOPE, ERECTION OF A SINGLE STOREY REAR EXTENSION AND ERECTION OF A FRONT PORCH. Certificate Issued 28/03/2018 and construction started.

## **5. CONSULTATION**

5.1 Public consultation was undertaken by way of post sent to neighbouring properties. The outcome of the consultation is summarised as follows:

5.2 Representations were received from 7 individuals who raised the following concerns:

- Property is unkept and rented to tenants for no longer than 2 months at a time with personal friends staying at property
- Extension to no. 354 Garth Road were carried out some time ago to extend family home and not for financial gain
- The development is purely for profit
- Devaluation of current properties
- Most properties are semi-detached
- All previous planning applications have been objected to due to applicants wish to rent out and turn into multiple occupancy
- No benefit for local residents having an end of terrace house with basement
- Housing made on Garth Road from turning disused office block into flats
- How does a basement work with general landscaping or to be in keeping with existing properties
- A basement risks worsening properties in Garth Road from shuddering from heavy traffic
- A dropped kerb would restrict visitor parking on street and encourage parking at Lower Morden Lane intersection which could increase traffic risks
- Impact to street access to narrow entrance of Wydell Close
- Removal of tree and building in garden space would result in overcrowding of built up area and would be detrimental to character of Wydell Close
- Higher population density will strain on local resources and negatively impact character of neighbourhood
- New dwelling is modern and out of keeping with area
- Will block light into Wydell Close and would make the Close more claustrophobic
- Increased traffic and danger to young and old residents
- The area is within a flood risk zone and 50m to Pyl Brook river
- Impact to sewers from additional drainage and waste
- No waste management plan submitted

5.3 LBM Climate Change Officer: No objection. The planning statement shows that the development would achieve the 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 and would not impact the adjoining highway or pedestrian safety. Standard retention of car parking condition to be attached. Further cycle parking details are required and a pre-occupation condition will be included for 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. A more detailed Construction Traffic

Management Plan is required and will be secured by way of a pre-commencement condition.

5.5 LBM Flood Risk Engineer

No objection. Conditions to be attached regarding a detailed SuDs scheme to be approved and implemented prior to development and detailed design of permeable paving to be submitted and approved prior to development. Informative regarding discharge of water run-off also to be included.

**6. POLICY CONTEXT**

6.1 National Planning Policy Framework (2018)

- 5. Delivering a sufficient supply of homes.
- 9. Promoting sustainable transport.
- 10. Meeting the challenge of climate change, flooding and coastal change.
- 12. Achieving well-designed places

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
- 5.12 Flood risk management
- 5.13 Sustainable drainage
- 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
- 7.2 An Inclusive environment
- 7.4 Local character
- 7.6 Architecture
- 7.14 Improving air quality
- 7.15 Reducing and managing noise, improving and enhancing the acoustic environment and promoting appropriate soundscapes
- 7.19 Biodiversity and access to nature
- 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 16 Flood risk management  
CS 17 Waste management  
CS 18 Transport  
CS 19 Public transport  
CS 20 Parking servicing and delivery

6.4 Merton Sites and Policies Plan – 2014 (SPP)

Relevant policies include:

DM D2 Design considerations  
DM D3 Alterations and extensions to existing buildings  
DM EP2 Reducing and mitigating noise  
DM F1 Support for flood risk management  
DM F2 Sustainable urban drainage systems and; wastewater and water infrastructure  
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.
- Basement construction and flood risk
- Sustainable design and construction.
- Response to objections

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 2018 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 1b (0 is the worst and 6b being excellent). The proposals would result in an additional 2 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. It is noted that the previously refused schemes relate to the erection of a 2 storey addition and are, therefore, not directly comparable to the current proposal.

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 There are a number of side extensions within the local area of the site with a large variation in form and design. The semi-detached neighbour to the north at no. 358 exhibits a single storey side which sits flush with the front façade and extends the porch roof. The further dwelling to the north at no. 337 Lower Morden Lane has a double width single storey garage extension with a flat roof, and nos. 6, 7 & 8 Wydell Close have attached side extensions, some flush with the front and some set back.

7.7 As viewed from the streetscene, the proposed dwelling would be single storey in height and would utilise a part flat part pitched roof, akin to the form of a regular side extension, albeit with a front porch and rear projection. The proposed dwelling would match the roof slope angles of the main roof and front porch of the original dwelling and would utilise matching materials; this would be confirmed by way of a condition to ensure the visual style of the semi-detached pair is preserved. It is considered that the use of a single storey side addition with a roof profile and front porch to match that of the original dwellinghouse serves to preserve the character the existing built form and wider area. It is also considered that the set back of the main element by 1.6m and the set in from the highway by 0.5m would reduce any sense of an overbearing relationship with the streetscene, particularly when considering the existing garage is similar in size and built right up to the pavement.

7.8 The rear element which is effectively a single storey rear extension would utilise a flat roof and would extend rearward of the original dwelling by 3m, to match a granted under construction lawful development application at no. 356. It is considered extending the approved extension along the rear would form a coherent design that is respectful in terms of scale and bulk to the original dwelling. A ground floor 'balcony' area would be formed to the rear of



this element which would utilise glass panel railing. The balcony would be raised above ground level by 0.3m and would incorporate glass railing; however this element would be obscured from the street scene due to the side boundary along the site boundary with Wydell close and the off-street car parking to the east. Further details of the boundary treatments will be confirmed by way of condition.

- 7.9 It is noted that several schemes at the site have previously been refused due to a harmful visual impact on the street scene. It is considered this proposal, reducing the scale and bulk and utilising a respectful design would overcome previous reasons for refusal.
- 7.10 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 modest in scale and bulk and would incorporate an appropriate set-in from the side boundary with Wydell Close. It is therefore considered the proposal would respect the character of the area and would adhere to national and local design policy.

Impact upon neighbouring amenity

- 7.11 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.
- 7.12 The single storey side and front porch element of the dwelling would not extend forward or rearwards of the building line of the host dwelling and would have modest heights. This, in conjunction with its separation from other surrounding properties, is not considered to unduly impact neighbouring amenity.
- 7.13 The single storey rear element would have a moderate height of 3.2m and depth of 3m. It is also acknowledged that this would respect the scale of the under-construction extension at the original property. It is therefore not considered the rear extension would result in an undue impact to the amenity of the neighbouring dwelling. In regards to other neighbouring properties, this element would be separated by a considerable distance and therefore not considered to have an impact.
- 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). Whilst the balcony would be slightly raised from the natural garden level by 0.3m, a condition regarding boundary treatments is to be included to ensure sufficient protection from raised overlooking and loss of privacy to the original dwelling.

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 1 bed, 2 person, 2 storey dwelling have a gross internal floor area of 58sq.m. The proposed dwelling would have a gross internal floor area of 64.28sq.m which would exceed the minimum standards. It is considered the windows, doors, lightwells to the front and rear and sun tubes in the ground floor balcony would allow for sufficient light and ventilation for the proposed dwelling. It is considered the layout of the dwelling as a whole would result in a suitable and comfortable living space for two persons.
- 7.17 In accordance with the London Housing SPG, policy DMD2 of the Council's Sites and Policies Plan states that there should be 50sq.m of external amenity space provided for all new dwellings in a single, usable space. Given the proposal is only for a one bedroom unit, likely to be for a couple, an outdoor area of 50sqm is not considered necessary, given the lower external space requirements of the London Plan for flats of similar occupancy. The proposal includes 18.5sq.m outdoor amenity space in the form of a lower level patio and a ground floor balcony area which is considered appropriate for the proposed occupancy of the dwelling.
- 7.18 As outlined above, the scheme as a whole is considered to offer an acceptable 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 1b which is poor, as such, vehicle parking would be required. Garth Road and Wydell Close are not within controlled parking zones. The scheme proposes 1 parking space to the east, which is of a satisfactory size and includes 1.5m visibility splays for safety, therefore meeting minimum requirements whilst not exceeding maximum standards. Maximum standards are in place to ensure vehicle parking provisions do not undermine sustainable travel objectives.

Officers do not consider the position of the proposed vehicle parking off Wydell Close to significantly impact the highway or pedestrian safety. However, in order to limit potential impacts caused during construction, a condition will be included requiring a detailed Construction Traffic Management Plan to be submitted to and approved by the LA before works start. The level of on-street parking currently is such that the loss of one on-street parking space, by reason of the creation of a new vehicular access & dropped kerb is not objectionable.

- 7.22 In accordance with London Plan policy 6.9 and table 6.3, 1 cycle storage space 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 area in the rear off-street parking area. It is considered that this position would be acceptable LBM Transport Officers request a condition requiring further details of the cycle storage prior to occupation and for this to be retained thereafter. Similarly, a condition is requested for the vehicle parking to be implemented before occupation and to be retained thereafter.

#### Refuse storage

- 7.23 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.
- 7.24 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.

#### Basement Construction and Flood Risk

- 7.25 London Plan policies 5.13 & 5.13 and Policies DM D2 and DMF1 and DMF2 of the Merton Sites and Policies Plan seek to ensure basement constructions are suitable in terms of drainage and structural impacts to the host and neighbouring properties.
- 7.26 The applicant has provided a Basement Impact Assessment, Flood Risk Assessment & Surface Water and SuDs Assessment to demonstrate the proposed basement would be structurally sound and not result in drainage issues. LBM flood risk engineers have reviewed the proposal and related documents and are satisfied that the proposed dwelling would be suitably designed. Officers requested two pre-commencement conditions for a detailed drainage strategy to be submitted and implemented and for further details regarding the permeable paving serving the off-street car parking. The proposed basement would also require the necessary Building Control approval prior to commencement to further ensure the works would not result in a harmful impact to the surrounding area.

#### 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 per person per 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.

7.29 Responses to objections

The majority of the issues raised by objectors are addressed in the body of the report but in addition the following response is provided:

- The tenancy of the property (ie. rented or owner occupied) is not a material planning consideration
- The motives of the developer are not a material planning consideration. The assessment is based on the acceptability of the proposal against adopted Planning Policies.
- The impact on the character of the area is a material planning consideration but the impact on property prices is not
- Any increased impact on local infrastructure is intended to be addressed by CIL contributions and it would not be reasonable to refuse on this basis.
- The proposal shows suitable bin storage arrangements and a waste management plan is not required for this type of development
- No intentions are outlined in this proposal to remove a tree, and in any case, the removal of non-protected trees can be undertaken without the need for planning permission.

**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 are considered satisfactory. 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 and would sufficiently mitigate the risk of flooding.

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 (other than balcony screening and boundary treatments) 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 [Details of Walls/Fences]: No development shall take place until details of all boundary walls, fences, railings or screenings 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 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.

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

- 4) Amended standard condition [Parking]: The development hereby permitted shall not be occupied until the vehicle parking provisions shown on the approved plans 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 [No use of flat roof]: Access to the flat roof of the development hereby permitted shall be for maintenance or emergency purposes only, and the flat roof shall not be used as a roof garden, terrace, patio or similar amenity area.

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

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

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) Amended standard condition [Cycle storage]: The development hereby permitted shall not be occupied until further details of the proposed cycle parking have been submitted to and approved by the Local Authority. The approved cycle parking must be provided and made available for use prior to occupation and 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.

- 8) Amended standard condition [Car parking]: The vehicle parking area shown on the approved plan '10602 13B' shall be provided and made available for use prior to occupation 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 Policies Plan 2014.

- 9) Amended standard condition: [Permeable paving]: Prior to the commencement of development, the detailed design and specification for the permeable paving shall be submitted to and approved in writing by the Local Planning Authority. The design shall be carried out as approved, retained and maintained in perpetuity thereafter.

Reason: To reduce the risk of surface and foul water flooding to the proposed development and future users, and ensure surface water and foul flood risk does not increase offsite in accordance with 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.

- 10) Non-standard condition [Drainage] No development approved by this permission shall be commenced until a detailed scheme for the provision of surface and foul water drainage has been implemented in accordance with details that have been submitted to and approved in writing by the local planning authority. The drainage scheme will dispose of surface water by means of a sustainable drainage system (SuDS) at the restricted rate of no more than 0.2l/s, with no less than 7.1m<sup>3</sup> of attenuation storage, 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.

- 11) 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 CO<sub>2</sub> 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.

- 12) 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.

- 13) Amended standard condition [Construction vehicles/storage]: Development shall not commence until a Construction Traffic Management Plan has been submitted to and is approved in writing by the Local Planning Authority to accommodate:

- Parking of vehicles of site workers and visitors
- Loading and unloading of plant and materials
- Storage of construction plant and materials;
- Wheel cleaning facilities
- Control of dust, smell and other effluvia;
- Control of surface water runoff.

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

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

- 14) 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.

### **Informatives:**

- a) In accordance with paragraphs 38 of the National Planning Policy Framework 2018, 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) It is Council's policy for the Council's contractor to construct new vehicular access. The applicant should contact Council's Highway Team on: 0208 545 3829 prior to any work starting to arrange for this work to be done. Please be advised that there is a further charge for this work.
- e) 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).  
No waste material, including concrete, mortar, grout, plaster, fats, oils and chemicals shall be washed down on the highway or disposed of into the highway drainage system.

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**PLANNING APPLICATIONS COMMITTEE  
15 NOVEMBER 2018**

<b><u>APPLICATION NO.</u></b>	<b><u>DATE VALID</u></b>
18/P2843	30/07/2018
<b>Address/Site</b>	6 Grange Park Place, West Wimbledon, SW20 0EE
<b>Ward</b>	Village
<b>Proposal:</b>	Erection of part two storey, part first floor extension.
<b>Drawing Nos</b>	Location Plan, 1428/01, 1428/02, 1428/03, 1428/04
<b>Contact Officer:</b>	Charlotte Gilhooly (020 8545 4028)

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**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: No
- 

1. **INTRODUCTION**

- 1.1 The application has been brought before the Planning Applications Committee for consideration in light of the number of objections received.

2. **SITE AND SURROUNDINGS**

- 2.1 The application site comprises a large two storey detached dwelling located on the north side of Grange Park Place (a private cul de sac) located in West Wimbledon. The property benefits from being on a wide plot with a double garage to the side of the property and being sited on the

top of a slight hill. The rear garden slopes down towards Wolsey Close. The site is not locally/statutorily listed or located in a Conservation Area but is an area subject to a Tree Preservation Order.

- 2.2 The majority of houses in Grange Park Place have been built at the same time (planning permission was granted on 22/06/1984) and built in a neo Tudor style on the grounds of the former Wimbledon Hospital.

### 3. **CURRENT PROPOSAL**

- 3.1 This application seeks planning permission for the erection of a first floor rear and two storey side extension.
- 3.2 The proposal would be 6.7m deep, 9.3m wide (9.6m including overhang), an eaves height of 4.6m with a maximum height of 7.4m on the east side, and an eaves height of 4.7m with a maximum height of 7.5m on the west side.
- 3.3 The new side extension would maintain the same set back as the existing double garage of 5.5m and would be rectangular in shape. The front and rear roof slopes would match the gradient of the host dwelling and would be stepped down by the main ridge by 1.38m to create a cascading roof form. The extension would also maintain a minimum setback from the side boundary by approximately 4m.
- 3.4 The proposal would be designed in a similar neo Tudor style and the front elevation will match the fenestration of the existing building. Proposed materials are brick, timber framing and tiles to match existing.

### 4. **PLANNING HISTORY**

- 4.1 MER574/84 - Erection of 19 houses with garages and formation of estate roads and parking areas. Grant planning permission subject to conditions. 04/10/1984

### 5. **CONSULTATION**

- 5.1 The application has been advertised by site notice and consultation letters were sent to the occupiers of neighbouring properties.
- 5.1.1 In response to the consultation, five letters of objection have been received. The summary of objections are as follows:
- No Arboricultural report/assessment has been produced despite this area being protected by a Tree Preservation Order.
  - The proposal will damage trees.

- If trees are cut down it will result in overlooking and loss of privacy.
- More trees should be planted in order to protect residents privacy.
- It will damage vistas and reduce space between 5 and 6 Grange Park Place.
- Loss of amenity and privacy.
- Will be overbearing and create a sense of enclosure.
- Will devalue our property.
- The proposal will dominate the existing site and adjacent properties.
- The property is more than the floor area for an existing four bedroom house.
- The house could easily be subdivided into a separate house and this would lead to more parking problems.
- If planning permission is approved, we ask that construction noise is kept to a minimum as we are already disturbed by the swimming pool pump in the rear garden.
- The proposal will result in problems with parking in Grange Park Road as more garages are converted into habitable rooms.

5.1.5 Transport Planning – No objections.

5.2 Tree Officer – Please see conditions set out below.

Planning Officer's response: An Aboricultural Impact Assessment and Method Statement was submitted on 12 October 2018.

## **6. POLICY CONTEXT**

6.1 NPPF - National Planning Policy Framework (2018):  
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
- DM D3 Alterations and extensions to existing buildings

6.4 Merton Core Strategy 2011 policy:  
CS 14 Design

## **7. PLANNING CONSIDERATIONS**

7.1 The planning considerations for an extension to an existing building relate to the impact of the proposed extension on the character and appearance of the host building along with the surrounding area and the impact upon

neighbouring 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 are of the highest architectural quality and incorporate a design that is appropriate to its context, so that development relates positively to the appearance, scale, bulk, form, proportions, materials and character of the original building and their surroundings, thus enhancing the character of the wider area.
- 7.3 It is considered that the proportions and the footprint of the proposed two storey side extension are acceptable in the way that they relate to the host dwelling and the constraints of the site. The setback from the front façade along with the set down from the roof ridge are considered to be acceptable to achieve a subordinate appearance. In conjunction with the subservience of the extension, it is considered that the matching roof pitch results in a sympathetic addition which would respect the host dwelling along with the surrounding context. In addition, the façade treatment and fenestration are also sympathetic to the character and design of the host building. The use of a hipped end roof and dormer windows also break the eaves line which help visually to maintain the original dwelling as the main building on the site.
- 7.4 It is noted that in the case of the two storey side extensions, a 1m set back from the side boundary would normally be expected to retain a sense of openness, to avoid the potential for a future terracing effect. As the set back from the boundary is approximately 4.17m at the front of the site and 4.04m at the rear, the proposal is therefore considered acceptable in this regard.
- 7.5 From the rear, the proposal would extend partially across the rear elevation. The use of a hipped roof on each end of the extension maintains the subordinate appearance to the host dwelling. Overall, the proposal is considered to be visually acceptable to the site and surrounding area.

#### Neighbouring Amenity

- 7.6 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.
- 7.7 Given the scale and positioning of the proposed extension along with the outlook provided from the proposed windows, it is not considered that the proposal would unduly impact upon neighbouring amenity. While 6



Grange Park Place is on higher ground than properties in Wolsey Close, there is a large separation distance between the rear elevation of the extension and the properties in Wolsey Close.

7.8 The extension would extend the built form closer to 5 Grange Park Place, however owing to the separation distance between the side elevations of the proposed extension and number 5, it is not considered to cause material harm to the amenity of this neighbouring property. No 5 and 6 Grange Park Place are also north facing and as the proposal is set back, it is not considered to impact on neighbouring amenity to this property in terms of loss of light, privacy or visual intrusion.

7.9 The front facing dormer windows would provide views towards number 2 Grange Park Place however, this would not be further forward than the existing front facing windows on the site. Overall the proposal is considered to be located well within the site and would not cause harm to neighbouring amenity and therefore complies with policies DM D2 and DM D3 of the Sites and Policies Plan.

7.10 Parking

The proposal will involve the loss of a double garage, but as three to four cars will still be able to park on site, this element of the proposal is therefore considered acceptable.

7.11 Impact on Trees

This area is protected by a Tree Preservation Order and as the proposal has the potential to affect existing trees, an Arboricultural Impact Assessment & Method Statement was requested and submitted. The Council's Tree Officer has assessed the submitted information. The tree report shows that two small shrubs would be removed and that tree protection measures will be installed for the duration of the construction works. There would be a minor incursion into the Root Protection Area of a Cypress tree, however it is not considered to cause long term harm to this tree and is therefore considered acceptable. The conditions below will ensure the protection of trees close to the proposed extension.

7.12 Other matters

It is noted that the narrow nature of the cul-de-sac and the potential impact the construction phase upon highway safety and parking provisions. As such, in this instance it is considered to be appropriate to include a condition which would require details of vehicle parking and (un)loading to be submitted via planning condition.

8. **CONCLUSION**

The scale, form, design, positioning and materials of the proposed extension is not considered to have an undue detrimental impact upon the

character or appearance of the area, the host building or on neighbouring amenity. Therefore, the proposal complies with the principles of policies DMD2 and DMD3 of the Adopted SPP 2014, CS14 of the LBM Core Strategy 2011 and 7.4 and 7.6 of the London Plan 2016. It is not considered that there are any other material considerations that would warrant refusal of this application.

It is therefore recommended to grant permission subject to conditions.

**9. RECOMMENDATION**

Grant planning permission

Subject to the following conditions:

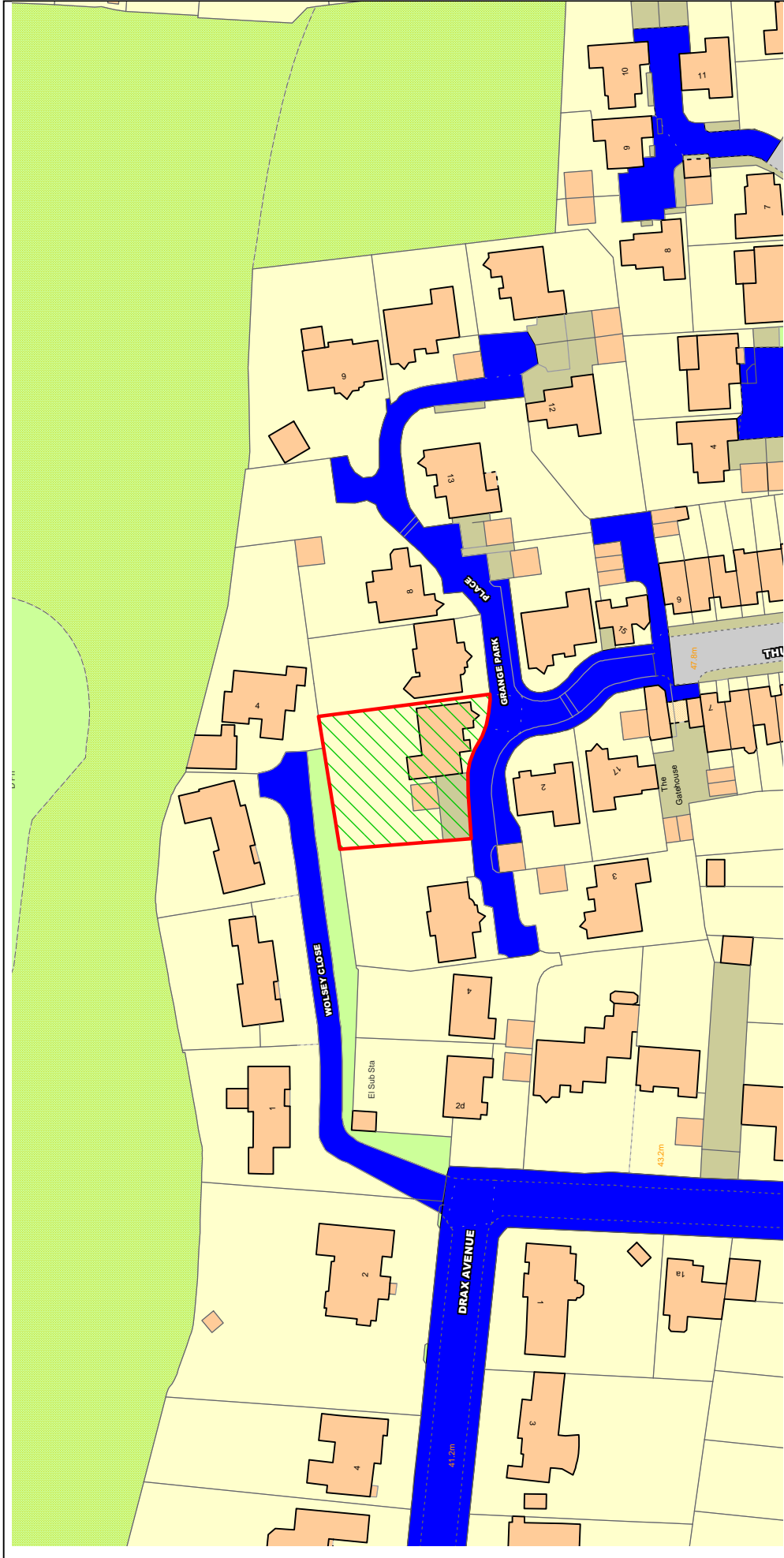
1. A1 Commencement of Development
2. A7 Approved Plans
3. B3 Matching Materials
4. D11 Construction Times
5. F08 Site Supervision (Trees)
6. Tree Protection (non standard condition):The details and measures for the protection of the existing trees as specified in the approved document 'Aboricultural Impact Assessment & Method Statement (to BS:5837 2012)' reference 'TH1809' and dated '11 October 2018' shall be fully complied with. The methods for the protection of the existing trees in accordance with the following Development Plan policies for Merton:policy 7.21 of the London plan 2016, policy CS13 of Merton's Core Planning Strategy 2011 and policies DM D2 and DM D3 of Merton's Sites and Policies Plan 2014.
7. H09 Construction Vehicles

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## PLANNING APPLICATIONS COMMITTEE 15 NOVEMBER 2018

<u>APPLICATION NO.</u>	<u>DATE VALID</u>
18/P1921	13/06/2018
<b>Address/Site</b>	59-63 High Path, South Wimbledon, SW19 2JY.
<b>(Ward)</b>	Abbey
<b>Proposal:</b>	<b>ERECTION OF A FIVE STOREY BUILDING TO PROVIDE A SCHOOL, WITH SIXTH FORM FACILITIES, ASSOCIATED PARKING, PLAY AREA AND LANDSCAPING, FOLLOWING DEMOLITION OF EXISTING COMMUNITY AND COMMERCIAL BUILDINGS ON SITE.</b>

Drawings and documents – see Appendix 1

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

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### RECOMMENDATION

**Grant planning permission subject to conditions and s.106 agreement.**

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### CHECKLIST INFORMATION

- S106: Yes.
- Is a Screening Opinion required: No
- Is an Environmental Statement required: No
- Has an Environmental Statement been submitted: No
- Press notice: Yes
- Site notice: Yes
- Design Review Panel consulted: Yes
- Number of neighbours consulted: 1048
- External consultations: Yes (Environment Agency, TfL, Historic England GLAAS, Sport England, Metropolitan Police)
- Controlled Parking Zone: No.
- PTAL: 4
- Flood Zone: Flood Zone 1 (low probability) (but adjacent to Flood Zone 2, to the west)
- Conservation Area: No.

- Listed Building: No.
- Protected trees: Yes.
- Wandle Valley Regional Park 400m Buffer. A small part of the site is within Flood Zone 2 and is also designated as Open Space (to the far west of the site on land that currently forms part of Merton Abbey Primary School).
- The majority of the site is within an Archaeological Priority Zone (eastern part of the site).

## 1. **INTRODUCTION**

- 1.1 This application is being brought to the Planning Applications Committee for determination as the London Borough of Merton is an interested party in the application process, where the scheme is not of a minor nature and the number of objections received thereby taking it out of the scope of Merton's scheme of delegation to officers.

## 2. **SITE AND SURROUNDINGS**

- 2.1 The application site is on the southern side of High Path, approximately 210m east from its intersection with Morden Road. The site is generally flat and comprises an irregular shaped parcel with a frontage to High Path of some 174m, a western boundary depth of approximately 70m, and an eastern boundary depth of around 24m. The total site area is 7,960sqm.
- 2.2 The site is situated approximately 200 metres south of Merton High Street in the predominantly residential area of the High Path estate. The site is bounded by Merton Abbey Primary School immediately to the west, the A24 Merantun Way to the south and High Path to the north and east. South Wimbledon Underground Station is located approximately 500 metres to the northwest of the site with the A219 Morden Road situated 300 metres to the west. High Path forms part of the local highway network which is maintained by LBM while the A24 Merantun Way constitutes part of the Transport for London (TfL) Strategic Road Network (SRN).
- 2.3 To the immediate east of the site is a car wash business. To the immediate north is the High Path Estate and to the west is Merton Abbey Primary School.
- 2.4 The site is made up of three parcels of land occupied by Domex Appliance Services, the High Path Community Resource Centre and the Elim Pentecostal Church and (would be vacated prior to constructions works being undertaken). In addition, part of the grounds of the neighbouring Merton Abbey Primary School is included within the application site.
- 2.5 The existing buildings on site range in height from single storey to three storey. Opposite the site to the north, within the High Path estate, are

- buildings ranging in height from two-storey (The Trafalgar Pub opposite and a number of houses within the High Path Estate) and 12 storeys (residential tower blocks).
- 2.6 Each of the three individual occupiers of the site currently has its own access point from southern edge of High Path. The Elim Pentecostal Church has a four metre wide vehicular access point comprising a vehicle crossover and dropped kerb arrangement, alongside a separate pedestrian access gate from the adjoining footway. The adjacent Domex industrial unit also includes a large vehicle crossover access point measuring approximately 10 metres in width which serves as a shared pedestrian access into the site.
- 2.7 The southern boundary of the site is heavily treed, along the boundary with the A24. There are also three trees to the northern boundary of the site and a number of trees along the existing boundary with the primary school. To the northwest part of the site is a mature Sugar Maple Tree (T15), protected by way of a Tree Preservation Order (TPO) within the existing grounds of Merton Abbey Primary School.
- 2.9 Other than where buildings are located, the majority of the site is currently laid to hardstanding, with the Domex Appliance Services, the High Path Community Resource Centre and the Elim Pentecostal Church all being laid mainly to hardstanding. The western part of the site forms part of the playing fields for the adjacent Merton Abbey Primary School.
- 2.10 The surrounding area has a mixed character, predominantly residential, with commercial and community uses, in addition to residential uses to the north.

### 3. **CURRENT PROPOSAL**

- 3.1 The proposal is for the erection of a new 6 Form Entry secondary school and sixth-form academy along High Path. It will see the construction of a single teaching and accommodation block with three MUGA courts, hard-standing play and social spaces, associated cycle parking and service area. The teaching block would provide learning space alongside other ancillary facilities and accommodate potential community uses.
- 3.2 In the late 2000s the number of live births in Merton increased by almost 40% leading to the need for an extensive primary school expansion programme. As higher pupil numbers flow through the Borough's primary schools there will be a lack of places for Merton residents without extra capacity. There is therefore the need to introduce a new secondary school to the borough.

- 3.3 Together with population levels rising, demand for school places in the borough is at an all-time high. An unprecedented number of parents applied for their child to attend a Merton secondary school in September 2018, meaning the Council has a statutory duty to find places for 274 extra children this September (2018). The Council has a statutory duty to find places for 274 extra children in September 2018.
- 3.4 The Secretary of State for Education has agreed the Funding Agreement that legally confirms Harris Academy Wimbledon could open in September 2018. The school is currently located, in its temporary accommodation, in the former Adult Education building at Whatley Avenue SW20 for two years before moving (subject to securing planning permission) to its new location in High Path, South Wimbledon in 2020.
- 3.5 The new school site on High Path is currently occupied by land owned by the council (for which High Path Resource Centre is moving to new fit for purpose premises in Leyton Road SW19), a former office building as well as Elim Church who are swapping their land for council owned Merton Hall on Kingston Road. The community space at Merton Hall has been relocated to Pincott Road, so residents can continue to use this facility in South Wimbledon.
- 3.6 As Merton Hall is listed as an Asset of Community Value (ACV), the council released a notice for disposal on Friday 9 March 2018, giving potential bidders six months to submit a bid to buy the site. In the meantime, the council will begin work on Merton Hall to increase its size and capacity.
- 3.7 The decision on land assembly was made by the council's Cabinet on 4 July 2016.
- 3.8 To enable a clear site for the new secondary school the council requires the Elim Church to move from their site on High Path. The council has CPO (Compulsory Purchase Order) powers but this requires a user to be given the market value or an equivalent reinstatement. Elim Church need to continue to operate in the SW19 area so, in following the Compulsory Purchase Order principles, the Council needed to provide a suitable replacement facility for Elim.
- 3.9 The Council's Planning Applications Committee on 21 September 2017 approved the Council's plans and on 10 December 2017 the Council's Cabinet agreed to commence work.
- 3.10 The conditions were met in March 2018 so the Council has now entered into a construction contract to commence works at Merton Hall. Construction works are now underway



3.11 The Council has a statutory duty to provide sufficient school places and the overall funding package has been agreed between the council and the government's Education and Skills Funding Agency (ESFA) for the Harris Academy organisation to deliver the school.

3.12 The proposed school building would range in height from 4-5 storeys, with the majority of the building being 5 storeys, to a height of 18.3m. The building would have the following floor areas across each of the five floors:

Ground Floor GEFA:	2179sqm
First Floor GEFA:	1357sqm
Second Floor GEFA:	2833sqm
Third Floor GEFA:	1734sqm
Fourth Floor GEFA:	1687sqm
TOTAL GEFA:	9790sqm

3.13 The building would have a footprint of 90m (width) by 20-34m (depth).

3.14 The school is intended to accommodate approximately 1,150 pupils aged 11 to 18 years old and would also require 130 full-time equivalent (FTE) staff (including teaching, administrative and support staff). The school would initially open with 120 pupils, which would increase year on year to reach full capacity of 900 secondary school pupils and 250 sixth form pupils.

3.15 External materials

3.16 The primary external building material would be brickwork (Yellow Multi) with areas of featured brickwork (in either English or Flemish bond as opposed to stretcher bond). Within the brickwork, windows would be deep-set with masonry reveals, and inset grey render panels. Windows on the top floor are treated differently, as smaller punched openings. Recessed panels and patterned feature panels are incorporated on the north-western corner of the building and eastern gable. The application has been amended to show additional brick detailing to elevations also.?

3.17 Within the main outdoor play area, a raised under-croft has been designed below the sports hall. This area would be supported by brick colonnades, with informal seating and coloured asphalt surfacing.

3.18 In terms of surfacing materials, the majority of the site, other than that to be occupied by the school building itself, would be surfaced with coloured asphalt. Areas around the building's main entrance would be concrete block paving.

3.19 Solar panels would be incorporated to the roof of the building.

### 3.20 Layout

3.21 The main school building would be located to the eastern part of the site. Beyond this, a car park would be provided to the far eastern part of the site accommodating parking for two minibuses and one disabled bay with direct access from High Path via a four metre wide access. This car park would also accommodate a bin store.

3.22 The majority of external playspace would be provided to the western part of the site, which includes the playground area and MUGA courts.

3.23 The proposed MUGA to the western part of the site would be formed of three courts and would be utilized by the proposed school, the adjacent Merton Abbey Primary School and by members of the public through a community use agreement.

3.24 To the western part of the site it is proposed to install an electricity substation (located to the north of the proposed MUGA).

### 3.25 Boundary treatment

3.26 In terms of boundary treatment, the building would act as a secure boundary façade across the majority of the site's northern perimeter, with 2.4m high weldmesh fencing securing open access to outdoor play and service entrances. In addition, a 2.4m high solid acoustic fence (with planting adjacent to the fence) is proposed along the majority of the southern boundary.

3.27 The car park and service area would be secured by a 2.4m high weldmesh fence, including a 1.8m high close-boarded timber fence around the bin stores.

3.28 The proposed MUGA would be enclosed by a 3.0m high sports weldmesh fence, which also acts as the secure boundary between the adjoining grass field at Merton Abbey Primary School.

### 3.29 Trees and landscaping proposals

3.30 The proposal would necessitate the removal of a number of trees, in particular, the existing trees along the existing boundary of Merton Abbey Primary School and the Community Centre and trees along the southern boundary with Merantum Way. The application is accompanied by a Tree Survey carried out by a qualified arboriculturist, which identifies existing trees on site. 8 Category B trees are intended to be removed and 19 Category C trees are intended to be removed. The single category A tree on site (T15 located to the northwestern corner of the site) would be

retained. 7 trees would be planted to the northern boundary of the site and 5 would be planted within the playground area to the west of the proposed building. Existing Tree T8, to the southern boundary, would be retained.

3.31 There would be some soft landscaping and planting to the southern boundary of the site and some limited soft landscaping and planting to the northern site boundary.

3.32 Access points

3.33 The proposals for the school include pedestrian access points via High Path along the northern site frontage with limited vehicular access for service vehicles and disabled parking only. No access or egress points will be provided along the A24/Merantun Way to the south of the site and the new school would constitute a car-free development with strictly controlled parking permitted for users of the site (minibus and disabled parking only).

3.34 Opening/operating hours

3.35 Detailed opening hours are shown below:

Main school hours

Monday – Friday	08.30 – 15:00*
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\* With each year group completing enrichment activities until 16:00 one day per week respectively

External MUGA Facilities – for school use:

Monday – Friday	07.00 - 22.00 site opening hours 08.30 – 17.30 core teaching hours
Saturday & Sunday	09.00 – 16.30 site opening hours

School Building – for Community Use:

Monday – Friday	18.00 – 22.00 community access
Saturday & Sunday	09.00 – 16.30 opening hours

Sports Hall, dance studio and the Multi Use Games Area – for Community Use:

Monday – Friday	18.00 – 22.00 community access
Saturday & Sunday	09.00 – 16.30 opening hours

Floodlighting to the Multi use Games Area – School & Community Use

Monday – Friday	Will not operate after 22.00
Saturday & Sunday	Will not operate after 16.00

- 3.36 The adjacent Merton Abbey Primary School would have access to the MUGAs for up to three hours per week.
- 3.37 The submission indicates that the school may offer occasional special events outside these times, for example breakfast clubs, evening performances and open evenings.
- 3.38 Changes to on-street parking restrictions
- 3.39 Changes to street markings along High Path at the frontage of the site are proposed with single yellow line parking restrictions with a maximum 30-minute wait and no return within two hours. School 'keep clear' markings will also be provided adjacent to the pupil access point in the west and double-yellow line restrictions at the access junction into the service yard area.
- 3.40 Parking provision
- 3.41 Two minibus spaces and a single disabled parking bay located in the service yard area will be provided. No further parking will be provided on-site for staff or visitors.
- 3.42 160 long-stay spaces and 12 visitor cycle parking spaces are proposed. Cycle parking would be initially provided on-site to accommodate a total of 12 short-stay spaces adjacent to the central school access and approximately 80 long-stay cycle parking spaces. Space for the remaining 50% of long-stay cycle parking spaces has been identified within the site and uptake is intended to be monitored to ensure that additional parking will be provided as necessary, but with all cycle spaces to be provided once the school is at full capacity.
- 3.43 A pick up/drop off area for the turning of coaches would be provided near the MUGA courts. However, this would not be used for the parking of a coach.
- 3.44 Pick-up and Drop-off Arrangements
- 3.45 It is anticipated that the majority of parental pick-up and drop-off associated with the proposed school site will occur along High Path.
- 3.46 Start and finish times (08:30-15:00) have been staggered by Harris Academy Wimbledon to seek to minimize any overlap in demand for pick-

up and drop-off at the neighbouring Merton Abbey Primary School which starts at 08:45 and finishes at 15:30.

3.47 Servicing

3.48 The proposal includes the provision of a bin store and service area in the east of the site, which incorporates a small vehicular access point from High Path. Proposed single-yellow line parking restrictions along High Path will also provide further opportunities for on-street refuse collection and deliveries, with a maximum of 30 minutes for loading and unloading permitted. The proposed location of the sub-station in the west of the site also includes a segregated access directly from High Path so that it may be accessed without entering the school site.

3.49 Community Use

3.50 The sports facilities at Harris Academy Wimbledon will be made available for use by nearby residents and community groups outside of typical school hours. Facilities will only be made available to local residents who live within the adjacent residential areas and can therefore access the site by sustainable modes.

3.51 The internal layout of the building has been designed to allow for wider community use. Firstly, to support events & performances in the heart space and halls suite, allowing controlled access out into the external landscape. And secondly, the sports cluster at Level 02, including an activity / dance studio and a general teaching classroom to maximize flexibility in use. In both scenarios, access is via the pupil entrance, managed from the adjacent Student Information Centre and sports 'box' office. This entrance is configured to provide access to the areas to be used by the wider community independently; the accommodation is zoned to allow simple access and use, with appropriate emergency escape and access to toilets, whilst restricting access to the remaining accommodation.

4. **RELEVANT PLANNING HISTORY**

**Application site history:**

4.1 11/P3398 - INSTALLATION OF SOLAR PANELS TO SOUTH FACING ROOF OF EXISTING BUILDING. Grant Permission subject to Conditions 25-01-2012.

4.2 10/P0489 - DEMOLITION OF EXISTING BUILDING AND THE ERECTION OF A PART 3, PART 4 STOREY BUILDING PROVIDING 28 DWELLINGS (4 X 1 BEDROOM 15 X 2 BEDROOM AND 9 X 3

BEDROOM FLATS) INCORPORATING GROUND FLOOR B1 UNIT. APPLICATION FOR OUTLINE PLANNING PERMISSION WITH ACCESS, LAYOUT AND SCALE TO BE DETERMINED AT THIS STAGE (APPEARANCE AND LANDSCAPING TO BE CONSIDERED AT "RESERVED MATTERS STAGE"). PLANS SHOW 280 SQ.M OF OFFICE ON THE GROUND FLOOR, 12 PARKING SPACES OF WHICH 3 WOULD BE FOR DISABLED USERS, PEDESTRIAN/CYCLE ACCESS FROM MERANTUM WAY AND PEDESTRIAN/CYCLE AND VEHICLE ACCESS FROM HIGH PATH. Refuse Permission 04-06-2010, Appeal dismissed 21-02-2011. Reasons for refusal:

1. The proposed flats would fail to provide a satisfactory standard of residential accommodation by reason of cramped accommodation, and unsatisfactory levels of outlook, privacy, daylight and sunlight, and amenity space and to the detriment of the residential amenities of future occupiers. The proposed development would be contrary to policy HS.1 and BE.15 of the Council's adopted Unitary Development Plan (October 2003)
  2. The proposal would result in the loss of employment floor space, for which the applicant has failed to demonstrate that there is no demand, or that it is unsuitable or financially unviable for any employment or community use, to the detriment of providing and safeguarding employment opportunities in the Borough contrary to policy E.1 and E.6 of the Adopted Unitary Development Plan (October 2003).
- 4.3 06/P2148 - CHANGE OF USE FROM PRINTERS WORKSHOP (CLASS B1) TO CHURCH AND COMMUNITY CENTRE (CLASS D1), INCLUDING ALTERATIONS TO ELEVATIONS TO PROVIDE ENTRANCE PORCH, WITH VEHICLE (14 SPACES AND 1 DISABLED BAY) AND CYCLE (20 SPACES) PARKING, RETAINING VEHICLE AND PEDESTRIAN ACCESS FROM HIGH PATH. Grant Permission subject to Conditions 15-11-2006.
- 4.4 06/P0787 - CHANGE OF USE FROM PRINTERS WORKSHOP (CLASS B1) TO CHURCH AND COMMUNITY CENTRE (CLASS D1) INCLUDING ALTERATIONS TO ELEVATIONS TO PROVIDE PORCH ENTRANCE WITH ANCILLARY PARKING (14 SPACES) WITH VEHICLE ACCESS RETAINED FROM HIGH PATH. Refuse Permission 20-06-2006 for the following reasons:

**The proposed change of use, by reason of its scale and location, would be likely to generate significant vehicular movement at peak times that would be detrimental to the general conditions of highway safety, and place increased pressure on kerbside parking in the area to the detriment of**

**neighbour amenity contrary to policy PK.3 Car Parking And Development of the Adopted Unitary Development Plan (October 2003).**

- 4.5 01/P2625 - FORMATION OF NEW VEHICULAR ACCESS ONTO MERANTUN WAY. Refuse Permission 17-01-2002 for the following reasons:

**The formation of new access in this location would be prejudicial to the free flow of traffic and general safety in the area, contrary to Policies M.11 and M.12 of the Adopted Unitary Development Plan (April 1996) and Policies RN.4 and RN.5 of the Second Deposit Draft Unitary Development Plan (October 2000).**

**The proposed development would result in an unacceptable loss of mature trees and would thus have a detrimental effect on the appearance of the area contrary to policy EN.10 of the Adopted Unitary Development Plan (April 1996).**

**Relevant planning history adjacent to the site:**

- 4.6 High Path Estate, South Wimbledon, SW19 2JL  
16/P3738 - DEMOLITION OF EXISTING STRUCTURES ASSOCIATED WITH THE OLD LAMP WORKS, ALL GARAGES (74 IN TOTAL) AND MARSH COURT PLAY AREA TO PROVIDE RESIDENTIAL ACCOMMODATION (134 UNITS - CLASS C3) IN BUILDINGS OF THREE - NINE STOREYS, PROVISION OF CAR PARKING (31 SPACES INCLUDING 5 DISABLED SPACES), CYCLE PARKING (249 SPACES), LANDSCAPING AND PUBLIC REALM WORKS TOGETHER WITH ASSOCIATED UTILITIES AND INFRASTRUCTURE. Grant Permission Subject to Section 106 Obligation or any other enabling agreement. 05-10-2017.
- 4.7 High Path Estate, South Wimbledon, SW19 2TG  
17/P1721 - OUTLINE PLANNING APPLICATION (WITH ALL MATTERS RESERVED, EXCEPT IN RELATION TO PARAMETER PLANS) FOR THE COMPREHENSIVE PHASED REGENERATION OF HIGH PATH ESTATE COMPRISING DEMOLITION OF ALL EXISTING BUILDINGS AND STRUCTURES; ERECTION OF NEW BUILDINGS RANGING FROM 1 TO 10 STOREYS MAX, PROVIDING UP TO 1570 RESIDENTIAL UNITS (C3 USE CLASS); PROVISION OF UP TO 9,900 SQM OF COMMERCIAL AND COMMUNITY FLOORSPACE (INC REPLACEMENT AND NEW FLOORSPACE, COMPRISING: UP TO 2,700 SQM OF USE CLASS A1 AND/OR A2, AND/OR A3 AND/OR A4 FLOORSPACE, UP TO 4,100 SQM OF USE CLASS B1 (OFFICE) FLOORSPACE, UP TO 1,250 SQM OF FLEXIBLE WORK UNITS (USE CLASS B1), UP TO 1,250 SQM OF USE CLASS D1 (COMMUNITY)

FLOORSPACE; UP TO 600 SQM OF USE CLASS D2 (GYM FLOORSPACE); PROVISION OF NEW NEIGHBOURHOOD PARK AND OTHER COMMUNAL AMENITY SPACES, INCL. CHILDREN'S PLAY SPACE; PUBLIC REALM, LANDSCAPING, LIGHTING; CYCLE PARKING (INCL VISITOR CYCLE PARKING) AND CAR PARKING (INC WITHIN GROUND LEVEL PODIUMS), ASSOCIATED HIGHWAYS AND UTILITIES WORKS. Resolved to grant by Planning Applications Committee 08-03-2018. Not yet formally determined - Conclusion of S106 currently outstanding and permission yet to be issued.

- 4.8 Merton Abbey Primary School  
13/P4131 - ERECTION OF A TWO STOREY EXTENSION INCLUDING SINGLE STOREY LINK TO MAIN BUILDING AND COMPRISING , ICT SPACE, STUDIO SPACE AND ADMIN/STORAGE AREAS AND ASSOCIATED LANDSCAPED, PLAY AND ACCESS AREAS, NEW FENCING AND GATES. Grant Permission subject to Conditions 01-04-2014 .

## 5. **CONSULTATION**

- 5.1 Site Notice, Press Notice and individual letters to 1048 neighbours.
- 5.2 49 letters have been received, objecting on the following grounds:

### Air Quality

- Increase in traffic resulting in an adverse impact on air quality.
- Construction impact of the High Path estate has not been taken into account in the air quality information submitted.
- Impact of construction works on Merton Abbey Primary School has not been taken into account. (This school is amongst the top 50 polluted schools in London).
- Ventilation system cannot be relied upon, as demonstrated by the ineffective ventilation system at Merton Abbey Primary School.
- Ventilation system relies on windows being kept shut which is not practical.
- Methodology of air quality information is flawed.
- No on-site air quality measurements have been taken.
- Concern that boundary planting would not be sufficient to combat poor air quality.
- The building would create a 'canyon effect' along High Path not allowing air bourn pollutants to disperse.
- Outdoor seating areas would suffer the effects of poor air quality.
- Concerns regarding air quality impacts for children walking to and from school, particularly as air quality is worse at a lower level (i.e. children are shorter and so are more exposed).



- Further air quality mitigation is needed.

#### Traffic and Highway issues

- Concerns over road safety due to lack of a Traffic Management Plan.
- Local buses are already at capacity at peak times.
- Traffic congestion.
- Insufficient vehicle parking on site.
- Merton Council should improve the local transport infrastructure before taking on ambitious building projects.
- Query whether any Parking Management Plan has been submitted or assessed.

#### Design

- The Design Review Panel did not give the scheme a green light.
- The design of the building is bland, oppressive and uninspiring and not on a human scale - (descriptions compare the design to a factory or prison building).
- The poor design of the building would exacerbate mental health issues amongst pupils.
- Play space should be located on the roof as has been done with many other London schools.

#### Provision of space

- Merton Abbey Primary School would lose part of their playing fields/open space, which is already below the relevant size standards
- Insufficient outside space for future pupils, which will take its toll in terms of classroom behavior, mental and physical health of pupils.
- The site is simply too small for this many pupils.

#### Impact on neighbouring amenity/amenity of the local area

- Concern that there would be an increase in litter.
- Insufficient daylight would penetrate the proposed building.
- Loss of daylight and sunlight to proposed development to the north at High Path.
- Overlooking to the proposed development to the north.
- The areas will be more overcrowded, more polluted, noisy, dirty and probably more dangerous.
- Noise disturbance to future pupils.

#### Other matters

- Query whether MUGA would be open to pupils at lunchtimes.
- Alternative sites should be considered.
- Concern over loss of trees on site.
- Support the concerns raised by Councillor Benbow in the flyer circulated. The children at the primary school should not be required to cross busy roads to access their playing fields.
- Query whether the Teachers' Union has been consulted.
- Query whether a more modern and environmentally friendly construction material could be used, rather than brick.
- On site renewable energy could be better utilized with ground source heat pumps.
- No solar panels are shown on the roof in the plans and therefore we query whether these would be installed.
- As an academy there is no guarantee that it would serve local children (as would be the case with a comprehensive secondary school).
- Insufficient account has been taken of the cumulative impact alongside the High Path redevelopment.
- The need for additional school places is in Mitcham, not at the application site.
- When Labour take control of the national government Academies will be abolished leaving the Council with a white elephant.
- Recommendations within the ecology report need to be strictly adhered to.
- Concerns over the setting of a precedent.
- Merton needs to make public information about pupil number forecasts to demonstrate that a school is needed here.

5.3 8 letters have been received making the following general observations:

- Query whether any provision has been made for the impact on local traffic and transport.
- Query whether a Parking Management Plan has been considered.
- Concern over loss of outside space for Merton Abbey Primary School pupils.
- Concerns over impact on air quality.
- Concerns that public transport is at capacity already.
- Concern regarding behavior of secondary school pupils in such close proximity to primary school pupils.
- Concern that reversing coaches onto the site may result in congestion along High Path.
- There is not enough space on High Path to accommodate parents' cars picking up or dropping off pupils and would result in overspill parking within the High Path estate. Further consideration needs to be given to drop off/pick up arrangements.
- The submitted Transport Assessment does not consider any of the committed development associated with the phase 1 High Path estate

- redevelopment or the High Path Master Plan.
- Concerns regarding methodology of Transport Assessment, in relation to traffic modelling.
  - The junctions of High Path/A219 and High Path/High Path South have not been modelled but are approaching capacity – these should be modelled.
  - No significant improvements to walking or cycling routes is proposed or improvements to public transport infrastructure. This should be secured.
  - The proposed disabled bays are opposite the proposed Phase 1 access road which may result in problems for turning vehicles.
  - Rat running through the High Path estate.
  - Measures within the Travel Plan are generic and not likely to have a considerable impact on people arriving at the site by private car.
  - Flaws in the methodology of the Air Quality Assessment.
  - Air Quality measurements should be taken on the actual site itself and not based on modelling.
  - The assessments relating to daylight/sunlight, transport and noise do not take into account the adjacent High Path estate redevelopment.
  - Detailed information on construction management and logistics is not provided.
  - The methodology used in the daylight/sunlight assessment is not correct. It is likely that there will be an adverse impact on the future High Path estate in relation to both daylight and sunlight.
  - The proposal should ensure that there is no increase in flooding or runoff or drainage issues to areas outside the site.
  - Query whether consideration has been given to the noise sensitive receptors in the approved regeneration master plan in the Noise Impact Assessment.

5.4 6 letters have been received supporting the application for the following reasons:

- The project looks amazing and the design of this modern building is excellent.
- It is conveniently located for future pupils as there are no other secondary schools in the area.
- Most children will be able to walk to school.
- It will liven up and add to the plans for the redevelopment of High Path estate.
- Within the letters of support the following suggestions are included:
  - Provision of a solid brick wall to the Merantum Way side of the site to minimise air quality issues.
  - A footbridge could be installed on the A219 to provide pedestrian access to Abbey Fields Recreation Ground.
  - The playing fields on the recreation ground must be fenced off and not to be accessed by members of the public whilst sports are

being played.

- Concern that the area outside the Trafalgar Pub could become a bottleneck due to the narrow width of the road – suggestion that the pupil access be moved further to the east.

#### 5.5 The Wimbledon Society:

- This application is for a new Secondary School on a very constricted site.
- A school needs to engage with and enthuse its impressionable pupils, and this is not easily achieved with such a heavy building mass, that seems more suited to a commercial or industrial building.
- There is an argument that such a building has to be almost therapeutic in helping the whole learning process, and this aspect does not come through at all in the current proposals, where the basic external form appears somewhat dominant and overbearing. A far softer and more naturalistic approach to this building mass would have been desirable.
- For example, could the interesting internal atrium be expressed in some way on the exterior? Could some of the rooms be projected (perhaps playfully) from the general plane of the elevations, particularly beside the entrance? Could the northern elevation, very prominent in the local scene, be softened by major wall-climbing plants?
- The view of the eastern end is also very prominent in the local views yet is given no special character. If it were to be rounded off, would this humanise this somewhat forbidding structure? Or given some projecting bays, perhaps to the Art Room on the first floor, and/or the Latin/Science rooms above?
- The regularity of the elevations externally is not matched by the positioning of the rooms and walling internally, with the result that some of the windows are rather unfortunately 'blanked off' on first and fourth floors. If the window forms and openings were able to express externally what was actually needed for the internal rooms, would not this give more variety to the elevations?
- The main entrance (shown as being used by visitors as well as pupils) is approached by narrow and rather abrupt steps up from the footway. Is there a case for lifting the footway level at this point, and using ramping rather than steps? The proposed northern elevation drawing almost appears to show this, although a balustrade would presumably be needed.
- The placing of the MUGA at the western end of the site allows the good long views southwards from the future green axis in the adjoining redeveloping housing to be enhanced. The proposed planting of significant trees along this axial view (as shown) would be important in tying the school into the new housing forms, and the wider landscape. Although outside the application site, the adjoining green space beside Merantun Way should be the subject of further discussions with TfL as owners, to maximise its potential contribution to improving the setting of the new building.

- The presence of a busy road to the south (Merantun Way A24) inevitably raises issues concerning both noise and air quality. The information provided on air quality, and how the new school is going to deal with the issue is not considered adequate and needs further study. A proper acoustic fence needs to be in place along both the southern and eastern boundaries and be an integral part of any application.
- Summary:  
Whilst recognising that this is a highly constricted site for such a large new secondary school, the basic character of this proposed building is not considered to be appropriate. It is not sufficiently relaxed and pupil friendly.
- The design would therefore benefit from a significant rethinking of its present semi-industrial and commercial character, taking on board the points raised above.

#### 5.6 Battle Area Residents' Association (summary of comments):

- Concerns raised prior to the application and suggestions for a larger site with improved road layout have not been incorporated into the plan.
- Suggestion that the vacant council owned site in Battles Close, previously occupied by Virgin Active, is used for this development.
- Concerns regarding air quality and concerns as to whether filtration system benefits would be negated if windows are opened.
- The appearance of the building is uninspiring and unwelcoming.
- The design does not reinforce local distinctiveness and does not respond to the wider historic environment.
- Disappointed at the lack of community involvement in the design.
- Suggestion that the roof be used for sport and recreation. If need be, solar panels could be located to the walls of the building rather than the roof.
- Concern regarding the reduction in size of Merton Abbey primary School's playing fields.
- The design should be changed to address the concerns about air quality. The school building should be placed along the Merantun Way boundary, thus shielding outdoor space from Merantun Way pollution.
- The Mayor of London's School Air Quality Audit Programme for Merton Abbey Primary School includes colour coded maps showing NO<sub>2</sub> pollution on Merantun Way starting at 43pg/m<sup>3</sup> and rising to much higher levels and classifies this pollution as bad to very bad.
- There is extensive development planned in the area, including the Harris Academy, which will contribute to local emissions and put even more traffic onto High Path next to Merton Abbey Primary School.
- Demolition and construction of the new secondary school will increase traffic and therefore emissions, and reduce the outside playspace for the primary school.
- Regeneration of High Path Estate with increased housing capacity and the associated increase in traffic will increase emissions on High Path.

- Both these developments will worsen traffic, increase local noise and air pollution, during and after construction, when there will be more traffic in the area.
- Lack of green infrastructure to shield primary school playground from High Path.
- Suggest closing part of High Path to vehicular traffic during school drop-off and pick-up times.
- Recommends use of only Euro 6 compliant construction vehicles and Ultra Low Emission Vehicles (ULEVs) as they become available, and that construction sites capture as many particulates as possible from their processes.
- Recommends maps showing the least polluted roads for walking to the primary school and to avoid walking along Morden Rd and Merantun Way.
- The design's assumptions about the risks from pollution are based on inaccurate measurements.
- Concerns regarding methodology of air quality reports.
- Concerns regarding impact on children due to air quality whilst walking to and from school.
- Concern that the building would create a canyon effect along High Path, with negative associations for air quality.
- No analysis has been made of pollution from the High Path Regeneration and the construction traffic.
- No traffic count appears to have been made on High Path. Anyone who knows Abbey Road, knows that it and High Path can be extremely busy at peak times, as the road is often used as a cut-through.
- As Low Emission Zones (LEZs) and Ultra Low Emissions Zones (ULEZs) are introduced, traffic increases on outer roads such as Merantun Way as drivers try to avoid the low emission zones.

#### 5.7 High Path Community Association (summary of comments):

- During early public consultation of the High Path Estate redevelopment plans for an education establishment were not put forward. Therefore, this build, which is an after-thought, is at such a late stage it should be withdrawn.
- Highlight concerns of parents at the adjacent primary school, regarding clashing of opening and closing times, air pollution, the lack of provision for outdoor space and the appropriation of the primary school's playing fields.
- The majority of the pupils of the primary school live on High Path Estate, some of whom presently reside in overcrowded accommodation. Therefore, additional outdoor space is needed to avoid obesity and other ill health effects.

#### 5.8 South Wimbledon Community Association:

- The Harris Foundation School has stated that it is important to them that the local community remains very much at the heart of their proposals.
- As part of their permanent building, therefore, they are keen to ensure that local groups and families are able to benefit from their resources during evening and at weekends.
- This will include use of their sports hall, activity studio, drama studio and school hall as well as their outdoor Multi Use Games Area (MUGA) – which has an artificial surface suitable for football and hockey.
- SWCA have held a number of meetings with the Harris Foundation and have drawn up an outline agreement which would allow the SWCA to manage and operate these facilities outside school hours. These detailed discussions have included cleaning, safeguarding and the suitability of these facilities for hire for community use. SWCA and our board believe these facilities will be of future benefit to the local community. SWCA are a registered charity and experienced operator of community facilities in Merton. We already manage external lettings of hall facilities at the All Saints School Hall in Haydons Road. We look forward to working with the Harris Foundation in the near future when construction of these facilities have been completed.

#### 5.9 The Green Party:

Caroline Russell on behalf of the local Green Party:

Constituents have contacted me regarding their concerns about air pollution and the planning application for a new secondary school on land at High Path, Colliers Wood, London SW19 2JY.

I share their concerns and believe the proposals will lead to a worsening of local air pollution, not only during construction but after completion which is contrary to the Mayor's air quality policies. For this reason, I urge you to reject the application.

Adjacent to the site of the application, the Mayor of London provided the Merton Abbey Primary school with one of his 50 air quality audits for primary schools located in the worst polluted areas in London to help protect children from toxic air. According to the Mayor's air quality audit there are approximately 11,200 vehicles per day travelling on the core roads within a 200m radius of the school. The proposals are expected to lead to increasing traffic and pollution.

I believe the application is contrary to the Mayor's planning policies. The Mayor's Draft London Plan Policy S1 states that London's air quality should be significantly improved, and exposure to poor air quality, especially for vulnerable people, should be reduced. *The aim* of this policy is to ensure that new developments are designed and built, as far as is

possible, to improve local air quality and reduce the extent to which the public are exposed to air pollution.

This means that new developments, as a minimum, must not cause new exceedances of legal air quality standards, or delay the date at which compliance will be achieved in areas that are currently in exceedance of legal limits.

Internal consultees:

#### 5.10 Transport Planning:

- The applicant has produced a revised swept-path analysis to demonstrate coaches and refuse vehicles can reverse into the site through east and west entrances.
- The proposal is considered acceptable in terms of parking.
- The school would require 160 long-stay spaces to be delivered by the time the school is fully occupied.
- The average pupil occupancy level for education trips is assumed as 1.6 children per car (taking into account car sharing) and applying a reduction factor of 20% to incorporate the impact of breakfast and afterschool clubs which would give the proposal of 86 pupil-related car journeys generated by the school during the peak periods.
- The modelling carried out on junctions demonstrates that all operate satisfactorily and within theoretical capacity when considering the additional development traffic particularly within the peak periods.
- The section of the carriageway width adjacent to the development measures approximately 9.0m allowing two way traffic to pass without undue hindrance.
- Trip generation for Harris Academy assumes around 86 pupil-related car journeys during AM and PM peak periods. The two –way journeys would result in an overall total of approximately 172 additional trips during the respective AM and PM peak periods.
- Full Travel Plan should be developed following occupation of the school. 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 Section106 process.
- The proposal provides bin store and service area in the east of the site, which allows refuse collection to take place off The High Path.
- Coaches and refuse vehicles may be required to perform a reverse turn manoeuvre utilising the western pupil access and hard-standing area, which will be supervised and undertaken when pupils are not utilising the play-space.

The TA proposes:



- Changes to on-street parking restrictions along High Path at the frontage.
- Restrictions with a maximum 30-minute wait and no return within two hours.

Some parking measures will be needed at the outset including:-

- School 'keep clear' markings to be provided adjacent to the pupil access point.
- Double-yellow line restrictions at the access junction into the service yard area.

For the physical works including making up the former accesses, construction of new access points and other footways works the applicant should enter into Sec.278 agreement. A financial contribution of £8000 is also required to take forward future parking restrictions, including CPZ.

It is proposed that during the development of the site that construction traffic will access the site directly from Merantun Way, with a secondary access from High Path. Trip generation has highlighted that during a short two-month period the maximum number of construction vehicles accessing the site will be 36 per day. It is therefore considered that there will be no detrimental impact on the local highway network.

**Recommendation:**

The proposed development will not have a detrimental severe impact on the surrounding highway network in terms of capacity or highway safety. Pupils and staff also have good opportunities to travel by non-car modes within the existing infrastructure and service provision.

Raise no objection subject to:

- Car and mini bus bays are maintained.
- Cycle parking (secure & undercover) Maintained.
- Off site carriageway works to be secured by via S106 legal agreement.
- 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 Section106 process.
- Development shall not commence until a Construction Traffic Management Plan has been submitted to and is approved in writing by the Local Planning Authority to accommodate:
  - Parking of vehicles of site workers and visitors
  - Loading and unloading of plant and materials
  - Storage of construction plant and materials;
  - Wheel cleaning facilities
  - Control of dust, smell and other effluvia;
  - Control of surface water runoff.

5.11 LBM Highways:

The pedestrian environment between the school site and the playing fields needs to be improved.

We are asking for £70k that could reasonably cover the cost of one of the options.

Options include:

1. Improvements to The Path / Morden Rd junction & to the footway by the signalised crossing at High Path / The Path / Morden Rd. The current footway is narrow and cluttered and with trains of school pupils there is a potential conflict between pupils and cyclists (due to the LCN route that is currently in place). It is also proposed to narrow The Path / Morden Rd and introduce a speed table. This will reduce width of crossing and slow turning traffic
2. A pedestrian phase at Merantum Way / Morden Rd junction. We have already started negotiating with TfL. This would be our preferred option as the footway along Morden Rd toward Merantum Way is much wider. Pupils can turn left from High Path toward Merantum Way and cross Morden Rd at the signalised junction. However, currently there is no ped phase. The intention is to introduce a ped phase. The requested sum should cover surveys / modelling / assessment/ TfL fees /changes to the existing infra structure / necessary civil works.

In addition, conditions requiring the submission of details relating to the new and closed vehicle crossovers, visibility splays, details of construction workers vehicles, delivery and servicing plan and construction logistics plan.

#### 5.12 Additional response from LBM Highway Officer:

A financial contribution to the general highway maintenance works is required, incorporating the resurfacing of the carriageway and repairs due to the impact from the construction process at the two development sites. This could be a varying amount but we could estimate approximately £20,000.00 towards Merton maintenance and improvement costs.

#### 5.13 Environmental Health Officer:

No objection subject to conditions relating to:

- Noise levels.
- External lighting.
- Sports facility not to be used after 9pm.
- Noise/vibration and dust monitoring.
- Implementation of recommendations within Air Quality report.
- Contaminated land report remediation works.
- Submission of the results of the contaminated 'watching brief'.

- Implementation of remediation works.
- An investigation and risk assessment in the event that unexpected contamination is found.
- Hours of working

Financial contribution of £11,500 required towards the Council's New Air Quality Action Plan 2018-2022.

5.14 Climate Change Officer:

No objection subject to condition to secure BREEAM certificate within 6 months of first occupation and informative.

5.15 Flood Risk/Drainage Officer:

No objection subject to conditions to secure a scheme for surface and foul water, construction method statement relating to flood risk and drainage and informative.

5.16 Tree and Landscape Officer:

No objection subject to a tree protection and landscaping condition.

5.17 Waste Services:

No comments yet received. To be reported.

5.18 LBM Policy Planning Officer (Summary of comments):

**Open Space & Sports Facilities**

The proposal includes the provision of three Multi-Use Games Areas (MUGA's) along the western edge of the site. While these MUGAs will be located partly on the neighbouring Merton Abbey School Open Space, their proposed use for a variety of sports and recreational purposes (for the new school, neighbouring school and the wider community) meets the policy requirements.

The Planning Statement states: *"Nursery Road Playing Fields are proposed to be utilised by the school for recreation."* As accessibility to Nursery Road Playing Fields includes crossing the busy A219, which does not currently include a pedestrian crossing, the applicant should demonstrate that safe pedestrian access is available to students, or provide details of other forms of transport available to ensure that the students will be able to access the playing fields.

## **Biodiversity**

The methodology, findings and recommendations of the submitted report by Richard Graves Associates Ltd are considered acceptable and should be controlled by condition.

## **Social Infrastructure**

### Education

As part of the Planning Statement, the applicant has provided copies of the Children and Young People Overview and Scrutiny Panel Reports dated 11 October 2016 and 8 November 2017. These reports provide an update on the progress and current position regarding the provision of primary, secondary and special school places, school projections and demand in Merton and an update on the Harris Academy Wimbledon School site.

The reports provide details on the following:

- The Council's strategy is to provide up to 12 additional forms of entry in secondary school, subject to demand, 6 of which are proposed to be provided by Harris Academy Wimbledon.
- The forecast deficit of school places if Harris Academy Wimbledon did not open.
- Alternative options considered for a secondary school since 2013.

### Multi-Use of Facilities

The shared availability and use of these facilities is welcomed in line with CS11 and London Plan 3.19.

### Net Loss of Community Facilities

The proposal includes the relocation of the three existing land uses on the site (two of which are community facilities):

- High Path Community and Resource Centre;
- Domex appliance services; and
- Elim Pentecostal Church.

The agreed relocation for each of the above premises was identified in the Scrutiny Report dated 8 November 2017.

#### 5.19 Children, Schools and Families department:

Although the planning application for the Free School/new Academy is

submitted on behalf of the Education and Skills Funding Agency, it has the full support of Children, Schools and Families in being a requirement to provide sufficient secondary school places in the area, and avoiding unnecessary extra travel for children and young people in providing a local school in an area where there is presently a deficiency.

The need for a new school has been identified for some time and, after an exhaustive site search, on 4 July 2016 the council's Cabinet agreed the site at High Path for the new secondary school, with a recognition that the only means to deliver this was to utilise a portion of Merton Abbey playing field for play space for the new school. A summary of the work that went into looking at all the options of the new site is summarised in this appendix to the Cabinet report.

[https://www2.merton.gov.uk/appendix\\_1\\_to\\_cabinet\\_jul\\_2016.pdf](https://www2.merton.gov.uk/appendix_1_to_cabinet_jul_2016.pdf)

This was within the context that there were no other viable sites for a new school unless it were provided in open space, and the site location for this school therefore ensures the best possible protection of open space. However, the consequence has always been that to ensure the site can work, part of the Merton Abbey Primary School land has needed to be used and we have worked extensively with Merton Abbey Primary School, the Harris Federation and the Education and Skills Funding Agency (ESFA) to come to an effective solution.

As a result the design has been developed and a three tennis court sized MUGA is at the edge of the proposed Harris Wimbledon site, with about a half of its area being on land that is currently Merton Abbey playing field. The plan below clarifies the specific area:

RED HASH AREA – 1,247m<sup>2</sup> TO BE PART OF LEASE FOR HARRIS WIMBLEDON SCHOOL(2016 site photo)



PROPOSAL WITH HARRIS ACADEMY WIMBLEDON LAND OUTLINED (Note: Pre-2016 site photo before extra building and hard games area built at Merton Abbey)



There is a 125 year agreement to a lease (that becomes a lease on commencement of construction) signed between the council and the Secretary State that ensures Merton Abbey Primary School may have exclusive use of the MUGA facility:

(a) during Term Time up to 3 hours each week Monday to Friday between the hours of 10am to 3pm plus one session per week after standard school times; and

(b) during School Holidays and weekends such times at times to be agreed. The ESFA has also agreed to provide a grant of £60,000 to provide improvements to the existing space at Merton Abbey Primary School, enabling the school to provide more enriching play opportunities.

The relevant area has not been a marked out playing field for at least 10 years, and is not of any regulation size that would allow it to do so. While the set times for Merton Abbey Primary School using the MUGA are limited due to the extensive use required by the new secondary school, they offer the opportunity to use a high quality facility for sport on the site for the Key Stage 2 primary school children that would benefit most, with direct access from the Merton Abbey Primary School site. Merton Abbey Primary School retains devoted site play space that is well above average for Merton Primary Schools, including a (smaller) field area and its own

hard court that is suitable for national curriculum Key Stage 1 and Key Stage 2 PE.

Taking a wider view of play requirements, it is the Children, Schools and Families department's view that the proposal to provide a floodlit, all weather MUGA, will improve the play opportunities for the area, greatly increasing the utilisation of the space for the playing of more formalised sport. An all-weather surface always improves the amount a space can be used, and this is further increased in this case by the provision of floodlights, which will also allow the primary school to hold an after school club for outdoor games during the winter post dusk.

External consultees:

5.20 Sport England:

Sport England raises **no objection** to this application, subject to conditions relating to; community use, details of the construction of the artificial pitch, arrangements to ensure the Primary School can continue to access their playing field during construction, sports lighting restrictions and maintenance and management of the artificial pitch.

Informatives also recommended.

5.21 Transport for London (TfL):

TfL has considered the following issues and are broadly supportive of the amended proposals:

**Car parking**

A Car Parking Management Plan has now been provided and should be secured through the s106 agreement.

**Trip generation and modal split**

Further information has been provided concerning the mode share assumption and the assessment is now considered to be reasonable.

**Pick-up drop-offs**

As requested on-street car parking beat surveys have been undertaken along High Path to establish the existing and future impacts of drop-off and pick up activity. The data indicates that whilst the combined number of drop-offs and pick-ups is likely to be significant, the staggered start and finish times of the proposed school should ensure there is sufficient on-street capacity to accommodate demand on High Path. This also reinforces the importance of the school travel plan to encourage the use of sustainable travel modes to access the school.

### **Air Quality**

The uplift in vehicle trips generated by the proposed school will further contribute to the poor air quality within the vicinity of the site. TfL would recommend that the applicant pays a contribution towards implementing recommended measures identified in the Mayor of London's School Air Quality Audit Programme for Merton Abbey Primary School.

### **Buses**

It is reiterated that the total bus contribution requested is £750,000. It is also important to reiterate that whilst there was a £15m HM Treasury grant allocated for new school bus services. This amount has now been committed to other schools and there is no more treasury funding available nor unfortunately do TfL have funding for additional school bus services. Therefore any mitigation to increase the capacity of the bus network to accommodate the school will need to come from either the school provider or the council.

### **Trams**

A tram journey profile has now been provided.

### **Cycle Parking**

The applicant has confirmed that the additional 80 cycle parking spaces required to meet the London Plan minimum standards, will be provided prior to the school becoming fully occupied; this should be secured by condition. It has also been confirmed that shower and locker facilities will be provided for members of staff wishing to cycle to work.

### **Pedestrian and Cycle Access**

The applicant has indicated they are willing to make a £70,000 contribution to improve the pedestrian crossing facility at the Morden Road / High Path junction which is welcomed by TfL.

### **Construction**

An updated outline Construction Logistics Plan (CLP) has been provided. The full CLP should be secured by condition and TfL consulted on its discharge.

TfL also recommends that a Stage 1 Road Safety Audit is undertaken of the proposed construction vehicle access on Merantun Way prior to determination.

### **Public Transport Patronage and Capacity**

The information provided by TfL Bus Operations was not to highlight bus capacity issues but the capacity of the stops. Whilst it is accepted that there is unlikely to be an issue in the AM peak hour as pupils will be alighting; what the information was demonstrating was that there may be a



problem at some stops in the school PM if the buses arriving at the stops are already full therefore resulting in pupils not being able to board the first bus that arrives, resulting in a greater accumulation of pupils at the bus stops than has been predicted.

This section of the letter also alludes to a Pedestrian Comfort Level assessment having been undertaken for the section of Morden Road where bus stop SJ is located. Had this been undertaken it would have calculated the existing impact of static activity (passengers waiting for buses) at the stop during the school PM peak period and would have quantified what the 'suitable footway width' is.

With regards to High Path, the supporting TA produced by WYG, predicts 201 bus trips in the AM peak hour, 150 in the PM peak hour and 1,624 daily bus trips for the office and residential elements of the development. These trips have also been distributed onto the bus network.

TfL still consider that the impact of pupils accumulating at bus stops has been underestimated. However, bus stop SJ on Morden Road which is likely to suffer congestion generated by the school, is limited in terms of improving footway widths without impacting on traffic flow past the stop.

#### 5.22 Environment Agency:

No objection subject to conditions relating to potential unexpected contamination, drainage into controlled waters and piling/foundation designs.

#### 5.23 Historic England GLAAS (Archaeology):

Having reviewed the CGMS desk-based assessment (May 2018), which helpfully includes the full MOLAS evaluation report from 1995, GLAAS agrees with the conclusions that there is no on-going archaeological interest on this site.

No further assessment or conditions are therefore necessary.

#### 5.24 Metropolitan Police (Secured by Design Officer):

Comments received relating to the management and operation of the school, recommending CCTV and other measures to enhance the security of the building.

The following Informative is recommended:

*We strongly advise that independent third party certification is obtained from a manufacturer to ensure the fire performance of any of their*

*doorsets in relation to the required needs and to ensure compliance with both current Building Regulations and the advice issued by the Department for Communities and Local Government on 22nd June 2017 following the Grenfell Tower Fire.*

5.25 DRP comments (24/01/2018 prior to submission of formal planning application):

The Panel noted the extremely challenging site and that the applicant had managed to fit a secondary school on the site, and this was commended. The Panel were also reasonably confident of the overall architectural quality, although this needed further development and imagination on how it used and interpreted the local context. The challenges of the site and its small size and awkward shape, meant that it was very important to get the internal layout right and the interface with the surroundings right as well. There were elements of the ground floor detail that the panel liked, notably the glazed frontage.

The Panel felt that, although all the components were there on site, they were not arranged as well as they could, and should be. The Panel felt that the school was quite inward looking and not very welcoming to pupils arriving at the school, even after clarification on the evolution of the layout. The entrance, undercroft, sports hall, main hall and atrium were felt not to relate to each other as well as they could and did not provide an open, welcoming and inspiring entrance to the school. Other new schools have achieved this in a successful way, and it was felt that, even with the site constraint, this site had the potential to achieve the same.

The entrance and route into the building seemed long and convoluted, via an entrance, undercroft, hall/dining space etc – essentially ‘round the back’. This was also not well surveyed from active facades. There was a disconnect between the formal entrance and the main pupil entrance that was not necessary – was it necessary to have three different entrances into the site?. The ‘formal’ entrance was somewhat ‘lost’ in the main façade. Although it was acknowledged there was some need for a level of privacy at the front, it was felt that the defensible space and raised floor level was not working well and contributing to the inward looking feel of the site. It may be better to provide a wider footway and smaller defensible space. There was considerable concern about the quality of the undercroft space as it was very deep and lack of light penetration would lead to a dark and dingy space.

On the south side there was some concern about the quality and feel of the boundary wall/fence with the Merantun Way and the Panel encouraged the applicant to continue engagement on TfL about use of the land between the school and road. This would have implications for the

location of the boundary. Internally, the Atrium was acknowledged as an impressive space, but it was not well integrated into the rest of the school, with no interaction/openings onto it from upper levels, and a rather minimal two small rooflights at the top. So much more needed to be made of this space as it was not fulfilling its potential.

The Panel noted the approach taken to fit in with the High Path estate layout and show a continuation of Pincott Road building line and tree planting into the site. Whilst this was accepted as a reasonable approach, and alternative was suggested that actively enclosed the whole end of the park with the school buildings, rather than the small car park. This would then allow more breathing space at the rear, More flexibility within the site and could allow for the reorientation of the MUGA and a more welcoming, combined entrance to the school.

The Panel also raised issues of access and transport and how pupils would access the school, and the importance of a travel plan. The Panel was concerned that the building was adaptable to future needs and was designed to reduce CO2 in the teaching spaces and be acoustically suitable for good learning. The heating system also needed to be able to be connected in to any CHP provided as part of the High Path estate regeneration.

Overall the Panel felt that some site reconfiguration options needed to be explored first, before moving forward to more detailed matters, to ensure a high quality pupil experience and good interaction with the surroundings. The panel were confident this was achievable on the site and gave examples of schools where good design had been achieved (others added as well) where addressing similar design issues:

Verdict: AMBER

- 5.26 The following design changes were made to the proposals following this DRP meeting:

**1. Uninviting Sheltered Play Space**

Applicant's response - A coloured asphalt surfacing including graphics and informal seating was introduced to the sheltered play space.

**2. Building Alignment with Neighbouring Streets**

Applicant's response - The building's location was shifted east to align views from Pincott Road

**3. Improving Street Presence and Public Realm**

Applicant's response - The entrance railings were removed, and the dual stairways were combined to form a broader, more open entrance to the school building.

**4. Improving Site Access**

Applicant's response - A wide sliding gate was introduced to achieve a more open, less cluttered outdoor space.

**5. Continuation of Green Swathe from High Path Estate**

Applicant's response - The car park was relocated to the eastern site boundary to reflect a soft landscaped continuation from the future High Path Estate.

**6. Improving Public Realm and Building Presence to High Path Estate**

Applicant's response - The railings and dwarf walls were replaced with a wider footway and defensive planting strategy.

**7. Improving Circulation along High Path and Broader Public Realm**

Applicant's response - Additional space was given to the existing footway to ease pedestrian congestion along the streetscape.

**8. Pollution and Noise from Merantum Way**

Applicant's response - A solid acoustic fence is now proposed along the site's southern boundary.

5.27 DRP comments (24/07/2018 relating to originally submitted planning application proposal):

The panel noted the changes made since the previous review.

It felt that the axial and long views worked well with the High Path estate and it sits logically into the urban fabric. The building was beginning to fit in with the New London Vernacular style of the estate regeneration. The direction of travel since the first review is good, but there are a number of areas that require further thought and work.

The Panel was concerned with a range of matters, but the underlying concern was that the building should inspire learning and provide a building that would be a 'friend' to the shy kid entering the gates. This was expressed a few times in different ways and the consensus was that the building was not yet sufficiently good or inspiring to achieve this. It was felt it still had an air of impersonal commercial character about it.

The Panel noted that the entrance had been simplified and the library had a large area of glazing. However, are steps still necessary and the practicality of the library was questioned given that it would need bookshelves that could clutter the view. It was also felt that the acoustic fence could be seen as a sterile boundary and didn't integrate well with the surroundings, although admittedly hostile.

Overall, the panel still felt that the building appearance was plain, and there was insufficient level of detail designed into it. This should be evident from a range of distances. The fenestration appeared cheap and further work was needed on this. It was felt that the north and south

elevations had completely different environments and therefore this needed to be reflected in the design of the elevations, which currently, were too similar. In particular, the Panel was critical of the eastern elevation – the ‘thin end of the wedge’ – which it felt was plain and a missed opportunity for better articulation and visual interest.

It was clear a lot more work had been done regarding the design of the undercroft, and this was welcomed, although in general the Panel felt that the internal arrangement could be better. This extended to the light quality of the atrium and vertical separation and circulation. Given the constrained site, the Panel reiterated their previous concern that the roofscape was not being sufficiently utilised for school purposes.

It was agreed that there needed to be more work undertaken to bring the proposals up to the ‘next level of detail’. Elevations, fenestration, brickwork and utilising the William Morris and other historical associations were a areas that needed to be covered. It was felt important that a degree of informality or anarchy needed to be injected into the design in places to overcome the relatively rigid overall design approach.

The importance of a robust travel plan to back up parking and drop-off provisions was also reiterated. Overall, the Panel felt that whilst there had been some improvements, there was still much work to do to ensure the building was of a sufficiently high quality for the constrained site and in order to provide an inspiring place for pupils to learn.

Verdict: **AMBER**

N.B. Officers understand that in order to meet school opening deadlines and the protracted construction programme there has not been a further opportunity for the scheme to be reviewed again by the DRP before reporting the proposals to Committee.

## 6. **POLICY CONTEXT**

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

6.2 NPPF - National Planning Policy Framework (2018):

Relevant sections:

- 8 Promoting healthy and safe communities
- 9. Promoting sustainable transport
- 11. Making effective use of land
- 12. Achieving well-designed places
- 14. Meeting the challenge of climate change, flooding and coastal change
- 15. Conserving and enhancing the natural environment

- 6.3 London Plan (2016)
- 3.1 Ensuring equal life chances for all
  - 3.16 Protection and enhancement of social infrastructure
  - 3.17 Health and social care facilities
  - 3.18 Education facilities
  - 3.19 Sports facilities
  - 5.1 Climate change mitigation
  - 5.2 Minimising carbon dioxide emissions
  - 5.3 Sustainable design and construction
  - 5.7 Renewable energy
  - 5.9 Overheating and cooling
  - 5.12 Flood risk management
  - 5.13 Sustainable drainage
  - 5.21 Contaminated land
  - 6.2 Providing public transport capacity and safeguarding land for transport
  - 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
  - 7.5 Public Realm
  - 7.6 Architecture
  - 7.13 Safety, security and resilience to emergency
  - 7.14 Improving air quality
  - 7.15 Reducing and managing noise, improving and enhancing the acoustic environment and promoting sustainable soundscapes.
  - 7.19 Biodiversity and access to nature
  - 7.21 Trees and woodlands
  - 8.2 Planning obligations
- 6.4 Adopted Merton Core Planning Strategy (July 2011)
- CS1 Colliers Wood and South Wimbledon Sub-Area
  - CS11 Infrastructure
  - CS13 Open Space, Nature Conservation, Leisure and Culture
  - CS14 Design
  - CS15 Climate Change
  - CS16 Flood Risk Management
  - CS17 Waste Management
  - CS18 Active Transport
  - CS19 Public Transport
  - CS20 Parking, Servicing and Delivery

6.5	<u>Adopted Merton Sites and Policies Plan and Policies Map (July 2014)</u>	
	DM C1	Community facilities
	DM C2	Education for children and young people
	DM E3	Protection of scattered employment sites
	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 EP2	Reducing and mitigating noise
	DM EP3	Pollutants
	DM F1	Support for flood risk management
	DM F2	Sustainable urban drainage systems (SuDS) and; Wastewater and Water Infrastructure
	DM T1	Support for sustainable transport and active travel
	DM T2	Transport impacts of development
	DM T3	Car parking and servicing standards
	DM T5	Access to the Road Network

6.6 Other guidance:

- National Planning Policy Guidance (2014)
- Noise Policy Statement for England - DEFRA 2010
- Ministerial Policy Statement Policy statement - Planning for Schools Development, 15 August 2011
- Merton Sports Pitch Study 2011
- London Borough of Merton Air Quality Action Plan 2018 - 2023
- Air Quality in Merton – A guide for Public Health Professionals

7. **PLANNING CONSIDERATIONS**

7.1 The key planning considerations are:

- Principle of the Proposed Development
  - *Principle of loss of existing community and business uses*
  - *Need for a new secondary school*
  - *Principle of the provision of education facilities*
  - *Site location selection process*
  - *Alternative solutions*
- Impact on the character of the area and visual amenity
  - *Layout*
  - *Design and massing*
  - *Standard of accommodation*
  - *Security*
  - *Hard and soft landscaping*
- Impact on trees
- Impact upon neighbouring amenity
  - *Built form and massing*
  - *Overlooking*

- *Noise*
- *Lighting*
- Transport and highways issues
  - *Impact on junction capacity*
  - *Drop off/pick up arrangements*
  - *Public Transport*
  - *Parking*
  - *Servicing arrangements*
  - *Cumulative impacts*
  - *Proposed on-street mitigation measures*
  - *Mitigation measures for construction*
  - *Highway financial contributions*
- Air Quality
- Archaeological considerations
- Biodiversity
- Sustainability
- Flooding and site drainage
- Contamination considerations
- Environmental Impact Assessment
- Local Financial Considerations

## 7.2 Principle of the Proposed Development

### 7.2.1 Principle of loss of existing community and business uses

7.2.2 Currently, part of the site is occupied by Elim Pentecostal Church. However, the Council has facilitated their re-location to new premises in a remodelled Merton Hall.

7.2.3 Therefore, whilst this existing community use would be removed from the site, it would be replaced elsewhere in the borough. Therefore, there would be no overall net loss to the borough. In any event, the existing community use would be replaced by an alternative community use (the school), which would satisfy the requirements of Policy DMC1.

7.2.4 The site is also occupied by Domex Appliance Services, which falls within Use Class B1 (business). The site is not within an identified industrial area. Policy DME3 (Protection of scattered employment sites) deals with the loss of employment uses in areas outside of defined industrial locations. The policy wording allows for an alternative employment or community use on scattered employment sites and, as such, the proposal for a school would be in accordance with the policy requirements and the proposal would comply with Policy DM E3 in this regard providing both a community use for which there is a recognized need and also delivering a high level of employment on the site.



#### 7.2.5 Need for a new secondary school

7.2.6 The Council has a statutory duty to provide school places. The essential need for a new secondary school to open by September 2018 has been identified.

7.2.7 Following previous increases in demand, six of Merton's eight schools are now substantially full in year 7, with two schools (to the east of Mitcham town centre, and to the west close to the RB Kingston border) making up most of the current 156 surplus places in year 7 (9%). It is recommended that at least a 5% surplus is allowed.

7.2.8 The Council has been aware for some time that there is a particular issue for September 2018 in that there is a substantial growth of pupils in the current year 6 entering secondary school in 2018/19 that will be sustained for a number of years.

7.2.9 The admissions applications closing date for September 2018 secondary school entry was on 31 October 2017. This shows that the Council's requirement to provide additional year 7 secondary school places for September 2018 is certain and in addition to the predicted extra children, there is proportionally more preferences for LB Merton schools, so the Council will not be able to place the same reliance on out borough schools:

- The Council has received 268 additional resident applications compared to last year; 209 of these residents have stated a LB Merton school as a first preference.
- LB Merton schools have received 255 additional first preference applications for September 2018 compared to last year (i.e. including applications from out-borough residents).

7.2.10 The Council will be unable to fulfill its statutory duty to provide secondary school places if the Harris Academy Wimbledon does not open in September 2018 as advertised, with occupation of the permanent site by 2020.

7.2.11 The secondary school has been opened in September 2018 at a temporary site in the former Adult Education building, Whatley Avenue SW20. The site only has sufficient space for two year-groups of pupils so it is necessary for the permanent site at High Path to be ready for September 2020. With 18-20 months of construction time to build the school, the High Path site needs to be clear in early 2019 to enable completion of the school on time and avoid the complexities of a third year in temporary classrooms; otherwise the opening of the school is likely to be delayed.

### 7.2.12 Principle of the provision of education facilities

7.2.13 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.

7.2.14 Paragraph 94 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.

7.2.15 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.

7.2.16 The policy statement regarding planning for schools development published by the Department for Communities and Local Government; August 2011 advises that:

*“The Government believes that the planning system should operate in a positive manner when dealing with proposals for the creation, expansion and alteration of state-funded schools and that the following principles should apply with immediate effect:*

- *There should be a presumption in favour of the development of state-funded schools, as expressed in the National Planning Policy Framework;*
- *Local Authorities should give full and thorough consideration to the important of enabling the development of state-funded school in their planning decisions. The Secretary of State will attach significant weight to the need to establish and develop state-funded schools when determining applications and appeals that come before him for decision.*
- *Local Authorities should make full use of their planning powers to support state-funded schools applications. This should include engaging in the pre-application discussions with promoters to foster a collaborative approach to applications and, where necessary, the*

*use of planning obligations to help to mitigate adverse impacts and help deliver development that has a positive impact on the community.”*

7.2.17 Therefore, in general terms the provision of education facilities are supported in policy terms.

#### 7.2.18 Site location selection process

7.2.19 In July 2016 the EFSA and Cabinet agreed that High Path was the only viable option for the new school out of the short-listed sites. The full details of the site search and the conclusion for High Path being the preferred site is outlined in the 4 July 2016 report. [https://www2.merton.gov.uk/appendix\\_1\\_to\\_cabinet\\_jul\\_2016.pdf](https://www2.merton.gov.uk/appendix_1_to_cabinet_jul_2016.pdf)

7.2.20 Having reviewed the options identified in the external consultants report and the advice to Cabinet in July 2016, officers can confirm that none of the alternative sites shortlisted in the original report presents a viable alternative site for the school.

7.2.21 Officers have also considered whether the Virgin Active site at Battle Close could provide a site for a new secondary school. However, a study confirms that due to adjacent housing only a low rise building could be provided at this site, and so the site is not large enough.

#### 7.2.22 Alternative solutions

7.2.23 If the proposed school is not built, the Council would need to provide the expansion for all five year groups of the secondary school at alternative sites and an additional cost to the Council.

### 7.3 Impact on the character of the area and visual amenity

7.3.1 London Plan policies 7.4 and 7.6, Core Strategy policy CS14 and SPP Policies DMD2 and DMD3 require well designed proposals that will respect the appearance, 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.

### 7.3.2 Layout

7.3.3 In order to deliver a successful layout the scheme needs to reconcile the competing demands of integrating with the estate regeneration outline scheme layout while at the same time addressing the operational needs of the school and the neighbouring primary school via the use of open spaces on this compact site and also the very significant constraints deriving from the presence of underground utilities.

7.3.4 The position of the main building on site, adjacent to High Path, creates a strong, legible street presence while at the same time enclosing the remainder of the site, which allows for secure access. The amendments to the footprint of the school building (moving the building 1m to the south and 4.5m to the west) provide some additional space between the building and High Path, which is considered to be an improvement over the original scheme as this has allowed for a more enhanced entrance way to the school and marginally reduces the visual impact of the building when viewed from High Path.

7.3.5 The provision of open space to the western part of the site was originally intended to tie in with the Master Plan for the redevelopment of the adjacent High Path estate as the open space provided on site would effectively continue the openness created by the proposed linear park that would run through the heart of the High Path estate. The presence of a Thames Water main is such that the building position has been pushed to the south and west.

7.3.6 As a result, the building, and in particular the flank of the sports hall, would be visible at the southern end of the open vista that will be created by the proposed linear park to the north. Based on the design of the building's footprint this is an inevitable consequence of the constraints to development arising from the presence of underground utilities including a Thames Water main. As a matter of judgement it may be considered that the encroachment of the building into this vista provides a visual bookend to the proposed park and would draw the eye to the main school building creating a sense of legibility throughout the estate.

7.3.7 The provision of the MUGAs to the western part of the site would allow for practical shared use with the adjacent Merton Abbey Primary School, which is supported by officers.

### 7.3.8 Design and massing

- 7.3.9 Moving on from the constraints that have impacted on the location of the building; the design and massing of the building has been dictated by the competing needs to provide sufficient capacity, sufficient on site facilities, while at the same time achieving a suitable relationship with the street along with the provision for outdoor formal and informal play space.
- 7.3.10 The proposed building by reason of its size would feature a very wide elevation to High Path. The design of the elevations has sought to minimize the visual impact of this bulk. The elevations to the raised sports hall would be improved through the use of decorative brickwork. It could reasonably be concluded given the constraints deriving from the internal layout that the elevations deliver a satisfactory response and would be acceptable within the emerging new streetscene.
- 7.3.11 The High Path elevation is fully glazed at ground floor. The deep-set main entrances are further defined by formal stepped access, integrated planters, and a cantilevering glass canopy, contributing to legibility and a sense of arrival. Feature graphic have been incorporated in the glazing with the William Morris motif and the Academy's logo incorporated into the north facing elevation. It is noted that the main entrance to the building has been designed to ensure that there is not an intimidating impression and whilst the building itself is substantial in terms of size, the detailing of the main entrance is such that it would create a welcoming character.
- 7.3.12 The proposal would feature an overhang above the play area, which, whilst unusual, would allow for outdoor space that can be used in inclement weather, which is positive.
- 7.3.13 It is likely that the development resolved to be granted by the Planning Applications Committee to the north of the site (High Path Regeneration Plan) will be built out in the near future. The design and layout of the school development has taken this adjacent future development into account to a reasonable extent and it is considered that the form of the proposed school would complement the adjacent development.
- 7.3.14 The design of the building has been amended throughout the application process to seek to ensure that the main entrance to the building is welcoming, inviting and at a human scale. Detailing to the entrance recess has been proposed and whilst the building remains substantial in terms of both scale and overall size, it is considered that the design is satisfactory.
- 7.3.15 The treatment of elevations has been amended throughout the course of the application in order to provide a more interesting and engaging façade. The design now includes areas of brick detailing and the Academy's motif to the frontage. The use of contrasting brick work styles and materials assists in breaking up the extensive bulk and massing of the building and

whilst the design response has not gone as far as officers would hope, it is considered that it is an improvement to the originally proposed scheme and has gone some way in allaying the concerns raised by the Design Review Panel.

7.3.16 The applicant has sought to respond to the concerns raised by the Design Review Panel by introducing more detailing onto the facades, altering the main entrance layout and design and providing more detail on the design of the undercroft. It is noted that some effort has been made to overcome the concerns raised. The size of the site is such that a building of multiple floors, and therefore, considerable bulk, is the only solution to provide the required floor space. Given the constraints of the site and due to the need to balance various competing needs, on balance, it is considered that the proposal is a reasonable design response.

7.3.17 The design and massing of the proposed development, is, on balance, considered to be acceptable.

#### 7.3.18 Standard of Accommodation

7.3.19 The proposals would be required to meet the Government's baseline standards for schools 2014. There are no standards embedded in planning policies. The school would deliver 9790sqm of internal floor area and would comfortably exceed the baseline standard of 8,820sqm.

7.3.20 The standard of the accommodation provided is largely dealt with under non-planning legislation. It is of note that the relevant guidelines must be reached in order to receive Education and Skills Funding Agency, on which this proposal relies.

7.3.21 The Education Act 1996 places a duty on the Secretary of State to prescribe standards for the premises of all maintained schools in England and Wales. Those for England are set out in The School Premises (England) Regulations 2012 (SPRs) and they apply to all existing and new schools maintained by a local authority.

7.3.22 Similarly, the Education Act 2002 empowers the Secretary of State to prescribe standards for the premises of independent schools, which include Academies (including alternative provision Academies) and Free Schools.

7.3.23 It will be the responsibility of the Academy to ensure that these standards are met and maintained.

7.3.24 Space standards for schools are set out in The Department of Education document "Area guidelines for mainstream schools" (2014) and within

Government publication “Baseline designs for schools: guidelines” (2014). The guidelines within are detailed and the school will be obliged to meet these requirements. However, to summarise, in terms of floor area allowances the proposed academy (when fully occupied) would require a total floor area no less than 8,820sqm. The internal floor area proposed is 9790sqm, which would comfortably exceed this figure.

#### 7.3.25 Security

7.3.26 The layout has been designed to ensure that the site is secure through the use of appropriate boundary screening and no objection is raised on this basis.

7.3.27 On site security would be an on-going management issue to be handled by the Academy.

#### 7.3.28 Hard and soft landscaping

7.3.29 The majority of the site would be laid to hardstanding for functional/operational purposes and there is limited opportunities for soft landscaping. However, notwithstanding that, planting to the site boundaries is proposed, along with the provision of planters within the playground area. The provision of soft landscaping and tree planting as shown is considered to satisfactorily safeguard the character and appearance of the area.

7.3.30 The existing belt of trees to the south of the site would largely be retained and this would provide some degree of visual screening of the proposed building when viewed from Merantum Way, which would assist in softening the visual impact of the development.

#### 7.4 Impact on trees

7.4.1 The proposal would result in the loss of a line of trees (mature and semi-mature) which currently stand along the side boundary of the adjacent primary school. These would be lost to make way for the MUGA courts. The most important tree on site, the TPO'd Sugar Maple to the north-west part of the site along High Path would be retained. A number of replacement trees are proposed which would partly mitigate for the loss of the existing trees.

7.4.2 The trees to be retained could be adequately protected throughout the construction process.

7.4.3 The loss of existing trees on site is regrettable but necessary if the site is to be developed as a school. Replacement planting goes some way to

mitigate for this loss and whilst there is some reservation over the loss of trees, it is considered, on balance, that the benefit to the wider community decisively outweighs the loss of the trees.

## 7.5 Impact upon neighbouring amenity

7.5.1 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.

### 7.5.2 Built form and massing

7.5.3 Policy 7.6 of the London Plan requires developments to not cause unacceptable harm to the amenity of surrounding land and buildings, particularly residential buildings. Policy DMD2 of the Sites and Policies Plan requires that development proposals ensure appropriate levels of sunlight and daylight, quality of living conditions and privacy to both proposed and adjoining buildings and gardens.

7.5.4 The bulk and massing of the proposed building has the potential to adversely impact on neighbouring residential properties and as such the applicant has prepared a Daylight and Sunlight Analysis in accordance with BRE guidelines, considering the existing scenario and also a scenario with the redevelopment of the adjacent High Path Estate taken into account.

7.5.5 The application has been amended throughout the lifetime of the application, to move the building 1m to the south and 4.5m to the east. The Daylight and Sunlight consultant has confirmed that this does not result in any worse impact on light to neighbouring properties than the original scheme. As the building would be further away from neighbouring properties, it is considered that this approach is sound.

7.5.6 The Daylight and Sunlight Analysis demonstrates that the impact on light to existing and proposed future residential neighbouring properties would be within reasonable tolerances and acceptable in planning terms.

7.5.7 Analysis undertaken to assess the sunlight penetration into amenity areas (those proposed within the High Path Estate redevelopment planning application) indicates that the proposed development will have a negligible affect on the surrounding external spaces both within and adjacent to the development site with all identified areas receiving at least 2 hours of direct sunlight on the 21st March.



7.5.8 Therefore, it is concluded that the application has demonstrated that the impact on daylight and sunlight to neighbouring properties would be acceptable.

7.5.9 There would be some impact on outlook from neighbouring properties but not to the extent that it would amount to material harm, due to the separation distances.

#### 7.5.10 Overlooking

7.5.11 Policy 7.6 of the London Plan requires developments to not cause unacceptable harm to the amenity of surrounding land and buildings, particularly residential buildings. Policy DMD2 of the Sites and Policies Plan requires that development proposals ensure appropriate levels of sunlight and daylight, quality of living conditions and privacy to both proposed and adjoining buildings and gardens.

7.5.12 There would be some limited opportunities for overlooking from the proposed school building to the proposed development to the north at High Path Estate.

7.5.13 However, the application site is separated from the proposed and existing development to the north by the carriageway along High Path and the resultant relationship would not be uncommon in a suburban area.

7.5.14 It is concluded that there would be no material loss of privacy to neighbouring occupiers.

#### 7.5.15 Noise

7.5.16 The NPPF seeks to ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. The NPPF advises that development should mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life. The NPPF refers to the Noise Policy Statement for England (NPSE). The NPSE provides guidance, which enables decisions to be made regarding the acceptable noise burden to place on society, using three key phrases – the No Observed Effect Level (NOEL), the Lowest Observed Adverse Effect Level (LOAEL) and the Significant Observed Adverse Effect Level (SOAEL).

7.5.17 Building Bulletin 93 (BB93) provides guidance for the control of noise in and around school buildings. In relation to planning, the document provides internal noise level criteria for various room types within schools, with differing noise sensitivities requirements.

7.5.18 Policy 7.15 of the London Plan requires that development proposals seek to manage noise by avoiding significant adverse noise impacts on health and quality of life as a result of new development. Where it is not possible to achieve separation of noise sensitive development and noise sources, without undue impact on other sustainable development objectives, then any potential adverse effects should be controlled and mitigated through the application of good acoustic design principles.

7.5.19 Policy DM EP2 requires noise sensitive developments (which includes schools) to be located away from noise priority locations and noise generating land uses and that applicable suitable mitigation measures can be sought. Merantum Way and High Path are not identified as a noise priority location but the impact of the proposed development on surrounding uses and the impact of noise levels on the proposed use must be considered.

7.5.20 The application is accompanied by a Noise Impact Assessment, which draws the following conclusions:

- Façade noise levels of up to 68 dB(A) have been predicted at the most exposed elevation of Harris Academy. Therefore, it will be possible to open windows during 200 hours a year maintaining compliance with BB93.
- The background ventilation rates given in Part F of the Building Regulations can be achieved without having to rely on opening a window or façade trickle ventilators.
- Openable windows will still be provided within mechanically ventilated areas in order to increase ventilation rates under peak summertime conditions. This will provide occupants with the control to determine locally their preferred balance between thermal comfort and higher indoor ambient noise levels.
- It is necessary to ensure that noise emissions from any elements of plant from the development (LAeq,T), are limited to 10dB below the typical existing measured background noise level (LA90,T) when measured at 1 m from the nearest affected residential façade (a requirement set out by LBM Environmental Health Officers). Compliance with this criterion should see that existing residents are suitably protected from plant noise associated with the development.

- At this stage, specific plant selections have not been finalised and the most robust method in terms of controlling noise output will be to set limits for noise impact on existing noise-sensitive receptors (NSRs) in the vicinity of the site.
- Based on BuroHappold library data of outdoor play areas, the expected average level of noise generation of the playground (considered as an area source) is LAeq,T 55 dB(A). As can be seen from the results given in Section 3 above, the existing daytime ambient levels currently experienced at the residential locations are up to LAeq,57 dB(A). On the basis that the noise impact associated with outdoor areas is the same or less as the current ambient noise level, it is not expected that this will create any significant level of disturbance.

7.5.21 A 2.4m high solid timber fence is proposed to be installed at the Southern site boundary, facing Merantun Way, where noise levels are at their highest. Providing that the fence is solid (>10kgm<sup>-2</sup>), well-sealed to the ground and without gaps or holes, this should act as an acoustic barrier that will mitigate the high traffic noise levels from Merantun Way breaking into the playground and the school site. The mitigation will be variable depending on the position within the playground, and will be more effective for areas where the line of sight between the source and the receiver is broken by the fence.

7.5.22 The Council's Environmental Health Officer has reviewed the submitted documentation and concludes that the impact of noise to future users of the Academy and neighbouring occupiers would be acceptable provided that the noise limitations, controlled by condition, are achieved. Therefore, subject to the imposition of this condition, officers conclude that the noise impact of the proposed development would be acceptable.

7.5.23 In terms of construction noise, a number of conditions are recommended to ensure that noise levels are limited as far as reasonably practical; conditions to secure a Noise and Vibration Plan and a Construction Logistics Plan are recommended.

#### 7.5.24 Lighting

7.5.25 Lighting across the site has the potential to adversely affect the character of the area and the impact on residential amenity. The lighting layout shown is considered to be a reasonable response to the operational requirements of the site and would not result in material harm to neighbouring amenity. Conditions are recommended to ensure that the lighting is installed in accordance with the approved plans and supporting documents.

7.5.26 To conclude the impact on neighbouring amenity, there is potential for disruption and disturbance to neighbouring properties throughout the construction process. However, conditions are recommended to minimise this impact as far as reasonably practicable.

## 7.6 Transport and highways issues

7.6.1 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.

7.6.2 London Plan policies 6.9 and 6.10 seek to secure 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.

7.6.3 The current proposals for the school include pedestrian access points via High Path along the northern site frontage with limited vehicular access for service vehicles and minibuses only. No access or egress points will be provided along the A24/Merantun Way to the south of the site and the new school will constitute a car-free development with no parking permitted for users of the site (excluding a disabled bay).

### 7.6.4 Impact on junction capacity

7.6.5 A trip distribution plan has been produced by the applicant, which indicates that the development will not have a detrimental impact on the surrounding highway network and it has also been demonstrated within this report that there are no proven ongoing highway safety issues that could potentially be exacerbated by the development proposals. PICADY modelling has also been undertaken to demonstrate that a number of key surrounding junctions can operate within capacity when considering full occupation.

7.6.6 The Council's Transport Planner concludes that the modelling demonstrates that all junctions operate satisfactorily and within theoretical capacity when considering the additional development traffic. It is therefore considered that no mitigation is required as the proposed development would not cause an unacceptable change to traffic flow characteristics, particularly within the peak periods examined.

- 7.6.7 In addition, the submitted Transport Assessment sets out that the surrounding cycle and pedestrian network is suitable to accommodate the proposed development and with the proposed upgrades to the Morden Road pedestrian crossing (to be sought by way of a financial contribution), the network will maintain a Comfortable / Acceptable level of provision. This assertion is supported by the Council's Transport Planner and it is concluded that no additional highway works in relation to pedestrian routes are required (other than those to be secured by way of a financial contribution sought from the applicant not to exceed £70,000).
- 7.6.8 Notwithstanding the above, pupils would be required to walk along High Path and cross Morden Road to access the Abbey Recreation Ground for sports. Currently there is a signal controlled pedestrian crossing near the junction of High Path and Morden Road, however, there is insufficient space on the footway to accommodate 30 waiting children and in addition, there would be conflict with the cycle route that crosses the road adjacent to the pedestrian crossing.
- 7.6.9 It is of note that the Council (Director of Environment and Regeneration) has confirmed that use of the Nursery Roads playing fields by the Academy is permissible. Effectively, the council is committed to ensuring priority use by the Harris Wimbledon Academy School during term time hours between 9am to 6pm for the equivalent of one football pitch for 26 weeks of the year (September to March) and one cricket pitch for 13 weeks of the year (April to August).
- 7.6.10 The Council's Highways Team have set out that some form of junction improvements to secure suitable pedestrian crossings are required in order to safely accommodate pupils walking to the Abbey Recreation Ground and have identified necessary highway improvements. The financial contribution to secure these works has been calculated to be no more than £70,000, which would be secured through the s.106 legal agreement.
- 7.6.11 Drop off/pick up arrangements
- 7.6.12 Trip generation for Harris Academy Wimbledon concludes that approximately 86 pupil-related car journeys (172 two-way trips) will be generated by the development during the respective AM and PM peak periods.
- 7.6.13 In comparison, Merton Abbey Primary School generates approximately 76 pupil-related car journeys based on a capacity of 360 and single occupancy car journey modal split of 21% (as outlined in their latest School Travel Plan). It is of note that the applicant has reported that the existing Harris Academy Wimbledon, at the temporary site, experiences

only 10% of pupils arriving by car. It is subsequently considered that both schools will exert a similar level of demand for on-street parental pick-up and drop-off activity.

7.6.14 The submitted addendum to the Transport Assessment (letter dated 21/10/2018) sets out that given the proposed off-set start and finish times of the Harris Academy, there will be little interaction or competing demand for on-street parking between pupils being driven to the two separate schools and therefore there is capacity to accommodate residual, short-stay on-street car parking associated with the Harris Academy pupils within Zones 1 and 2 of High Path (the applicant has divided High Path into 4 zones for the purposes of a car parking capacity survey). For clarity the teaching day of Merton Abbey Primary is from 08:45-15:30 whereas the proposed teaching day of the Harris Academy is from 08:30-15:00 which represents a 15/30 minute offset in both morning and afternoon start and finish times.

7.6.15 It is also noteworthy that the development proposals include new on-street parking restrictions to prevent long-stay on-street car parking (section 5.2.19 within the TA). This measure would therefore make additional on-street parking spaces available for the use of parents and guardians dropping off and picking up pupils for short periods of time (typically a 20 minute window in the AM and PM periods).

7.6.16 Given that the likely impacts of parental drop-off and pick-up activities on High Path will be broadly comparable with those of the Merton Abbey Primary school and there shall be latent capacity to accommodate the residual demand for on-street spaces (approximated to peak at 40 vehicles), it is concluded that with the creation of additional capacity in Zones 3 and 4 plus the latent capacity in Zones 1 and 2, due to off-set start and finish times, there shall be suitable on-street parking availability to accommodate the needs of the new Harris academy without resulting in a severe detrimental impact on the highway network.

#### 7.6.17 Public Transport

7.6.18 TfL has concluded that two additional buses would be required on the Number 93 route to accommodate the uplift in passenger numbers from the school. The cost of providing these two additional services would be £750,000. An HM Treasury grant of £15M has previously been set aside for school projects, however, TfL has confirmed that this amount has been committed to other school projects and there is no more Treasury funding available for additional school bus services.

7.6.19 Therefore, this funding contribution must be sought through a section 106 agreement.

- 7.6.20 TfL require a financial contribution towards additional buses on the 93 route. There is agreement in principle between the applicant and TfL to this while the final sum has yet to be agreed between the applicant and TfL. It is considered that the application may reasonably be determined and that this should not necessitate deferral of a decision.
- 7.6.21 Subject to bus capacity improvement being secured by way of a s.106 agreement it is considered that there is sufficient control to ensure that bus capacity servicing the school would be adequate.
- 7.6.22 In terms of tram usage, the majority of pupils would leave the site at 15:00. Those travelling by tram would then make their way to the Morden Road tram stop. The submission indicates that the peak period would experience 48 pupils travelling south-east bound whilst an additional 12 would be travelling north-west bound. With services every 5 minutes during peak periods, this would equate to a peak demand of 16 additional passengers travelling on the Mitcham bound service and 4 on the Wimbledon bound service.
- 7.6.23 During the morning peak period, the busiest tram stop is likely to be Belgrave Walk and the busiest time would be between 08:15 and 08:30 (though a correction factor may be applied which considers the requisite walk time from the Morden Road tram stop to the proposed school site). At this time up to 20 pupils will be travelling north-west bound and with services every 5 minutes, this would equate to a maximum of 7 additional pupils boarding a service at this stop.
- 7.6.24 It is therefore considered that the existing tram services could accommodate this uplift in passenger numbers. Further comments from TfL are awaited but officers consider that it would be unreasonable to delay determination further.
- 7.6.25 The site is within close proximity to South Wimbledon tube station and it is noted that a proportion of pupils are likely to travel by tube also, which would reduce pressure on other modes of transport.
- 7.6.26 Parking
- 7.6.27 The site is in an area with a PTAL 4, which is good and is also well located for services and facilities.
- 7.6.28 It is proposed that Harris Academy will be a predominantly car-free development, with only a limited provision of parking to be provided on-site; an approach welcomed by TfL and supported by the Council Transport and Highways officers.

7.6.29 Provision would constitute two minibus spaces and a single disabled parking bay located in the service yard area. No further parking will be provided on-site for staff or visitors and parking permits will not be made available within the surrounding highway network.

7.6.30 In order to foster sustainable modes of transport, local and regional policy supports the proposal as a car free development.

7.6.31 Cycle parking would be provided in line with London Plan standards and it is concluded that the provision of parking (both cycle and car parking) would be acceptable.

#### 7.6.32 Servicing arrangements

7.6.33 The proposal provides a bin store and service area to the eastern part of the site, which will allow refuse collection to take place off The High Path. This arrangement is considered to be acceptable in highway safety terms.

7.6.34 Coaches and refuse vehicles may be required to perform a reverse turn manoeuvre utilising the western pupil access and hard-standing area, which will be supervised and undertaken when pupils are not utilising the play-space. The swept path analysis submitted demonstrates that this would also be acceptable in highway safety terms.

7.6.35 Therefore, it is considered that servicing arrangements are acceptable.

#### 7.6.36 Cumulative impacts

7.6.37 The most significant element of coordination will be required with the adjacent High Path Estate regeneration scheme.

7.6.38 Phases of work will need to be coordinated to minimise the impact of construction traffic and other issues such as access routes, parking restrictions and servicing through the estate will need to be addressed in communication with the project team during the various stages of work on the High Path Estate.

7.6.39 Temporary construction access arrangements directly off Merantun Way into the school site is proposed to minimize conflict between the sites (as implemented by the adjacent primary school in previous planning developments).

7.6.40 The cumulative impact of the two developments will be minimized, and where possible coordinated, with the development at the adjacent High Path Estate through the imposition of conditions to secure a Delivery and Servicing Plan, a Construction Logistics Plan and a Working Method



Statement. These conditions will require the relevant documents to be submitted, which will then be assessed by LBM Transport and Highway Officers.

7.6.41 In terms of cumulative impacts following the completion of both developments, The Transport Assessment submitted to support the High Path planning application concluded “*the proposed development will have a lower level of car ownership than the existing site and will therefore generate fewer vehicle trips*”. The approved assessment finds that over the course of a weekday, 98 fewer two-way vehicle trips will be generated. Therefore, the impact of car movements would be less than it is currently and as such no objection is raised.

7.6.42 Proposed on-street mitigation measures

7.6.43 Changes to road markings and parking restrictions along High Path in the vicinity of the proposed school are proposed as part of the application. These changes include:

- Changes to on-street parking restrictions along High Path at the frontage.
- Restrictions with a maximum 30-minute wait and no return within two hours.

7.6.44 The Council’s Transport Planner has also recommended that School ‘keep clear’ markings be provided adjacent to the pupil access point and double-yellow line restrictions be installed at the access junction into the service yard area.

7.6.45 Mitigation measures for construction

7.6.46 The applicant has set out a number of measures to seek to minimise construction impacts, which are set out within the submitted Construction Environment Management Plan

7.6.47 Highway financial contributions

7.6.48 In addition to the £750,000 contribution for enhanced bus services and the £70,000 contribution for improving pedestrian junction capacity, a further £20,000 is required for general highway maintenance works, incorporating the resurfacing of the carriageway and repairs due to the impact from the construction process at the development site. Also, a contribution of £8,000 is required for the physical works including making up the former accesses, construction of new access points and other footways works, also required to take forward future parking restrictions, including CPZ This would also be secured through the s.106 legal agreement.

7.6.49 Subject to the imposition of suitable conditions and a suitably worded legal agreement it is considered that transport matters would be acceptable in planning terms.

## 7.5 Air quality

7.5.1 The NPPF 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 in terms of the impact on air quality.

7.5.2 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.

7.5.3 The assessment has demonstrated that future users of the academy will experience acceptable air quality, with pollutant concentrations below the air quality objectives.

7.5.4 An assessment of the emissions from the boiler plant has demonstrated that the off-site impacts of these emissions will be negligible. On-site, the emissions from the plant will not lead to occupants of the academy experiencing unacceptable air quality.

7.5.5 The proposed development will generate traffic on the local road network, but the assessment has shown that there will be no significant air quality impacts at any existing sensitive receptor.

7.5.6 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.

7.5.7 During the construction works, a range of best practice mitigation measures will be implemented to reduce dust emissions and the overall effect will be 'not significant'; appropriate measures have been set out in this report, to be included in the Dust Management Plan for the works.

7.5.8 Overall, the construction and operational air quality effects of the proposed development are judged to be 'not significant'.

7.5.9 However, notwithstanding that fact that the proposed development would meet the minimum standards in terms of air quality, given the proximity of

roads and the poor air quality in the area presently, officers consider that additional mitigation measures would be a benefit.

7.5.10 The applicant has incorporated solid fencing to the southern boundary with planting to the interior to seek to provide a barrier between Merantum Way and the site.

7.5.11 London Plan Policy 7.14 sets out that all new developments in London should be at least air quality neutral. The submitted documentation indicates that the building emissions and vehicle trip rates associated with the proposed development would result in an air quality neutral development. The Council's Environmental Health Officer is satisfied with this assessment and it is considered that the development would be compliant with Policy 7.14 of the London Plan.

7.5.12 Whilst the proposal has demonstrated that it would be acceptable in terms of air quality, the Council's Environmental Health Officer has advised that a financial contribution of £11,500 should be secured by way of a s.106 agreement to provide for on-going monitoring of the proposed mitigation measures over the next 5-6 years.

## 7.6 Archaeological considerations

7.6.1 The site is within an Archaeological Priority Zone. Historic England have commented on the proposals and conclude that the proposal is unlikely to have a significant effect on heritage assets of archaeological interest. Therefore, no further assessment is required in this regard.

7.6.2 The proposal is considered to be acceptable in terms of its impact on archaeological interests.

## 7.7 Biodiversity

7.7.1 Additional bat surveys of the Domex Building will be undertaken between May & September in accordance with the recommendations of the phase 1 ecology survey to confirm if there is a bat roost within the existing buildings that may be affected by construction works.

7.7.2 Japanese Knotweed has been identified in the north-west corner of the site, this will require treatment or removal by specialist contractor prior to enabling works commencing.

7.7.3 There are no protected or non-statutory sites likely to be affected by the proposals.

7.7.4 The majority of the site comprises of buildings and hard-standing which are of low intrinsic ecological value. Vegetation, in particular, within the community centre plot is not of high ecological value, but does provide potential foraging and nesting habitat.

7.7.6 A range of biodiversity enhancement measures are proposed. This range of measures is considered to be appropriate and would satisfactorily safeguard biodiversity interests on the site.

## 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 The above policies require the proposed development to demonstrate that the scheme has been designed to achieve at least a 35.0% improvement on Part L 2013, in accordance with London and Local Plan policy requirements.

7.8.3 Based on the measures outlined in the submitted Energy Report, the development achieves both its sustainability and energy targets. The proposed strategy for the new build school includes high insulation standards, an energy efficient gas boiler along with a gas-fired water heater, low energy ventilation systems utilising heat recovery, low energy lighting with controls and circa 730m<sup>2</sup> PV array, south facing. It has been confirmed that a 36% improvement on 2013 Building Regulations Part L2A will be achieved and 34.87% of the total CO2 emissions reduction for the development will be achieved by the incorporation of renewables onsite.

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 majority of the site is Flood Zone 1, with a small area of Flood Zone 2 in the western section.

7.9.2 The FRA and outline Drainage Strategy is broadly policy compliant with the London Plan 5.13 and Merton's Policies DM F1 and F2 which encourages developments to aim to achieve greenfield run-off rates or to reduce runoff rates by at least 50% compared to the existing.

7.9.3 The greenfield runoff rate of the is calculated to be 1.14 l/s. The proposed runoff rate from the site is to be limited at 5 l/s. Whilst officers consider that runoff rates could be reduced even more, the runoff rates shown are compliant with guidance and policy due to the reduction compared to existing rates, which the Council's Flood Risk Officer has confirmed is well over 10l/s, thereby achieving the 50% reduction in runoff rates.

7.9.4 The Council's Flood and Drainage Officer has noted that the scheme will not be implementing gravity drainage and is proposing a pump station onsite to be managed by the school. However, gravity drainage was the preferred option of the applicant but could not be incorporated on site. While the proposals would give rise to maintenance costs for a pumping station, this would not render the scheme unacceptable in planning terms.

7.9.5 At present, the proposed drainage includes the following measures:

- Permeable paving and sub-base for car parking;
- Permeable sub-base for the MUGA;
- Rain gardens;
- Drainage channels drainage channels for pedestrian areas;
- Highway gullies;
- Underground attenuation tank with upstream catch pit; and,
- Surface water pumping station.

7.9.6 Whilst it would be possible to incorporate further SUDs measures, the proposal is in line with local and national policy regarding drainage and flood risk.

#### 7.10 Contamination considerations

7.10.1 The NPPF 2018, sets out at Paragraph 178 that planning policies and decisions should ensure that a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. Policy 5.21 of the London Plan 2016 sets out that the Mayor supports the remediation of contaminated sites and will work with strategic partners to ensure that the development of brownfield land does not result in significant harm to human health or the environment. Policy DM EP4 supports these policies.

7.10.2 The submitted 'Phase 2 Geo-Environmental Ground Investigation Report' reported some elevated concentrations of lead and PAHs in the ground,

but the Environment Agency considers that these do not represent a significant risk to Controlled Waters.

7.10.3 However, a precautionary approach is taken with several safeguarding conditions if unexpected contamination is later discovered on the site.

7.10.4 The Council's Environmental Health Officer has also recommended safeguarding conditions and it is concluded that the application has satisfactorily demonstrated that issues of ground and water contamination would not be a barrier to development.

## **8. ENVIRONMENTAL IMPACT ASSESSMENT**

8.1 The application site is 0.79 hectares and therefore does not require consideration under Schedule 1 or Schedule 2 development under the The Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

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.

8.1.3 In terms of the cumulative impact with the adjacent High Path Estate redevelopment, whilst the two sites are side by side, access for the Harris Academy would be via Merantum Way and not from High Path. Therefore, there would be a degree of separation of construction traffic and operations. The cumulative impact will mainly be minimized throughout the construction process and controlled by way of condition. It is not considered reasonable to insist on the submission of an Environmental Statement to cover the cumulative impact as the other documents submitted with the application effectively include this information in any event.

## **9. LOCAL FINANCIAL CONSIDERATIONS**

9.1 Community Infrastructure Levy

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

## **10. CONCLUSIONS.**

10.1 The London Borough of Merton has a statutory duty to deliver additional school places. The proposed development would provide a major new

- secondary school meeting a defined need arising from significant growth in a cohort of children that will be of secondary school age in the coming years.
- 10.2 The delivery of a school of the size required to meet known needs has proved challenging both in terms of identifying suitable sites so as to avoid encroachment onto protected open space and through the site selection process the Council is now committed to this site.
  - 10.3 Having identified the site this in turn has raised further challenges to accommodate the bulk of building necessary to provide a full range of facilities while at the same time addressing the constraints generated by the presence of below ground infrastructure including water mains.
  - 10.4 The bulk, massing and design of the building would create an imposing and prominent new structure south of the High Path Estate, the scale of which would be compatible with the likely built form of the emerging remodelled estate. The need to provide the school and the additional school places, in an expeditious manner, is considered to be a material consideration in the assessment of the merits of the application and, notwithstanding observations raised regarding the siting and design of the building in particular from the Council's Design Review Panel, may be accorded greater weight in the overall assessment.
  - 10.5 While the use of satellite playing fields may not be ideal from an operational perspective, the planning implications of such an arrangement have necessitated examination of measures to mitigate any impact on highway and pedestrian safety arising from the movement of groups of pupils to and from these facilities with scope to deliver suitable solutions.
  - 10.6 The submission has satisfactorily demonstrated that issues of air quality, noise, contamination, traffic generation, flood risk and drainage and sustainability are addressed and acceptable or can reasonably be addressed via S106 obligation or conditions.
  - 10.7 The impact on the wider amenities of the area, including potential impact on likely forthcoming development on the neighbouring high Path Estate is considered to be acceptable for the reasons set out in this report.
  - 10.8 Therefore, the recommendation is for approval subject to conditions and a S106 agreement to cover the heads of terms set out below.

### **RECOMMENDATION**

Grant planning permission subject to a s.106 agreement with the following heads of terms:

### **S.106 Heads of Terms:**

- Financial contribution not to exceed £750,000 over 5 years (with final sum to be agreed) to Transport for London to provide two additional bus journeys towards the school in the morning and return journeys.
- £70,000 contribution towards junction improvements to secure a suitable pedestrian route to Abbey Recreation Ground.
- £20,000 contribution towards highway repairs.
- £8,000 contribution for the physical works including making up the former accesses, construction of new access points and other footways works, also required to take forward future parking restrictions, including CPZ.
- Contribution of £11,500 towards the Councils New Air quality Action Plan 2018-2022.
- The preparation and implementation of a School Travel Plan. 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.
- Changes to parking restrictions/road markings to the frontage of the site.
- All costs to be borne by the applicant.

And 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:

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

3. B.1 Materials to be approved
4. B.4 Details of Surface Treatment
5. C.7 Implementation of Refuse and Recycling
6. D.1 Submission of a plan for hours of use
7. E.5 Restriction in Use of Premises



8. F.2 Implementation of Landscaping
9. H1 – New Vehicle Access
10. H2 – Vehicle access to be provided
11. H3 – Redundant crossovers
12. H5 – Visibility Splays
13. H10 – Construction vehicles, washdown facilities etc (major sites)
14. Delivery and Servicing Plan
15. Construction Logistics Plan (in accordance with TfL Construction Logistics Planning Guidance)
16. Noise levels, (expressed as the equivalent continuous sound level) LAeq (10 minutes), from any new plant/machinery from the commercial/domestic use shall not exceed LA90-10dB at the boundary with the closest residential property.

Reason: To safeguard the amenities of the area and the occupiers of neighbouring properties and ensure compliance with the following Development Plan policies for Merton: policy 7.15 of the London Plan 2016 and policies DM D2, DM D3, DM EP2 and DM EP4 of Merton's Sites and Policies Plan 2014.

17. 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 Policies Plan 2014.

18. The artificial pitch and its associated sports lighting shall not be used outside the hours of:
  - d) 8 a.m. and 9 p.m. Monday to Friday;
  - e) 8 a.m. and 9 p.m. on Saturday; and
  - f) 8 a.m. and 8 p.m. on Sunday and public 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: policies DM D2 and DM EP4 of Merton's Sites and Policies Plan 2014.

19. The recommendations in the Air Quality Consultants report J3051 shall be implemented including the proposed mechanical ventilation, together with the requirements of the Acoustic design of schools: performance standards – Building Bulletin 93 dated February 2015 and published by the Department for Education. Any deviation from what has been agreed at the time the decision notice is granted shall be first approved by the LPA.

Reason: To safeguard the amenities of the area 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.

20. If following the final contaminated land report the remediation works differ from that set out in the submitted Phase 2 Geo-Environmental Ground Investigation Report, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority is amended. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Reason: To protect the amenities of future users and those who occupy the local vicinity and to accord with policies DM D2 and DM EP4 of Merton's Sites and Polices Plan 2014.

21. The results of the contaminated 'watching brief' shall be submitted monthly, in writing to the Local Planning Authority Environmental Health Service once the commencement of the work starts until the completion of the groundworks.

Reason: To protect the amenities of future users and those who occupy the local vicinity and to accord with policies DM D2 and DM EP4 of Merton's Sites and Polices Plan 2014.

22. Any approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development, unless otherwise agreed in writing by the Local Planning Authority. Following the completion of any measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

Reason: To protect the amenities of future users and those who occupy

the local vicinity and to accord with policies DM D2 and DM EP4 of Merton's Sites and Policies Plan 2014.

23. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Reason: To protect the amenities of future users and those who occupy the local vicinity and to accord with policies DM D2 and DM EP4 of Merton's Sites and Policies Plan 2014.

24. Fences to be erected prior to first occupation.
25. D09 No external lighting (in addition to that specifically approved)
26. H.7 Cycle and Scooter Parking Implementation
27. H04 Provision of vehicle parking
28. L.7 BREEAM Pre-Occupation
29. The development shall not be occupied until a scheme to ensure either:
  - (a) the continuity of the existing sports use of the remaining Merton Abbey Primary School playing field playing field, or
  - (b) the provision of replacement facilities during construction works, has been submitted to and approved in writing by the Local Planning Authority after consultation with Sport England. The scheme must set out details of the size, location, type and make-up of the facilities or replacement facilities (as appropriate) together with arrangements for access. The scheme must include a timetable for the provision of the facilities or replacement facilities (as appropriate). The approved scheme shall be implemented and complied with in full throughout the carrying out of the development.

Reason: To protect playing fields from damage, loss or availability of use during the construction of the development and to accord with Policy 3.19 of the London Plan 2016, Policy CS13 of the Core Planning Strategy 2011 and Policy DM O1 of the Sites and Policies Plan 2014.

30. The artificial pitch and sports hall hereby permitted shall not be constructed other than in accordance with the design and layout details set out in the planning application, Drawing Nos. FS0447-ALA-XX-XX-DR-L-0020 Rev P01, FS0447-ALA-XX-XX-DR-L-0024 Rev P02 and FS0447-ALA-XX-XX-DR-L-0020 Rev P01.

Reason: To ensure the development is fit for purpose and sustainable and to accord with Policy 3.19 of the London Plan 2016, Policy CS13 of the Core Planning Strategy 2011 and Policy DM O1 of the Sites and Policies Plan 2014.

31. The development shall not be occupied until details of the construction of the artificial pitch have been submitted to and approved in writing by the Local Planning Authority after consultation with Sport England. The MUGA courts shall not be constructed other than in accordance with the approved details.

Reason: To ensure the development is fit for purpose and sustainable and to accord with Policy 3.19 of the London Plan 2016, Policy CS13 of the Core Planning Strategy 2011 and Policy DM O1 of the Sites and Policies Plan 2014.

32. The development shall not be occupied until a community use agreement prepared in consultation with Sport England has been submitted to and approved in writing by the Local Planning Authority, and a copy of the completed approved agreement has been provided to the Local Planning Authority. The agreement shall apply to the artificial pitch, changing facilities, sports hall and parking and include details of pricing policy, hours of use, access by non-educational establishment users, management responsibilities and a mechanism for review. The development shall not be used otherwise than in strict compliance with the approved agreement.

Reason: To secure well managed safe community access to the sports facilities, to ensure sufficient benefit to the development of sport and to accord with Policy 3.19 of the London Plan 2016, Policy CS13 of the Core Planning Strategy 2011 and Policy DM O1 of the Sites and Policies Plan 2014.

33. Before the artificial pitch is first brought into use, a Management and Maintenance Scheme for the facility, including management responsibilities, a maintenance schedule and a mechanism for review, shall be submitted to, and approved in writing, by the Local Planning Authority after consultation with Sport England. This should include measures to ensure the replacement of the Artificial Grass Pitch within a specified period. The measures set out in the approved scheme shall be

complied with in full, with effect from commencement of use of the artificial pitch.

Reason: To ensure that a new facility is capable of being managed and maintained to deliver a facility which is fit for purpose, sustainable and to ensure sufficient benefit of the development to sport and to accord with Policy 3.19 of the London Plan 2016, Policy CS13 of the Core Planning Strategy 2011 and Policy DM O1 of the Sites and Policies Plan 2014.

34. No development approved by this permission shall be commenced until a detailed scheme for the provision of surface and foul water drainage has been implemented in accordance with details that have been submitted to and approved in writing by the local planning authority and in consultation with Thames Water. The drainage scheme will dispose of surface water by means of a sustainable drainage system (SuDS) at the agreed runoff rate (no more than 5l/s with no less than 459m<sup>3</sup> attenuation provision), 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.

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.

35. Prior to the commencement of development, the applicant shall submit a detailed construction method statement (CMS) produced by the respective contractor/s responsible for building the approved works to the approval of the Local Planning Authority. The construction method statement shall also detail how flood risk and drainage will be managed during construction and how the risk to pollution of the water environment will be mitigated.

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.

36. No development shall commence until the applicant submits to, and has secured written approval from, the Local Planning Authority on evidence demonstrating that the development has been designed to enable connection of the site to an existing or future district heating network, in accordance with the Technical Standards of the London Heat Network Manual (2014).

Reason: To demonstrate that the site heat network has been designed to

link all building uses on site (domestic and non-domestic) and to demonstrate that sufficient space has been allocated in the plant room for future connection to wider district heating in accordance with London Plan policies 5.5 and 5.6 and Merton Policy DM EP1.

37. Unless otherwise agreed in writing by the Local Planning Authority, no part of the development hereby approved shall be used or occupied until evidence has been submitted to the council confirming that the developer has provided appropriate data and information pertaining to the sites Combined Heat and Power (CHP) system to the Greater London Authority (GLA, [environment@london.gov.uk](mailto:environment@london.gov.uk)) to allow the site to be uploaded to the London Heat Map (<https://www.london.gov.uk/what-we-do/environment/energy/london-heat-map>).

Reason:

To ensure that the development contributes to the London Plan targets for decentralised energy production and district heating planning. Development Plan policies for Merton: policies 5.2, 5.3 and 5.7 of the London Plan 2016 and policy CS15 of Merton's Core Planning Strategy 2011.

38. 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 is built in accordance with the approved plans and 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 2016 and policy CS15 of Merton's Core Planning Strategy 2011.

39. The detailed recommendations, enhancements and conclusions made in Section 5 and 6 of the submitted Extended Phase 1 Habitat Survey Report shall be carried out in accordance with the time frames recommended in the Extended Phase 1 Habitat Survey Report unless otherwise first agreed in writing by the Local Planning Authority.

Reason: In order to protect biodiversity interests on the site and to accord with policy DM O1 of the Sites and Policies Plan 2014.

40. The details, methods and measures for the protection of the existing trees as specified in the approved document 'Arboricultural Method Statement for Enabling and Construction Phases of Work' project number '18-0015.02' and dated 'June 2018' shall be fully complied with. The methods for the protection of the existing trees shall fully accord with all of the measures specified in the report. The details and measures as approved shall be installed prior to the commencement of site works and shall be retained and maintained until the completion of all site works.

Reason: To protect and safeguard the existing trees in accordance with the following Development Plan policies for Merton: policy 7.21 of the London Plan 2016, policy CS13 of Merton's Core Planning Strategy 2011 and policies DM D2 and 02 of Merton's Sites and Policies Plan 2014.

41. F8 – Site Supervision (Trees)

### 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. 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).

4. INFORMATIVE

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

5. INF8 – Construction of Accesses

6. INF9 – Works on the Public Highway

7. INF12 – Works affecting the public highway

8. INFORMATIVE

Guidance on preparing Community Use Agreements is available from Sport England. <http://www.sportengland.org/planningapplications/> For artificial grass pitches it is recommended that you seek guidance from the Football Association/England Hockey/Rugby Football Union on pitch construction when determining the community use hours the artificial pitch can accommodate.

9. INFORMATIVE

No waste material, including concrete, mortar, grout, plaster, fats, oils and chemicals shall be washed down on the highway or disposed of into the highway drainage system.

10. INFORMATIVE

The applicant should be aware that the Metropolitan Police Secured by design Officer strongly advises that independent third party certification is obtained from a manufacturer to ensure the fire performance of any of their doorsets in relation to the required needs and to ensure compliance with both current Building Regulations and the advice issued by the Department for Communities and Local Government on 22nd June 2017 following the Grenfell Tower Fire.



## Appendix 1

### **Drawing Nos:**

FS0447-ALA-XX-XX-DR-L-0001 Rev P15  
FS0447-ALA-XX-XX-DR-L-0002 Rev P14  
FS0447-ALA-XX-XX-DR-L-0003 Rev P11  
XXX- ALA-XX-XX-DR-L-0004 Rev P08  
FS0447-ALA-XX-XX-DR-L-0005 Rev P09  
FS0447-ALA-XX-XX-DR-L-0008 Rev P03  
FS0447-ALA-XX-XX-DR-L-0010 Rev P02  
XXX- ALA-XX-XX-DR-L-0011 Rev P05  
FS0447-ALA-XX-XX-DR-L-0012 Rev P07  
XXX-ALA-XX-XX-DR-L-020 Rev P02  
FS0447-ALA-XX-XX-DR-L-0021 Rev P03  
FS0447-ALA-XX-XX-DR-L-0022 Rev P04  
FS0447-ALA-XX-XX-DR-L-0024 Rev P02  
FS0447-CPM-01-00-DR-A-0001 Rev P05  
FS0447-CPM-01-01-DR-A-0002 Rev P04  
FS0447-CPM-01-02-DR-A-0003 Rev P04  
FS0447-CPM-01-03-DR-A-0004 Rev P04  
FS0447-CPM-01-04-DR-A-0005 Rev P04  
FS0447-CPM-01-05-DR-A-0006 Rev P05  
FS0447-CPM-01-XX-DR-A-0010 Rev P04  
FS0447-CPM-01-XX-DR-A-0011 Rev P04  
FS0447-CPM-01-ZZ-DR-A-0012 Rev P04  
FS0447-CPM-01-ZZ-DR-A-0013 Rev P05  
FS0447-CUR-00-FN-DR-S-2005 Rev P05  
066150-CUR-00-00-DR-C-9201 Rev P02  
66344-CUR-00-XX-DR-TP-06001 Rev P01  
66344 CUR 00 XX DR TP 06002 P01  
66344 CUR 00 XX DR TP 06003 P01  
66344 CUR 00 XX DR TP 06005 P02  
66344 CUR 00 XX DR TP 06006 P01  
066150-CUR-00-00-DR-C-9200 Rev P02  
FS0447-CUR-00-XX-DR-Z-9001 Rev P02  
FS0447-RPS-XX-ZZ-DR-E-6308 Rev P03

### Supporting documents:

- Air Quality Assessment
- Arboricultural Method Statement
- Arboricultural Survey
- Archaeological Desk Based Assessment
- Asphalt Coring Assessment
- 'Illuminazione' lighting brochure

- Construction Environment Management Plan
  - Daylight and Sunlight Assessment
  - Design and Access Statement
  - Designer's response to LBM comments
  - Extended Phase 1 Habitat Survey
  - Energy Report
  - Flood Risk Assessment
  - Flood Risk Statement
  - Phase 2 Geo-Environmental Ground Investigation Report
  - Ground Gas, Groundwater Monitoring and Preliminary Waste Classification Assessment
  - Noise Impact Assessment
  - Outline Construction Logistics Plan
  - Overheating Report
  - Plan of Wimbledon Admissions
  - Planning Statement and Statement of Community Involvement
  - Proposed Façade Treatments
  - Transport Assessment
  - Interim Travel Plan
  - Utilities Services Report
- 

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

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# NORTHGATE SE GIS Print Template



Text Details **Harris Academy**

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## PLANNING APPLICATIONS COMMITTEE 15 November 2018

**APPLICATION NO.**  
18/P3342

**DATE VALID**  
17/09/2018

**Address/Site:** Unit 12,  
Mitcham Industrial Estate,  
103 Streatham Road,  
Mitcham  
CR4 2AP

**Ward:** Graveney

**Proposal:** Continued use as an industrial storage unit (class B8) with additional use as a gym (class D2) (as amended by plans received 27/09/2018)

**Drawing No.'s:** Untitled Location Plan; 15; 22; and 25.

**Contact Officer:** Thomas Frankland (020 8545 3114)

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### **RECOMMENDATION**

**Grant planning permission subject to conditions.**

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### **CHECKLIST INFORMATION**

- S106: N/A
- 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: 2
- External consultations: 3
- Controlled Parking Zone: No
- Flood zone: Flood Zone 2 (part of car park)
- Conservation Area: No
- Listed building: No
- Protected Trees: 0
- Public Transport Access Level: 1b

#### **1. INTRODUCTION**

- 1.1 This application is being brought to the Planning Applications Committee for determination because it departs from adopted planning policy and is therefore not for officers to determine under the Council's scheme of delegation to

officers.

## **2. SITE AND SURROUNDINGS**

- 2.1 The application site is located on the south-eastern boundary of Mitcham Industrial Estate, adjoining the grounds of Beecholme Primary School. It consists of one unit (936m<sup>2</sup>) in the middle of a row of two storey industrial units. The external curtilage of the application site includes 14 dedicated parking spaces for the application premises and vehicular access to both those parking spaces and a dedicated loading bay.
- 2.2 The immediate area has a typically industrial character, despite some of the other units in the estate having been given over to non-industrial uses. Beyond the boundaries of the estate, the area is almost exclusively residential.

## **3. CURRENT PROPOSAL**

- 3.1 The proposal is for continued use as an industrial storage facility (Class B8) with an additional use as a gym (Class D2). It is intended that the additional gym use would be a personal permission, such that in the event of the gym use ceasing, the site would return to a singular use as an industrial storage facility without the need for further planning permission. No operational development is proposed to facilitate the change of use.
- 3.2 The proposed hours of operation for the gym are as follows:

Use	Monday to Friday	Saturday	Sunday and Bank Holidays
D2 - Assembly and leisure	Start Time: 05:30 End Time: 22:00	Start Time: 09:00 End Time: 18:00	Start Time: 09:00 End Time: 17:00

- 3.3 The applicant estimates that the gym would provide employment for 17 persons full time and 8 persons part time.

## **4. PLANNING HISTORY**

### Unit 16 (application site)

1973 - MER1167/73: USE FOR ARCHITECTURAL JOINERY AND SHOP FITTING Planning permission granted.

1981 - MER61/81: SINGLE SIDED INTERNALLY ILLUMINATED SIGN ON FRONT ELEVATION OF PREMISES FOR A PERIOD OF FIVE YEARS Planning permission granted.

### Unit 18 (nearby site)

2016 - 16/P0517: planning permission July 2016 for change of use of warehouse to an indoor go-karting facility. That permission was subsequently implemented and the facility is now actively operating.

## **5. CONSULTATION**

- 5.1 Public consultation was undertaken by way of site and press notices and by post sent to neighbouring properties – no representations were received.  
Internal consultees.

- 5.2 Transport Planner: No objection.
- 5.3 Environmental Health: No objection.

## **6. POLICY CONTEXT**

### 6.1 London Plan (2016)

Relevant policies include:

- 2.15 Town Centres
- 4.4 Managing Industrial Land and Premises
- 4.7 Retail and Town Centre Development
- 5.2 Minimising Carbon Dioxide Emissions
- 5.3 Sustainable Design and Construction
- 5.21 Contaminated Land
- 6.13 Parking
- 7.1 Lifetime Neighbourhoods
- 7.2 An Inclusive Environment
- 7.4 Local Character
- 7.5 Public Realm
- 7.6 Architecture

### 6.2 Merton Local Development Framework Core Strategy – 2011 (Core Strategy)

Relevant policies include:

- CS 2 Mitcham Sub-Area
- CS 7 Centres
- CS 12 Economic Development
- CS 15 Climate Change
- CS 20 Parking Servicing and Delivery

### 6.3 Merton Sites and Policies Plan – 2014 (SPP)

Relevant policies include:

- DM R2 Development of Town Centre Type Uses Outside Town Centres
- DM E1 Employment Areas in Merton
- DM E4 Local Employment Opportunities
- DM D3 Alterations and Extensions to Existing Buildings
- DM EP2 Reducing and Mitigating Noise
- DM T2 Transport Impacts of Development
- DM T3 Car Parking and Servicing Standards

### 6.4 Supplementary planning considerations

#### National Planning Policy Framework 2018

- 6. Building a strong, competitive economy
- 7. Ensuring the vitality of town centres.
- 9. Promoting sustainable transport
- 11. Making effective use of land

Accessible London: Achieving an Inclusive Environment SPG 2014 (London Plan)

Land for Industry and Transport 2012 (London Plan)

**7. PLANNING CONSIDERATIONS**

7.1 Key planning considerations:

- Principle of development.
- Loss of employment land.
- Provision of leisure use and site suitability.
- Transport and parking.
- Sustainability.

Principle of development

7.2 Mitcham Industrial Estate is a designated Locally Significant Industrial Area. Policy DM E1 of the SPP states that such areas should be used for B1(b), B1(c), B2 and B8 uses, to the exclusion of all others. Clearly, this fundamentally conflicts with the proposed development. However, the aim of the policy is to ensure that there is an adequate supply of suitable sites and premises in locations that optimise opportunities for businesses. If it can be demonstrated that the proposed development would not conflict with this aim, it is possible that it could be supported.

7.3 The proposed gym use is classed as a “town centre” use for the purposes of the development plan. Policy CS 7 of the Core Strategy and Policy DM R2 of the SPP state that proposals which would place town centre uses in edge-of-centre or out-of-centre locations may be supported provided that they pass a sufficiently rigorous sequential test and would not harm the vitality and viability of the borough’s town centres.

Loss of Employment Land

7.4 Policy 4.4 of the London Plan, Policy CS 12 of the Core Strategy and Policy DM E1 of the SPP all seek to promote employment opportunities both locally and regionally. Policy DM E4 of the SPP favours proposals that will increase the number of employment opportunities in the borough as well the provision of more highly skilled and higher earning jobs. In the justification for this policy, Paragraph 20.12 states that “*some employment uses do not provide or increase the number of job opportunities in the borough, for instance, storage facilities (‘B8’ use within the Use Class Order).*”

7.5 The site has been vacant since September 2017 after the most recent occupier, Diesel Power Ltd, moved to alternative premises in Croydon. It is unclear what prompted the move. Following their departure, the premises was refurbished and it has been marketed continuously since by way of on site advertising boards and internet advertising. However, it has received no solid interest from any alternative B Class occupiers. The applicant advises that a significant number of potentially interested parties have been contacted as part of the ongoing marketing, but in virtually all cases none of those contacted were willing to commit to the premises. In once case a B8 operator did make an offer, only to subsequently withdraw on the basis of concerns relating to the small yard area and potential HGV congestion at peak times, which rendered the unit unfit for their intended purposes.

7.6 The Merton Employment and Economic Land Study (2010) identified that the



demand for industrial premises has been low in recent years, primarily as a result of a lack of modern premises, with much stock approaching the end of its useful life. It states that whilst there is a reasonable demand for small, modern units with good parking and high eaves heights, larger industrial units are often difficult to let.

7.7 Whilst retention of Locally Significant Industrial sites for B Class uses is a priority, it is considered that the vacant site is unlikely to be re-occupied by a B Class use in the foreseeable future. Were alternative employment generating uses not to be considered then the premises would simply add to the stock of vacant premises on the estate and officers note that Unit 12 has been vacant since last year, when the previous occupiers relocated to alternative premises outside of the borough.

7.8 Although the proposed use does not fall within a B Class, it would nonetheless be a use which would generate employment (approximately 17 full-time and 8 part-time staff). It is considered that the benefits of the use in creating employment opportunities would be of greater community and economic benefit than the unit being left vacant. Therefore, a deviation from planning policy is considered to be acceptable in this instance. Should planning permission be granted for the proposal, it is recommended that a condition be imposed requiring a return to the B8 use (or other uses compatible with the industrial estate) upon cessation of the gym use.

#### Provision of Leisure Use and Site Suitability

7.9 Policy CS 7 of the Core Strategy discourages development of new town centre uses on the edge or outside of designated town centres. Accordingly, Policy DM R2 of the SPP aims to focus town centre uses into the most sustainable locations, ensuring that the viability and vitality of Merton's designated town centres is not harmed. Proposals for the introduction of town centre uses in locations outside of designated town centres are required to pass an appropriately rigorous sequential test.

7.10 In the justification of Policy DM E1 of the SPP, paragraph 4.5 summarises that changes of use within Locally Significant industrial Areas will only be granted planning permission where the new development will not impact on the successful operation of existing nearby business or detrimentally harm the amenities of occupants of neighbouring buildings. The proposal must also have appropriate layout, access, parking and landscaping, as well as adequately mitigating against any adverse impacts on the adjoining highway network. Policy DM R5 of the SPP reiterates many of these requirements.

7.11 Whilst leisure and recreational facilities should ideally be located within town centres, local centres or other areas of high accessibility, the applicant's requirements are such that a large floor area (a minimum of 740m<sup>2</sup>) is required to accommodate a gym, therapy rooms, changing and staff facilities. Such large spaces are not readily available within town centres and tend to lend themselves to large commercial units such as this site.

7.12 This is supported by the other sites the applicant has considered, which in

most cases were far too small. Furthermore, the vast majority of available commercial premises within Mitcham town centre consist of single storey retail units, where the proposed use would require a consolidation of several consecutive units, something discouraged by the Council's policies.

- 7.13 The peak hours for the gym would be in the evenings and weekends, when most of the other businesses within the industrial estate are likely to be closed or operating for limited hours. It is therefore, considered unlikely that the proposed use would interfere with the operation of the neighbouring business units and no objection has been raised from Transport officers on the issue of traffic and highways impact.
- 7.14 Although within relatively close proximity to a residential area to the south-west, it is considered that through the appropriate facility management and use of conditions, the gym could operate without having a detrimental effect on the amenities of residents. In this regard, it is noted that the existing warehouse has unrestricted hours of operation and deliveries, hence the use is not considered to have a greater impact than that which could otherwise operate on the site without planning permission.
- 7.15 The proposal will involve alterations and improvements to a warehouse, providing for a recreational facility that will generate additional employment, training and leisure opportunities on a designated employment site. The specific operational requirements of the use are considered to be commensurate with the industrial location of the site and it is considered that the managed operation of the site can safeguard the amenities of surrounding businesses and residents. Taking into consideration these factors, the proposed use of the site for a gym is considered suitable.

#### Transport and Parking

- 7.16 Policy CS 20 of the Core Strategy and Policy DM E1 of the SPP stipulate that new uses should have parking and access appropriate to the site and its surroundings, which would not unacceptably affect the operation of neighbouring businesses, traffic movement or road safety.
- 7.17 While the application site lies in an area with a PTAL of 1b, which is low, within 300m of the site the PTAL increases to 4, which is good. The proposals include sufficient car parking for the use proposed and likewise, cycle parking is proposed in line with policy requirements. Therefore, it is considered that the proposed development would not have a harmful impact on the safety or operation of the adjoining highway network.

## **8. CONCLUSION**

- 8.1 It is considered that the proposed development, subject to appropriate management, would not harm the amenities of neighbouring businesses and residents. The proposal includes suitable provision for car and cycle parking and it is not considered that it would have any materially harmful effect on the safety or operation of the adjoining highway network. Having regard to this, it is considered that the potential for the development to generate employment makes it preferable to the site remaining vacant.

- 8.2 There are no other policies in the development plan which indicate the application should be refused. Therefore, it is recommended to grant planning permission subject to conditions.

**RECOMMENDATION**

Grant planning permission  
subject to the following conditions:

1. A1: The development to which this permission relates shall be commenced not later than the expiration of 3 years from the date of this permission.
2. A7: The development hereby permitted shall be carried out in accordance with the following approved plans: Untitled Location Plan; 15; and 25.
3. E05: The building shall be used only as a gym and for no other use falling within use class D2 whatsoever. In the event that the use as a gym ceases, the use shall revert to a use within Class B8 (storage and distribution).
4. D01: The D2 use hereby permitted shall operate only between the hours of 05:30 to 22:00 Monday to Friday, 09:00 to 18:00 on Saturdays, and 09:00 to 17:00 on Sundays and Bank Holidays.
5. D03: No music or other amplified sound generated on the premises shall be audible at the boundary of any adjacent residential building.
6. D10: Any external lighting shall be positioned and angled to prevent any light spillage or glare beyond the site boundary.
7. H04: The vehicle parking area shown on the approved plans shall be provided before the commencement of the D2 use hereby permitted and shall be retained for parking purposes for occupiers and users of the development and for no other purpose.
8. H07: The D2 use 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.

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

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# NORTHGATE SE GIS Print Template



Text Details **Unit 12 Mitcam Ind Estate**

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## PLANNING APPLICATIONS COMMITTEE 15 NOVEMBER 2018

**APPLICATION NO.**  
18/P2066

**DATE VALID**  
23/07/2018

**Address/Site**

2 Vectis Gardens, Tooting, SW17 9RE

**(Ward)**

Graveney

**Proposal:**

CONSTRUCTION OF A SINGLE STOREY REAR EXTENSION AND SIDE EXTENSION WITH DORMER WINDOW TO THE PROPERTY AND THE CONSTRUCTION OF 1 X SELF CONTAINED FLAT ABOVE THE SIDE EXTENSION

**Drawing Nos**

Site location plan, 2-15, 2-16 and 2-17.

**Contact Officer:**

Tim Lipscomb (0208 545 3496)

**REASON FOR LATENESS:** Owing to an administrative error this report has been published late. At the request of the Chair of Planning it is now published so that this item can be determined in a timely fashion. The item was notified on the agenda frontsheet at the correct time.

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### **RECOMMENDATION**

**Grant Permission subject to conditions.**

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### **CHECKLIST INFORMATION**

- Heads of Agreement: Not required
- Is a screening opinion required: No
- Is an Environmental Statement required: No
- Has an Environmental Statement been submitted: No
- Press notice: No
- Site notice: Yes
- Design Review Panel consulted: No
- Number of neighbours consulted: 5
- External consultations: No
- Controlled Parking Zone: Yes (Zone GC)

### **1. INTRODUCTION**

- 1.1 This application is being brought to the Planning Applications Committee at the request of Councillor Kirby.
- 1.2 A decision on the application was deferred at the previous meeting of the Planning Applications Committee on 18 October 2018. The Committee voted to defer the item to the next meeting so that Officers can re-examine the parking to the front of the property and the lack of amenity space for the one bedroomed flat.
- 1.3 Officers have contacted the applicant who has indicated that they would like the application to be determined as originally submitted.

## **2. SITE AND SURROUNDINGS**

- 2.1 The application site is an end of terrace, two storey dwelling on the eastern side of Vectis Gardens. The site forms part of an existing terrace of three dwellings (1A, 1 & 2 Vectis Gardens). The site has an area of approximately 195sqm.
- 2.2 It is noted that the house originally formed part of a semi-detached pair of houses. A new dwelling was constructed adjacent to 1 Vectis Gardens, creating a terrace row (under application ref. 92/P0501).
- 2.3 The existing terrace dwelling has three bedrooms. There is a single storey garage attached to the side of the property with a distance of 4.8 metres separating the side elevation of the existing property from the side property boundary. A second detached single storey garage on land belonging to 1 Vectis Road is located nearby with the two garages separated a pedestrian access to the rear of neighbouring properties.
- 2.4 The site is not located in a conservation area. The building is not listed. The application site lies with Flood Zone 2 (the rear part of the site only). The site lies within a Controlled Parking Zone. The area has a PTAL of 1b (poor).

## **3. CURRENT PROPOSAL**

- 3.1 The application seeks planning permission for the erection of a two-storey side extension, with rear facing dormer window and a 3m deep single storey rear extension to the existing dwelling, following demolition of the existing garage.
- 3.2 The proposed two-storey extension would form an extension to the existing dwelling at ground floor level and would create a separate 1 bedroom flat at first and second floor level (second floor within the roof space).



- 3.3 Construction materials would match the existing.
- 3.4 Rubbish/recycling storage and cycle storage would be provided to the frontage of the site.
- 3.5 The proposed plans show space for two cars to park parallel to the highway.
- 3.6 The existing garden would be retained for the host dwelling with no external amenity space allocated to the proposed dwelling.
- 3.7 The proposal would provide the following accommodation:

Unit	Number of bedrooms/people	GIA (sqm)	External amenity space
Retained and extended 2 Vectis Gardens	3 bed/5 person*	140.2	In excess of 50sqm
Proposed new flat	1 bed/2 person	59.65	None

\* The host dwelling is shown to be extended to form a 4 bedroom unit. However, bedroom 1 has a floor area of just 4sqm, with a width less than 2.15m. Therefore, this room cannot be considered as a habitable bedroom for the purposes of the London Plan. The dwelling is therefore considered on the basis of being a 3b/5p unit. It is noted that this bedroom is existing currently and therefore there is no justification to request amendments to the size of this room.

- 3.8 The proposal would effectively convert the existing dwellinghouse into two separate flats. The host dwelling, No.2 Vectis Gardens, would be horizontally split with the new flat, as the ground floor of the entire building would be part of the host dwelling. Therefore, the hoist dwelling would not remain a dwellinghouse but would be classified as a flat. Therefore, no permitted development rights would apply following the conversion.

**4. PLANNING HISTORY**

- 4.1 15/P1905 - DEMOLITION OF THE EXISTING GARAGE AND THE ERECTION OF A NEW END OF TERRACE BUILDING WITH FLOOR SPACE ON FOUR LEVELS (A NEW BASEMENT, GROUND FLOOR, FIRST FLOOR AND WITHIN THE LOFT SPACE) TO PROVIDE 2, TWO

BEDROOM MAISONETTES WITH TWO SEPARATE ENTRANCES TO THE FRONT ELEVATION. Refuse Permission 10-07-2015 for the following reason:

**The proposal would fail to provide an acceptable standard of residential accommodation for future occupiers arising from the provision of inadequate internal space for normal living activities; inadequate provision of natural sunlight, daylight and outlook to the basement living space and failure to demonstrate that adequate flood mitigation measures will be provided to safeguard future occupiers in this area at risk from flooding, contrary to policy 3.5 of the London Plan (March 2015), policies DM D2 and DM F1 of the Merton Sites and Policies Plan (July 2014), and the Council's Supplementary Planning Guidance on Residential Extensions, Alterations and Conversions (November 2001).**

**The submitted application has failed to demonstrate that the excavation; sequencing; and management of the works to form the basement will not be harmful local amenity; failed to demonstrate that the works will not have an unacceptable impact on ground water and surface water movements and failed to demonstrate how the proposal will achieve the London Plan emissions reduction targets contrary to policy DM D2; DM F1; of the Merton Sites and Policies Plan (July 2014), policy CS15 of the Merton LDF Core Planning Strategy and policy 5.2 of the London Plan 2015.**

**The design and appearance of the proposed building including the bulk and massing of the top floor and the front roof terrace would represent overbearing and visually intrusive features that would fail to respect the character and appearance of the surrounding area contrary to policy CS.14 of the Merton LDF Core Planning Strategy and policy 7.4 of the London Plan (March 2015) and the Council's Supplementary Planning Guidance on Residential Extensions, Alterations and Conversions (November 2001).**

- 4.2 16/P2832 - DEMOLITION OF THE EXISTING GARAGE AND ERECTION OF A 2 STOREY SIDE EXTENSION TO END OF TERRACE DWELLING TO CREATE NEW FAMILY ROOM FOR 2 VECTIS GARDENS AT GROUND FLOOR AND A NEW 1 X 1 BEDROOM FLAT ON THE FIRST FLOOR AND WITHIN LOFT WITH REAR ROOF DORMER. Grant Permission subject to Conditions 30-01-2017.
- 4.3 16/P4717 - ERECTION OF A HIP TO GABLE AND REAR ROOF EXTENSION WITH JULIETTE BALCONY AND INSTALLATION OF 3 x ROOFLIGHTS TO FRONT ROOF SLOPE. Grant Permission subject to Conditions 30-01-2017.
- 4.4 17/P1323-APPLICATION FOR A LAWFUL DEVELOPMENT CERTIFICATE FOR THE PROPOSED ERECTION OF A SINGLE

STOREY REAR EXTENSION. Issue Certificate of Lawfulness 08-05-2017.

## **5. CONSULTATION**

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

- It would be better to construct a family sized dwelling on this site.
- The plans may be open to the separation of the existing dwelling into flats causing noise and disturbance by multi occupancy when it is finished.
- Overdevelopment of the site and will result in overcrowding in this small road.
- Concerns over parking pressure and concern that parking spaces shown on plans do not have adequate space.
- Overshadowing to No.1 Vectis Gardens as a result of the proposed rear extension.

5.2 LBM Climate Change Officer:

No objection subject to condition.

5.3 LBM Highways:

No objection or requirements.

5.4 LBM Transport Planning:

### **Observations:**

The Site is located within CPZ GC Zone, which is active between 08:30 and 18:30 Monday to Friday restricting parking for permit holders only between those times.

The proposal provides 2 off street parking spaces.

The proposal is unlikely to generate more than one further vehicle and therefore there is no need to exempt future residents of the proposed development from applying for a parking permit.

Cycle parking:

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

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

In order to meet the standards set out in the London Plan provision the proposal would require one cycle space (secure & undercover).

Recommendation: Raise no objection subject to:

- Car parking as shown maintained.
- Cycle Parking (secure & undercover)

Supplementary comments following deferral at Planning Committee on 18/10/18.

The layout shows two cars (4.8m length) parked parallel to the footway. There is inadequate depth to park at right angles to the kerb. However the two cars can be parked in an angular fashion which allows cars to drive into or out of the spaces in satisfactory manner.

Smaller cars of 4.0m length can be parked at right angles to the kerb line.

5.5 LBM Flooding and drainage officer:

No objection, no requirements.

5.6 Environment Agency:

Advise that EA Standing Advice should be followed.

**6. POLICY CONTEXT**

6.1 London Plan (2016)

- 3.3 Increasing housing supply
- 3.4 Optimising housing potential
- 3.5 Quality and design of housing developments
- 3.8 Housing choice
- 5.1 Climate change mitigation
- 5.2 Minimising carbon dioxide emissions
- 5.3 Sustainable design and construction
- 5.13 Sustainable drainage
- 6.3 Assessing effects of development on transport capacity
- 6.9 Cycling
- 6.13 Parking
- 7.2 An inclusive environment
- 7.4 Local character
- 7.6 Architecture
- 7.19 Biodiversity and access to nature
- 8.2 Planning obligations
- 8.3 Community infrastructure levy

London Plan Housing SPG (March 2016)

6.2 LDF Core Planning Strategy (July 2011)

CS8	Housing Choice
CS9	Housing provision
CS11	Infrastructure
CS14	Design
CS15	Climate Change
CS16	Flood Risk Management
CS18	Active Transport
CS20	Parking, Servicing and Delivery
CS21	Open Space, Nature Conservation, Leisure and Culture

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

DM O2	Nature Conservation, Trees, hedges and landscape features
DM D2	Design considerations in all developments
DM D3	Alterations and extensions to existing buildings
DM EP2	Reducing and mitigating noise
DM F1	Support for flood risk management
DM F2	Sustainable urban drainage systems (SuDS) and; Wastewater and Water Infrastructure
DM T1	Support for sustainable transport and active travel
DM T2	Transport impacts of development
DM T3	Car parking and servicing standards
DM T5	Access to the road network

6.4 Other guidance:

Merton's Design SPG 2004  
NPPG 2014

7. **PLANNING CONSIDERATIONS**

7.1 The main planning considerations concern the principle of development, provision of housing and mix, impact on the character of the area, standard of accommodation, neighbouring amenity, highway, traffic and parking considerations, flooding/drainage and sustainability issues.

Principle of development

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

7.3 The proposed conversion of the existing single dwelling into two residential units is acceptable in principle since a residential unit of at least

3 bedrooms would be re-provided as part of the development, thereby there would be no loss of family housing, in line with policy CS14.

- 7.4 It is important to note the planning history at the site as it is a material consideration in the current assessment. In terms of physical built form, a fully integrated two-storey extension, to be used as an independent dwelling, has been granted permission under application ref. 16/P2832 and therefore, the acceptability of the two-storey extension is established by the granting of this permission. The single storey extension proposed has previously been issued a certificate of lawfulness under application ref. 17/P1323.
- 7.5 Therefore, given the existence of these granted/issued applications, it would be unreasonable to raise objection on elements of the scheme that have previously been approved.
- 7.6 The key differences between the previously permitted scheme under application ref. 16/P2832 and the current scheme are as follows:
- The current scheme includes a dormer window to the rear of the host dwelling. This dormer window is currently in existence, having been permitted under application ref. 16/P4717.
  - The current scheme includes a proposed single storey extension, which has previously had a certificate of lawfulness to confirm that it is permitted development, under application ref. 17/P1323.

Other than these changes, the two schemes are identical.

- 7.7 In terms of policy changes since the previous approval, the NPPF has been revised and continues to focus on the sustainable delivery of houses. The publication of the NPPF 2018 does not materially change the assessment process for this proposal.

#### Provision of housing and mix

- 7.8 The National Planning Policy Framework (2018) requires the Council to identify a supply of specific 'deliverable' sites sufficient to provide five years' worth of housing with an additional buffer of 5% to provide choice and competition.
- 7.9 Policy 3.3 of the London Plan 2016 states that development plan policies should seek to identify new sources of land for residential development including intensification of housing provision through development at higher densities and that the Council will work with housing providers to provide a minimum of 4,107 additional homes (411 new dwellings annually) between 2015 and 2025. Merton LDF Core Strategy policies

CS8 & CS9 also seek to encourage proposals for well-designed and located new housing that will create socially mixed and sustainable neighbourhoods through physical regeneration and effective use of space.

- 7.10 LB Merton's housing target between 2011 and 2026 is 5,801 (Authority's Monitoring Report 2016/17). While a robust five years supply has been identified, the housing need is increasing in London. The borough's Core Planning Strategy states that that it is expected that the delivery of new residential accommodation in the borough will be achieved in various ways including development in 'sustainable brownfield locations' and "ensuring that it is used efficiently" (supporting text to Policy CS9). The application site is on brownfield land and is in a sustainable location adjacent to other existing residential properties.
- 7.11 The benefit of providing 1 additional unit must be weighed against the planning merits of the proposal.
- 7.12 The proposed development would have a density of 102 units per hectare and 410 rooms per hectare. It is of note that the immediately surrounding area has a density of approximately 52 dwellings per hectare and 207 habitable rooms per hectare. The London Plan provides a density matrix to act as a guide indicating suitable levels of density depending on the characteristics of the area. The site is PTAL 1b, within a suburban area, wherein Table 3.2 of the London Plan advises that a range of 35-65 units per hectare and 150-200 habitable rooms per hectare.
- 7.13 Residential density is one factor to consider in the assessment, it is primarily used to assess the acceptability of large housing schemes and can be an unreliable, crude guide when assessing the appropriateness of smaller infill development. Therefore, whilst density is a factor in the assessment process, greater weight should be given to how the development fits in with the character of the area in visual terms.
- 7.14 The current proposal intends to add to the existing building and the resultant density is not the overriding factor in the assessment. The impact on visual and residential amenity will a more important factor in the assessment of the acceptability of the proposal.
- 7.15 Policy DM H2 sets out a requirement for housing mix based on the housing needs of the borough. The policy requires an even proportion of one, two bed and three bedroom units. Historically there has been an under provision of family sized units (3 beds and above). The scheme proposes a new one bedroom unit only. However, given the limited scope for adding floorspace to the building, it is considered that the provision of an additional one bedroom flat would be acceptable in planning terms.

7.16 The proposal is considered to be acceptable in terms of density and housing mix. This is consistent with the view taken under application ref. 16/P2832.

#### Character of the Area

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

7.18 Policies DMD2 and DMD3 seek to ensure a high quality of design in all development, which relates positively and appropriately to the siting, rhythm, scale, density, proportions, height, materials and massing of surrounding buildings and existing street patterns, historic context, urban layout and landscape features of the surrounding area. Core Planning Policy CS14 supports this SPP Policy. Policy DMD2 also seeks to ensure that trees are protected from adverse impacts from development.

7.19 The proposed development would result in a very similar external appearance to that previously granted under application ref. 16/P2832 and would not have a greater impact on the character of the area than the scheme previously approved.

7.20 Equally, the single storey extension would otherwise be permitted development and therefore it would not be reasonable to raise objection to this element of the proposals. However, in any event, this element of the extensions is to the rear and is not visually prominent or out of keeping with the character of the area.

7.21 The proposed development is considered to be acceptable in terms of visual amenity and the character of the area and is considered to comply with Policies DM D2 and DM D3 in this regard.

#### Standard of accommodation

7.22 London Plan Policy 3.5 states that all new housing developments should be of the highest quality internally, externally and in relation to their context. In order to ensure that such development provide an adequate level of internal amenity, Table 3.3 of the London Plan sets out the minimum floor areas which should be provided for new housing.



- 7.23 Sites and Policies Plan Policy DM D2 seeks to ensure good quality residential accommodation with adequate levels of privacy, daylight and sunlight for existing and future residents, the provision of adequate amenity space and the avoidance of noise, vibration or other forms of pollution.
- 7.24 Table 3.3 of the London Plan (2016) requires a minimum gross internal area (G.I.A) of 58sqm for a 1 bedroom/2 person dwelling set over two floors.
- 7.25 The existing three bedroom dwelling which would be extended to the side would be provided with a total floor area of 140.2sqm. This exceeds the 93sqm London Plan floor area requirement for a 3 bedroom, five person dwelling.
- 7.26 The new one bedroom flat on first and second floors would have a floor area of 59sqm, which meets the London Plan requirements for a 1 bedroom, 2 person dwelling (over 2 storeys) of 58sqm.
- 7.27 The plans show that the rear garden area of over 50sqm is to be allocated entirely to the family size dwelling. The garden area is of sufficient size and dimensions to provide future residents with appropriate private amenity space in accordance with the above standards.
- 7.28 Whilst a modest amount of amenity space would normally be required for all flats (5sqm under London Plan standards), the upper storey flat is not a family sized unit. An adequate living area has been provided, and it is considered that the absence of outdoor private amenity space in isolation would not warrant a refusal. It is of note that the unit would be double aspect, with good outlook and provides in excess of the minimum GIA standards of the London Plan. On this basis, the standard of accommodation is considered to be acceptable.
- 7.29 This is consistent with the approach taken under application ref. 16/P2832. The permission can still be implemented and officers would highlight that to refuse permission on the grounds of the absence of amenity space would be inconsistent with the earlier decision and, in the event of an appeal, would be likely to expose the Council to the risk of an application for costs on the basis that it has acted unreasonably.

#### Neighbouring Amenity

- 7.30 Policy DM D2 seeks to ensure that development does not adversely impact on the amenity of nearby residential properties.
- 7.31 The proposed two-storey element of the proposals has been previously

found to be acceptable in terms of the impact on neighbouring amenity and has previously been granted permission (application ref. 16/P2832). It is noted that there are no side facing windows at the adjacent property, No.1 Vectis Road, which would be affected by the proposed two-storey extension. In addition, the two-storey extension would not project beyond the rear building line of No.1 Vectis Road and, as such, it is considered that there would not be a materially harmful impact. This is consistent with the view taken under application ref. 16/P2832.

- 7.32 In terms of the impact on the other adjacent property, No.1 Vectis Gardens: The rear roof extension closest to the boundary has previously been permitted (16/P4717) and it would not be reasonable to revisit this element of the proposals. In any event, the provision of a rear facing dormer window in a residential suburban area is generally held to not result in materially harmful overlooking to neighbouring properties. The proposed dormer window, to the two-storey extension, would have a similar impact to the existing dormer window and would not result in any additional materially harmful overlooking.
- 7.33 The proposed single storey extension, would, if constructed in isolation, be permitted development. The proposed extension is 3m in depth and 3m in height. The proposed extension is to the immediate southeast of No.1 Vectis Gardens and as such would have some minor impact in terms of morning sunlight. However, the limited rear projection of 3m is not considered to result in material harm to the amenities of the neighbouring property.
- 7.34 The proposal is considered to be acceptable in terms of the impact on neighbouring amenity.

#### Highway, traffic and parking considerations

- 7.35 Core Strategy Policy CS 20 considers matters of pedestrian movement, safety, servicing and loading facilities for local businesses and manoeuvring for emergency vehicles as well as refuse storage and collection.
- 7.36 Core Strategy Policy CS 18 promotes active means of transport and the gardens of the houses provide sufficient space for the storage of cycles without the need to clutter up the front of the development with further cycle stores.
- 7.37 The scheme proposes the provision of two off-street parking spaces to the frontage of the site. The Transport officer has reviewed the parking layout following deferral at the last meeting of the Planning Applications Committee. The layout on the submitted plans shows two cars (4.8m

length) parked parallel to the footway. There is inadequate depth to park at right angles to the kerb. However the two cars can be parked in an angular fashion which allows cars to drive into or out of the spaces in satisfactory manner. Smaller cars of 4.0m length can be parked at right angles to the kerb line.

- 7.38 It is also noted that the exact same parking layout has been approved under application ref. 16/P2832 and therefore is established as being an acceptable layout. Planning permission 16/P2832 can still be implemented and officers would highlight that to refuse permission on the grounds of the proposed parking layout would be inconsistent with the earlier decision and, in the event of an appeal, would be likely to expose the Council to the risk of an application for costs on the basis that it has acted unreasonably.
- 7.39 The provision of two off-street parking spaces would meet London Plan maximum standards.
- 7.40 An overly prescriptive condition regulating the alignment of the parking of vehicles is considered unnecessary and would be difficult to enforce. An informative is recommended simply to encourage the occupiers of the dwellings to park at an angle to the footway so as to avoid vehicles overhanging the footway is recommended.
- 7.41 In terms of cycle parking, this is provided to the frontage of the site and is considered to be acceptable.
- 7.42 The Council's Transport Planner has advised that there is no requirement to restrict the issuing of parking permits at the site as the proposal is unlikely to generate more than one further vehicle and parking pressure in the locality is not at such a high capacity that the addition of one small dwelling would have a significant impact on parking capacity in the area.
- 7.43 The proposal is considered to be acceptable in terms of parking and highway impacts.

#### Refuse and recycling

- 7.44 Policy CS20 of the Core Strategy (2011) states that the Council will seek to implement effective traffic management by requiring developers to incorporate adequate facilities for servicing to ensure loading and unloading activities do not have an adverse impact on the public highway.
- 7.45 The application shows that a refuse/recycling storage/collection area would be provided to the frontage of the site and this would be sufficient.
- 7.46 The proposal would therefore, comply with Policy CS17 of the Core

Planning Strategy 2011.

Sustainable design and construction

- 7.47 New buildings must comply with the Mayor's and Merton's objectives on carbon emissions, renewable energy, sustainable design and construction, green roofs, flood risk management and sustainable drainage. The most relevant London Plan policies are 5.1 (Climate Change Adaptation), 5.2 (Minimising Carbon Dioxide Emissions) and 5.3 (Sustainable Design and Construction) which seek to minimise energy usage and reduce carbon dioxide emissions.
- 7.48 Policy CS15 sets out minimum sustainability requirements for development proposals.
- 7.49 The application is accompanied by supporting information in relation to sustainable construction.
- 7.50 The Council's Climate Change Officer has considered the proposals and concludes that subject to a suitably worded condition the proposed development would meet the relevant targets.
- 7.51 The proposal complies with Policy CS15 of the Core Planning Strategy 2011 and Policy 5.3 of the London Plan.

Flooding considerations

- 7.52 Core Planning Strategy CS16 Flood Risk Management and SPP Policy DM F1 requires that new development mitigate the impact of flooding in Merton. The submitted application involves building works within Flood Zone 2, which covers part of the rear garden.
- 7.53 It is of note that the applicant has provided supporting documents in relation to flooding impacts and the EA has previously reviewed these documents and raised no objection to the development (under application 16/P2832). However, it is of note that the current scheme includes a single storey extension whereas the previous scheme did not and therefore covers a greater ground surface area. The Environment Agency has responded to the current application and advise that the EA's standing advice can be applied to the scheme.
- 7.54 The EA standing advice deals mainly with finished floor levels in relation to anticipated flood levels. The proposed finished floor levels would be well above the 1 in 100 or 1 in 1000 year climate change flood levels and as such, no concern or objection is raised in this regard.

- 7.55 The application has satisfactorily demonstrated that it would be acceptable in flooding terms, as per the previous application 16/P2832.

Response to representations

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

- There is a need for family housing in the borough. However, the housing mix policy is not applicable for the addition of a single dwelling and therefore there is no policy base to insist on additional family housing on the site.
- Any further subdivision would require planning permission and as such control would be maintained by the LPA.

**8.0 SUSTAINABILITY AND ENVIRONMENTAL IMPACT ASSESSMENT REQUIREMENTS**

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

**9.0 MAYORAL COMMUNITY INFRASTRUCTURE LEVY**

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

**10.0 MERTON'S COMMUNITY INFRASTRUCTURE LEVY**

- 10.1 Merton's Community Infrastructure Levy was implemented on 1 April 2014. This will enable the Council to raise, and pool, contributions from developers to help pay for things such as transport, decentralised energy, healthcare, schools, leisure and public open spaces - local infrastructure that is necessary to support new development. Merton's CIL has replaced Section 106 agreements as the principal means by which pooled developer contributions towards providing the necessary infrastructure should be collected except for affordable housing.

**11.0 CONCLUSION**

- 11.1 The principle of development is considered to be acceptable.
- 11.2 The proposal is considered to be acceptable in planning terms and would provide one additional dwelling to add to the Borough's housing stock. The

scheme would represent an infill scheme that complements the character of the area and provides a reasonably good standard of accommodation.

- 11.3 In addition, the majority of the development proposed has been previously found to be acceptable and granted planning permission. To refuse on the basis of inadequate amenity space and an unsatisfactory parking layout would be inconsistent with the earlier decision that could still be implemented.
- 11.3 Therefore, the recommendation is to grant permission subject to conditions.

### **RECOMMENDATION**

#### **GRANT PLANNING PERMISSION**

Grant Permission Subject to Conditions:

##### Conditions:

1. A.1 Time Limit
2. A.7 Approved Plans
3. B2 Materials to match
1. C.7 Implementation of Refuse and Recycling
5. H04 Provision of vehicle parking
6. H.9 Construction Vehicles
7. L2 Energy and water usage.
8. Cycle Parking (implementation)
10. No demolition or construction work in connection with this permission shall be carried out outside the hours of 08.00 and 18.00 on Mondays to Fridays inclusive, 08.00 to 13.00 on Saturdays and there shall be no such work carried out on Sundays or Public Holidays.

#### **INFORMATIVE:**

1. Carbon emissions evidence requirements for Post Construction stage assessments must provide:
  - Detailed documentary evidence confirming the Target Emission Rate

(TER), Dwelling Emission Rate (DER) and percentage improvement of DER over TER based on 'As Built' SAP outputs (i.e. dated outputs with accredited energy assessor name and registration number, assessment status, plot number and development address); **OR**, where applicable:

- A copy of revised/final calculations as detailed in the assessment methodology based on 'As Built' SAP outputs; **AND**
  - Confirmation of Fabric Energy Efficiency (FEE) performance where SAP section 16 allowances (i.e. CO2 emissions associated with appliances and cooking, and site-wide electricity generation technologies) have been included in the calculation
2. Water efficiency evidence requirements for post construction stage assessments must provide:
- Documentary evidence representing the dwellings 'As Built'; detailing:
    - the type of appliances/ fittings that use water in the dwelling (including any specific water reduction equipment with the capacity / flow rate of equipment);
    - the size and details of any rainwater and grey-water collection systems provided for use in the dwelling; **AND**:
    - Water Efficiency Calculator for New Dwellings; **OR**
    - Where different from design stage, provide revised Water Efficiency Calculator for New Dwellings and detailed documentary evidence (as listed above) representing the dwellings 'As Built'.
3. **INFORMATIVE**
- This permission creates one or more new units which will require a correct postal address. Please contact the Street Naming & Numbering Officer at the London Borough of Merton

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

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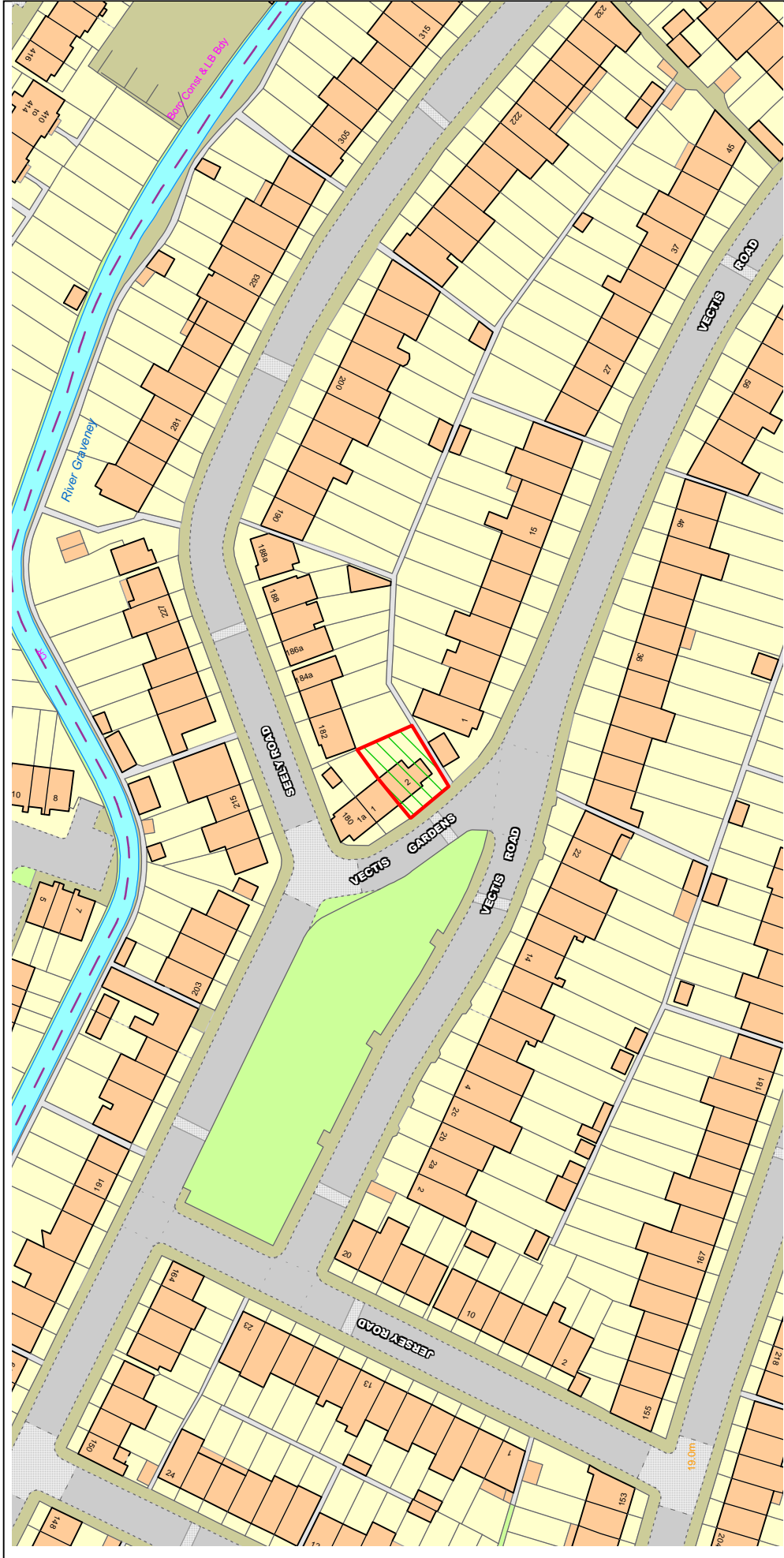
[Click here](#) for full plans and documents related to this application.

Please note these web pages may be slow to load

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# NORTHGATE SE GIS Print Template



## Text Details 2 Vectis Gardens

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## **Committee:** Planning Applications Committee

**Date:** 15<sup>th</sup> November 2018

**Wards:** Hillside

**Subject:** Tree Preservation Order (No.730) at 10 Murray Road,  
Wimbledon, SW19 4PB

**Lead officer:** HEAD OF SUSTAINABLE COMMUNITIES

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

**Contact Officer** Nick Hammick: 0208 545 3113  
nick.hammick@merton.gov.uk

### **Recommendation:**

---

That the Merton (No.730) Tree Preservation Order 2018 be confirmed, without modification.

---

#### **1. Purpose of report and executive summary**

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

#### **2. Application Details**

- 2.1 On the 19<sup>th</sup> May 2018, the council received a s.211 notification proposing, in part, the removal of a False acacia tree from the front garden of the property. The reason for the work is stated as: 'being required to allow for landscaping. Landscaping has been instigated by the fact that the roots of this tree are causing direct damage to both the driveway and garden wall.'
- 2.2 The tree was assessed by the tree officer and was found to be a False acacia of good vitality, with an approximate breast height diameter of 40cm.
- 2.3 In line with the regulations, a tree preservation order was made and is known as the Merton (No.730) Tree Preservation Order 2018 and this took effect on the 13<sup>th</sup> June 2018. A copy of the tree preservation order plan is appended to this report.

### **3. Background**

- 3.1 00/T2332 – Notification to remove the False acacia - withdrawn by owner/agent.
- 3.2 13/T1819 – Notification to crown reduce the False acacia by 30%. Council raised no objections.
- 3.3 18/T2004 – Notification to remove the False acacia, neighbouring Holly & 2no. Bay trees in rear garden. Council raised no objections to removal of Holly & Bay trees.

### **4. Legislative Background**

- 4.1 Section 198 of the Town and Country Planning Act 1990 (as amended), empowers Local Planning Authorities to protect trees in the interests of amenity, by making tree preservation orders. Points to consider when considering a tree preservation order are whether the particular trees have a significant impact on the environment and its enjoyment by the public, and that it is expedient to make a tree preservation order.
- 4.2 When issuing a tree preservation order, the Local Planning Authority must provide reasons why the tree has been protected by a tree preservation order. In this particular case 10 reasons were given that include references to the visual amenity value of the tree in the area; that the tree has an intrinsic beauty; that the tree is visible to the public view; that the tree makes a significant contribution to the local landscape; that the tree forms part of our collective heritage for present and future generations; that the tree is an integral part of the urban forest; that the tree contributes to the local bio-diversity; and that the tree protects against climate change.
- 4.3 Under the terms of the provisional status of an Order, objections or representations may be made within 28 days of the date of effect of the Order. The Council must consider those objections or representations before any decision is made to confirm or rescind the Order.

### **5. Objections & representation to the Order**

- 5.1 The owner of the tree at 10 Murray Road objects to the Order on the grounds of:
  - The level of physical disruption/destruction that it is causing to its immediate surroundings, most particularly the fence and wall between their property and the street, as well as the driveway and adjacent flower bed. At present, the need for reconstruction is urgent.
  - This will be the third time in 12 years of ownership that they have been forced to spend significant sums on reconstruction of the front boundary, due to disruption caused by this tree.
  - Discussions with architects on the various possible structural solutions which could provide a more permanent front fence/boundary whilst still accommodating further growth and movement in the tree and its roots, have shown that the most practical solutions are expensive and also not guaranteed to be successful.
  - The False acacia is a non-native species well known for being highly invasive – the Royal Horticultural Society describes it as “vigorous” and notes “it has the potential to become as nuisance”.

- The tree has an attractive appearance when in flower in late spring, but for the rest of the year it is unremarkable.
- Neighbours have claimed this tree was not deliberately planted, but rather appears to be a sucker (or otherwise was self-seeded) from an older tree on an adjacent property, which was blown down in the 1987 hurricane.
- The tree is by a large margin, the tallest tree in this section of Murray Road.
- Prior to the recent resurfacing of the pavement in Murray Road, the roots had caused significant damage to the tarmac immediately outside the fence, which is likely to occur again; a potential hazard.
- It is intended to plant another, more attractive tree at the front of the property and happy to discuss this with Tree Officers.
- The owner has requested the necessary time to commission an appropriate consultant's report to support the case. The Council has confirmed agreement to this and has worked with the owner to provide the necessary time.

5.2 On 11<sup>th</sup> June 2018, the Council received an email from an opposite neighbour in support of the removal of the False acacia, on the basis that '...the tree has no particular merit, it sheds unsightly leaves and blossoms and, more importantly, is damaging the space around it.'

## **6. Planning Considerations**

6.1 The tree officer visited the site on the 6<sup>th</sup> June 2018 to assess the tree works notification 18/T2004. Nothing obvious from a ground level inspection of this tree was observed by the tree officer to suggest that the trees' removal would be thought necessary in relation to the comments made by the owner.

6.2 Damage to a short section of low, 3-brick high wall bordering the front bed was observed. The tree officer wrote to the owner on the 25<sup>th</sup> June 2018 to suggest that a simply expediency would be to remove this short damaged section, after which, it might be either repaired or the structure removed completely. No obvious damage, as reported by the owner, to the substantial flags-laid driveway was noted.

6.3 A later site visit with the owner was proposed by the tree officer for the 17<sup>th</sup> September 2018, but nothing further was confirmed by the owner. Whilst it has not been possible to make arrangements to meet on site, conversation with the owner via email has been more successful.

6.4 The comments raised in relation to the False acacia being a non-native species, it not being a planted tree but rather a sucker or self-seeded from an older tree, and it being the tallest tree in this section of Murray Road are noted. However, these comments are not considered to be reasons for requiring the removal of a protected tree, or be strictly relevant for the purposes of confirming the Tree Preservation Order.

6.5 Recent resurfacing of the pavement has been undertaken by the Council's Traffic & Highway contractors. Any subsequent damage to the pavement that may occur as a result of tree roots will be repaired as and when intervention is

required. Again, this is not considered to be a reason for requiring the removal of a protected tree, or be strictly relevant for the purposes of confirming the Tree Preservation Order.

6.6 In response to the intention of replacement planting, such as an Amelanchier, Officers are of the opinion that the False acacia does not need to be removed. As such, there is no need to consider other replacement planting in place of an established protected tree in its current, appropriate position.

6.7 The Council have received no further submissions from the owner in support of their objection.

## **7. Officer Recommendations**

7.1 The Merton (No.730) Tree Preservation Order 2018 should be confirmed without modification.

## **8. Consultation undertaken or proposed**

None required for the purposes of this report

## **9. Timetable - N/A**

## **10. Financial, resource and property implications**

The Order may be challenged in the High Court and legal costs are likely to be incurred by Merton. However, it is not possible to quantify at this time, and may be recoverable from the property owners if the Court finds in favour of the Authority. No claim for compensation can be made for loss or damage occurred before an application for consent to undertake work on a protected tree was made, and the authority's liability is limited by legislation.

## **11. Legal and statutory implications**

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

## **12. Human rights, equalities and community cohesion implications - N/A**

## **13. Crime and disorder implications - N/A**

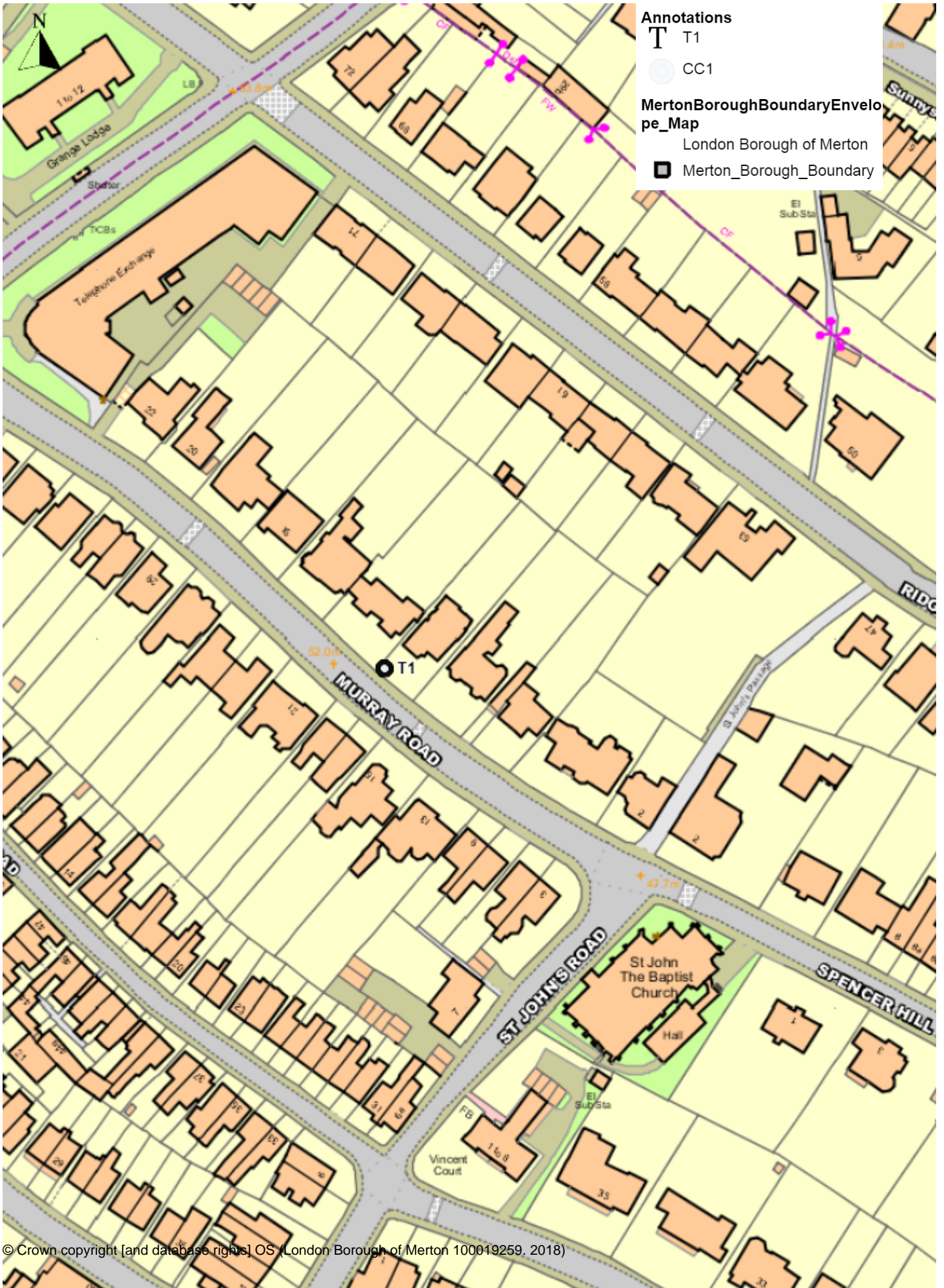
## **14. Risk Management and Health and Safety implications. - N/A**

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

Tree Preservation Order plan

## **16. Background Papers**

The file on the Merton (No.730) Tree Preservation Order 2018  
Government Planning Practice Guidance on Tree Preservation Orders and trees in conservation areas.



**Merton (No.730) Tree Preservation Order 2018**

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**10 Murray Road** Page 201

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**Committee:** Planning Applications

**Date:** 15 November 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\*\*](#)

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### **DETAILS**

Application Numbers: **17/P2122**  
Site: 4 Farnham Gardens, Raynes Park SW20 0UB  
Development: Erection of second floor extension to Flat 4 to create  
1 bedroom self-contained flat with amenity balcony  
Recommendation: Refused (Delegated Decision)  
Appeal Decision: **DISMISSED**  
Date of Appeal Decision: 17<sup>th</sup> October 2018

[\*\*Link to Appeal Decision Notice\*\*](#)

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Application Numbers: **17/P2646**  
Site: 240 Merton Road, Hamilton Road Mews, Merton Road SW19 1EQ  
Development: Change of use from B1 to mixed C3 & B1a use, involving erection of a two storey block comprising 5 x flats with ground floor office.  
Recommendation: Refused (Delegated Decision)  
Appeal Decision: **DISMISSED**  
Date of Appeal Decision: 16<sup>th</sup> October 2018

## [Link to Appeal Decision Notice](#)

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Application Numbers: **17/P3569**  
Site: 54 Bond Road, Mitcham, Surrey CR4 3HE  
Development: Conversion of single dwelling into 2 X self-contained flats  
Recommendation: Refused (Delegated Decision)  
Appeal Decision: **DISMISSED**  
Date of Appeal Decision: 25th September 2018

## [Link to Appeal Decision Notice](#)

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Application Numbers: **17/P3581**  
Site: 24 The Grange, Wimbledon SW19 4PS  
Development: Erection of single storey east extension and a two storey west extension with excavation of new basement and alterations to second floor and roof  
Recommendation: Refused (Delegated Decision)  
Appeal Decision: **DISMISSED**  
Date of Appeal Decision: 12th October 2018

## [Link to Appeal Decision Notice](#)

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Application Numbers: **18/P0635**  
Site: 5 Lindisfarne Road, West Wimbledon SW20 0NW  
Development: Erection of a side and front extension, loft conversion and new Drive.  
Recommendation: Refused (Delegated Decision)  
Appeal Decision: **ALLOWED**  
Date of Appeal Decision: 19th September 2018

## [Link to Appeal Decision Notice](#)

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Application Numbers: **17/P2716** and **17/P2721** (linked appeal)  
Site: 218 Morden Road, South Wimbledon SW19 3BY  
Development: Retention of existing raised roof with proposed parapet  
Recommendation: Refused (Delegated Decision)  
Appeal Decision: DISMISSED  
Date of Appeal Decision: 19th September 2018

## [Link to Appeal Decision Notice](#)

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Application Numbers: **17/P2396** and **17/P2397** (linked appeal)  
Site: 13 - 24 Alwyne Mansions, Alwyne Road, Wimbledon SW19 7AD  
Development: Conversion of roofspace into 4 X flats with formation of rear dormer windows  
Recommendation: Refused (Delegated Decision)  
Appeal Decision: **ALLOWED**  
Date of Appeal Decision: 10th September 2018

## [Link to Appeal Decision Notice](#)

## [Link to COSTS Decision](#)

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### Alternative options

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

## 1 CONSULTATION UNDERTAKEN OR PROPOSED

1.1. None required for the purposes of this report.

## **2 TIMETABLE**

2.1. N/A

## **3 FINANCIAL, RESOURCE AND PROPERTY IMPLICATIONS**

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

## **4 LEGAL AND STATUTORY IMPLICATIONS**

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

## **5 HUMAN RIGHTS, EQUALITIES AND COMMUNITY COHESION IMPLICATIONS**

5.1. None for the purposes of this report.

## **6 CRIME AND DISORDER IMPLICATIONS**

6.1. None for the purposes of this report.

## **7 RISK MANAGEMENT AND HEALTH AND SAFETY IMPLICATIONS**

7.1. See 6.1 above.

## **8 BACKGROUND PAPERS**

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

## Committee: Planning Applications Committee

**Date:** 15<sup>th</sup> November 2018

**Subject:** PLANNING ENFORCEMENT - SUMMARY OF CURRENT CASES

**Lead officer:** HEAD OF SUSTAINABLE COMMUNITIES

**Lead member:** CABINET MEMBER FOR REGENERATION, HOUSING AND  
TRANSPORT COUNCILLOR MARTIN WHELTON

**COUNCILLOR LINDA KIRBY, CHAIR, PLANNING  
APPLICATIONS COMMITTEE**

**Contact Officer** Ray Littlefield: 0208 545 3911

Ray.Littlefield@merton.gov.uk

**Recommendation:**

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That Members note the contents of the report.

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**1. Purpose of report and executive summary**

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

<b>Current Enforcement Cases:</b>	<b>827</b>	<b><sup>1</sup>(817)</b>	<b>New Appeals:</b>	<b>(0)</b>	<b>(1)</b>
<b>New Complaints</b>	<b>41</b>	<b>(37)</b>	<b>Instructions to Legal</b>	<b>0</b>	<b>(2)</b>
<b>Cases Closed</b>	<b>31</b>		<b>Existing Appeals</b>	<b>1</b>	<b>(1)</b>
No Breach:	26		<hr/>		
Breach Ceased:	5		<b>TREE ISSUES</b>		
NFA <sup>2</sup> (see below):	0		<b>Tree Applications Received</b>	<b>49</b>	<b>(56)</b>
Total	31	(21)	<b>% Determined within time limits:</b>	<b>95%</b>	
<b>New Enforcement Notices Issued</b>			<b>High Hedges Complaint</b>	<b>0</b>	<b>(0)</b>
Breach of Condition Notice:	0		<b>New Tree Preservation Orders (TPO)</b>	<b>2</b>	<b>(1)</b>
New Enforcement Notice issued	0	(1)	<b>Tree Replacement Notice</b>	<b>0</b>	
S.215: <sup>3</sup>	0		<b>Tree/High Hedge Appeal</b>	<b>0</b>	<b>(0)</b>
Others (PCN, TSN)	0	(0)			
Total	0	(2)			
<b>Prosecutions: (instructed)</b>	<b>0</b>	<b>(0)</b>			

Note (*figures are for the period 11<sup>th</sup> October to 5<sup>th</sup> November 2018*). The figure for current enforcement cases was taken directly from M3 crystal report.

<sup>1</sup> Totals in brackets are previous month's figures

<sup>2</sup> confirmed breach but not expedient to take further action.

<sup>3</sup> S215 Notice: Land Adversely Affecting Amenity of Neighbourhood.

## **2.0 New Enforcement Actions**

**228 Lynmouth Avenue, SM4 4RP.** The Council issued a S215 notice on 23rd July 2018 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 property". The notice came into effect on 23/08/18.

**The former laundry site, 1 Caxton Road, Wimbledon SW19 8SJ.** Planning Permission was granted for 9 flats, with 609square metres of (Class B1) office units. 22 flats have been created. Instructions have been sent to legal services for the service of a planning enforcement requiring either the demolition of the development or build to the approved scheme. The Planning Enforcement Notice was issued on 11<sup>th</sup> October 2018. The Notice will take effect on 18<sup>th</sup> November 2018 with a compliance period of 12 calendar months, unless an appeal is made to the Planning Inspectorate before 18<sup>th</sup> November 2018.

**33 Sutherland Drive, Colliers Wood, SW19.** This matter concerns abandoned cars and general rubbish in the front, side and rear of the property. A s215 Notice has been authorised and was served on 18<sup>th</sup> October 2018, the Notice will take effect 28 days after this date unless an appeal is made (to the Local Magistrates Court) with a compliance period of a further 28 days from the date the Notice takes effect.

**100 The Broadway, Wimbledon SW19 1RH.** This matter concerns a dilapidated shopfront. A s215 Notice was issued and served on 28<sup>th</sup> June 2018, the Notice took effect 28 days after this date with a further compliance period of 28 days requiring the shop front to be restored and tidied up. The shop front has been improved, however not to the satisfaction of Officers.

**118 Central Road, Morden SM4 5RL.** A planning Enforcement Notice was issued on 25<sup>th</sup> June 2018 and came into effect on 1<sup>st</sup> August 2018 with a 2 months compliance period. The Notice requires the removal of the covering of the rear yard of the commercial garage. The covering has been removed and so the planning enforcement Notice has been fully complied with.

**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 Notice was issued on 16<sup>th</sup> 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 has been received.

**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. The notice has taken effect however; the legal team has been informed that the ownership details have changed. The new owners' details are pending and therefore

we have to wait for the full detail update before we can enforce the notice. An appeal has been received on grounds (c) only (that planning permission is not required). The Council will submit its statement in due course.

**29 Belgrave Walk, Mitcham, CR4 3QQ.** The Council issued a Planning Enforcement Notice on 24<sup>th</sup> August 2018 requiring the removal of a first floor rear extension. The Notice came into effect on 30<sup>th</sup> September 2018 with a 3 months compliance period unless an appeal was made before 30<sup>th</sup> September 2018. To date no appeal has been made.

**17 Burley Close, Streatham, SW16 4QQ.** The Council issued a Planning Enforcement Notice on 24<sup>th</sup> August 2018 requiring the removal of a tree house. The Notice came into effect on 30<sup>th</sup> September 2018 with a 2 months compliance period unless an appeal was made before 30<sup>th</sup> September 2018. To date no appeal has been made.

## **2.1 Some Recent Enforcement Actions**

- **39 West Barnes Lanes, SW20 0BL.** The council issued a S215 notice on 23<sup>rd</sup> July 2018 to requiring the land be cleared of rubbish. The notice came into effect on 23/08/18. The Land has now been cleared and the Notice complied with.
- **117 Haydons Road South Wimbledon SW19.** The Council re-served an Enforcement Notice on 9<sup>th</sup> February 2016 against the unauthorised conversion of the former public house into eight self-contained flats. The notice came into effect on 18<sup>th</sup> March 2016 as there was no appeal prior to that date and the requirement is to cease using the building as eight self-contained flats within 6 months. Six of the flats are vacant and the owners have instructed builders to remove all kitchens units. Court action is currently on-going to re-possess the remaining two flats.
- **Burn Bullock, 315 London Road, Mitcham CR4.** A Listed Buildings Repair Notice (LBRN) was issued on 27<sup>th</sup> August 2014 to require a schedule of works to be carried out for the preservation of the Building which is listed.

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

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

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

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

- **13 Fairway, Raynes Park SW20.** On 2<sup>nd</sup> 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. The owner has complied, no further action.
- **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. Due to the time that has elapsed since the issuing of the Notice a new Notice will be issued. Instructions to the Councils Legal services have now been sent requesting the service of a new s215 Notice.

**3.0 New Enforcement Appeals - 0**

**3.1 Existing enforcement appeals - 1**

**3.2 Appeals determined**

- **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. The appeal has been dismissed
- **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. Awaits for compliance
- **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.
- **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 28<sup>th</sup> February 2018. The appeal was dismissed by Decision Letter dated 7<sup>th</sup> March 2018. The period of time for compliance with the Enforcement Notice was extended from three months to six months from 7<sup>th</sup> March 2018. Awaiting prosecution proceedings.

### **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. The rear window has been addressed and resolved. No further action under section 215 notice is required.
- **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.

- The people involved have been summoned to attend Lavender Hill Magistrates' Court on 10<sup>th</sup> July 2018. The defendants are required to attend the court and enter a plea to the offence of failing to comply with the requirements of a Planning Enforcement notice.
- The defendant's appeared at Lavender Hill Magistrates Court. But the case was deferred and sent to the Crown Court as the penalties available to the Magistrates Court were considered by the court, to be insufficient, should the defendants be found to be guilty. It is likely that this case will be heard at the Crown Court in August 2018. The Court has imposed a £1,000 fine plus costs of £1,500. The occupier was instructed to comply with the notice within one week by 15/08/2018. Officer's will visit and check for compliance. A second prosecution is now underway.

### **3.4 Requested update from PAC**

None

### **4. Consultation undertaken or proposed**

None required for the purposes of this report

**5. Timetable - N/A**

**6. Financial, resource and property implications - N/A**

**7. Legal and statutory implications - N/A**

**8. Human rights, equalities and community cohesion implications**

N/A

**9. Crime and disorder implications**

N/A

**10. Risk Management and Health and Safety implications.**

N/A

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

N/A

**12. Background Papers**