

# Merton Council

## Planning Applications Committee

### Membership

#### Councillors

Linda Kirby (Chair)  
Najeeb Latif (Vice-Chair)  
David Dean  
Russell Makin  
Simon McGrath  
Peter Southgate  
Dave Ward  
Billy Christie  
Rebecca Lanning  
Joan Henry

#### Substitute Members:

David Chung  
Edward Foley  
Stephen Crowe  
Daniel Holden  
Carl Quilliam  
John Dehaney

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

**Date: 19 June 2019**

**Time: 7.15 pm**

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

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# Planning Applications Committee

## 19 June 2019

- 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 13-24 Alwyne Mansions, Alwyne Road, Wimbledon SW19 7AD 9 - 26  
Application Number: 19/P1006 Ward: Hillside  
Officer Recommendation: GRANT Variation of Condition subject to conditions
- 6 Land to the Rear of 2A Amity Grove, Raynes Park, SW20 0LJ 27 - 48  
Application Number: 18/P4148 Ward: Raynes Park  
Officer Recommendation: GRANT Planning Permission subject to conditions and a Section 106 agreement
- 7 36 Grenfell Road, Mitcham, CR4 2BY 49 - 66  
Application Number: 18/P4483 Ward: Graveney  
Officer Recommendation: GRANT Planning Permission subject to relevant conditions and legal agreement.
- 8 14 Highbury Road, Wimbledon, SW19 7PR 67 - 92  
Application Number: 18/P4442 Ward: Village  
Officer Recommendation: GRANT Planning Permission subject to conditions
- 9 Garages R/O 38 Inglemere Road, Mitcham, CR4 2BT 93 - 108  
Application Number: 19/P0498 Ward: Graveney  
Officer Recommendation: GRANT Planning Permission subject to a S106 agreement and relevant conditions

10	Merton Hall, Kingston Road, Wimbledon, SW19 1LA	109 - 122
	Application Number:19/P0205                      Ward: Abbey	
	Officer Recommendation: GRANT Variation of condition	
11	3 Lincoln Avenue, Wimbledon Park, SW19 5JT	123 - 144
	Application Number: 19/P0558                      Ward: Village	
	Officer Recommendation: GRANT Planning Permission subject to conditions and Section 106 Agreement	
12	Old Rutlishians Association Sports Ground, Poplar Road, Merton Park	145 - 154
	Application Number: 19/P0824      Ward: Merton Park	
	Officer Recommendation: GRANT Planning Permission subject to conditions	
13	72 Southdown Road, Raynes Park, SW20 8PX	155 - 164
	Application Number: 19/P0807      Ward: Hillside	
	Officer Recommendation: GRANT Planning Permission subject to conditions and Section 106 Agreement	
14	7 Sunnyside Place, Wimbledon SW19 4SJ	165 - 172
	Application Number: 19/P0132      Ward: Hillside	
	Officer Recommendation: GRANT Planning Permission subject to conditions	
15	Tree Preservation Order (No.738) at 5 Highbury Road, Wimbledon, SW19 7PR	173 - 178
	Ward: Village	
	Officer Recommendation: That the Merton (No.738) Tree Preservation Order 2019 be confirmed, without modification.	
16	Planning Appeal Decisions	179 - 184
17	Planning Enforcement - Summary of Current Cases	185 - 188

## **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

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# Agenda Item 3

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## PLANNING APPLICATIONS COMMITTEE

25 APRIL 2019

(7.15 pm - 9.30 pm)

PRESENT Councillor Linda Kirby (in the Chair), Councillor Najeeb Latif, Councillor Laxmi Attawar, Councillor David Chung, Councillor David Dean, Councillor Russell Makin, Councillor Simon McGrath, Councillor Peter Southgate and Councillor Marsie Skeete, and Councillor Rebecca Lanning

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

Apologies for absence were received from Councillor Dave Ward. Councillor Rebecca Lanning attended as Substitute

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

There were no declarations of pecuniary interest.

In the interests of openness and Transparency Councillor David Dean said that he had met with the owner of 141 The Broadway and therefore he would not speak or vote on this item.

In the interests of openness and Transparency Councillor Najeeb Latif said that he had arranged meetings between residents and the applicant for 141 The Broadway and therefore he would not speak or vote on this item

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

RESOLVED: That the minutes of the meeting held on 21 March 2019 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, 8, and 9.

Order of the meeting – The Chair announced that the items would be taken in the following order 5, 9, 8 and 7. Item 6 was withdrawn from this Agenda prior to the meeting.

### 5 141 THE BROADWAY, WIMBLEDON SW19 1NE (Agenda Item 5)

Proposal: Redevelopment of site to create 20 x self-contained flats within a six storey residential block with new frontage to ground floor commercial unit.

The Committee noted the officers report and presentation and the additional information in the Supplementary Agenda- Modifications. The Chair allowed the Committee extra time to read all of this additional information. The Committee then received verbal representations from three objectors, who shared the 6 minutes, and the applicant's agent.

The Objectors made points including:

- Many of the measurements used to compare this building to the CIPD building are incorrect, resulting in all the drawings being incorrect
- Although prefer the yellow facing brick, do not think the overall design is not acceptable
- The appeal on the previous proposal was decided before the NPPF (National Planning Policy Framework) was introduced
- The landscaping proposals are not sustainable , and this is a missed opportunity to support the planting of trees
- The Council says that it supports the planting of trees to curt pollution, but has failed to plant trees on the Broadway

The Applicant/Agent made points including:

- This application has been to the Council's DRP (Design Review Panel) and was supported providing substantive design changes were made to improve the balconies and brickwork, ground floor and upper floor. These changes have been made
- The proposal is one storey higher than the scheme allowed by appeal, but it is still not as high as the CIPD building
- Units will have access to private amenity space that meets London Standards. The Proposal meets Merton Sustainability Standards. The proposal will provide additional housing for the borough
- The NPPF was introduced in 2012, way before the appeal scheme was decided
- The plans and drawings are correct and accurate. Measurements in comparison to the CIPD building were taken by a surveyor on-site. The CGI's are visually verified and are 97-98% accurate

In reply to Member's questions Officers made points including:

- There is a Landscaping condition that secures tree planting.
- Regarding the affordable housing provision of previous schemes; the 2014 application proposed 6 on-site affordable units, the 2016 application proposed 4 on-site affordable units.
- The current scheme was assessed by the Council's independent Viability assessor and the conclusion was that it was not viable to provide affordable housing on this scheme
- In accordance with the Mayor's Guidance a clawback mechanism is included in the Heads of Terms for this scheme, so that if viability increase then on or off site affordable housing provision will be made
- The viability assessment takes full account of costs, and the assessment does show that the proposal is in fact in deficit



- There are many reasons why provision of affordable units was viable on previous proposals but are not on this proposal including the fact that building costs rise as a building goes higher. Viability is assessed by an independent expert, but things do change and that is the purpose of the clawback mechanism to assess these changes
- The applicant applied for housing on this site. Either housing or offices would have been acceptable to policy
- The previously allowed application, could still be built, once an S106 was signed. This application had grey cladding and large garden balconies.
- Receipt of CIL money is a given

The Applicant answered a question regarding the DRP, and said that this application went as a pre-app, before design changes, including to the balconies, were made and received an Amber rating, but was not considered again following the design changes. He also confirmed that the previous scheme had not been to the DRP.

Members commented that:

- Would like to see a Green from DRP before allowing as the scheme before us is still not good enough
- Concern about lack of affordable housing from the scheme
- Dislike the scheme, it is overdevelopment and out of character with the area, but note that the Inspector did not dismiss the appeal on design grounds and accept that an appeal against a refusal would be difficult

The Committee voted on the Officer Recommendation, but there was no majority to approve. The Committee then discussed reasons for refusal but did not reach a conclusion. As the committee had issues with the design, and there had been a lack of clarity regarding whether or not the application had been to the DRP, it was then proposed to defer the item so that an investigation into this could be reported on.

RESOLVED

The Committee agreed to defer this decision to a future planning committee so that further information regarding the consideration by the DRP can be sought

6 FORMER ATKINSON MORLEY HOSPITAL SITE, COPSE HILL, SW20  
(Agenda Item 6)

The item was withdrawn from this Agenda prior to the meeting

7 36 DURHAM ROAD, SW20 0TW (Agenda Item 7)

Proposal: Erection of a two bed dwellinghouse with "green roof" at rear of garden. Including construction of basement, erection of a two storey rear extension to existing dwelling, and first floor side extension at the street front. Resulting in 1 x 1 bed flat at ground Floor and 1 x 2 bed flat at first floor. Shop at front to be retained.

The Committee noted the officer's report and presentation.

## RESOLVED

The Committee voted to GRANT Planning Permission subject to conditions and S106 agreement

### 8 WELLINGTON WORKS, WELLINGTON ROAD, WIMBLEDON PARK, SW19 8EQ (Agenda Item 8)

Proposal: Single storey side extension to existing building to provide additional workshop space.

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

The Committee received verbal representations from one objector to the application, the Applicant's Agent and the Ward Councillor Ed Gretton.

The Objector made points including:

- Currently all access to the site is via Wellington Road, there is no history of access via Dawlish Avenue, which is a residential road
- Dawlish Avenue, is a residential cul-de-sac, commercial traffic would be dangerous for the children who play on the road and also for the families who use the road for access to the primary schools and recreation ground
- The Council have already identified risk in this area, and access to this site was deemed dangerous in the 2018 application

The Applicant's agent made points including:

- A similar application on the Wellington Road Industrial Estate last year received no objections
- This development is acceptable under the policies for scattered employment.
- No harm will be caused by the proposal, and there will be no impact on residential amenity
- Highways officers raised no objections as the proposal will generate only one additional movement per hour.

The Planning Team Leader North, reminded the Committee of the following points:

- The 2017 application for this site included 24 residential units. Officers refused this scheme and successfully defended their decision at Appeal
- However the current application does not include any residential units.
- The application site has a lawful industrial use class, and this application is for an extension to this lawful use.
- The current lawful usage includes both accesses – Wellington Road and Dawlish Avenue
- This application would only generate one additional journey per hour

The Ward Councillor, Ed Gretton, made comments including:

- Referring to the 2018 application, the Inspector found that an increase in capacity was difficult and that one of the accesses is very narrow and busy
- Dawlish Avenue has not been used as an access for several decades. It is too narrow, and a risk to children who play on the road
- All residents say this proposal will not work.
- There is an ongoing concern about the hours of use, omitted from this application

In reply to Member's questions, the Planning Team Leader North made comments including:

- The access to Dawlish Avenue varies in width but it is clearly narrow and single vehicle width, but a truck could access.
- The existing site is currently vacant, but its use class still stands.
- Highways engineers have calculated that the additional space created by this proposal would generate one additional journey per hour for eight hours. This calculation is established practice and is based on the current lawful use of the site
- Hours of use are currently unrestricted and Officers think it would be unreasonable to add these.
- Highways Officers did not raise any safety issues with regard to this specific application.
- The 2018 application for residential units is yet to be determined
- The use of both access road is currently allowed and lawful, it would be very difficult to defend a refusal based on dangerous access. The 2017 application was not refused on these grounds

Members commented that they were unhappy with the application and felt that it would affect traffic and Highway Safety in the area, particularly for vehicles accessing and exiting the site.

A motion to refuse was proposed and seconded for the reason of Highway Safety, but this was not carried by the vote.

The Committee voted on the Officer recommendation to Approve but this was not carried by the vote.

The Chair reminded members that they could not refuse an application without valid reason for the refusal.

However Members did not propose further reasons for refusal, but indicated that they would vote again on the previously proposed motion to refuse

Members voted again on the motion to refuse for reasons of Highway Safety and again this was not carried. The Chair returned to the vote on the Officer Recommendation to Approve and this was then carried by the vote.

RESOLVED

The Committee voted to GRANT Planning Permission subject to conditions and S106 agreement

9 WEST LODGE, 4 WEST SIDE COMMON, WIMBLEDON, SW19 4TN  
(Agenda Item 9)

Proposal: Listed Building Consent and Planning Permission for the erection of a single storey rear extension/garden room and excavation of basement level swimming pool beneath rear garden with access via garden room; erection of a dormer window to rear roof slope; erection of a detached two storey double garage with guest room and access from Chester road; and realignment of entrance gates off Westside and installation of railings to front boundary wall (along Westside). Demolition of existing garage.

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

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

The Objectors made points including:

- For one objector the main concern is the new garage with a bedroom in the roof. This is much bigger than other garages in the area, as it is 7.5m wide with accommodation in the roof and dormers. Owing to its size and scale it will not protect the character of the Conservation Area. It will also cause overlooking from its staircase.
- The second resident spoke of his concerns with relocating the streetlight which would result in a dangerous unlit area on Chester Road. He also expressed concern about the excessive size of the proposed garage, which would set a precedent.

The Applicant made points including:

- This proposal will restore the property and will be a family home
- Worked with Council Officers on the proposal
- Council Highways officers surveys show that there is parking capacity in the area, but we will work to replace the lost space if necessary
- The garage will replace the 1980's garage. All planning applications must be judged on their own merits
- There will be a net increase in trees of over 30

In reply to Members Questions Officer replied:

- There is a bedroom and bathroom proposed above the new garage. These rooms are deemed 'ancillary' to the main property by condition. Therefore they cannot be let or sold as a separate property. The property has been split into 3 separate dwellings in the past, the applicant would require a separate planning permission to return to this.
- Two car parking spaces would be affected by the proposal, with a net loss of one space. Highways Officers have reported parking capacity in the area and so there is no concern regarding the lost space

- The Conservation Officer has said that the breakthrough of the listed boundary wall is acceptable as it is in a location away from the main house
- The rooms above the garage have less usable space than the garage owing to the dormers.
- The extensions to the listed building are of a contemporary design and have been accepted by the Conservation Officer. Contemporary design is often used in this way to show a striking difference between old and new.
- An informative can be added to request that the new lamppost will still light the same area. This cannot be enforced by condition because it is not on the site.

Members made comments including:

- Surprised that the design is acceptable for a listed building, the extension should respect the listed building
- The garage with rooms above is bigger than a whole house in other parts of the borough, and is potentially a separate home
- Other members supported the design

RESOLVED

The Committee voted to GRANT Planning Permission subject to conditions

The Committee voted to GRANT Listed Building Consent subject to conditions

10 PLANNING APPEAL DECISIONS (Agenda Item 10)

The Planning Applications Committee noted the report on Planning Appeal Decisions

11 PLANNING ENFORCEMENT - SUMMARY OF CURRENT CASES (Agenda Item 11)

The Planning Applications Committee noted the report on Planning Enforcement

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## PLANNING APPLICATIONS COMMITTEE 19 JUNE 2019

<u>APPLICATION NO.</u>	<u>DATE VALID</u>
19/P1006	15/04/2019
<b>Address/Site</b>	13 – 24 Alwyne Mansions, Alwyne Road, Wimbledon SW19 7AD
<b>Ward</b>	<b>Hillside</b>
<b>Proposal:</b>	Variation of condition 2 (approved plans) attached to LBM Planning Permission 17/P2397 relating to the conversion of roofspace into 4 x self-contained flats, involving the erection of rear dormer roof extensions and front facing rooflights (Scheme 2)
<b>Drawing Nos</b>	SD01, SD02, SD03, PD100, PD200 and PD300
<b>Contact Officer:</b>	Joe Byrne (020 8274 5232)

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### RECOMMENDATION

**GRANT Variation of Condition subject to conditions**

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#### CHECKLIST INFORMATION

- Heads of agreement: No
- Is a screening opinion required: No
- Is an Environmental impact statement required: No
- Has an Environmental Impact Assessment been submitted: No
- Press notice- No
- Site notice-Yes
- Design Review Panel consulted-No
- Number neighbours consulted – 33
- External consultants: None
- Density: n/a
- Number of jobs created: n/a
- Archaeology Priority Zone: No
- Controlled Parking Zone: W2
- PTAL Score: 6a and 6b

#### 1. INTRODUCTION

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

## 2. **SITE AND SURROUNDINGS**

- 2.1 The application site comprises 13-24 Alwyne Mansions, a purpose built three-storey, residential flatted building located to the southeast side of Alwyne Road. There is a well maintained communal garden to the rear of the building. This building and the adjacent block are both near identical, with bay windows projecting from the front elevation with small gable roofs, set well down from the main ridgeline. There is a side alley to either side of the building, currently used for bin storage. The subject site is not located within a Conservation Area, nor is the building statutorily or locally listed, but exhibits some features of an Edwardian building and has some architectural merit, though there have been some alterations.

There is no off street parking on the site.

## 3. **CURRENT PROPOSAL**

- 3.1 This application seeks to vary condition 2 (approved plans) attached to Planning Permission 17/P2397 (Allowed on Appeal, Ref:APP/T5720/w18/3202797) relating to the conversion of roofspace into 4 x self-contained flats, involving the erection of rear dormer roof extensions and front facing rooflights (Scheme 2). This application proposes the following variation to the permission:
- Increase the depth of the proposed rear roof dormers by 0.51m.
- 3.2 Two similar applications (17/P2397 and 17/2396) were submitted and both considered and approved by the same Planning Inspectorate under one report dated 10th October 2018. The main differences with these two schemes are as follows:
- The size of the rear roof dormers and consequently the internal floor space of the third floor (Scheme 1 dormers have a greater depth);
  - The number of bedrooms (Scheme 1 is for one bedroom flats, Scheme 2 is for two bedroom flats); and
  - The height of the main roof ridge (Scheme 1 remains the same, Scheme 2 increased in height by 0.4m).
- 3.3 This application is to amend the approved plans associated to 17/P2397 (Scheme 2) and therefore the main consideration relates to the increased depth of the rear dormers by 0.51m.

## 4. **PLANNING HISTORY**

- 4.1 17/P2396: CONVERSION OF ROOFSPACE INTO 4 x SELF-CONTAINED FLATS, INVOLVING THE ERECTION OF REAR MANSARD ROOF EXTENSIONS AND FRONT FACING ROOFLIGHTS. (Scheme 1) - Application refused by Council, however Appeal Allowed 10/10/2018.
- 4.2 17/P2397: CONVERSION OF ROOFSPACE INTO 4 x SELF-CONTAINED FLATS, INVOLVING THE ERECTION OF REAR DORMER ROOF



EXTENSIONS AND FRONT FACING ROOFLIGHTS. (Scheme 2) – Application refused by Council, however Appeal was Allowed 101/10/2018.

- 4.3 18/P4494: APPLICATION FOR NON MATERIAL AMENDMENTS TO PLANNING PERMISSION 17/P2397 FOR AMENDMENTS TO ERECT A LINE OF 4 x SELF CONTAINED FLATS WITH REAR ROOF EXTENSIONS RELATING TO THE CONVERSION OF ROOFSpace INTO 4 x SELF-CONTAINED FLATS, INVOLVING THE ERECTION OF REAR DORMER ROOF EXTENSIONS AND FRONT FACING ROOFLIGHTS. (Scheme 2) – Refuse non-material amendment 7/01/2019.

## 5. **CONSULTATION**

- 5.1 Public consultation was undertaken by way of letters sent to neighbouring properties and a site notice displayed at the front of the property – 10 representations were received and the following concerns were raised:

- Inconsistencies and mistakes in the originally approved application 17/P2397 and the appeal documentation;
- Increase the loss of privacy;
- No provision for any environmental features;
- Demand for affordable housing and at least one property should be made available for this;
- Loss of light;
- Wrong information being provided to the public;
- Waste management;
- Parking;
- Big businesses being put before local residents;
- Unsightly and character impacts;
- Bulk and mass impacts;
- Sewerage;
- Lack of facilities for bikes and push chairs;
- Increase of residents a nuisance;
- Construction period a nuisance and a health and safety issue;
- Lack of security;
- Noise;
- Heritage impacts;
- Design and materials; and
- Overlooking.

### 5.2 Officer Response

A high proportion of the concerns raised were associated with inconsistencies and mistakes made within the Planning Inspectorate's appeal report regarding the original application. As noted previously within the report, Planning Applications 17/P2397 (Appeal B) and 17/2396 (Appeal A) were submitted and both considered and approved by the same Planning Inspectorate under one report dated 10<sup>th</sup> October 2018. The Inspectorate makes reference to one bedroom flats only when assessing both appeals (paragraph 7). This is an error as Appeal B was for 2 bedroom units. It is noted that the Inspectorate did also not consider the raised roof ridge of the building, which was proposed in Appeal

B (paragraph 12 of the Inspectors report outlines that there is no increase in ridge height). However, the inspectors report is a lawful planning permission for both appeals as the decision has not been quashed. Therefore, the main consideration for this application is associated to the increased depth of the rear roof dormers.

## 6. **POLICY CONTEXT**

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

DM H2 (Housing mix), DM 02 (Nature Conservation, Trees, hedges and landscape features), DM D1 (Urban design and the public realm), DM D2 (Design considerations in all developments), DM D3 (Alterations and extensions to existing buildings), DM F2 (Sustainable urban drainage systems (SuDS) and; Wastewater and Water Infrastructure), DM T1 (Support for sustainable transport and active travel), DM T2 (Transport impacts of development) and DM T3 (Car parking and servicing standards)

### 6.2 Adopted Merton Core Planning Strategy (July 2011)

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

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

3.3 (Increasing housing supply), 3.4 (Optimising housing potential), 3.5 (Quality and design of housing developments), 3.8 (Housing choice), 3.9 (Mixed and balanced communities), 5.1 (Climate change mitigation), 5.2 (Minimising carbon dioxide emissions), 5.3 (Sustainable design and construction), 5.7 (Renewable energy), 5.13 (Sustainable drainage), 6.3 (Assessing effects of development on transport capacity), 6.9 (Cycling), 6.13 (Parking), 7.2 (An inclusive environment), 7.3 (Designing out crime), 7.4 (Local character), 7.6 (Architecture), 7.14 (Improving air quality), 7.19 (Biodiversity and access to nature) and 7.21 (Trees and woodlands)

### 6.4 The National Planning Policy Framework 2019 (NPPF)

5. Delivering a sufficient supply of homes

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

## 7. **PLANNING CONSIDERATIONS**

### 7.1 Principle of development

The principle of extensions and alterations to the building to form 4 flats has already been established under planning approval 17/P2397 (allowed on appeal). The principle of development has therefore already been established and officers need not re-visit the principle of the provision of 4 flats.

The key principle planning considerations relating to the Section 73 application relate to an assessment of the proposed changes and how these impact upon the original scheme under the original planning approval (17/P2397) and surroundings.

The main planning considerations therefore for the amendments to the previous planning permission relate to the impact of the proposed extensions on the character and appearance of the host building, along with the surrounding area and the impact upon neighbour amenity. The key consideration under the current proposal is the proposed changes to the original Planning Permission. This is the increase in depth of the rear facing dormer windows by 0.51m.

## 7.2 Impact on the Character and Appearance

The NPPF section 7, London Plan policies 7.4, 7.6 and 7.8 Core Strategy policy CS14 and SPP Policies DMD2, DMD3 and DMD4 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 the original building and their surroundings, thus enhancing the character of the wider area.

The proposed changes are limited to extending the depth of all the rear roof dormers by 0.51m. The original permission set the dormers at 1.0m back from the eaves. The current proposal would result in the dormer being setback by 0.48m from the eaves. Given the dormers are located at the rear of the property, they will not be widely visible from the front of the street. There is also significant tree coverage at the rear of the property that would conceal some views of the dormers from the alley. As noted previously within the report, Planning Application 17/P2396 was approved by the Planning Inspectorate on 10th October 2018. This application included a rear dormer setback 0.485m from the rear eave, identical to the proposed amendment. This was considered acceptable given the development is typical for an urban area, such as this. The proposed increase in dormer size will appropriately respond to the urban environment and is considered acceptable. The overall design and appearance of the dormer windows would be identical to that already granted permission and therefore officers are satisfied the proposal would be a visually acceptable development to the host building and surrounding area. The variation is considered to comply with London Plan policies 7.4, 7.6 and 7.8, Core Strategy Policy CS14 and SPP Policies DMD2, DMD3 and DMD4.

## 7.3 Neighbouring Amenity

SPP policy DM D2 states that proposals must be designed to ensure that it 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.

The proposed increased size of the dormers will not unduly impact the amenity of any neighbouring properties. Most of the proposed dormers will face the roofs of neighbouring properties to the east and west for their entire depths. The end dormers are well setback from sensitive interfaces and will not result in an unreasonable loss of light or enclosing neighbouring properties. As noted above, the approved Planning Application 17/P2396 proposed dormers of the same height and depth as what is proposed with this application. Further, the size and position of the glazing is identical to those already granted permission. The Planning Inspectorate stated in their decision that the proposal would benefit from a good level of screening and the overall distance would be in excess of 21 metres which, in addition to the natural screening provided, would not result in a level of overlooking or a loss of privacy that would have a significantly harmful impact on the occupiers of those properties along Crompton Road, with particular regard to those occupying Nos 21-31. Given the windows will be in the exact position as the approved decision, additional overlooking impacts would not exist over those already considered at Appeal on the previous Schemes.

Given the scale, form and positioning of the proposed extensions along with the previous decision, it is not considered the proposal would unduly impact upon the amenity of neighbouring properties, and is considered to be consistent with London Plan policies 7.4 and 7.6, Core Strategy policy CS14 and SPP Policies DMD2 and DMD3.

#### 7.4 Other matters

- The increased height of the ridge has already gained permission and officers need not to revisit this.
- The mix of unit (4x2 bed units) already gained permission and officers need not to re-visit this.
- This variation is tied to the already accepted Section 106 Agreement and therefore the flats would be car parking - permit free.
- All original conditions will be re-imposed for this Variation of Condition application.

### 8. CONCLUSION

- 8.1 The proposed amendments are considered to constitute 'minor material amendments'. The amendments are not considered to unduly impact upon the character or appearance of the original scheme or the host building, nor are they considered to unduly impact upon neighbouring amenity. It is therefore recommended to vary condition 2 of planning permission 17/P2397 to amend the approved plans. All other conditions of planning permission 17/P2397 remain unchanged and are applicable to this amended scheme.

### RECOMMENDATION

#### GRANT VARIATION OF CONDITION

Subject to the following conditions:-

1. The development hereby permitted shall begin not later than the expiration of 3 years from the date of planning permission 17P2397.

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: EXTG GF - 2F & ROOF PLANS/ BLOCK & LOCATION PLANS SD01, EXISTING STREET & REAR ELEVATIONS SD02, EXISTING SECTION & SIDE ELEVATIONS SD03, PROPOSED PLANS - 3RD & ROOF PD100, PROPOSED STREET & REAR ELEVATIONS PD200, PROPOSED SIDE ELEVATIONS & SECTIONS PD300, COMPARATIVE SHADOW PLANS PD04(2), 3D VIEWS - EXISTING & PROPOSED PD05(2), PROPOSED BIN AND CYCLE STORES PD06(1&2), VERIFIED CGI 3D - EXTG & PROPOSED TO NORTH EAST PD06(2), VERIFIED CGI 3D - EXTG & PROPOSED TO SOUTH WEST PD07(2), DESIGN AND ACCESS STATEMENT, PLANNING STATEMENT and ENERGY STATEMENT.

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

3. Within 21 days of commencement of development details / samples of the materials to be used in the construction of the external surfaces of the extension hereby permitted shall be submitted to for approval in writing by the local planning authority. Development shall be carried out in accordance with the approved details / samples.

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. No dwelling shall be occupied until space has been laid out within the site for bicycles to be parked and that space shall thereafter be kept available for the parking of bicycles.

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.

5. No dwelling shall be occupied until space has been laid out within the site for the storage of refuse bins and that space shall thereafter be kept available for the storage of refuse bins.

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 2016, policy CS17 of Merton's Core Planning Strategy 2011 and policy DM D2 of Merton's Sites and Policies Plan 2014.

6. Prior to commencement of development a working method statement shall be submitted to and approved in writing by the local planning authority. The Statement shall provide for:
- i) the parking of vehicles of site operatives and visitors;
  - ii) loading and unloading of plant and materials;
  - iii) storage of plant and materials used in constructing the development;
  - iv) wheel washing facilities;
  - v) measures to control the emission of dust and dirt during construction;
  - vi) measures to control surface water run-off.
- The approved working method statement shall be adhered to throughout the construction period for the development.

Reason: To ensure the safety of pedestrians and vehicles and the amenities of the surrounding area, and to comply with the following Development Plan policies for Merton: policies 6.3, 6.14 & 7.15 of the London Plan 2016, policy CS20 of Merton's Core Planning Strategy 2011 and policies DM T2 & DM EP2 of Merton's Sites and Policies Plan 2014.

7. Demolition or construction works shall take place only between 08:00 and 18:00 on Mondays to Fridays inclusive, 08:00 to 13:00 on Saturdays and shall not take place at any time on Sundays or on Bank or 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: policy 7.15 of the London Plan 2015 and policy DM EP2 of Merton's Sites and Policies Plan 2014.

#### INFORMATIVE

##### INF 01 Party Walls Act

The applicant is advised to check the requirements of the Party Wall Act 1996 relating to work on an existing wall shared with another property, building on the boundary with a neighbouring property, or excavating near a neighbouring building. Further information is available at the following link:  
<http://www.planningportal.gov.uk/buildingregulations/buildingpolicyandlegislation/current-legislation/partywallact>

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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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## Appeal Decisions

Site visit made on 17 September 2018

by **J Ayres BA Hons, Solicitor**

an Inspector appointed by the Secretary of State

Decision date: 10<sup>th</sup> October 2018

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### **Appeal A Ref: APP/T5720/W/18/3202793**

#### **13 - 24 Alwyne Mansions, Alwyne Road, Wimbledon, London SW19 7AD**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Nick Selmes of Xuxax Limited against the decision of the Council of the London Borough of Merton.
  - The application Ref 17/P2396, dated 16 June 2017, was refused by notice dated 16 November 2017.
  - The development proposed is conversion of the existing roof space to create 4 new flats, forming dormer windows to the rear.
- 

### **Appeal B Ref: APP/T5720/W/18/3202797**

#### **13 - 24 Alwyne Mansions, Alwyne Road, Wimbledon, London SW19 7AD**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Nick Selmes of Xuxax Limited against the decision of the Council of the London Borough of Merton.
  - The application Ref 17/P2397, dated 16 June 2017, was refused by notice dated 11 December 2017.
  - The development proposed is conversion of the existing roof space to create 4 new flats, forming dormer windows to the rear.
- 

## Decisions

### **Appeal A Ref: APP/T5720/W/18/3202793**

1. The appeal is allowed and planning permission is granted for conversion of the existing roof space to create 4 new flats, forming dormer windows to the rear at 13 - 24 Alwyne Mansions, Alwyne Road, Wimbledon, London SW19 7AD in accordance with the terms of the application, Ref 17/P2396, dated 16 June 2017, subject to the attached schedule of conditions.

### **Appeal B Ref: APP/T5720/W/18/3202797**

2. Appeal B is allowed and planning permission is granted for conversion of the existing roof space to create 4 new flats, forming dormer windows to the rear at 13 - 24 Alwyne Mansions, Alwyne Road, Wimbledon, London SW19 7AD in accordance with the terms of the application, Ref 17/P2397, dated 16 June 2017, subject to the attached schedule of conditions.

## Application for costs

3. An application for costs was made by Xuxax Limited against the London Borough of Merton in respect of Appeal A. This application is the subject of a separate Decision.

## **Main Issue**

4. The main issue in both of the appeals is the effect of the proposal on the living conditions of neighbouring occupiers, with particular regard to the privacy of the occupiers of properties in Compton Road and No 25 Alwyne Road.

## **Reasons**

5. The appeal site is a brownfield site within a residential area, and as such the principle of development is acceptable subject to compliance with the other policies in the development plan. Alwyne Mansions is a purpose built block of flats believed to date from around 1900-1910. The building is not listed, nor is it within a conservation area, however it does have some historic value and with regards to its architectural merit. It is three storeys in height, with bay windows projecting from the street facing elevation which span all three storeys with small gable roofs, set down from the main ridgeline.
6. To either side of the building is a side alley, used for bin storage. To the rear of the block is a communal garden stretching the length of the site. The rear of the building is some 10 metres from the rear boundary of the appeal site. Within the communal garden and along the boundary are a number of trees, varying in species and age. Beyond the boundary are the properties along Compton Road.
7. Both Appeal A and Appeal B would create an additional storey above flats 13 -24 which would provide four flats. Each flat would have one bedroom, and would be accessed by extending the existing staircases within each building. Both proposals would incorporate a mansard style roof extension to the rear of the property, with rooflights inserted into the existing front roofslope. The mansard roof would be finished in grey slate with white painted timber windows, and the ridgeline and eaves of the building would not be altered. The main difference between the proposals is that the extension in Appeal B would be set approximately 0.50 metres further back from the rear façade of the property than Appeal A.
8. The existing distance between the rear of properties on Compton Road and the rear of properties on Alwyne Road is slightly in excess of 20 metres, the window to window distance is typical of development in an urban area such as this. The new windows and flats would be further away due to their height, and this would increase that distance.
9. At the time of my site visit I stood on each landing of the stairwells in Alwyne Mansions and was able to comfortably assess the level overlooking as existing over the rear communal space and neighbouring properties. Whilst the trees along the boundary are not three storeys in height, they are substantial, mature trees, which provide a significant level of screening. I have also had particular regard to the photographs submitted by the resident of No 31 Compton Road.
10. The windows of the proposal would be in excess of eleven metres beyond the trees, due to the height this distance would in fact be greater than eleven metres. Due to the height of the proposal the windows of the proposed flats would be visible from some of the properties along Compton Road. The overall distance would be in excess of 21metres which, in addition to the natural screening provided, would not result in a level of overlooking or a loss of



privacy that would have a significantly harmful impact on the occupiers of those properties along Compton Road, with particular regard to those occupying Nos 21 – 31.

11. The building line of No 25 Alwyne Road extends slightly further back than Alwyne Mansions. Any views of the garden of No 25 would be largely blocked in respect of both Appeal A and Appeal B due to the built form of the roof of No 25, and the vegetation between the gardens.
12. The additional storey would change the style of the roof of the appeal property. However the level of development proposed in both appeals would not result in a higher ridgeline than the existing property. Therefore I do not consider that there would be a material loss of daylight or sunlight in respect of either proposal.
13. Overall, I find that the proposal in both Appeal A and Appeal B would retain the built form within the existing footprint and neither proposal would decrease the distance between the properties. Both proposals would benefit from a good level of screening, and would not result in a loss of daylight or sunlight. Accordingly, I find that the proposal in Appeal A, and the proposal in Appeal B, would provide appropriate levels of sunlight and daylight, and privacy, to both proposed and adjoining buildings and gardens. Both proposals would therefore comply with Policy DM D2 of the Sites and Policies Plan 2014 which seeks to achieve high quality design and protect amenity.

#### *Other matters*

14. Refuse bins would be stored within the rear amenity space, along with a small area for cycle parking. The bins would be within a suitable proximity of the entrances for use by the residents, who would be required to present bins to the road side and then returned to their store. This is similar to the existing arrangement and on the basis of the evidence I am satisfied that it would be a suitable provision.
15. With regards to density, the site is in an urban area with good transport links. Higher density should be directed towards development areas with a high PTAL, and in this regard I am satisfied that the proposal would be acceptable in line with the guidelines of the London Plan. The proposed units would exceed the minimum space standards as set out in the London Plan, and the garden area to the rear of the site would provide adequate external amenity space. Both proposals would therefore provide an adequate standard of living accommodation for future occupiers.
16. The site is not within an area identified as being prone to flooding. The only increase in non-permeable surfacing would be in respect of the refuse/recycling and bicycle stores. On the basis of the evidence I am satisfied that this would not lead to an increase in flooding.
17. The appellant has submitted a S106 Unilateral Undertaking which would restrict future occupiers from applying for car parking permits. Taking into account the surrounding alternative transport options, and the existing pressure on on-street parking, I consider that the S106 is a suitable mechanism by which to ensure that the proposals would comply with Policies CS18 and CS20 of the Local Plan with regards to promoting sustainable modes of transport.

18. As the proposal would be a car free development, and would not increase the occupancy by a significant level I am satisfied that it would not have a detrimental impact on air quality.
19. The proposals would create four additional units. Taking into account that each unit would only have one bedroom I do not consider that this increase in the occupation of the building would lead to unacceptable levels of noise that would justify dismissing the appeals. Concerns regarding noise should, in the first instance, be raised with the council's Environmental Health team.
20. Matters relating to structural issues such as subsidence should be dealt with through building control, as should fire safety issues.
21. Due to the age of the building there are restraints in respect of providing access, and it would not be reasonable for a scheme of this size to require a lift shaft in order to provide step free access.
22. I appreciate that my decisions will be disappointing to some residents. However, the matters raised do not, individually or cumulatively justify dismissing the appeals.

### **Conclusions and Conditions**

23. The proposals in both Appeal A and Appeal B would comply with the policies set out in the development plan. I have carefully considered the representations made by interested parties, however in this case the matters raised do not lead me to reach a different conclusion. Accordingly, subject to the imposition of appropriate conditions, the appeals should succeed.
24. The Council has suggested a number of conditions, which I have considered in accordance with the Planning Practice Guidance (PPG) and the comments made by the appellant. I have amended some of the conditions for certainty. My findings on these matters relate to both Appeal A and Appeal B.
25. A condition specifying the relevant plans is necessary for certainty. A condition requiring information relating to materials for the extension, refuse and recycling, and cycle parking is necessary in the interest of the character and appearance of the area. A condition requiring a working method statement is necessary to protect the amenities of existing occupiers during construction.
26. As the site is not prone to flooding, and the proposal would be unlikely to increase flooding as advised by the Framework, I do not consider on the basis of the evidence that a condition requiring a Sustainable Urban Drainage System would meet the tests as set out in the PPG. Furthermore, conditions relating to the use of water and CO2 emissions are not necessary as these matters are dealt with through the building control process. On the basis of the evidence submitted I do not consider that a delivery and service plan condition would meet the test of necessity.
27. For the reasons above, and having considered all other matters raised, I conclude that both Appeal A Appeal B are allowed.

*J Ayres*

INSPECTOR

### **SCHEDULE OF CONDITIONS- APPEAL A**

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans;  
EXTG GF - 2F & ROOF PLANS/ BLOCK & LOCATION PLANS SD01  
EXISTING STREET & REAR ELEVATIONS SD02  
EXISTING SECTION & SIDE ELEVATIONS SD03  
PROPOSED PLANS - 3RD & ROOF PD01(1)  
PROPOSED STREET & REAR ELEVATIONS PD02(1)  
PROPOSED SIDE ELEVATIONS & SECTIONS PD03(1)  
COMPARATIVE SHADOW PLANS PD04(1)  
3D VIEWS - EXISTING & PROPOSED PD05(1)  
PROPOSED BIN AND CYCLE STORES PD06(1&2)  
DESIGN AND ACCESS STATEMENT  
PLANNING STATEMENT  
ENERGY STATEMENT.
- 3) Within 21 days of commencement of development details / samples of the materials to be used in the construction of the external surfaces of the extension hereby permitted shall be submitted to for approval in writing by the local planning authority. Development shall be carried out in accordance with the approved details / samples.
- 4) No dwelling shall be occupied until space has been laid out within the site for bicycles to be parked and that space shall thereafter be kept available for the parking of bicycles.
- 5) No dwelling shall be occupied until space has been laid out within the site for the storage of refuse bins and that space shall thereafter be kept available for the storage of refuse bins.
- 6) Prior to commencement of development a working method statement shall be submitted to and approved in writing by the local planning authority. The Statement shall provide for:
  - i) the parking of vehicles of site operatives and visitors;
  - ii) loading and unloading of plant and materials;
  - iii) storage of plant and materials used in constructing the development;
  - iv) wheel washing facilities;
  - v) measures to control the emission of dust and dirt during construction;
  - vi) measures to control surface water run-off.

The approved working method statement shall be adhered to throughout the construction period for the development.

- 7) Demolition or construction works shall take place only between 08:00 and 18:00 on Mondays to Fridays inclusive, 08:00 to 13:00 on Saturdays and shall not take place at any time on Sundays or on Bank or Public Holidays.

**END OF SCHEDULE A**

**SCHEDULE OF CONDITIONS- APPEAL B**

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
  - EXTG GF - 2F & ROOF PLANS/ BLOCK & LOCATION PLANS SD01
  - EXISTING STREET & REAR ELEVATIONS SD02
  - EXISTING SECTION & SIDE ELEVATIONS SD03
  - PROPOSED PLANS - 3RD & ROOF PD01(2)
  - PROPOSED STREET & REAR ELEVATIONS PD02(2)
  - PROPOSED SIDE ELEVATIONS & SECTIONS PD03(2)
  - COMPARATIVE SHADOW PLANS PD04(2)
  - 3D VIEWS - EXISTING & PROPOSED PD05(2)
  - PROPOSED BIN AND CYCLE STORES PD06(1&2)
  - VERIFIED CGI 3D - EXTG & PROPOSED TO NORTH EAST PD06(2)
  - VERIFIED CGI 3D - EXTG & PROPOSED TO SOUTH WEST PD07(2)
  - DESIGN AND ACCESS STATEMENT
  - PLANNING STATEMENT
  - ENERGY STATEMENT.
- 3) Within 21 days of commencement of development details / samples of the materials to be used in the construction of the external surfaces of the extension hereby permitted shall be submitted to for approval in writing by the local planning authority. Development shall be carried out in accordance with the approved details / samples.
- 4) No dwelling shall be occupied until space has been laid out within the site for bicycles to be parked and that space shall thereafter be kept available for the parking of bicycles.
- 5) No dwelling shall be occupied until space has been laid out within the site for the storage of refuse bins and that space shall thereafter be kept available for the storage of refuse bins.
- 6) Prior to commencement of development a working method statement shall be submitted to and approved in writing by the local planning authority. The Statement shall provide for:
  - i) the parking of vehicles of site operatives and visitors;

- ii) loading and unloading of plant and materials;
- iii) storage of plant and materials used in constructing the development;
- iv) wheel washing facilities;
- v) measures to control the emission of dust and dirt during construction;
- vi) measures to control surface water run-off.

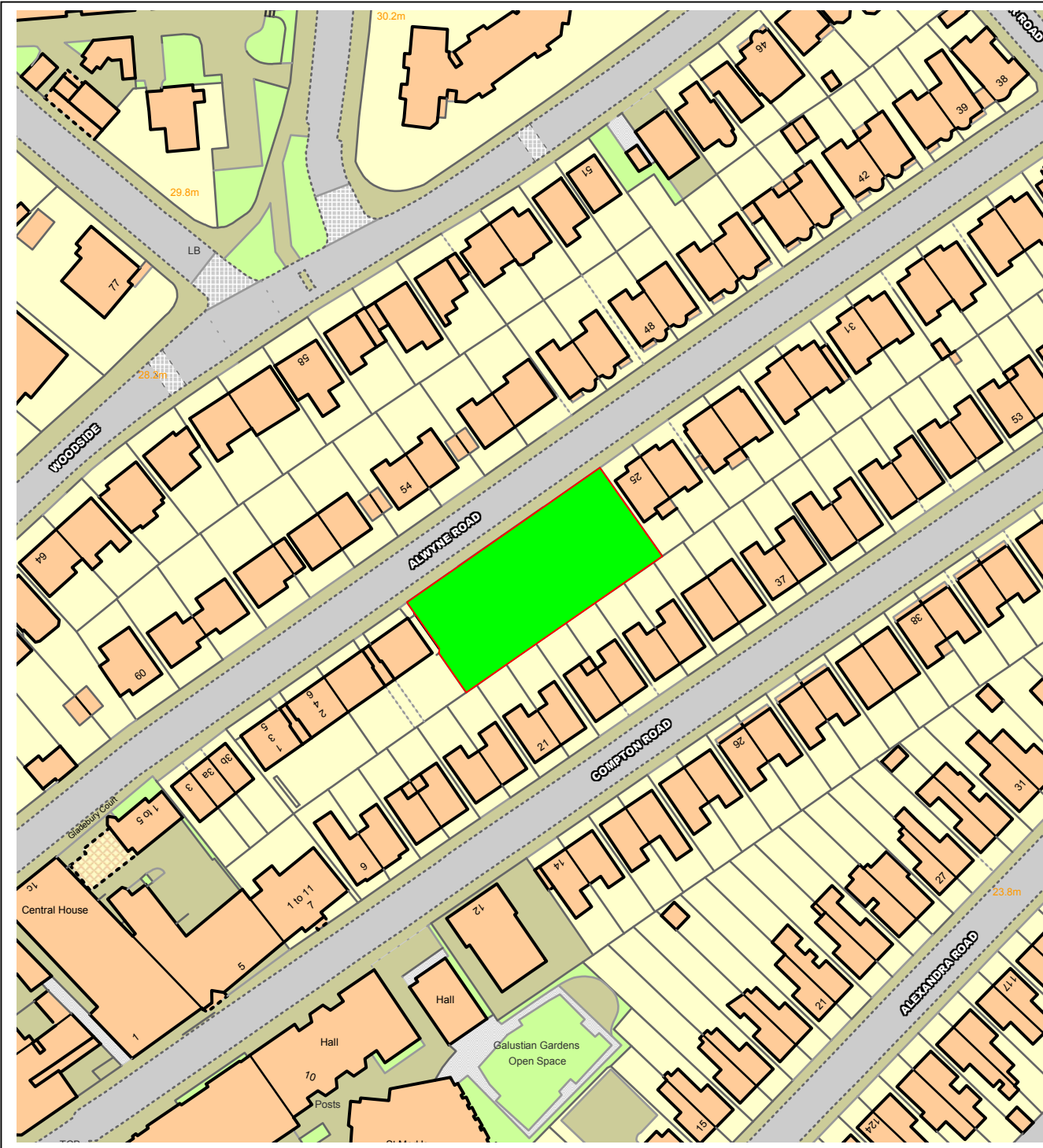
The approved working method statement shall be adhered to throughout the construction period for the development.

- 7) Demolition or construction works shall take place only between 08:00 and 18:00 on Mondays to Fridays inclusive, 08:00 to 13:00 on Saturdays and shall not take place at any time on Sundays or on Bank or Public Holidays.

**END OF SCHEDULE B**

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# NORTHGATE SE GIS Print Template



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## PLANNING APPLICATIONS COMMITTEE

19 JUNE 2019

**APPLICATION NO.**

18/P4148

**DATE VALID**

06/11/2018

**Address/Site:** Land to the rear of  
2A Amity Grove  
Raynes Park  
SW20 0LJ

**Ward:** Raynes Park

**Proposal:** Erection of a two storey building comprising of 3 x residential units with associated landscaping and cycle parking.

**Drawing No.'s:** 602.1/R LOC P2; 602.1/R/010 P5; 602.1/R/011 P4;  
602.1/R/012 P4; 602.1/R/020 P5; 602.1/R/021 P5;  
602.1/R/030 P3 & 602.1/R/031 P4.

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

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### **RECOMMENDATION**

**Grant planning permission subject to conditions and a Section 106 agreement.**

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### **CHECKLIST INFORMATION**

- S106: Yes (restriction of parking within CPZ)
- 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: 81
- External consultations: 1
- Conservation area: No
- Listed building: No
- Archaeological priority zone: No
- Tree protection orders: No
- Controlled Parking Zone: Yes, Zone RP
- Flood Zone: 1
- Designated 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 comprises approximately 360sq.m of an irregular plot of land, which runs to the front, side and rear of no. 2A Amity Grove, on the eastern side of the street. The site is currently in use as a pedestrian and vehicle accessway to the rear of a parade of shops fronting Coombe Lane and to a car park which serves no. 2A Amity Grove.
- 2.2 No. 2A Amity Grove is a 3 storey vacant building which has formerly used as offices, but has prior approval for a change of use to 11 residential units. The building features a single storey entrance element to the front, a part-single, part-two storey element to the rear which incorporates a first floor balcony. A pre-existing small box style plant room was situated above the flat roof which has recently been demolished. The building features brickwork to all elevations with the front façade being painted white and windows feature in the front, rear and southern flank elevations at all levels.
- 2.3 Immediately to the north of the car park is a 1.7 – 2.2m wide pedestrian access way, beyond which are rear gardens for residential properties in 2 Amity Grove. Immediately to the south is a two storey (flat roof) parade with commercial units/shops at ground floor and flats above; the parade comprises a mixture of single storey and two storey rear extensions of varying depths, to the southeast corner of the site the parade steps up to 3 stories in height. To the east of the site is a 2.5 storey wing of the Raynes Park Health Centre.
- 2.3 The site is located within Raynes Park Town Centre and is located to the rear of a primary shopping frontage. The site is located within a controlled parking zone (CPZ) has a public transport accessibility level (PTAL) of 5 (0 being the lowest and 6b being the best) being 180m from Raynes Park Station and having numerous bus routes in close proximity. The site is not located within a conservation area nor is it within the curtilage of a listed building.

## **3. CURRENT PROPOSAL**

- 3.1 This application seeks planning permission for the erection of a new two storey, detached building comprising three self-contained flats, with associated landscaping and cycle parking.
- 3.2 The proposal would have a regular plot and would be situated in the north-east corner of the site, to the rear of no. 2A. The building would be part single, part two storeys in height, with the two storey flat roof element towards the south, this would then slope down to a single storey along the north. The first floor would be recessed back from the western elevation by approximately 4m to leave a single storey element to the west with a timber pergola and privacy screening above for the upper flat amenity area. A single storey 'L' shaped building with a green roof would be situated to the north-west of this to house refuse and bicycles.
- 3.3 At ground level, the building would feature window units along the south elevation with a recessed entrance to the east and an access door in the

west. Private amenity spaces would be formed in the separation between the building and the northern boundary, with bi-fold doors and slit style windows. At first floor, the southern elevation would have projecting angled window units, the east would feature a single obscured window and a set of large doors would be in the western elevation facing out into the upper floor private amenity space. Rooflights would be inserted in to the main roof and the sloping roof.

- 3.4 Internally, the building would provide a total of 3 residential self-contained units, with two units on the ground floor and one unit in the first floor. Each unit would provide a 1 bed, 2 person flat, with its own private amenity space.
- 3.5 The proposed building would have the following dimensions: 15m length at ground floor, 10.9m length at first floor, 9m width, 3m eaves height, 5.85m max height. The building would run against the eastern boundary with separation distances to the northern boundary of 2m, 5.9m to no.2A to the west and 3.4m - 5.6m to the ground floor rear extensions of the parade to the south.
- 3.6 Hardstanding would be laid to the front, side and rear of no. 2A in the form of permeable resin bound gravel, with soft landscaping to the ground floor private amenity areas. CCTV and lighting is to be installed on the proposed building and existing building at no.2A.
- 3.7 The proposal would utilise London stock brickwork for facing walls, zinc to the sloping roof, bronze coloured aluminium window sills and surrounds, and timber to boundaries, gates, cycle/bin store and the first floor pergola/screening.
- 3.8 It should be noted that the application has been amended to reduce the height, scale and bulk of the building, and to create a separation from the rear gardens of no.2 to the north, following Officer's concerns regarding its visual impact. The proposed security gates have also been removed given they were not entirely within the applicant's ownership.

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

There is extensive planning history on the site which pre-dates the office building, most of which is no longer relevant. Below is a summary of relevant and more recent history:

- 4.1 WIM3192: to install 2 petrol pumps on the forecourt – Granted.
- 4.2 WIM3010: outline to install 3 petrol pumps on the forecourt – Granted.
- 4.3 MER966/70(D): erection of 3 storey building involving demolition of petrol station – Granted.
- 4.4 MER833/70: outline - 4 storey building demolition petrol station and 13 parking spaces – Refused (reason not recorded).

- 4.5 MER798/70: Outline 3 storey building demolition of petrol stn. 11 parking spaces – Refuse (reason not recorded).
- 4.6 MER653/71: erection of 4 storey office block with 17 car parking spaces – Refuse (reason not recorded).
- 4.7 MER299/71(O): outline for erection of 5 storey building for offices, with provision of 14 car parking spaces and demolition of petrol filling station – Granted.
- 4.8 MER299/71(D): detailed plans for a three storey office block with 14 parking spaces and demolition of petrol station – Granted.
- 4.9 MER1020/71: part three storey and part single storey office block with parking – Granted.
- 4.10 MER52/72: part three storey and part single storey office block with parking – Granted.
- 4.11 09/P2246: the use of vacant office floorspace [use class b1] at ground, first and second floor levels for education purposes [use class d1] – Granted.
- 4.12 15/P1214: Demolition of the existing three storey West Wimbledon College building [Use Class D1 - 526 square metres] and the erection of a new four storey building with additional basement level at the front of the site providing retail, financial services, business, non-residential institutions or assembly and leisure use [Use Class A1, A2, B1, or D1- 278 square metres] at basement and ground floor level with floor space to the rear of the commercial space and in a second detached building with floor space at basement and ground floor level providing a total of 9 flats (4 three bedroom; 3 two bedroom and 2 one bedroom)including 4 off street car parking spaces with vehicle access from Amity Grove – Granted.
- 4.13 17/P4083: prior approval in respect of the proposed change of use of office space (class b1a) to provide 11 residential units (class c3) – Granted.
- 4.14 18/P4363: external alterations to facade including cladding, addition of balconies, reconstruction of plant room on roof, amendments to door and window openings, landscaping and associated works in connection with LBM ref. 17/P4083 for the prior approval for change use of office space (class B1a) to provide 11 residential units (class C3) – Granted.

## **5. CONSULTATION**

- 5.1 Public consultation was undertaken by way of site notice and letters sent to 81 neighbouring properties. A second round of consultation was undertaken following amendments to the scheme, the outcome of the combined consultation is summarised as follows:
- 5.2 Representations were received from 8 individuals who raised the following concerns:

- Concerns over relocation of large overflowing commercial waste bins along the service road and to the rear of Coombe Lane shop units
- Will new residents use these bins and exacerbate the problem
- Concerns of access through the gates to collect bins
- Visual intrusion to no. 2 Amity Grove
- Impact on sun and daylight to no. 2 Amity Grove
- Impact on sun and daylight to no. 4 Amity Grove
- Erection of the Raynes Park Health Centre has already caused loss of light and privacy, this will further worsen problem to no. 6 Amity Grove
- 3D models are misleading and do not show proportion correctly compared to surrounding buildings
- North facing, second floor office window of no 44 Coombe Lane will lose light and views
- Balconies and main fenestration face rear of Coombe Lane properties where cooking odours dominate
- Visual intrusion and loss of light to future occupiers from proximity to Coombe Lane properties
- One of the rear bedrooms has no window
- Sloping roof would result in little standing space in bedrooms and bathroom
- Amenity spaces are would be poor and small
- Concerns of access for deliveries to Coombe Lane properties during construction
- Only one turning bay, for one car
- Loss of existing car parking spaces
- Future occupiers should not be allowed access to parking permits for the CPZ

5.3 LBM Climate Change Officer: No objection. The development would need 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 an informative should be included detailing this.

5.4 LBM Transport and Highways Officers: No objection. The site is within a CPZ and has very good PTAL rating (5) with no off-street car parking. The development should be permit free and secured by a legal agreement. The site provides adequate cycle and refuse storage, and a condition is requested for the implementation of the cycle storage. Refuse collection should be located within 20m of the highway.

5.5 LBM Trees Officer: No objection. Requested conditions relating to compliance with protection of neighbouring Ash trees as stated in the Arboricultural Report and the monitoring of excavations.

5.6 LBM Environmental Health Officer: No objection. Requested conditions relating to maximum noise levels from plant/machinery, implementation of recommendations within submitted Noise Impact Assessment, direction of external lighting, unexpected contamination/remediation and the submission of a demolition & construction method statement.

5.5 Metropolitan Police – Designing Out Crime Officer: some comments and

recommendations. Many of the Secured by Design principles have been incorporated, however, the recess at the rear lacks natural surveillance and could form a hiding place. The cycle store is a flat roof canopy with open sides which may be attractive for thieves with views from the public street, this should be a lockable container only accessible by residents. Any planting should allow for clear views of cars and to avoid the creation of hiding places. Lighting should be to British Standards and council requirements as to reduce light pollution.

## **6. POLICY CONTEXT**

### **6.1 National Planning Policy Framework (2019)**

- 5. Delivering a sufficient supply of homes
- 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

### **6.2 London Plan (2016)**

Relevant policies include:

- 3.3 Increasing housing supply
- 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
- 5.17 Waste Capacity
- 6.9 Cycling
- 6.13 Parking
- 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
- 8.2 Planning obligations
- 8.3 Community Infrastructure Levy

### **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 Active 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 EP4 Pollutants  
DM F2 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  
London Character and Context SPG -2014  
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
- Need for additional housing
- Design and impact upon the character and appearance of the area
- Impact upon neighbouring amenity
- Standard of accommodation
- Transport, highway network, parking and sustainable travel
- Refuse storage and collection
- Sustainable design and construction
- Community Infrastructure Levy
- 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 site is currently vacant, being previously used as off-street car parking for the redundant office building. The site is located within Raynes Park Town Centre and has a good public transport accessibility level (PTAL) of 5 (with 0 the worst and 6b being excellent). The proposals would result in three additional residential units for up to 6 people, 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, supplementary planning documents and a legal agreement as detailed in the relevant sections below.

Need for additional housing

7.5 The National Planning Policy Framework (March 2018) requires Councils 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.

7.6 Policy 3.3 of the London Plan states that the Council will work with housing providers to provide a minimum of 4,107 additional homes in the borough between 2015 and 2025. Within this figure of 4,107 new homes, the policy states that a minimum of 411 new dwellings should be provided annually. This is an increase from the 320 dwellings annually that was set out in the earlier London Plan and in Policy CS9 of the Core Strategy. The policy also states that development plan policies should seek to identify new sources of land for residential development including intensification of housing provision through development at higher densities.

7.7 The Council's planning policies commit to working with housing providers to provide a minimum of 4,107 additional homes in the borough between 2015 and 2025 (a minimum of 411 new dwellings to be provided annually). This is an increase from the 320 dwellings annually that was set out in the earlier London Plan and in Policy CS9 of the Core Strategy. The emerging London Plan is likely to increase this annual target, however, only limited weight can be attributed at this stage.

7.8 Merton's overall housing target between 2011 and 2026 is 5,801 dwellings (Authority's Monitoring Report Draft 2017/19, p12). The latest (draft) Monitoring report confirms:

- All the main housing targets have been met for 2017/18.
- 665 additional new homes were built during the monitoring period, 254 above Merton's target of 411 new homes per year (London Plan 2015).
- 2013-18 provision: 2,686 net units (813 homes above target)
- For all the home completions between 2004 and 2017, Merton always met the London Plan target apart from 2009/10. In total Merton has exceeded the target by over 2,000 homes since 2004.

7.9 The current housing target for the London Borough of Merton is 411 annually. Last year's published AMR figures are: "688 additional new homes were built during the monitoring period, 277 above Merton's target of 411 new homes per year (in London Plan 2015)."

7.10 Against this background officers consider that while new dwellings are welcomed, the delivery of new housing does not override the need for comprehensive scrutiny of the proposals to ensure 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

- 7.11 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.
- 7.12 Paragraph 1.3.61 of the London Plan Housing SPG 2016 states that *fully optimising housing potential will necessitate high quality, innovative design to ensure new development successfully responds to challenges and opportunities presented on a particular site*. The proposal would be sited away from the streetscene behind the existing building at no. 2a with very limited views along the access path of the southern elevation available when viewed from Amity Grove. In this instance, the site is considered to be unique in that it is isolated and enclosed by a mixture of varying architectural styles and materials.
- 7.13 Given the isolated and unique nature of the site, a contemporary approach to the design is considered to be appropriate. The building would be part single, part two storeys in height with the bulk of the building being broken up the set back at first floor level and the sloping roof to the south. In the context of the surrounding form of buildings, the building would not appear out of scale, given the presence of the large 2.5 storey wing of the Health Centre to the east, the 3 storey office building to the west, and the part two, part 3 storey parade to the south. Whilst the northern part of the site is open, featuring rear gardens to no. 2 Amity Grove, the design of the building is such that it would reduce in height to one storey and would be separated sufficiently. Considering the siting of the proposal in relation to the abovementioned urban form, it is not considered that the bulk or massing of the proposals would appear unduly dominant.
- 7.14 The building would utilise London stock brick with bronze coloured window and door surrounds, a zinc sloping roof and timber elements to the pergola, gate and cycle/refuse stores. The proposed pallet of materials is considered to be of good quality, providing a coherent and interesting final design.
- 7.15 As a whole, officers consider that in context with the nature of the site, the proposal would be of an appropriate scale and bulk and would incorporate an interesting design and choice of materials. It is therefore considered that the proposal would not result in a harmful impact to the street scene.
- 7.16 The proposal is considered to be acceptable in terms of the impact on the character of the area, in compliance with London Plan policies 7.4 and 7.6, Core Strategy policy CS14 and SPP Policies DMD2 and DMD3 in this regard.

Impact upon neighbouring amenity

- 7.17 London Plan policies 7.6 and 7.15 along with SPP policy DM D2 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.
- 7.18 A number of objections were raised from neighbouring properties in Coombe Lane and Amity Grove regarding visual intrusion, loss of sunlight/daylight and overshadowing. In regards to the properties to the north, the design of the proposal is such that the building steps down to a single storey element towards the north, at a height of 3m. This would then be separated from the site boundary by 1.9m and to the boundary of no.2 by 2.8m, due to the pedestrian accessway. It is considered that the use of a sloping roof, in addition to the moderate eaves height and separation from these properties would not give rise to a materially harmful impact in terms of loss of visual intrusion, loss of light, or shadowing.
- 7.19 In regards to the Coombe Lane properties to the south, these properties feature stepped elevations with separations from the proposal ranging from 10.7m to 17.5m at the closest properties. The rear facing elevations of these elements also do not feature rear windows. Given the lack of facing windows, the separation distances, and the southerly orientation of these properties, it is not considered the proposal would result in a materially harmful impact to these neighbours. It is noted that no.44 Coombe Lane does feature a rear facing window, however, this would serve an office unit and not a residential use and it is therefore considered the impact would be acceptable.
- 7.20 In addition to the above, the submitted sunlight and overshadowing diagrams further demonstrate that the proposal would not result in undue loss of light to neighbouring properties.
- 7.21 In terms of privacy and overlooking, the ground floor units would have high level windows in the southern elevation to prevent onlooking to the rear of Coombe Lane properties, whom do not feature facing windows in their closest rear elevations. To the north, windows and doors would face into private amenity space which is screened by a 1.8m high timber fence. There would be no ground floor windows in the east or west elevations. At first floor, the southern elevation features angled oriel style windows which would direct outlook towards the south-west and into the accessway, to prevent onlooking to the rear window of no.44 Coombe Lane. The private amenity space to the west would be screened by 1.7m high venetian-blind style timber panelling which would be angled as such to prevent views towards no.2A Amity Grove, which has prior approval for 11 flats and features windows in the facing elevation. The window in the eastern elevation would be high level and would serve a bathroom. A condition is recommended which requires the implementation and retention of all boundary treatment and screening to protect this.
- 7.22 Regarding noise pollution, light pollution, and disruption during construction, Secured By Design and Environmental Health officers were consulted on the

application whom have recommended a number of conditions to ensure that neighbouring amenity is not unduly impacted.

- 7.23 Given the above, it is not considered that neighbouring privacy would be unduly compromised as a result of the proposal. The proposal would therefore accord with London Plan policies 7.6 and 7.15 and Merton Sits and Policies Plan policy DM D2.

Standard of accommodation

- 7.24 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.

Flat	No. of beds	No. of persons	No. of storey's	Required GIA	Proposed GIA	Compliant
1	1	2	1	50 sq.m	50 sq.m	Yes
2	1	2	1	50 sq.m	50.1 sq.m	Yes
3	1	2	2	58 sq.m	59.2 sq.m	Yes

- 7.25 As demonstrated by the table above, each of the proposed units would meet the minimum required GIA and would therefore comply with Core Strategy policies CS8 & CS9 and London Plan Policy 3.5.
- 7.26 All habitable rooms are serviced by windows which are considered to offer suitable natural light and ventilation to prospective occupants in line with policy 3.5 of the London Plan (2016), policy CS.14 of the Merton Core Planning Strategy (2011) and policy DM.D2 of the Merton Sites and Policies plan (2014).
- 7.27 In accordance with the London Housing SPG and policy DMD2 of the Council's Sites and Policies Plan, there should be 5sq.m of external amenity space provided for 1 and 2 person flats with an extra square metre provided for each additional occupant. Each of the flats would be exceed these standards, being provided with at least 13.sq.m of private amenity space, with two of the flats exceeding 16 sq.m. Furthermore, it is considered that the spaces provided would be of an appropriate layout and are sufficiently screened to protect privacy.
- 7.28 Environmental Health officers were satisfied with the development, and requested conditions to limit noise pollution as to protect the amenity of future occupants.
- 7.29 As a whole it is considered the proposal would offer an acceptable standard of accommodation to all occupants.

Transport, highway network, parking and sustainable travel

- 7.30 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, Core Strategy 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).
- 7.31 The LBM Transport Planner has reviewed this application and their comments are integrated into the assessment below.
- 7.32 The site has a 'Very Good' PTAL rating of 5, and Amity Grove falls within a Controlled Parking Zone. As such, it is considered that a car-free development would be acceptable. However, in order to prevent the increase of on street parking pressure, future occupiers should be restricted from obtaining permits for the CPZ and this should be secured by way of a legal agreement.
- 7.33 London Plan policy 6.9 and the London Housing SPG standard 20 require that developments provide dedicated, secure and covered cycle storage, with 1 space per one bedroom units. The proposal would provide space for 4 cycles in the timber storage sheds to the north-west. It is considered this arrangement is acceptable and a condition is recommended requiring the implementation and retention of this. In terms of the access to the rear of the Coombe Lane properties, the proposal would not impact the entranceway that currently exists, and has shown a swept path analysis which would allow for the turning of vehicles on the site. The security gate initially proposed has also been removed from the scheme to retain uninterrupted access. It is therefore considered that access to the rear of these properties would be maintained. In order to ensure the above, a condition is recommended requiring the provision of a detailed demolition and construction method statement.

Refuse storage

- 7.34 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.
- 7.35 Concerns were raised from LBM Transport Officers regarding the logistics of refuse collection and the distance of the refuse storage from the highway. The application has been amended, whereby refuse storage is located in the timber enclosure to the north-west, and then on collection days refuse will be transported to the large Eurobins within the front of 2A Amity Grove, of which is also under the applicant's ownership. It is considered this arrangement would be acceptable given the capacity and location of the bins. A condition is recommended requiring the implementation and retention of these facilities.

Sustainable design and construction

- 7.36 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.

- 7.37 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.

#### Community Infrastructure Levy

- 7.38 The proposed development would be subject to the Community Infrastructure Levy (CIL). This would require a contribution of £220 per additional square metre of floorspace to be paid to Merton Council and an additional £35 per additional square meter to be paid to the Mayor. Further information on this can be found at:

#### 7.39 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:

- Residents will have their own bin store which with waste being moved to the front of no.2A for collection
- The 3D models have not been updated with the new design and do not form part of the approved drawings
- The gates initially proposed have now been removed
- The balconies have been removed and amenity areas are now either towards the south or west
- In reference to the sloping roof, no part of the first floor flat would come under 1.5m headroom height as per London Plan policy
- Amenity spaces have been increased
- A demolition and construction management plan is to be submitted to and approved by the LPA as to reduce impacts to neighbouring properties
- The principle of the loss of existing car parking spaces was established through the conversion of the office building at no.2A.
- The future occupiers would not be able to apply for CPZ permits

## **8. CONCLUSION**

- 8.1 Officers consider the proposal is 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 and would not have a harmful impact on the visual amenities of the area. The proposal would not unduly impact upon neighboring amenity. The proposal would not unduly impact upon the highway network, including parking provisions (subject to Section 106 Obligations). The proposal would achieve suitable refuse and cycle storage provisions.

- 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.

## 9. RECOMMENDATION

Grant planning permission subject to conditions and a Section 106 Agreement covering the following heads of term;

1. The new flats are to be permit free residential units
2. The developer agreeing to meet the Council's costs of preparing [including legal fees] the Section 106 Obligations [to be agreed]
3. The developer agreeing to meet the Council's costs of monitoring the Section 106 Obligations [to be agreed].

### Conditions:

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

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

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

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

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

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

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

Reason: To ensure a satisfactory standard of development and 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: policies 5.13, 7.5 and 7.6 of the London Plan 2016, policies CS14 & CS16 of Merton's Core Planning Strategy 2011 and policies DM D1, DM D2 & DM F2 of Merton's Sites and Policies Plan 2014.

- 5) The flats shall not be occupied until all boundary walls, fences or screening as shown on the approved plans have been carried out. The walls, fencing and screening shall be permanently retained thereafter.

Reason: To ensure a satisfactory and safe development, and to ensure adequate garden space is provided for the flats, in accordance with the following Development Plan policies for Merton: policies 7.5 and 7.6 of the London Plan 2016, policy CS14 of Merton's Core Planning Strategy 2011 and policies DM D1 and D2 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 2016, 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 2016, policy CS18 of Merton's Core Planning Strategy 2011 and policy DM T1 of Merton's Sites and Policies Plan 2014.

- 8) Non-standard condition [Sustainability]: No part of the development hereby approved shall be occupied until evidence has been submitted to the Local Planning Authority confirming that the development has achieved CO2 reductions not less than a 19% improvement on Part L of the Building Regulations 2013 and internal water usage of not more than 105 litres per person per day.

Reason: To ensure that the development achieves a high standard of sustainability and makes efficient use of resources and to comply with the following Development Plan policies for Merton: Policy 5.2 of the London Plan 2016 and Policy CS15 of Merton's Core Planning Strategy 2011.

- 9) Amended standard condition [Demolition & Construction Method Statement]: No development shall take place until a Demolition and Construction Method Statement has been submitted to, and is approved in writing, by the Local Planning Authority to accommodate:
- Parking of vehicles of site operatives and visitors
  - Loading and unloading of plant and materials
  - Storage of construction plant and materials;
  - The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
  - Wheel cleaning facilities
  - Measures to control the emission of dust, dirt, smell and other effluvia;
  - Measures to control the emission of noise and vibration during construction/demolition
  - Non road mobile machinery compliance
  - A scheme for recycling/disposing of waste resulting from demolition and construction works

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

Reason: To ensure the safety of pedestrians and vehicles and the amenities of the surrounding area, and to comply with the following Development Plan policies for Merton: policies 6.3, 6.14 & 7.15 of the London Plan 2016, policy CS20 of Merton's Core Planning Strategy 2011 and policies DM T2 & DM EP2 of Merton's Sites and Policies Plan 2014.

- 10) Non-standard condition [Contamination] In the event that contamination is found at any time when carrying out the approved development, 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 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 Polices Plan 2014.

- 11) 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 ensure compliance with the following Development Plan policies for Merton: policies DM D2 and DM EP4 of Merton's Sites and Polices Plan 2014.

- 12) Non-standard condition [Noise] Due to the potential impact of the surrounding locality on the development the recommendations to protect noise intrusion



into the dwellings as specified in the AF Acoustics, Noise Impact Assessment Report 1024-AF-00002-02, dated 10 October 2018, must be implemented as a minimum standard for the development.

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

- 13) Non-standard condition [Noise from plant/machinery] Noise levels, (expressed as the equivalent continuous sound level) LAeq (10 minutes), from any new external plant/machinery shall not exceed LA90-10dB at the boundary with any 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 EP2 of Merton's Sites and Policies Plan 2014.

- 14) Non-standard condition [Tree Protection] The details and measures for the protection of the neighbouring Ash tree as specified in the approved document 'Arboricultural Report' reference 'APA/AP/2018/188' dated '3 January 2019' shall be fully complied with. The methods for the protection of the neighbouring Ash trees shall fully accord with all of the measures specified in the report.

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

- 15) Non-standard condition [Site Supervision] The details of the 'Arboricultural Report' shall include the retention of an arboricultural expert to monitor/supervise the manual excavations as set out in the report. A final Certificate of Completion shall be submitted to the Local Planning Authority at the conclusion of all site works.

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

- 16) 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.

**Informatives:**

1) INFORMATIVE

In accordance with paragraphs 38 and 39 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 application has been amended following concerns from Officers and the Planning Committee considered the application where the applicant or agent had the opportunity to speak to the committee and promote the application.

2) 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

3) INFORMATIVE

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'

4) INFORMATIVE

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

5) 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.

6) 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



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## PLANNING APPLICATIONS COMMITTEE 19 JUNE 2019

**APPLICATION NO.**            **DATE VALID**  
18/P4483                      30.11.2018

**Address/Site**                      36 Grenfell Road, Mitcham, CR4 2BY

**Ward:**                                  Graveney

**Proposal**                      DEMOLITION OF RESIDENTIAL BLOCK AND ERECTION OF  
A REPLACEMENT BUILDING COMPRISING 3 x SELF-  
CONTAINED FLATS ACROSS TWO FLOORS, ROOFSPACE  
AND BASEMENT LEVEL.

**Drawing Nos:**            Site location plan and drawings 104 A & 106 A

**Contact Officer:**    Leigh Harrington (020 8545 3836)

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### RECOMMENDATION

Grant planning permission subject to relevant conditions and legal agreement.

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### CHECKLIST INFORMATION.

- Heads of agreement: No. Yes
- Is a screening opinion required: No
- Is an Environmental Statement required: No
- Has an Environmental Impact Assessment been submitted: No
- Design Review Panel consulted: No
- Number of neighbours consulted: 31
- Press notice: No
- Site notice: Yes
- External consultations: No
- Archaeological Priority Zone: No
- Flood risk zone: No
- Controlled Parking Zone: Yes, Zone GC
- Number of jobs created: N/A
- Density: 288 Dwellings per hectare
- PTAL 4 at site to PTAL 5 at Tooting train station

## 1    INTRODUCTION

- 1.1    The application has been brought before the Committee due to the level of public interest and at the request of Councillor Kirby.

## **2. SITE AND SURROUNDINGS**

- 2.1 The existing building is a currently a vacant two bedroom house with undercroft access located on the south side of Grenfell Road in Mitcham. The property is located at the end of a terrace of Edwardian properties with the side of the property abutting the rear gardens of houses along Bruce Road and the rear of the site backing onto the new development of 10 houses and four flats currently under construction on a former garage site at the rear accessed via Inglemere Road.

## **3. CURRENT PROPOSAL**

- 3.1 This application involves demolishing the existing building and replacing it with a new three storey property designed to replicate the existing terrace but which would feature a basement and a full floor of development where the undercroft is currently located.
- 3.2 This proposal has been amended since its initial submission in response to the concerns of neighbours and officers. Access to the building is at ground floor level with refuse facilities being located in the front of the site. The communal cycle store would be located by the front door with stairs leading down to the basement unit. This unit would be a 2 bedroom, three-person unit. The bedrooms would be located towards the front of the site with light provided by a lightwell. The bathroom would be centrally located with a combined living dining kitchen area to the rear with bifold doors opening out to a large lightwell amenity space.
- 3.3 The ground floor would be utilised by a studio unit which would have the kitchen dining area to the front with the living space to the rear with the rear elevation being predominantly bi-fold glazing.
- 3.4 The third unit, a two bedroom four-person unit would be located over the first floor and roof space with its dormer on the rear roof slope. The smaller bedroom and the bathroom would be located to the front of the building on the first floor with the combined living/dining/kitchen space at the rear on this level opening out onto an amenity terrace. The master bedroom would be located within the roof space.

## **4. NO RELEVANT PLANNING HISTORY**

## **5. CONSULTATION**

- 5.1 The application was advertised by means of a site notice and letters to 31 neighbouring occupiers. As a result, objections were received from 6 neighbours which raised concerns relating to:
- Concerned about 'average risk' of internal cracking/damage to neighbours' property and 'low' risk of significant structural damage.



- The dwelling density would be 3 units on 104sqm which is 288 Dwellings per hectare which exceeds the London Plan 45-170 for a site such as this.
- Daylight report confirms it will have a detrimental impact on daylight to the rear facing elevation of their property.
- First floor rear balcony will overlook 34 Grenfell Road windows and gardens. An opaque screen will not provide sufficient privacy.
- Increased noise.
- Prolonged noise and disturbance from the basement excavation process.
- Massive over development to create a further basement level.

The applicant submitted clarification drawings to more clearly demonstrate the extent of the works along the boundary with the houses on Bruce Road.; The neighbours were re-consulted and no further responses were received.

## 5.2 Thames Water:

*No objection:* Advise that with regard to waste water network and waste water process infrastructure capacity, they would not have any objection to the above planning application, based on the information provided raised no objections to the proposals but requested various informatives be added in relation to sewers, pumping methods, disposal of surface water and flow rates.

## 5.3 LBM Environmental Health Officer:

*No objection* subject to a condition relating to land contamination.

## 5.4 LBM Flood Risk Engineer:

*No objection:* The scheme should be compliant with policy DM D2 and Merton's basement SPD and it appears that the proposal is for 100% basement footprint, which does not strictly comply with the policy requirements.

There is minimal detailed information proposed in terms of drainage and no consideration of pipe layouts or construction level detail has been given. Furthermore, limited mitigation in terms of SuDS is proposed and a number of reasons are specified within the Pringuer-James SuDS report for not implementing SuDS. For example:

Green/Brown Roof have been considered and implemented on small flat area of the development. Total green roof area is 16m<sup>2</sup>. The green roof would be "brown roof" type which requires little to no maintenance over lifetime due to selection of native British plant species.

The basement occupies the entire envelope of the building and only limited space is available for any permeable pavements.

Rainwater Harvesting is not practical for control of peak run-off and is more useful in reducing overall volume of runoff. Features such as water butts could be considered for the development, however there is no garden within the development, therefore water butts are unlikely to be used. Rainwater harvesting can be considered post-planning if features such as planters are introduced where appropriate.

The calculations state that Green roof implementation, peak run-off will reduce to 1.75l/s and with addition of climate change will increase to 2.45l/s which is still significantly below 5.0l/s. It is therefore proposed that no flow-control devices, or attenuation is proposed only a 16m<sup>2</sup> Brown Roof, Planters and Water Butts.

With regards to the basement, no mitigation is proposed for groundwater and further detail is required to mitigate against the risk of groundwater both during (dewatering measures or temp pumping) and post construction through passive drainage around the structure itself.

Notwithstanding the above information and lack of information on drainage, if members are minded to approve, please include relevant conditions that require this additional information prior to commencement. (conditions recommended)

5.5 LBM Structural Engineer:

*No objection* : . I have now reviewed the revised BIA, CMS, calculations and the supplementary drawings. These documents demonstrate that the proposed basement can be built safely without adversely affecting the surrounding natural and built environment. Conditions recommended.

5.6 LBM Transport Planning Officer

Raise no objection subject to:

- The applicant entering into a Unilateral Undertaking which would restrict future occupiers of the units from obtaining an on-street residential parking permit to park in the surrounding controlled parking zones to be secured by via S106 legal agreement.
- Reinstate the existing dropped kerb to bring back to kerb height.
- Cycle parking maintained.
- Standard condition (Refuse storage).
- Demolition/Construction Logistic Plan (including a Construction Management plan in accordance with TfL guidance) should be submitted to LPA for approval before commencement of work.

5.7 LBM Parking Services:

Confirm that there was not a high demand for resident permits within this CPZ. (Officer comment: this does not necessarily reflect the actual parking situation on the ground which has been confirmed as being under pressure)

5.8 LBM Waste Services:

The proposed 3 x self-contained flats, assuming an average of 2x adults per property, would require the following bin capacity to avoid overflowing bins and residents leaving items on the floor by the bins:

- 1x 240L + 1x 180L wheelie bins for refuse
- 1x 240L wheelie bins for paper and card
- Individual recycling boxes per flats
- Individual kitchen caddies per flat

**6 POLICY CONTEXT**

6.1 National Planning Policy Framework (2019).

5. Delivering a sufficient supply of homes
6. Building a strong, competitive economy
7. Ensuring the vitality of town centres
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

6.2 London Plan 2016:

- 3.3 Increasing housing supply
- 3.4 Optimising housing potential
- 3.5 Quality and design of housing developments
- 5.1 Climate change mitigation
- 5.2 Minimising carbon dioxide emissions
- 5.3 Sustainable design and construction
- 5.7 Renewable energy
- 5.11 Green roofs and development site environs
- 5.12 Flood risk management
- 5.13 Sustainable drainage
- 5.17 Waste capacity
- 6.9 Cycling
- 6.13 Parking
- 7.2 An inclusive environment
- 7.4 Local character
- 7.6 Architecture
- 7.21 Trees and woodlands
- 8.2 Planning obligations
- 8.3 Community Infrastructure Levy

6.5 Core Planning Strategy 2011:

- CS8 Housing Choice
- CS9 Housing Provision
- CS11 Infrastructure

CS13 Open Space, Nature Conservation, Leisure and Culture  
CS14 Design  
CS15 Climate Change  
CS16 Flood Risk Management  
CS17 Waste Management  
CS18 Active Transport  
CS19 Public Transport  
CS20 Parking, Servicing and Delivery

6.6 Sites and Policies Plan 2014:

DM D2 Design considerations in all developments  
DM D3 Alterations and extensions to existing buildings  
DM EP2 Reducing and mitigating noise  
DM EP4 Pollutants  
DM F2 SuDS  
DM H2 Housing mix  
DM O2 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

Other guidance:

London Housing Supplementary Planning Guidance 2016  
DCLG Technical standards 2015

## 7. **PLANNING CONSIDERATIONS**

7.1 The main planning considerations in this case relate to the principle of the use of the site for the provision of flatted dwellings and the impact on the character of the area and the impact on neighbouring amenity.

### 7.2 **Need for additional housing**

7.2.1 The National Planning Policy Framework (2019) requires Councils 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.

7.2.2 Policy 3.3 of the London Plan states that the Council will work with housing providers to provide a minimum of 4,107 additional homes in the borough between 2015 and 2025. Within this figure of 4,107 new homes, the policy states that a minimum of 411 new dwellings should be provided annually. This is an increase from the 320 dwellings annually that was set out in the earlier London Plan and in Policy CS9 of the Core Strategy. The policy also states that development plan policies should seek to identify new sources of land for residential development including intensification of housing provision through development at higher densities.

7.2.3 Merton's overall housing target between 2011 and 2026 is 5,801 dwellings (Authority's Monitoring Report Draft 2017/19, p12). The latest (draft) Monitoring report confirms:

- All the main housing targets have been met for 2017/18.
- 665 additional new homes were built during the monitoring period, 254 above Merton's target of 411 new homes per year (London Plan 2015).
- 2013-18 provision: 2,686 net units (813 homes above target)
- For all the home completions between 2004 and 2017, Merton always met the London Plan target apart from 2009/10. In total Merton has exceeded the target by over 2,000 homes since 2004.

7.2.4 The current housing target for the London Borough of Merton is 411 annually. Last year's published AMR figures are: "688 additional new homes were built during the monitoring period, 277 above Merton's target of 411 new homes per year (in London Plan 2016)."

7.2.5 The draft London Plan includes a significantly higher figure of 1328 new homes annually. However, this is at draft stage and in addition the London Borough of Merton is disputing the small sites methodology. Therefore, only limited weight should be attached to this figure.

7.2.6 The proposals would provide two additional units for which there is an identified need. As the existing property is only a two bedroom unit, as confirmed on a site visit, there is no requirement to retain a three bedroom unit, as per the requirements of Policy CS14.

### 7.3 **Density**

7.3.1 Table 3.2 of the London Plan identifies appropriate density ranges based on a site's setting and PTAL rating.

7.3.2 The site with its location within an area of predominantly dense development such as terraced housing, mansion blocks and within close proximity of a main arterial route means that it would be classified as Urban. With a PTAL of 4 and smaller sized units the density of 288 u/ha is only marginally above the London Plan policy 3.4 recommendation of 70-260 u/ha which would not be considered to warrant a refusal of consent.

7.3.3 However, notwithstanding this numerical density calculation, it is considered that the overall quantum of development appears appropriate for the context of the site, which is discussed in more detail later in this report.

### 7.4 **Design/Bulk and massing/Appearance/Layout.**

7.4.1 The National Planning Policy Framework (NPPF) states that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. London-wide planning policy advice in relation to design is found in the London Plan (2016), in Policy 7.4 - Local Character and 7.6 - Architecture. These policies state that Local Authorities should seek to ensure that developments promote high quality inclusive design, enhance the public realm, and seek to ensure that development promotes world class architecture and design.

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

#### 7.4.3 **Bulk and massing**

7.4.4 The proposals are designed to reflect the appearance of the existing terrace and therefore will maintain the same ridge height and building line as the existing situation. To the rear the first floor depth will be marginally less than the existing outrigger although it will be full width of the new building and a rear roof dormer will be provided. The provision of a flat roof at ridge height is not ideal but it is considered that it would not be visually prominent from the street. The proposed works are considered to respect the form of the original building and would therefore accord with relevant policies.

#### 7.4.5 **Appearance and layout**

7.4.6 The proposals will involve the loss of the existing undercroft feature which means the site will have a more traditional residential appearance than it does currently. Whilst a front light well is not a feature common to this locality it is not considered, as part of a wider scheme to reflect the other design features of the existing terrace, to be sufficiently out of keeping to warrant a refusal of consent. It would not be visually prominent, being at a low level and behind the boundary screening to the frontage.

7.4.7 The high privacy screens to the rear are not particularly characteristic of the area but the visual impact would be limited as it is to the rear of the building. Following the revisions to the proposed layout, officers conclude that the proposal would be acceptable in terms of its visual impact on the character of the area given the screens are set slightly in from the roof at the rear and side.

#### 7.7 **Basement considerations**

7.7.1 SPP policy DM D2 requires basement development to meet a number of criteria although in this instance criteria relating to trees (there are none), gardens (there is only a very small front garden space, the rear being a former commercial yard) and heritage asset impacts (this is not a listed building or located in a CA).

7.7.2 The Council's Flood Risk engineer noted that despite limited information being submitted with the application, the use of pre commencement conditions requiring the necessary information to be submitted and approved would address flood risk matters associated with the proposals.

7.7.3 The Council's Structural engineer has assessed the submitted Basement Impact Assessment and has provided details to the applicant for what will be required for a Construction Method Statement to ensure the works have no

impact on neighbouring properties. This matter can adequately be controlled by way of condition.

## 7.8 Impact on Neighbouring Amenity

7.8.1 London Plan policies 7.4 and 7.6 and SPP Policy DM D2 seeks to ensure that development does not adversely impact on the amenity of nearby residential properties.

7.8.2 Objections were received in relation to the original design of the rear balconies and the potential overlooking of neighbouring homes and gardens. As a result, the proposals were amended such that the first floor terrace would be set within obscured glazed privacy panels, to all three sides; measures which are considered to adequately ensure the privacy of neighbouring occupiers. The terrace is not large, so will not allow people to congregation in numbers.

7.8.3 Objections were received raising concerns that the proposals would result in a loss of light to neighbouring properties. The applicants have submitted a Daylight and Sunlight report which analyses the impact of the proposals on neighbouring properties. The report finds that 'Daylighting will not be significantly affected' and in relation to the objecting neighbour it should be noted that light to that property is already restricted by the existing rear outrigger which is 1.2m deeper than the proposed first floor. The applicant has provided an east elevation with the existing and proposed extent of building overlaid. It is considered that the 1m increase in rearward building length on this boundary will not significantly harm neighbouring residential amenity on Bruce Road. In view of these factors officers consider that the proposals would not materially harm the amenity of neighbours.

## 7.9 Standard of accommodation and the amenity of future occupiers

7.9.1 SPP Policy DM D2, Core Strategy 2011 policies CS 9 Housing Provision and CS 14 Design and London Plan policies 3.3 Increasing Housing Supply, 3.4 Optimising Housing Potential, 3.5 Quality and Design of Housing Developments are all policies that seek to provide additional good quality residential accommodation.

### 7.9.2 Schedule of accommodation

Unit	Type/storeys	Proposed GIA	Minimum req'd GIA	Proposed Amenity	Min Req'd amenity
1	Studio	37.4m <sup>2</sup>	37m <sup>2</sup>	5.7m <sup>2</sup>	5m <sup>2</sup>
2	2B/3P/2	81.1m <sup>2</sup>	70m <sup>2</sup>	7m <sup>2</sup>	6m <sup>2</sup>
3	2B/3P/1	67.8m <sup>2</sup>	61m <sup>2</sup>	6.9m <sup>2</sup>	6m <sup>2</sup>

7.9.3 The table demonstrates that all the units meet or exceed the minimum internal space GIA requirements and all the flats exceed the amenity space requirements.

7.9.4 Officers are satisfied that proposals will provide a suitable standard of accommodation for future occupiers.

## **7.10 Parking, servicing and deliveries**

7.10.1 Core Strategy Policy CS 20 requires proposals to have regard to pedestrian movement, safety, serving and loading facilities for local businesses and manoeuvring for emergency vehicles as well as refuse storage and collection. Cycle storage provision is considered acceptable and this can be controlled by way of condition. The proposed refuse facilities are well located and accessible but the Waste services officer has raised concern that more bins for paper and card must be provided, which can be controlled by way of condition.

7.10.2 The site is located within a Controlled Parking Zone. The Council's Transport Officer has indicated that the scheme should be controlled to be permit free. The Council's Parking Services have confirmed that there is not a high demand for permits within the CPZ, however, this could be for a number of other reasons and highways officers have confirmed there is parking pressure in the area. As such it is considered necessary to ensure that the development is parking permit free.

7.10.2 The proposal is considered to be acceptable in terms of parking, servicing and deliveries.

## **7.11 Sustainability**

7.11.1 Policy 5.2 Minimising Carbon Dioxide Emissions of the 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. These requirements can be secured by way of planning condition.

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

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

## **9. CONCLUSION**

9.1 The site is currently vacant and the existing layout fails to maximise the site's potential and would not readily lend itself to modernisation. The proposal would provide three new, size compliant, residential units for which there is an identified need within a building that has been designed to reflect the bulk, scale, massing and design of the existing terrace, utilising a design that would protect the amenity of neighbouring occupiers.



9.2 Therefore, subject to the imposition of suitable planning conditions, the proposal is considered to be acceptable and in compliance with relevant planning policy and is therefore recommended for approval.

## 10. RECOMMENDATION

GRANT: Subject to completion of a legal agreement covering the following heads of terms:

1. Restriction of the issuing of parking permits to future occupiers.
2. The developer paying the Council's legal costs in drafting and completing the legal agreement.

and subject to the following conditions:-

1. Commencement of works
2. In accordance with plans; Site location plan, drawings 104 A & 106 A and Phase II Contaminated land report by AP Geotechnics, Report No.4933.2v2 dated 21<sup>st</sup> November 2018.
- 3 B1 External materials to be approved; No construction shall take place until details of particulars and samples of the materials to be used on all external faces of the development hereby permitted, including window frames and doors, windows and tiles (notwithstanding any materials specified in the application form and/or the approved drawings), have been submitted to the Local Planning Authority for approval. No works which are the subject of this condition shall be carried out until the details are approved, and the development shall be carried out in full accordance with the approved details.

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

- 4 B5 Boundary treatments to be approved; The residential use hereby approved shall not commence until details of all boundary walls or fences including methods for the temporary security of the site during construction as well as details of security gates are submitted in writing for approval to the Local Planning Authority. No works which are the subject of this condition shall be carried out until the details are approved, and the development shall not be occupied / the use of the development hereby approved shall not commence until the details are approved and works to which this condition relates have been carried out in accordance with the approved details. The walls and fencing shall be permanently retained thereafter.

Reason; To ensure a satisfactory and safe development in accordance with the following Development Plan policies for Merton: policies 7.5 and 7.6 of the London Plan 2016, policy CS14 of Merton's Core Planning Strategy 2011 and policies DM D1 and D2 of Merton's Sites and Polices Plan 2014.

- 5 D11 Construction Times No demolition or construction work or ancillary activities such as deliveries shall take place before 8am or after 6pm Mondays - Fridays inclusive, before 8am or after 1pm on Saturdays or at any time on Sundays or Bank Holidays.

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

- 6 H9 Construction Vehicles The development shall not commence until details of the provision to accommodate all site workers', visitors' and construction vehicles, loading /unloading and storage arrangements of construction plant and materials during the construction process have been submitted to and approved in writing by the Local Planning Authority. The approved details must be implemented and complied with for the duration of the construction process.

Reason; To ensure the safety of pedestrians and vehicles and the amenities of the surrounding area and to comply with the following Development Plan policies for Merton: policies 6.3 and 6.14 of the London Plan 2016, policy CS20 of Merton's Core Planning Strategy 2011 and policy DM T2 of Merton's Sites and Polices Plan 2014.

7. The entire site shall be covered either by the building footprint or hardstanding with no soft landscaping or exposed soil the hardstanding shall remain in situ as recommended in the Phase II Contaminated land report by AP Geotechnics, Report No.4933.2v2 dated 21<sup>st</sup> November 2018.

Reason: to be provided

8. The development shall not be occupied until a scheme of details of screening of the first floor rear balcony 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 in writing 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 be provided

9. C6 Refuse and recycling; Notwithstanding the information submitted with the application, the residential use hereby approved shall not commence until a scheme for the storage of refuse and recycling, including additional space for paper and cardboard recycling, has been submitted in writing for approval to the Local Planning Authority. No works which are the subject of this condition shall be carried out until the scheme has been approved, and the development shall not be occupied until the scheme has been approved and has been carried out in full. Those facilities and measures shall thereafter be retained for use at all times from the date of first occupation.

Reason: to be provided

10. External lighting; Any external lighting shall be positioned and angled to prevent any light spillage or glare beyond the site boundary.

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

11. Non standard condition; Prior to the commencement of the works hereby approved a Demolition/Construction Logistics Plan including a Construction management plan shall be submitted and approved in writing by the Local Planning authority setting out how the development will be excavated, sequenced, phased and managed in order to demonstrate that neighbour amenity and the structure of neighbouring properties will not be harmed.

Reason; To protect the amenity of neighbouring occupiers and the structural integrity of neighbouring properties in accordance with policy DM D2 and DM T2 in the Merton Sites and Policies Plan 2014.

12. H6 Cycle storage; No development shall commence until details of secure cycle parking facilities for the occupants of, and visitors to, the development have been submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be fully implemented and made available for use prior to the first occupation of the development and thereafter retained for use at all times.

Reason: to be provided

13. H3 Redundant crossover; The development shall not be occupied until the existing redundant crossover/s have been removed by raising the kerb and reinstating the footway in accordance with the requirements of the Highway Authority.

Reason: to be provided

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

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.

15. **Condition:** 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 agreed runoff rate (no more than 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.

**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.

16. **Condition:** 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 drainage and any groundwater will be managed during and post construction.

**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 **Condition:** No works shall commence on site until the below documents have been submitted to and approved in writing by the planning authority.

a) Detailed Construction Method Statement produced by the respective Contractor/s responsible for underpinning, temporary propping works, excavation and construction of the basement. This shall be reviewed and agreed by the Structural Engineer designing the basement.

b) Sections of the retaining walls showing the reinforcement details.

c) Construction sequence drawings produced by the appointed Contractor.

d) 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.

Reason to be provided

**Informatives:**

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

- Detailed documentary evidence confirming the Target Emission Rate (TER), Dwelling Emission Rate (DER) and percentage improvement of DER over TER based on 'As Built' SAP outputs (i.e. dated outputs with accredited energy assessor name and registration number, assessment status, plot number and development address); **OR**, where applicable:
- A copy of revised/final calculations as detailed in the assessment methodology based on 'As Built' SAP outputs; **AND**

- Confirmation of Fabric Energy Efficiency (FEE) performance where SAP section 16 allowances (i.e. CO2 emissions associated with appliances and cooking, and site-wide electricity generation technologies) have been included in the calculation

2 Water efficiency evidence requirements for post construction stage assessments must provide:

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

- 2 There are public sewers crossing or close to your development. If you're planning significant work near our sewers, it's important that you minimize the risk of damage. We'll need to check that your development doesn't reduce capacity, limit repair or maintenance activities, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes: [https://urldefense.proofpoint.com/v2/url?u=https-3A\\_developers.thameswater.co.uk\\_Developing-2Da-2Dlarge-2Dsite\\_Planning-2Dyour-2Ddevelopment\\_Working-2Dnear-2Dor-2Ddiverting-2Dour-2Dpipes&d=DwlFAw&c=HmJinpA0me9MkKQ19xEDwK7irBsCvGfF6AWwfMZqono&r=HVy2BaAHoy75Et42R7vHQVgBJr4jmCMnquJWjP-jOUE&m=ssu358v0PpAp-Gp42t4dBYH7Lb3eNf87TMKYfYZ--PU&s=ZUDxT-Epn57dPogM8j-2x8pUoZQdjUszTmNVrLxVWVsU&e=](https://urldefense.proofpoint.com/v2/url?u=https-3A_developers.thameswater.co.uk_Developing-2Da-2Dlarge-2Dsite_Planning-2Dyour-2Ddevelopment_Working-2Dnear-2Dor-2Ddiverting-2Dour-2Dpipes&d=DwlFAw&c=HmJinpA0me9MkKQ19xEDwK7irBsCvGfF6AWwfMZqono&r=HVy2BaAHoy75Et42R7vHQVgBJr4jmCMnquJWjP-jOUE&m=ssu358v0PpAp-Gp42t4dBYH7Lb3eNf87TMKYfYZ--PU&s=ZUDxT-Epn57dPogM8j-2x8pUoZQdjUszTmNVrLxVWVsU&e=)

Thames Water requests that the Applicant should incorporate within their proposal, protection to the property by installing a positive pumped device (or equivalent reflecting technological advances) to avoid the risk of backflow at a later date, on the assumption that the sewerage network may surcharge to ground level during storm conditions. Fitting only a non-return valve could result in flooding to the property should there be prolonged surcharge in the public sewer. If as part of the basement development there is a proposal to discharge ground water to the public network, this would require a Groundwater Risk Management Permit from Thames Water. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing [wwqriskmanagement@thameswater.co.uk](mailto:wwqriskmanagement@thameswater.co.uk). Application forms should be completed on line via [www.thameswater.co.uk/wastewaterquality](http://www.thameswater.co.uk/wastewaterquality)

With regard to surface water drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. Where the developer proposes to discharge to a

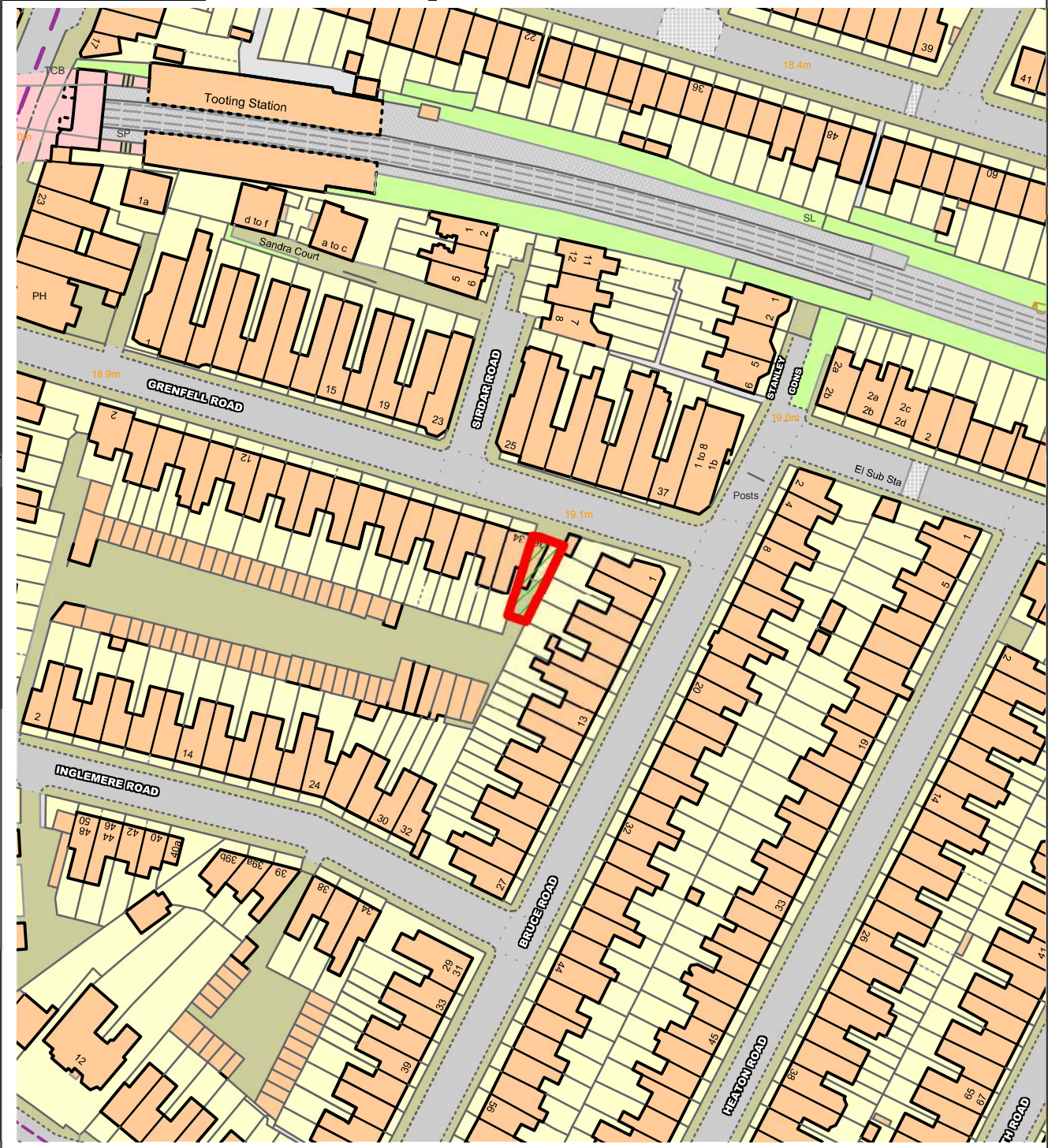
public sewer, prior approval from Thames Water Developer Services will be required. Should you require further information please refer to our website. [https://urldefense.proofpoint.com/v2/url?u=https-3A\\_developers.thameswater.co.uk\\_Developing-2Da-2Dlarge-2Dsite\\_Apply-2Dand-2Dpay-2Dfor-2Dservices\\_Wastewater-2Dservices&d=DwlFAw&c=HmJinpA0me9MkKQ19xEDwK7irBsCvGfF6AWwfMZqono&r=HVy2BaAHoy75Et42R7vHQVgBJr4jmCMnquJWjP-jOUE&m=ssu358v0PpAp-Gp42t4dBYH7Lb3eNf87TMKYfYZ--PU&s=S1rGbqzfRTmU-mQgGg4V3G9vQKaU3llcRaRtSzBm2JI&e=](https://urldefense.proofpoint.com/v2/url?u=https-3A_developers.thameswater.co.uk_Developing-2Da-2Dlarge-2Dsite_Apply-2Dand-2Dpay-2Dfor-2Dservices_Wastewater-2Dservices&d=DwlFAw&c=HmJinpA0me9MkKQ19xEDwK7irBsCvGfF6AWwfMZqono&r=HVy2BaAHoy75Et42R7vHQVgBJr4jmCMnquJWjP-jOUE&m=ssu358v0PpAp-Gp42t4dBYH7Lb3eNf87TMKYfYZ--PU&s=S1rGbqzfRTmU-mQgGg4V3G9vQKaU3llcRaRtSzBm2JI&e=)

- 4 Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.
- 5 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.
- 7 The applicant is required to check the requirements of the Party Wall Act 1996 relating to work on an existing wall shared with another property, building on the boundary with a neighbouring property, or excavating near/under a neighbouring building. A full and comprehensive agreement will be required to be in place before any works commence. Further information is available at the following link:  
<http://www.planningportal.gov.uk/buildingregulations/buildingpolicyandlegislation/currentlegislation/partywallact>  
Within a full and comprehensive Construction Method Statement the applicant will be required to also provide;
  - i) Detailed design calculations of the retaining wall supporting the highway and the adjacent properties has to be submitted (both in temporary and permanent phases). The designer has to assume full hydrostatic pressure and a minimum 10 KN/m<sup>2</sup> surcharge to design the retaining wall supporting the highway.
  - ii) Detailed temporary works calculations of the waling beams and the props for the retaining wall supporting the highway.
  - iii) Connection design, between the R/W and the 150mm RC slab on corrugated sheeting. This has to be checked for vertical and horizontal loads.
  - iv) How the Contractor plans to install the dry pack between the proposed underpinning and the underside of the existing footing below 34 Grenfell Road.
- 8 NPPF informative.

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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

# NORTHGATE SE GIS Print Template



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**PLANNING APPLICATIONS COMMITTEE  
19 JUNE 2019**

**APPLICATION NO.**

**DATE VALID**

18/P4442

28/11/2018

**Address/Site** 14 Highbury Road, Wimbledon, SW19 7PR

**Ward** **Village**

**Proposal:** Removal of existing garage extension, erection of a single storey rear extension; alterations to existing first floor balcony and balustrade; replacement of existing rear dormer window with two dormer windows, associated internal alterations and construction of a basement beneath part of rear garden.

**Drawing Nos** EX01, P01 D, P02 E, P03 A, P04 B, P05 A, P06B, Design and Access Statement, Flood Risk Assessment, BS 5873:2012 Tree Survey, Arbouricultural Impact Assessment, Tree Constraints Plan, Arbouricultural Method Statement and Tree Protection Plan (14 Highbury TPP.mpd) and Basement Construction Method Statement

**Contact Officer:** Richard Allen (020 8545 3621)

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**RECOMMENDATION**

**GRANT Planning Permission subject to conditions**

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**CHECKLIST INFORMATION**

- Heads of agreement: No
- Is a screening opinion required: No
- Is an Environmental Impact Statement required: No
- Has an Environmental Impact Assessment been submitted: No
- Press notice- Yes
- Site notice-Yes
- Design Review Panel consulted-No
- Number neighbours consulted – 11
- External consultants: None
- Density: n/a
- Number of jobs created: N/a
- Archaeology Priority Zone: Yes

## 1. **INTRODUCTION**

- 1.1 The application has been reported to planning committee at the request of Councillor Andrew Howard and due to the number of objections received.
- 1.2 Planning permission for the erection of a single storey rear extension, alterations to first floor balcony terrace and balustrade, erection of rear dormer windows and construction of basement was refused by the Planning Applications Committee on 4 April 2018. The applicant appealed against the Council's refusal of planning permission and the subsequent Appeal was dismissed on 15 November 2018. The current application has been submitted in order to address the Planning Inspectors concerns and is reported to the previous reasons for refusal and Inspector's report.

## 2. **SITE AND SURROUNDINGS**

- 2.1 The application site comprises a large two storey detached dwelling house (with accommodation within the roof space) situated on the south side of Highbury Road in Wimbledon Village. The existing dwelling is designed in the Voysey style and dates from 1910 and is a Locally Listed Building. The application property is within the Merton (Wimbledon North) Conservation Area.

## 3. **CURRENT PROPOSAL**

- 3.1 The current proposal involves the erection of a single storey extension, alterations to existing first floor balcony and balustrade; replacement of existing rear dormer window with two dormer windows together with associated internal alterations and construction of basement beneath part of rear garden.
- 3.2 The proposed single storey rear extension would be 1.8 metres in length and 6 metres in width. The rear extension would have an eaves height of 3.2 metres and would have a hipped roof with an overall height of 4.2 metres.
- 3.3 It is also proposed to remove the existing large rear dormer window and replace the dormer with two smaller dormer windows. Each dormer would be 1.8 metres in width and 1.4 metres in height and would be set 1.8 metres above eaves height.
- 3.4 The existing first floor rear terrace/balcony area would be refurbished and extended in front of the south west corner of the rear elevation and a new balustrade installed. The balustrade would be of traditional design to complement the design of the original dwelling house. The first floor rear elevation would be extended by 1.8 metres in width with formation of rear doors opening onto a terrace.

- 3.5 It is also proposed to provide a basement level swimming pool and associated facilities and a cinema room beneath part of the rear garden. The proposed basement would be 30 metres in length and be between 15 and 10 metres in width. The basement would have an internal depth of 4.1 metres (to accommodate the swimming pool). The proposed basement would have a total area of 340 m<sup>2</sup> which represents 39.6% of the garden area. Above the basement 1 metre of soil would be reinstated to form a new garden.
- 3.6 The proposal also includes the demolition of the front garage and replacement with a new window and formation of habitable space.

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

- 4.1 In January 1970 planning permission was granted for the erection of an external staircase from ground to second floor level (Ref.MER1049/69).
- 4.2 In December 1971 planning permission was granted for the erection of a garage extension (Ref.MER995/71).
- 4.3 In November 2017 a pre-application meeting was held to discuss a proposed single storey rear extension, a two storey 'infill' extension, enlargement of side dormer window to second floor, balcony to first floor rear roof, removal of modern single storey extension to front of house and provision of a basement under part of the rear garden (LBM Ref.17/P4071).
- 4.4 In July 2018 planning permission was refused by the Planning Applications Committee for the erection of a single storey rear extension; alterations to existing first floor balcony and balustrade; replacement of existing rear dormer window with two dormer windows, associated internal alterations and construction of basement beneath part of the rear garden (LBM Ref.18/P1649). Planning permission was refused on the grounds that: -

*The proposed basement and single storey rear extension, by reason of their excessive bulk, mass and depth would result in an overdevelopment of the site, being disproportionate to the size of the site and other properties in the local area, and thereby resulting in a visually harmful impact on the Wimbledon North Conservation Area and local surroundings. The proposal is therefore in conflict with Policies DM D2, DM D3 and DM D4 of the sites and Policies Plan (Local Plan) 2014, Policy CS14 of the Core Strategy 2011 and Policies 7.4 and 7.8 of the London Plan (2016)'.*

- 4.5 The applicant appealed the Council's refusal of planning permission (Appeal Ref. APP/T5720/D/18/3209230) and the Planning Inspector Dismissed the Appeal on 15 November 2018. The Inspector concluded that the bulk and rearward projection of the ground floor extension

would adversely impact upon the living conditions of existing and future occupiers of 16 Highbury Road by reason of visual intrusion.

- 4.6 The Planning Inspector's report and decision notice can be found in full attached to the committee report (Annex 1.0).

5. **CONSULTATION**

- 5.1 The application has been advertised by Conservation Area site and press notice procedure and letters of notification to occupiers of neighbouring properties. In response 17 letters of objection have been received. The grounds of objection are set out below: -

-The previous application was refused and upheld on appeal, partly because of the impact upon neighbours. Whilst the decision focused on the rear extension to which small changes have been made, it is important to be clear that it is the vast scale of the basement containing a pool as large as a public swimming pool that has always been a cause of local concern.

-The proposed works will result in massive and lengthy disruption and it is impossible to be confident that such a massive excavation will not lead to issues.

-The proposed excavation would impact on trees in adjoin gardens.

-The appeal decision letter (paragraph 9) incorrectly states that the concerns of neighbours/Wimbledon Society/BERA had been addressed by reducing the size of the basement. This is not the case.

-The air conditioning units and plant associated with the proposed basement could cause noise and nuisance.

-Although there are other basements in the area none are as large as that proposed at 14 Highbury Road.

-The application is basically the same as that previously refused and dismissed on Appeal.

-The basement should be restricted in size to the area of the upper lawn at 14 Highbury Road.

-The scale of the proposal is out of character with the conservation area.

-The size of the basement at 362m<sup>2</sup> is the size of a good 4/5 bedroom house.

-The Basement Construction Method Statement at Appendix B shows that the working area over dig around the site would be 1 metre so the total area would be 400m<sup>2</sup>. The excavation would be 6 metres deep, therefore the total volume of material to be removed would be 2,400 cubic metres.

--The Planning Applications Committee should support the Residents Association's universal opposition to the huge basement and pool.

-The Planning Inspector's statement in paragraph 9 of the Appeal Decision is misleading.

## 5.2 Belvedere Estates Residents Association

Members and neighbours on Highbury Road and St. Mary's Road have contacted the BERA in relation to the current application following the recent Appeal decision. The BERA was surprised to note from the Appeal decision that 'the size of the basement has now been reduced to address the concerns of local residents, the Wimbledon Society and BERA'. This is absolutely not the case. The reduction in size of the basement just prior to the Planning Applications Committee meeting at which the previous application (LBM Ref.18/P1649) was refused was very minimal. A large basement is still proposed. The BERA are well aware of the benefits of sympathetically upgrading existing properties however, given the size of the proposed basement BERA strongly object to the proposal on behalf of members and neighbours on the following grounds: -

- The proposal would result in significant over development of the site, especially the garden contrary to policy DM D2 (iv).
- The proposed basement excavation of most of the garden appears to exceed 50% of the garden.
- No measurements are shown on the drawings.
- The proposal fails to comply with policy DM 02 (Nature Conservation; Trees, Hedges and Landscape features) as the root protection area of trees in surrounding gardens will be affected. The removal of a significant Cypress hedge is detrimental to wildlife and currently provides screening from neighbours.
- The application does not include an Ecological Appraisal, contrary to policy CS13.
- The proposal fails to enhance the Wimbledon North Conservation Area.
- The Flood Risk Assessment indicates that the basement top slab is just 750mm below ground level.
- The site investigation dates back to January 2018 and doesn't take into consideration changes which will certainly have occurred during the extremely dry summer which was followed by a wet Autumn.
- The Flood Risk assessment notes that water was encountered a 5 metres below ground level and seepages at 2 – 2.2 metres below ground level and ground water at 1.29 – 2.02 below ground level with the result that the basement structure would be surrounded by some water. Several pumps will be required to ensure that this water is constantly pumped away (to where?).
- Surface water run-off is covered in the Assessment, but no mention of how to manage the underground streams which will be redirected and channeled at greater speed to the houses on St. Mary's Road and to those either side at 10 and 16 Highbury Road.
- The application site is classified as vulnerable as it is located within Flood Zone 1.

## 5.3 Wimbledon Society

Policy DM D2 b) iv) stipulates that any basement construction should result in the unaffected garden being a usable single area. In this case

the basement comes very close to the north-eastern boundary leaving a thin strip of unaffected ground about 1.5 metres wide and 38 metres long. This is not a usable single area. The policy also requires that 1 metre of permeable soil depth should be provided above any part of a basement. The application is unclear as to whether the basement is to be covered with soil or not. The proposed basement construction would also significantly affect water flows and increase the risk of flooding.

5.4 Amended Plans and Basement Construction Method Statement

Further to the submission of the application, the applicant submitted a revised basement plan with floor space figure annotated on the plan, a further plan showing a reduction in floor area of the basement and an amended Basement Construction Method Statement and additional drainage details. Re-consultation letters were sent out on 29 January, 26 February and 23 May respectively. Details of the response to the re-consultations are set out below: -

5.5 In response to the 29 January 2019 and 26 February re-consultations on the revised basement floor space figures and reduction in basement area a further 8 letters of objection were received from occupiers of neighbouring properties, The Wimbledon Society and the Belvedere Estates Residents Association. The grounds of objection are set out below: -

-The owner of 1 Highbury road reiterates their previous objections to the proposal.

-The owner of 25 St Mary's Road states that the reduction in basement area is marginal and does not address concerns previously raised.

-The owner of 8 Highbury Road objects to the scale of the proposed basement and reiterates their previous concerns.

-The owner of 18 Highbury road states that the basement excavation is the size of a municipal swimming pool. This element of the plans is little altered from the previous proposal.

-The excavation of a 6 metre depth will cause extreme inconvenience to neighbouring houses in terms of earth moving and heavy plant and risk soil stability and flood risk.

-The role of the local planning authority is to balance the rights of the applicant to enhance their property with the rights of others to enjoy theirs. The reason that there is such universal opposition to the proposal is the unreasonable scale. A completion size swimming pool is so far removed from what can be considered necessary for a domestic dwelling.

-The owner of 21 St Mary's Road refers to their previous objection letter and in summary an identical basement is proposed to that previously refused by the Planning Applications Committee.

-The owners of 10 Highbury Road reiterate their previous objections.

-The Wimbledon Society state that the basement has an area of 340m<sup>2</sup> which only marginally improves the unaffected garden area.

- The basement is of such a shallow depth that it would not provide room for 1 metres of topsoil.
- The piled secant wall would act as a dam and will significantly divert water flows to the detriment of other properties.
- The Belvedere Estate Residents Association state reiterate points raised in their previous letter but also state that the impact upon 16 Highbury Road is almost unquantifiable in both the short and long term, not to mention the impact upon 10 Highbury Road.
- The excavation of such a large basement and the loss of a beautiful garden cannot enhance the Wimbledon North Conservation area

5.6 In response to the re-consultation of 23 May a further 6 letters of objection have been received from occupiers of neighbouring properties and the Belvedere Estates Residents Association and the New Belvedere Estates Residents Association. The grounds of objection are set out below:-

- The owner of 21 St Mary's Road states that the proposal has considerable potential to cause environmental damage, is not compliant with the local planning framework and likely to damage adjacent properties during construction and raise drainage issues.
- There has been a third update on the application and there is a document titled 'Drainage General Arrangement' and drawings showing typical methods of drainage. These are interesting but do not appear relevant to the application as it is not clear which of the typical methods would be used and whether they will be fit for the very demanding job. There is also a new drawing showing 'Surface Water Drainage General Arrangement'. The drawing shows some surface water drains circling the house itself. There are no drains shown within the garden, which houses the massive underground structure. This appears to prevent flooding of the applicant's house while leaving the neighbouring properties at risk.
- The owners of 16 Highbury Road state that their property would be less than 2 metres away from the proposed basement construction and the applicant and their advisors have continually tried to play down the impact of this huge basement providing superficial and unsubstantiated assessments of the consequences. The new section of the report on de-watering only now starts to reveal the true impact of the proposal.
- The new documents put it beyond any doubt that the proposal is going to damage surrounding properties and gardens and serious drainage and flooding problems.
- The owner of 25 St Mary's Road states that the applicant's engineers have now tried three times to assemble a Basement Construction Method Statement. What can however, be concluded is the reports have become more and more alarming in terms of how to cope with the waste water during the construction phase. What will happen to long established underground water flows?
- The scale of the development is immense. Although less than 50% of the garden does not make it appropriate for a residential setting within the Wimbledon North Conservation Area.

-The Belvedere Estates Resident's Association have noted the extra drainage details submitted which actually make very worrying reading. In addition, it seems that the whole leisure complex in the garden requiring a double basement excavation may actually be more than 50% of the square footage of the garden. The application would therefore not pass the requirements for basement excavations under DM D2.

-The surrounding neighbours had kept the original 20 June PAC date available but unfortunately the date change to 19 June means that several of those whose properties adjoin no 14 Highbury Road are unable to attend. BERA has already written at length about the reasons for the PAC to uphold their decision to reject this application. Nothing in these latest minor amendments changes our original opinion. This application seeks to put a commercially sized leisure centre in the rear garden of a beautiful conservation area residential road and is simply totally unacceptable.

-The long and short term effects of such a ginormous double basement excavation (for the 25 metre pool) and the single storey excavation for the remaining 8/9 rooms of the leisure centre should not be underestimated and could have devastating results for centuries to come. The streams run under this house and garden to the houses on St. Mary's Road and on down to Lake Road to join the underground lake.

-The New BERA state that there are no objections to the extensions to the Edwardian house but the size of the basement excavation with associated risks is ridiculous.

#### 5.7 Conservation Officer

The Conservation Officer has stated that there are a lot of positive features to the application. The removal of the garage doors to the front elevation and inserting a matching window will be an enhancement. New windows should replicate the originals. The removal of the unsightly rear dormer window and the installation of two smaller replacement dormer windows will also be an enhancement. The proposed single storey rear extension is sympathetic to the rear elevation. The proposed windows reflect the original proportions and scale of the original windows but are not show as leaded. Leaded windows are an important feature of the house as mentioned in the Local Listing description. Existing leaded windows should be refurbished and retained and any new windows should replicate them. The Conservation Officer recommends that a landscaping condition be imposed to ensure that the garden is re-instated once basement construction has been completed.

#### 5.8 Tree Officer

The Arboricultural Report has provided an assessment of the trees on this property and those adjacent to it. It is proposed to remove 1 Magnolia tree and a Cypress hedge from the rear garden of the property. Account has been taken of the root protection areas of the remaining trees. An amended Tree Protection Plan has been received



which shows the piling zone in relation to the tree protection areas. No objections are raised following the receipt of the amended plan. There are no objections to the proposed development provided that trees are protected during the course of site works. The tree officer, has therefore recommended that tree protection conditions be imposed on any grant of planning permission.

#### 5.9 Councils Structural Engineer

The Councils Structural Engineer has been consulted on the proposed basement and confirms that the submitted amended Construction Method Statement (Dated 16 May 2019) demonstrates that the basement can be constructed in a safe and effective manner without causing significant impact upon the public highway and neighbouring properties. However, planning the following condition should be imposed on any grant of planning permission regarding the basement construction.

No development shall commence on site until the documents listed below have been submitted to and been approved in writing by the Local Planning Authority: -

a) Detailed Construction Method statement produced by respective Contractor/s responsible for the installation of the bored piled retaining wall, excavation and construction of the piling rig. This shall be reviewed and agreed by the Structural Engineer in designing the proposed works.

b) Drawings showing the temporary works (propping up sequence), section of the retaining wall, and construction of the proposed basement.

c) as stated in the CMS, should it be required the Contractor is to undertake a geotechnical movement and building fabric strain assessment for adjoining property/properties in accordance with CIRIA C760 to ensure the resultant damage is limited to category 1.

d) We would also recommend installing target monitoring stations on top of the retaining wall, the two adjacent properties (12 and 16 Highbury Road) and the highway to record any movements.

#### 5.10 Council's Flood Risk Manager

The Council's Flood Risk Manager has been consulted and states that the Council policy DM D2 (iv) refers to the size and limits of proposed basements (50% of the garden area and the plans show that the basement is 39.6% of the total garden area is proposed) and the requirements of Merton's SPD on Basements and Subterranean Development should be met. There is a slight concern that due to the significant size of the basement compared to the red line boundary, there is very little 'natural' ground left in which surface water may infiltrate as it would do with a green space, which is also a requirement

of DM D2. However, some mitigation is proposed via the proposed drainage system although there is a lack of overall detail provided to demonstrate how runoff will be reduced via SuDS. The Flood Risk manager would therefore seek significant improvements to offsite runoff rates and would advise that green field rates are achieved. Furthermore, the Construction Method statement should address how dewatering will take place in detail. No waste water or construction material shall be discharged or emptied into the highway drainage system. The Flood Risk Manager is of the view that additional information should be sought regarding the proposed drainage system, compliance with London plan policy 5.13, the design and construction SPD and Merton's Policies DM F2 and basement SPD.

The applicant was advised of the Councils Flood Risk Managers requirements and submitted additional information which has now been reviewed by the Flood Risk Manager. The British Geological Survey records indicate the site is to be likely to be underlain by Black Park Gravels over the London Clay Formation. This geology has been confirmed by an intrusive site investigation undertaken at this site by

Structa LLP, a copy of borehole logs from report 5129-GE001 dated

March 2018 are included in Appendix A. These confirm the Black Park Gravels starting at between 0.4m to 0.8m below ground level and the London Clays starting at depths between 2.7m – 3.2m bgl. These were unproven to a depth in excess of 11m bgl. The site investigation

encountered water at a depth of 5.0m - 5.6m bgl, which is above the

level of the proposed formation level. In addition, shallow groundwater seepages were noted at depths of 2.0m and 2.2m bgl. During the subsequent monitoring programme, groundwater was recorded at depths between 1.29m and 2.02m bgl. It is therefore considered that groundwater is likely to be encountered in excavations forming part of the proposed development and therefore dewatering methods will be required.

The proposed methodology that has been considered for dewatering during construction is to treat the wastewater generated from dewatering of the construction works on site using a gravity settlement tank which removes suspended solids and fine particles from construction wastewater and then discharge the treated water as trade effluent into the foul sewer drainage system, subject to approval and consent from Thames Water.

In terms of post construction impacts, the Structa report states that any potential damming effect to ground water flows would be in our opinion negligible as ground water will flow around the basement within the garden, likely in relation to the fall of levels on site. Ground water levels monitored are in our opinion sufficiently low that any changes that occur should have no adverse effects on the neighbouring properties and likely to be negligible compared to seasonal fluctuations.

Notwithstanding this, we would strongly recommend that the final scheme secures physical mitigation through passive drainage to reduce the risk of potential rise in groundwater levels around the basement box structure and you secure this by way of an appropriately worded planning condition. In terms of the proposed drainage scheme shown on drawing 5129-1001 P1, this appears acceptable in accordance with the London plan 5.13 and Merton's policy DM F2 and D2. Offsite surface water flows will be attenuated to greenfield rates of no more than 2l/s.

If you are minded to recommend approval, please include the following conditions:

Condition: 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 agreed runoff rate (no more than 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.

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.

Condition: 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 drainage and groundwater, will be managed and mitigated during and post construction (permanent phase) such as through passive drainage measures around the basement structure.

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.

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).

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.

5.11 Historic England

No comments have been received, however, comments under the previous application were as follows: The planning application lies in an area of archaeological interest. Appraisal of this application using the Greater London Historic Environment Record and information submitted with the application indicates that the development is likely to cause some harm to archaeological interest but not sufficient to justify refusal of planning permission provided that a condition is applied to require an investigation to be undertaken to advance understanding. The archaeological interest should be conserved by appropriate conditions and Informatives.

6. **POLICY CONTEXT**

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

6.2 Sites and Policies Plan (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) and DM D4 (Managing Heritage Assets).

6.3 The London Plan (March 2016)  
The relevant policies within the London Plan are 7.4 (Local Character), 7.6 (Architecture) and 7.8 (Heritage Assets and Archaeology).

7. **PLANNING CONSIDERATIONS**

7.1 The main planning considerations concern the previous appeal decision, proposed Design/Impact on Conservation Area and Locally Listed Building, Basement Construction, Neighbour Amenity, Trees and Parking Issues.

7.2 Appeal Decision for 18/P1649

Following the refusal of planning application LBM Ref.18/P1649 by the Planning Applications Committee on 28 June 2018 (decision notice dated 3 July 2018) the applicant Appealed against the Councils refusal of planning permission (Appeal Ref. APP/T5720/D/18/3209230). The Planning Inspector dismissed the Appeal on 15 November 2018. However, the only reference the Planning Inspector made to the basement was in paragraph 9 of the decision letter in which the Inspector states 'Furthermore, the size of the basement has now been reduced to address the concerns of neighbours, The Wimbledon Society and The Belvedere Estates Residents Association.

The Inspector's considered the main issues to be: -

a) The combined effect of the proposals upon the character and appearance of the host building and that of the surrounding area.

b) The impact of the ground floor extension upon living conditions of existing and future occupiers of 16 Highbury Road.

7.3 In respect of the first issue (a)The Inspector noted the enhancement to the front elevation by the removal of the garage extension to the original gable end, together with work to replace the single rear dormer with two smaller dormers. The Inspector concluded that the combined effect of the proposals would not be harmful to the host building or that of the surrounding area.

7.4 In respect of the second issue (b) the Inspector noted that the proposed single storey extension would project rearwards by some 6 metres and extend above window head level of the rear-facing ground floor window. The new structure incorporates a hipped roof that slopes away from the boundary with number 16 and would replace a brick and slate outbuilding. The existing outbuilding is set at a lower level and does not project noticeably above the boundary fence, such that it is hardly noticeable as viewed from number 16. Conversely, the single storey extension now proposed would be highly visible from the raised patio area of number 16 in particular, but also from its rear-facing kitchen and dining room windows. Although set some 1.6 metres from the boundary with number 16, the blank wall of the extension would appear as a dominant and intrusive feature as viewed from this neighbouring property. The Planning Inspector therefore found that the bulk and rearward projection of the ground floor extension would adversely impact the living conditions of existing and future occupiers of 16 Highbury Road by reason of unacceptable visual intrusion, contrary to Policy DM D2 vi of the Sites and Policies Plan. The Appeal was dismissed on this ground.

7.5 Design/Conservation Area and Impact on locally Listed Building Issues Policy DM D4 (Managing Heritage Assets) of the Adopted Merton Sites and Policies Plan (2014) is the principle policy in respect of developments affecting Locally Listed buildings and Conservation

Areas. The Policy states that development affecting a heritage asset or its setting will be required to be in accordance with the following criteria:

i. Principles set out in the National Planning Framework (2012) and detailed guidance set out in the accompanying Historic Environment Planning Practice Code, the London Plan, and further Historic England guidance:

ii. Merton's published Conservation Area character appraisals and management plans and guidance statements set out in the borough Character studies.

This part of the Merton (Wimbledon North) Conservation Area is characterized by large mainly detached houses of various architectural styles set within large plots. The application property is a large detached house constructed in the Arts and Crafts style and is a locally listed building. Large dwellings on large garden plots make up a large part of the character of the surrounding Conservation Area. The proposed alterations and extensions have been designed to complement the design of the arts and crafts style dwelling house. The basement element of the proposal involves significant excavation and although the character of the garden would change during the construction phase, the resultant finish would be a laid to lawn surface.

7.6 The Council's Conservation Officer has raised no objection to the proposed extensions and external alterations. The proposed single storey rear extension has a small depth of 1.8 metres and is designed appropriately for the host dwelling. The proposed basement level swimming pool would be located beneath part of the existing rear garden and the basement would not affect the fabric of the existing dwelling house. The Planning Inspector raised no objection to the visual design/impact of the previous schemes extensions, alterations and the basement. The proposed extensions and alterations are considered to be acceptable in design terms and the proposals would preserve the character and appearance of the Merton (Wimbledon North) Conservation Area and would not harm the historic fabric of the locally listed building, and complies with policies CS14 (Design), DM D2 (Design Considerations in all Developments), DM D3 (Alterations and Extensions to Existing Buildings) and DM D4 (Managing Heritage Assets).

#### 7.7 Basement Construction

The current proposal involves the construction of a basement beneath part of the rear garden. Policy DM D2 (Design Considerations in all Developments) outlines that basements under gardens should not be more than 50% of the garden area. The proposed basement would take up 39.6% of the rear garden, and thereby comply with the policy. The proposed basement is the same size as the one considered under the previous scheme at appeal. The applicant has submitted a

basement construction method statement and a flood risk assessment. The basement construction method statement and flood risk assessment both conclude that the basement can be constructed in a safe manner and that the provision of accommodation at basement level would not increase flood risk. During the assessment of the application officers received an amended Basement Construction Method Statement in response to comments from the Councils Flood Risk Manager. This has been reviewed by the Flood Risk Manager and who has raised no objection to the proposal. The Council's Structural Engineer and Flood Risk Manager have reviewed the application and raises no objection. The proposal is therefore considered to be acceptable in terms of policy DM D2 (Design Considerations in all Developments).

#### 7.8 Neighbour Amenity

The concerns of the objectors are noted. However, although the flank wall of the proposed single storey side extension would be visible from the raised rear terrace of number 16 Highbury Road, the flank wall of the extension would be set away from the boundary by 1.6 metres and no windows are proposed within the side elevation of the extension. The rear extension would also have a hipped roof sloping away from the boundary of number 16 Highbury Road. This element of the proposal has been reduced significantly in comparison to the previously refused scheme. Officers are satisfied the proposal has overcome the previous concerns. It is therefore considered that this element of the proposal would not cause material harm to the amenities of number 16 Highbury Road. The existing terrace/balcony would be refurbished and a new balustrade installed designed to match the character of the Arts and Crafts style house. A condition requiring the installation of privacy screen to the end of the balcony extension adjacent to the boundary with numbers 12 and 16 Highbury Road would however be appropriate. Therefore, there are no objections to the provision of a new balustrade.

7.9 The proposed basement would be constructed beneath part of the large rear garden. Although basement construction can cause disruption during the construction period, the basement construction would require Building Regulations approval and a planning condition can be imposed on any grant of planning permission to control the hours and days of construction. The proposed single storey and first floor extensions would not have an impact upon number 10 Highbury road due to the separation distance between the extension and the boundary with number 10. The proposals are therefore considered to be acceptable and would not cause harm to neighbour amenity. With the significant reduction in depth of the single storey rear extension in comparison with the previous scheme, officers are satisfied the current proposal has overcome the appeal decision. The proposal is therefore considered to be acceptable in terms of policy DM D2 (Design Considerations in all Developments).

#### 7.10 Trees

The Council's Tree officer has been consulted and noted that a Magnolia tree and a Cypress hedge would be removed as part of the proposal. The applicant has provided an Arbouricultural Assessment of the trees within the curtilage of the application site and adjacent to it and account has been taken of the root protection areas of the trees. The Council's Tree officer has no objections to the proposed development subject to tree protection conditions being imposed on any grant of planning permission.

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

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

#### 9. **CONCLUSION**

- 9.1 The proposed extensions and alterations are considered to be acceptable in design terms and the proposal would preserve the character and appearance of the Merton (Wimbledon North) Conservation Area and would not cause harm to the Locally Listed Building. The proposal would not cause harm to neighbour amenity and tree protection conditions would protect the retained mature trees on and off the site. Accordingly, it is recommended that planning permission be granted.

#### **RECOMMENDATION**

#### **GRANT PLANNING PERMISSION**

Subject to the following conditions: -

1. A.1 (Commencement of Development)
2. A.7 (Approved Drawings)
3. B.1 (Approval of Facing Materials)
4. B.4 (Site Surface Treatment)
5. B.5 (Boundary Treatment)
6. C.2 (No Permitted Development –Door and Windows)
7. C.10 (Balcony Screening – Details to be Submitted for both ends of the balcony/Terrace).



8. D.11 (Hours of Construction)
9. The details and measures for the protection of the existing retained trees as specified in the approved document 'BS 5837:2012 Tree Survey, Arbouricultural Impact Assessment, Arbouricultural Method Statement and Tree Protection Plan' (16/01/2019) dated March 2018 shall be fully complied with. The methods for the protection of the existing retained trees shall fully accord with all measures specified in the report. The details and measures as approved shall be retained and maintained until the completion of site works.

Reason for condition: To protect and safeguard the existing and 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 policies DM D2 and DM O2 of the Merton Sites and Policies Plan (2014).

10. F1 (Landscaping)
11. F8 (Site Supervision-Trees)
12. Prior to commencement of development a Basement Construction Method Statement and Hydrology Report shall be produced by the respective contractor/s responsible for the installation of the bored piled retaining wall, excavation and construction of basement retaining walls. The CMS shall also detail the access and position of the piling rig. This shall be reviewed and agreed by the Structural Engineer designing the proposed works. The details shall be submitted to and be approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details.

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

13. The Construction Method Statement (as agreed under condition 12) shall include full details of the temporary works (propping up sequence and epropping up sequence), section of the retaining wall, and construction sequence of the proposed basement; a Geotechnical movement and building fabric strain assessment for adjoining property/properties in accordance with CIRIA C760 to ensure the resultant damage is limited to category 1; and that target monitoring stations are installed on top of the retaining wall, the two adjacent properties (10 and 16 Highbury Road) and the highway to record any movement.

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

14. Prior to commencement of the development hereby approved full details of any plant/equipment to be installed within the basement shall be submitted to and be approved in writing by the Local Planning Authority and the equipment shall be installed in accordance with the agreed details.

Reason for condition: To protect the amenities of occupiers of neighbouring residential properties and to comply with policy DM D2 of the Adopted Merton sites and Polices Plan (July 2014).

15. 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 restricted rate of no more than 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.

Reason for condition: 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.

16. No development approved by this permission shall be commenced until a final scheme to reduce the potential impact of groundwater ingress both to and from the proposed development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall address the risks both during and post construction. Should dewatering be required during construction, the detailed Construction Method Statement will need to address the measures to minimise silt dispersal and where waters will be discharged to.

Reason for condition: To ensure the risk of groundwater ingress to and from the development is managed appropriately and to reduce the risk of flooding in compliance with the following Development Plan policies for Merton: policy 5.13 of the London Plan 2011, policy CS16 of Merton's Core Planning Strategy 2011 and policies, DM D2 and DM F2 of Merton's Sites and Polices Plan 2014.

17. No demolition shall take place until a written scheme of investigation (WSI) has been submitted to and approved by the Local Planning Authority in writing. For land that is included within the WSI, no demolition or development shall take place other than in accordance with the agreed WSI, which shall include the statement of significance and research objectives, and

A. The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organization to undertake the agreed works.

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

Reason for condition: In the interest of preserving any archaeological interests that could be found at the site, in accordance with policy DM D4 of the Adopted Merton Sites and Policies Plan (2014).

18. Informative

The written scheme of investigation will need to be prepared and implemented by a suitably qualified professionally accredited archaeological practice in accordance with Historic England's Guidelines for Archaeological Projects in Greater London. This condition is exempt from discharge under schedule 6 of the Town and Country Planning (Development Management procedure) (England) Order 2015.

19. Informative

Watching Brief: - A Watching brief involves the engagement with the development groundworks to permit investigation and recording of features of archaeological interest which are revealed. A suitable working method with contingency arrangements for significant discoveries will need to be agreed. The outcome will be a report and archive.

Due to the location of the site within an archaeological priority area and the scale of the basement construction, it is recommended that an archaeological watching brief take place on the ground works on the site. This includes, but is not limited to, the bulk dig of the new basement, foundation trenches, new services, and any landscaping.

20. 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).

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.

21. INF1 (Party Wall Act)

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

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# Appeal Decision

Site visit made on 31 October 2018

**by R J Maile BSc FRICS**

**an Inspector appointed by the Secretary of State**

**Decision date: 15 November 2018**

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**Appeal Ref: APP/T5720/D/18/3209230**  
**14 Highbury Road, London, SW19 7PR.**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Gaj and Mrs Kathy Ragunathan against the decision of the Council of the London Borough of Merton.
  - The application ref: 18/P1649, dated 4 April 2018, was refused by notice dated 3 July 2018.
  - The development proposed is single storey ground floor rear extension; alteration to first floor balcony terrace and balustrade; second floor dormer windows to the rear; basement extension to the rear.
- 

## Decision

1. The appeal is dismissed.

## Main Issues

2. The main issues in this case are:
  - a) The combined effect of the proposals upon the character and appearance of the host building and that of the surrounding area.
  - b) The impact of the ground floor extension upon the living conditions of existing and future occupiers of 16 Highbury Road.

## Reasons

- a) *Effect upon character and appearance.*
3. This property comprises a substantial two storey dwelling with accommodation within the roof space and having rendered elevations under a slated roof. The building, which is Locally Listed, is designed in the Voysey style and dates from 1910. The surrounding area comprises detached houses of varying designs, a number of which (including no. 16 next door) have been the subject of recent extensions and alterations.
  4. The appeal site is within the Merton (Wimbledon North) Conservation Area. Accordingly, I have considered the proposal by reference to the statutory duty imposed upon me by section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, which requires me to pay special attention to

- the desirability of preserving or enhancing the character or appearance of the designated area.
5. I have also had regard to national policy as set out at Chapter 16 (Conserving and enhancing the historic environment) of the Framework<sup>1</sup> and to the relevant policies of the Development Plan.
  6. The Merton (Wimbledon North) Conservation Area is an important heritage asset. As such, paragraph 193 of the Framework requires me to give great weight to its conservation.
  7. Policy 7.8 of The London Plan likewise requires me to ensure that development affecting heritage assets and their setting should conserve their significance by being sympathetic to their form, scale, materials and architectural detail. This requirement is also contained in Policy CS 14 of the adopted Core Strategy<sup>2</sup>. Policy DM D4 of the Council's Sites and Policies Plan<sup>3</sup> sets out detailed criteria for development affecting heritage assets.
  8. I have also been referred to Policy 7.4 of The London Plan and Policies DM D2 and DM D3 of the Sites and Policies Plan, which set out detailed criteria for all new development. Policy DM D2 b) specifically applies to proposals for basements. In all cases, development should respect and complement the design and detailing of the original building.
  9. The proposals have been designed to a high standard to reflect the form and materials of the original dwelling. Furthermore, the size of the basement has now been reduced to address the concerns of neighbours, The Wimbledon Society and The Belvedere Estate Residents' Association.
  10. In reaching my conclusions upon the first main issue I have particularly noted the enhancement to the front elevation that will accrue by the removal of the garage extension to the original gable end, together also with works to replace the single rear dormer with two smaller structures. These factors, and the overall quality of the design, are reflected by the Officer's recommendation that planning permission should be granted for the amended scheme before me, subject to conditions.
  11. The Officer concluded in his Report to Committee that the proposed extensions and alterations were considered to be acceptable in design terms and that they would preserve the character and appearance of the Merton (Wimbledon North) Conservation Area. He also considered that the scheme would not cause harm to the Locally Listed Building. For the reasons given above, I agree with that assessment.
  12. I have therefore found upon the first main issue that the combined effect of the proposals would not be harmful to the character and appearance of the host building or that of the surrounding area and that development as proposed would accord with the requirements of section 72(1) of the 1990 Act, national policy at Chapter 16 of the Framework, Policies 7.4 and 7.8 of The London Plan and the policies of the Development Plan to which I have referred above.

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<sup>1</sup> The National Planning Policy Framework (July 2018).

<sup>2</sup> The London Borough of Merton Local Development Framework: Core Planning Strategy (July 2011).

<sup>3</sup> Part of Merton's Local Plan: Sites and Policies Plan and Policies Maps (July 2014).

*b) Impact upon living conditions.*

13. Following my inspection of the appeal site I visited 16 Highbury Road next door to the northeast, which property has been the subject of recent extensions and alterations. However, those works do not extend beyond the established rear building line of adjacent dwellings.
14. The proposed single storey extension would project rearwards by some 6m and extend above window head level of the rear-facing ground floor window. The new structure incorporates a hipped roof that slopes away from the boundary with no. 16 and would replace an existing brick and slate outbuilding.
15. The existing outbuilding is set at a lower level and does not project noticeably above the boundary fence, such that it is hardly noticeable as viewed from no. 16. Conversely, the single storey extension now proposed would be highly visible from the raised patio area of no. 16 in particular, but also from its rear-facing kitchen and dining room windows. Although set some 1.6m from the boundary with no. 16, the blank wall of the rear extension would appear as a dominant and intrusive feature as viewed from this neighbouring property.
16. I have therefore found upon the second main issue that the bulk and rearward projection of the ground floor extension would adversely impact upon the living conditions of existing and future occupiers of 16 Highbury Road by reason of unacceptable visual intrusion, contrary to Policy DM D2 vi. of the Sites and Policies Plan.

**Other Matters**

17. Concerns have been expressed by the owners of several nearby properties as to the potential for increased loss of privacy arising from the balcony proposals. However, I am satisfied that such objections could be overcome by imposing a condition requiring the installation of a privacy screen or screens.

**Conclusion**

18. I have found above that the combined effect of the overall scheme would not be harmful to the character and appearance of the host building or that of the Merton (Wimbledon North) Conservation Area. Nevertheless, my concerns as to the impact of the proposed ground floor extension upon the living conditions of existing and future occupiers of 16 Highbury Road are paramount.
19. Accordingly, and for the reasons given above, I conclude that the appeal should fail.

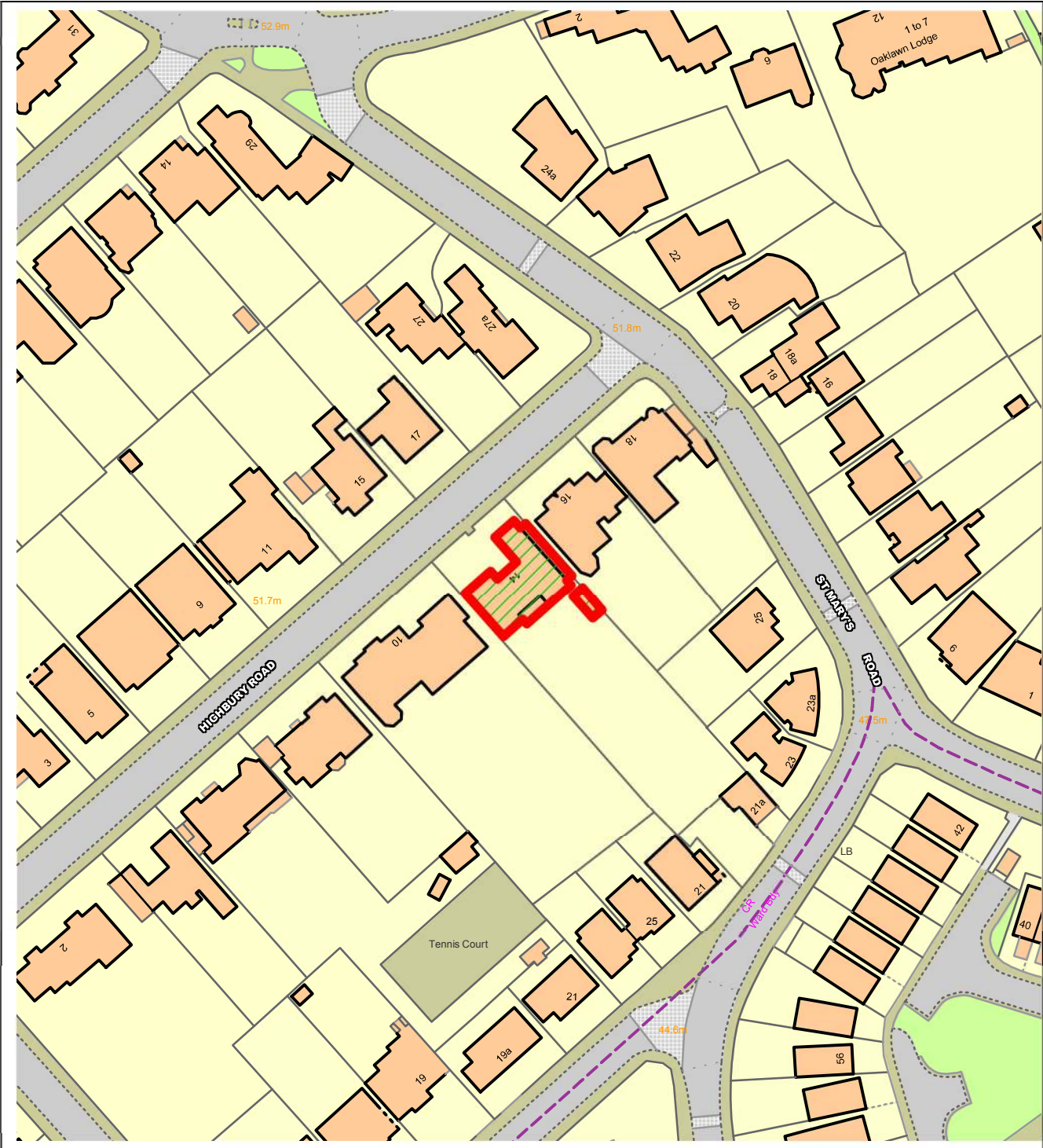
*R. J. Maile*

INSPECTOR

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# NORTHGATE SE GIS Print Template



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## PLANNING APPLICATIONS COMMITTEE 19 JUNE 2019

**APPLICATION NO.**                      **DATE VALID**  
19/P0498                                      21.01.2019

**Address/Site**                      Garages R/O 38 Inglemere Road, Mitcham, CR4 2BT

**Ward**                                      Graveney

**Proposal:**                              DEMOLITION OF GARAGES AND ERECTION OF 4 X 3 BED DWELLINGHOUSES WITH ASSOCIATED PARKING AND LANDSCAPING.

**Drawing Nos;**                      Site location plan and drawings 0100, 0101, 0210, 0211, 0212, 0213, 0400 & drawing marked 'Refuse arrangements'. BS 5837 Arboricultural Report, impact assessment & Arboricultural Method Statement' dated 11 January 2019 compiled by Crown Tree Consultancy;

**Contact Officer:** Leigh Harrington (020 8545 3836)

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### **RECOMMENDATION**

Grant planning permission subject to a S106 agreement and relevant conditions.

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### **CHECKLIST INFORMATION.**

- Heads of agreement: No
- Is a screening opinion required: No
- Is an Environmental Statement required: No
- Has an Environmental Impact Assessment been submitted: No
- Design Review Panel consulted: No,
- Number of neighbours consulted: 31
- Press notice – No
- Site notice – Yes
- External consultations: 1- Metropolitan Police Safer by Design
- Archaeological Priority Zone – No
- Flood risk zone - No
- Controlled Parking Zone – Yes, Zone GC
- Number of jobs created: N/A
- Density 60 Dwellings per hectare
- PTAL 3 but close to Tooting train station

## **1        INTRODUCTION**

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

## **2. SITE AND SURROUNDINGS**

- 2.1 The site is an irregularly shaped 785m<sup>2</sup> plot of land used for 22 residential scale garages that is accessed via an access point between two short terraces of houses on Inglemere Road. The site backs onto rear gardens of properties along Inglemere Road, Bruce Road and Gorrington Park Avenue with the garden to the west of the site being quite heavily treed.
- 2.2 The site does not fall within a Conservation Area, Archaeological Priority Zone or in an area at risk of flooding. It is located within a Controlled Parking Zone (GC). The site has an average Public Transport Accessibility Level (PTAL) rating of 3 although it is within relatively close walking distance of Tooting Train station.
- 2.3 Nearby a larger scheme for a redevelopment of a garage site for 14 dwellings (10 houses and 4 flats) was approved by members of the Planning Application Committee in June 2018.

## **3. CURRENT PROPOSAL**

- 3.1 This application involves demolishing the existing garages and the erection of a development of four three bedroom houses arranged around a courtyard area with car parking and landscaping.
- 3.2 Along the south east side of the site, backing onto the rear gardens of houses in Bruce Road a flat roofed 3 bedroom bungalow style property would be erected. Attached to this to the west would be a short terrace of three two storey 3 bedroomed flat roofed houses. The gardens for each of the four properties would be set along the south west boundary with Gorrington Park Avenue.
- 3.3 Within the site there would be four parking spaces provided, refuse storage would be provided by each house with a collection point in the accessway.
- 3.4 The houses would be finished in exposed brickwork, Ibstock Calderstone Claret wire cut bricks with reconstituted stone band courses. The fenestration would be framed in platinum grey aluminium which would match the roof capping and timber screens.

## **4. RELEVANT PLANNING HISTORY**

Pre application advice application for this development.

## **5. CONSULTATION**

- 5.1 The application was advertised by means of a site notice and letters to neighbouring occupiers. As a result objections were received from 15 neighbours which raised concerns relating to;
- Concerned about noise, dust and disturbance during construction.
  - Noise and disturbance will be higher when houses are in use compared to underused garages.
  - Negative impact on operation of neighbours gardens.
  - Loss of twenty garages will impact parking on street. The development will not give rise to 3-4 cars, it will be 26 because of the existing garages being lost
  - Significant loss of privacy; they acknowledge this through the need for privacy screens

- Two storey building will limit sunlight to nearby houses. The sunlight assessment should have been done in winter and summer to make proper assessment.
- The three storey element is not considered in a report that just refers to two storeys
- Design is completely against local design guidance and detailing and shape of the building will not fit into the surrounding area, especially the flat roof.
- Proposals will impact wildlife through loss of trees
- Overdevelopment of site squeezing dwellings in such an area, there are other brownfield sites nearby.
- Lack of detail about what will happen when the boundary walls are removed. They should be replaced with brick walls and not fences.
- Significant increase in pressure on refuse collections and storage. Will increase fly tipping
- This will not improve outlook as stated in the D&A statement, the existing trees and nature offer a much higher visual amenity than any new build development.

5.2 Merton Environmental Health. No objection subject to a number of conditions relating to addressing land contamination, lighting, noise from mobile machinery and requiring a demolition and construction method statement.

5.3 Merton Waste Services. Require the collection point for refuse to be within 10m of the pavement as the site is too confined for a 26tonne refuse truck to service. No objection subject to standard refuse conditions.

5.4 Merton Arboricultural officer. No objections to the proposals subject to suitable conditions relating to tree protection and site supervision.

5.5 Merton Transport Planning. Local Highway network

Access to the site is taken from an existing access point on Inglemere Road to the north.

Inglemere Road is a local road which serves a number of residential properties and is subject to 30mph speed limit. Access to the site is via either A217 London Road to the west or Bruce Road to the east.

#### Proposed Access

Access to the proposed site will continue to be taken from the existing access point off Inglemere Road. The width of the access varies from approximately 2.91m at the entry from highway boundary to around 7.5m (widest point) further into the site.

#### Car Parking:

The site is located in an area within PTAL 3, which is considered to be a moderate rating. A moderate PTAL rating suggests that it is possible to plan regular journeys such as daily work trips or trips to and from school using public transport.

The local area forms part of Controlled Parking Zone GC. Restrictions are enforced from Monday to Friday between 8.30am to 6.30pm.

The proposal indicates 2 car parking spaces. However, one space should be disabled parking space to meet the criteria of the 'London Plan'.

Permit free option would be acceptable subject to the applicant enters into a Unilateral Undertaking which would restrict future occupiers of the units from obtaining an on-street residential parking permit to park in the surrounding controlled parking zones to be secured by via S106 legal agreement.

### Parking Survey

A parking survey was undertaken within 200m walking distance of the site on two separate week days.

The results indicate on average there were 48 and 45 parking spaces available between the hours 01:30-05:30am.

### Cycle Parking

Cycle parking should be installed on site in accordance with London Plan standards on cycle parking for new residential developments.

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;
- 2 per all other dwellings and

In order to meet the standards set out in the London Plan, the proposal should provide 8 long term cycle parking spaces which should be secure and undercover.

### Refuse

Refuse collection will take place from Inglemere Road. Waste collection points should be located within 30 metres of residential units and within 20 metres of collection vehicles.

### Trip Generation

A trip generation exercise has been undertaken to set out the predicted impact of the proposed development. The proposed development is forecasted to generate 9 two-way vehicle trips in both the AM and PM peak periods.

The proposed trip generation is unlikely to have significant impact on the surrounding highway network.

Recommendation: Raise no objection subject to:

- Provide one disabled bay within the site.
- Provide 8 cycle spaces (secure & undercover).

- Permit free option would be acceptable subject to the applicant enters into a Unilateral Undertaking which would restrict future occupiers of the units from obtaining an on-street residential parking permit to park in the surrounding controlled parking zones to be secured by via S106 legal agreement.
- Condition requiring Refuse storage.
- Demolition/Construction Logistic Plan (including a Construction Management plan in accordance with TfL guidance) should be submitted to LPA for approval before commencement of work.

5.6 Merton Flood Risk Engineer. The scheme appears to be acceptable in flood risk terms as the site is at very low risk of surface water flooding and is not in a fluvial floodzone. Offsite surface water flows will be reduced via attenuation to greenfield rates, to no more than 0.7l/s which is in accordance with the London Plan 5.13, Merton's policy DM F2 and Merton's SuDS design and evaluation guide. External levels should be profiled away from the development and towards the nearest drainage point. A condition requiring a detailed scheme for the provision of surface and foul water drainage, including levels was requested.

5.6 Metropolitan Police. No objection but considered that insufficient anti climb protection was being provided. Separate secure cycle storage facilities should be provided and lighting should be to British Standard.

## **6. POLICY CONTEXT**

6.1 NPPF (2019). Key sections:

- 5. Delivering a sufficient supply of homes.
- 12. Achieving well-designed places.

6.2 London Plan 2016

3.3 (Increasing housing supply), 3.4 (Optimising housing potential), 3.5 (Quality and design of housing developments), 5.1 (Climate change mitigation), 5.3 (Sustainable design and construction), 5.7 (Renewable energy), 5.13 (Sustainable drainage), 6.9 (Cycling), 7.5 (Public realm), 7.6(Architecture) & 7.21 (Trees and woodlands).

6.3 London Housing Supplementary Planning Guidance 2016

6.4 DCLG Technical standards 2015

6.5 Merton Core Strategy 2011.

CS 9 (Housing targets), CS 13 (Open Space, Nature conservation), CS 14 (Design), CS 15 (Climate change), CS 18 (Transport) & CS 20 (Parking, Servicing & delivery).

6.6 Merton Sites and Policies Plan 2014.

DM D1 (Urban Design and the public realm), DM D2 (Design considerations in all developments), DM EP 2 (Reducing and mitigating noise), DM EP4 (Pollutants), DM H2 (Housing mix), DM 02 (Trees, hedges and landscape

features), DM T2 (Transport impacts of development) & DM T3 (Car parking and servicing standards).

## **7. PLANNING CONSIDERATIONS**

7.1 The main planning considerations in this case relate to the principle of the use of the site for the provision of flatted dwellings and the impact on local residents and the wider area.

### **7.2 Need for additional housing**

The National Planning Policy Framework (March 2018) requires Councils 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. Policy 3.3 of the London Plan states that the Council will work with housing providers to provide a minimum of 4,107 additional homes in the borough between 2015 and 2025. Within this figure of 4,107 new homes, the policy states that a minimum of 411 new dwellings should be provided annually. This is an increase from the 320 dwellings annually that was set out in the earlier London Plan and in Policy CS9 of the Core Strategy. The policy also states that development plan policies should seek to identify new sources of land for residential development including intensification of housing provision through development at higher densities.

7.3 Neither the Council nor the GLA have planning policies that seek to safeguard or retain lock up garages. Demolition of the garages would not preclude existing residents in the locality, were they to use the garages to store a car from applying for parking permits. Such backland and infill sites provide a valuable source of brownfield land to help deliver the Council's housing targets. The Council's latest Annual Monitoring Report demonstrates when reviewing schemes approved and numbers of dwellings that Merton's ability to deliver and in fact exceed its current housing targets is very much reliant on delivering dwellings on small sites.

7.4 The Council's planning policies commit to working with housing providers to provide a minimum of 4,107 additional homes in the borough between 2015 and 2025 (a minimum of 411 new dwellings to be provided annually). This is an increase from the 320 dwellings annually that was set out in the earlier London Plan and in Policy CS9 of the Core Strategy. The emerging London Plan is likely to increase this annual target, however, only limited weight can be attributed at this stage.

7.5 Merton's overall housing target between 2011 and 2026 is 5,801 dwellings (Authority's Monitoring Report Draft 2017/19, p12). The latest (draft) Monitoring report confirms:

- All the main housing targets have been met for 2017/18.
- 665 additional new homes were built during the monitoring period, 254 above Merton's target of 411 new homes per year (London Plan 2015).
- 2013-18 provision: 2,686 net units (813 homes above target)



- For all the home completions between 2004 and 2017, Merton always met the London Plan target apart from 2009/10. In total Merton has exceeded the target by over 2,000 homes since 2004.
- 7.6 The current housing target for the London Borough of Merton is 411 annually. Last year's published AMR figures are: "688 additional new homes were built during the monitoring period, 277 above Merton's target of 411 new homes per year (in London Plan 2015)."
- 7.7 The draft London Plan includes a significantly higher figure of 1328 new homes annually. However, this is at draft stage and in addition the London Borough of Merton is disputing the small sites methodology. Therefore, only limited weight should be attached to this figure.
- 7.8 The proposals would provide 3 new units for which there is an identified need. However officers acknowledge that given the compact and relatively intensive form of development proposed, servicing, design and impact on neighbour amenity considerations need to be accorded due weight in the overall assessment and that the delivery of 4 new dwellings per se is not necessarily the overriding planning consideration.
- 7.9 Density  
The site is within an area of predominantly terraced housing, would be classified as suburban. With a Ptal of 3 the density of 242 hr/ha is within London Plan policy 3.4 recommendation of 150-250 hr/ha for a suburban setting. Density on its own however is not a reliable guide to the suitability of development vis a vis neighbour impact particularly on smaller infill sites.
- 7.10 Design/Bulk and massing/Appearance/Layout.  
Design of new buildings should ensure appropriate scale, density and appearance, respecting, complementing and responding to local characteristics (London Plan policy 7.6, LDF policy CS.14 and SPP policy DM D2).
- 7.11 Bulk and massing.  
The overall massing of the houses has been designed to limit the impact of their bulk and massing with the proposed bungalow being the unit closest to neighbouring residents whilst the higher two storey units (there are no three storey units as claimed in an objection) are set back from boundaries by the rear gardens and with considerable space to the west. The use of flat roofs is considered to further assist in reducing the bulk and massing. The layout of the site is such that there will be very limited views of the development from the surrounding streets.
- 7.12 Design- Appearance and layout.  
The proposals have drawn criticism from neighbours in relation to the design being out of keeping with the area. Notwithstanding that the site is not readily visible from the street the flat roof design with the use of exposed brickwork and grey fenestration is considered in keeping with a modern London vernacular and allows the units to occupy the site with less visual intrusion of

loss of light than would be the case with a reproduction of the surrounding housing style and size.

- 7.13 Internally the units follow the preferred methodology of providing regularly shaped rooms that are considered to have been well laid out with the drawings demonstrating that they will provide a high quality layout and living space for future occupiers.
- 7.14 Neighbour Amenity.  
London Plan policies 7.4 and 7.6 and SPP policy DM D2 relate to the possible impacts such as loss of light, privacy, overshadowing and visual intrusion on neighbour amenity and the need for people to feel comfortable with their surroundings.
- 7.15 Objections were received in relation to privacy of neighbours. The upper floors are between 14 and 15m from the closest habitable rooms to the north and south, there being no windows in the east and west elevations. The rooms in the upper floors are the bedrooms which are likely to have less waking occupation and any negative impact is considered to be adequately mitigated by the use of angled privacy screens that allow in light but serve to extend the visible site lines between windows and neighbouring properties. As a result the proposals are considered to adequately ensure the privacy of neighbouring occupiers.
- 7.16 Objections were received raising concerns that the proposals would result in a loss of light to neighbouring properties. Again the design and layout is such that the unit closest to neighbours is the bungalow which has a height of 3m, 1m higher than a standard fence and a height considered acceptable for permitted development extensions and set against the back of the neighbouring gardens as is the case with the existing garages which are of a slightly greater height. The two storey element is located to the centre of the site.
- 7.17 The applicants have submitted a Daylight and Sunlight report which analyses the impact of the proposals on neighbouring properties. The report finds that the proposals are not considered to have any notable impact on either daylight or sunlight access windows or amenity spaces of surrounding developments.
- 7.18 To protect neighbour amenity a condition requiring the obscure glazing and privacy screens shown on the drawings be installed prior to occupation and that there be no use of the flat roof area.
- 7.19 Standard of accommodation and the amenity of future occupiers.  
SPP Policy DM D2, Core Strategy 2011 policies CS 9 Housing Provision and CS 14 Design and London Plan policies 3.3 Increasing Housing Supply, 3.4 Optimising Housing Potential, 3.5 Quality and Design of Housing Developments are all policies that seek to provide additional good quality residential accommodation.

7.20 Unit sizes/internal and external space standards.

Unit	Type/storeys	Proposed GIA	Minimum req'd GIA	Proposed Amenity	Min Req'd amenity
A	3B5P/ 2	100.3m <sup>2</sup>	93m <sup>2</sup>	51.8m <sup>2</sup>	50m <sup>2</sup>
B	3B/5P/ 2	106.5m <sup>2</sup>	93m <sup>2</sup>	50.3m <sup>2</sup>	50m <sup>2</sup>
C	3B/5P/ 2	107.1m <sup>2</sup>	93m <sup>2</sup>	50.6m <sup>2</sup>	50m <sup>2</sup>
D	3B/5P/ 1	99.9m <sup>2</sup>	86m <sup>2</sup>	50.3m <sup>2</sup>	50M <sup>2</sup>

7.21 The table demonstrates that all the units exceed both the minimum internal space GIA requirements and the external amenity space requirements.

7.22 Parking, servicing and deliveries.

Core Strategy Policy CS 20 requires proposals to have regard to pedestrian movement, safety, serving and loading facilities for local businesses and manoeuvring for emergency vehicles as well as refuse storage and collection. Cycle storage provision is considered acceptable as are the refuse facilities although precise details are not shown. Conditions requiring details to be approved are recommended.

7.23 Swept path analysis shows that 4 car parking spaces can operate on site. Parking provision would be at the rate of 1 space per dwelling with a brake on any additional pressure on parking locally being derived from a S106 permit free undertaking.

7.24 Trees

There are no trees on the existing site, the main concentration being to the west. The Council's arboricultural officer considers that subject to the imposition of suitable conditions relating to tree protection and site supervision there would be no harm to trees in the vicinity.

7.25 Flood risk.

The proposals are on a site that is not at risk for flooding and the accompanying surface water drainage assessment have been assessed by the Council's Flood Risk management engineer and found to be acceptable. A condition requiring the parking hardstanding be permeable is also recommended

7.26 Other matters.

Neighbour concerns relating to noise dust and disturbance during construction can be mitigated through the imposition of a condition requiring a Demolition and Construction Method Statement to be approved. Noise and disturbance from residential use would not be considered a matter that would warrant a refusal of consent and has been a matter not supported by Inspectors. Matters in relation to the replacement wall can be addressed through a boundary treatment condition and a party wall agreement will address details in relation to site access, reinstating gardens etc.

7.27 Given the size and position of the site conditions removing permitted development rights for extensions to the houses and windows and doors is recommended.

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

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

8.2 In order to ensure that the development is policy compliant a condition to that effect requiring CO2 reductions of not less than a 19% improvement on Part L regulations 2013, and internal water usage rates of not more than 105 litres per person per day is recommended.

## **9. CONCLUSION**

9.1 The site is currently an underused garage area and this proposal will provide four new generously proportioned family homes for which there is an identified need within a structure that has been designed to mitigate its potential impact in terms of bulk, scale, massing and design the amenity of neighbouring occupiers and the character and appearance of its wider setting.

9.2 Therefore, subject to the imposition of suitable planning conditions and a S106 agreement to make the scheme permit free, the proposal is considered to be acceptable and in compliance with relevant planning policy and is therefore recommended for approval.

### **RECOMMENDATION GRANT PLANNING PERMISSION SUBJECT TO:**

- A.** The completion of a S106 planning agreement to restricts occupants of the development from being eligible for parking permits;
- B.** The developer paying the Council's costs of drafting and monitoring the agreement;
- C.** And the following conditions.
  - 1 Standard a7 Commencement of development.
  - 2 In accordance with plans; Site location plan and drawings 0100, 0101, 0210, 0211, 0212, 0213, 0400 & drawing marked 'Refuse arrangements' BS 5837 Arboricultural Report, impact assessment & Arboricultural Method Statement' dated 11 January 2019 compiled by Crown Tree Consultancy;
  - 3 B3 External materials as specified.
  - 4 B5 Boundary treatments to be approved.
  - 5 D11 Construction Times No demolition or construction work or ancillary activities such as deliveries shall take place before 8am or after 6pm Mondays

- Fridays inclusive, before 8am or after 1pm on Saturdays or at any time on Sundays or Bank Holidays.

6. H9 Construction Vehicles The development shall not commence until details of the provision to accommodate all site workers', visitors' and construction vehicles, loading /unloading and storage arrangements of construction plant and materials during the construction process have been submitted to and approved in writing by the Local Planning Authority. The approved details must be implemented and complied with for the duration of the construction process.
7. Prior to commencement of development an investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority.  
This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.
8. Subject to the site investigation for contaminated land, if necessary, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.
9. 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.
10. 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.
11. 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.

12. All Non-road Mobile Machinery (NRMM) used during the course of the development that is within the scope of the Greater London Authority 'Control of Dust and Emissions during Construction and Demolition' Supplementary Planning Guidance (SPG) dated July 2014, or any subsequent amendment or guidance, shall comply with the emission requirements therein.
13. No development shall take place until a Demolition and Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the demolition and construction period.  
The Statement shall provide for:
  - hours of operation
  - the parking of vehicles of site operatives and visitors
  - loading and unloading of plant and materials
  - storage of plant and materials used in constructing the development
  - the erection and maintenance of security hoarding including decorative - displays and facilities for public viewing, where appropriate
  - wheel washing facilities
  - measures to control the emission of noise and vibration during construction.
  - measures to control the emission of dust and dirt during construction/demolition
  - a scheme for recycling/disposing of waste resulting from demolition and construction worksReason: To protect the amenities of future occupiers and those in the local vicinity.
14. C6 Refuse and recycling; The development hereby approved shall not commence until a scheme for the storage of refuse and recycling has been submitted in writing for approval to the Local Planning Authority. No works which are the subject of this condition shall be carried out until the scheme has been approved, and the development shall not be occupied until the scheme has been approved and has been carried out in full. Those facilities and measures shall thereafter be retained for use at all times from the date of first occupation.
15. External lighting; Any external lighting shall be positioned and angled to prevent any light spillage or glare beyond the site boundary.
16. H6 Cycle storage; No development above ground level shall commence until details of secure cycle parking facilities for the occupants of, and visitors to, the development have been submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be fully implemented and made available for use prior to the first occupation of the development and thereafter retained for use at all times.

17. Non standard Condition: No development approved by this permission shall be commenced until a detailed scheme for the provision of surface and foul water drainage, including levels, 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 agreed runoff rate (no more than 0.7l/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.

18. F5 Tree protection in accordance with BS 5837 Arboricultural Report, impact assessment & Arboricultural Method Statement' dated 11 January 2019 compiled by Crown Tree Consultancy;
19. F8 Site supervision (trees)
20. C1 No permitted development (extensions)
21. C2 No Permitted development (windows and doors)
22. C3 Obscure glazing and privacy screens to be in place prior to occupation.
23. C8 No use of flat roof
24. Non standard condition; 'No part of the development hereby approved shall be occupied until evidence has been submitted to, and approved in writing by, the Local Planning Authority confirming that the development has achieved CO2 reductions of not less than a 19% improvement on Part L regulations 2013, and internal water usage rates of not more than 105 litres per person per day.' 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
25. F9 hardstandings
26. Parking to be linked to development including the provision of one "disabled" parking space.

**Informatives:**

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

- Detailed documentary evidence confirming the Target Emission Rate (TER), Dwelling Emission Rate (DER) and percentage improvement of

DER over TER based on 'As Built' SAP outputs (i.e. dated outputs with accredited energy assessor name and registration number, assessment status, plot number and development address); **OR**, where applicable:

- A copy of revised/final calculations as detailed in the assessment methodology based on 'As Built' SAP outputs; **AND**
- Confirmation of Fabric Energy Efficiency (FEE) performance where SAP section 16 allowances (i.e. CO2 emissions associated with appliances and cooking, and site-wide electricity generation technologies) have been included in the calculation

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

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

**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).

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.

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

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

NPPF informative.

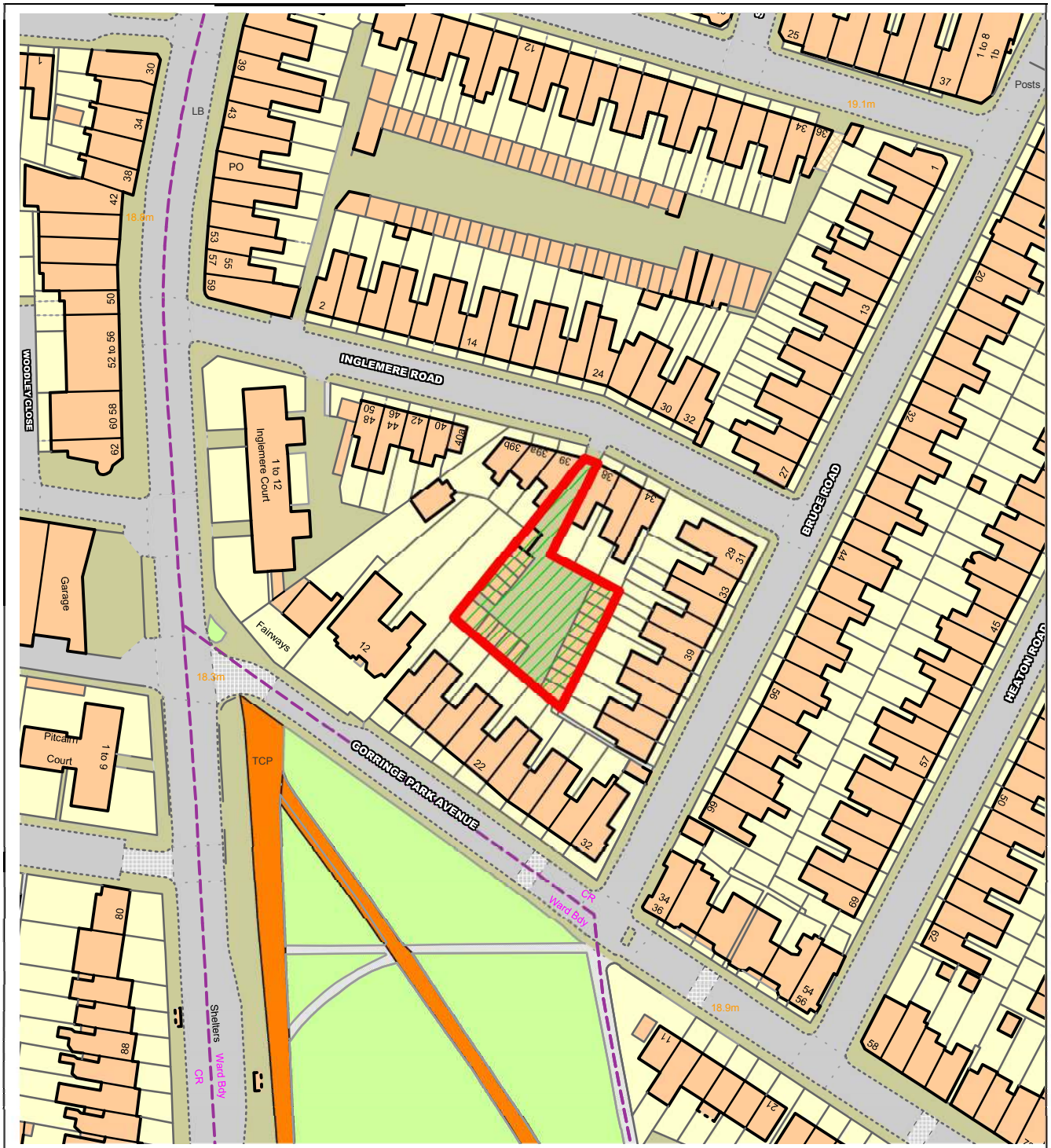
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[Click here](#) for full plans and documents related to this application.

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# NORTHGATE SE GIS Print Template



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## PLANNING APPLICATIONS COMMITTEE 19 JUNE 2019

**APPLICATION NO.                      DATE VALID**

19/P0205                                      09/01/2019

**Address/Site:**                              Merton Hall, 78 Kingston Road, Wimbledon,  
SW19 1LA

**Ward**                                              Abbey

**Proposal**                      APPLICATION TO VARY CONDITION 8 (HOURS OF OPERATION) IN LBM PLANNING PERMISSION 17/P2668, RELATING TO ALTERATIONS AND EXTENSIONS TO EXISTING MERTON HALL BUILDING INCLUDING PARTIAL DEMOLITION OF THE SINGLE STOREY HALL, AND ALTERATIONS AND REFURBISHMENT TO THE RETAINED MAIN TWO STOREY BUILDING AND ERECTION OF A NEW WORSHIP HALL, CAFE, FOYER AND MEETING/GROUP ROOMS FOR USE OF BY ELIM PENTECOSTAL CHURCH.

VARIATION PROPOSED TO CONDITION 8: TO (EXTEND USE OF CHURCH BEYOND 10PM TO 10.30PM MONDAY TO SUNDAY AND BEYOND THAT TIME ON NO MORE THAN 10 SEPARATE OCCASIONS A YEAR. NO CHURCH SERVICE OR SIMILAR ACTIVITY SHALL TAKE PLACE AFTER 10PM MONDAYS TO SUNDAYS. THESE RESTRICTIONS WOULD NOT APPLY TO ADMINISTRATIVE USE INCLUDING SMALL MEETINGS OF NO MORE THAN 15 PERSONS)

**Drawing No's**                      Site location plan for purposes of identification in relation to variation of condition application (all other drawings approved for alterations and extension to buildings remain unchanged).

**Contact Officer**                      Leigh Harrington (020 8545 3836)

### **RECOMMENDATION**

GRANT VARIATION OF CONDITION

### **CHECKLIST INFORMATION**

- Head of agreement: No
- Is a screening opinion required: No

- Is an Environmental Statement required: No
- Has an Environmental Impact Assessment been submitted: No
- Design Review Panel consulted - No
- Number of neighbours consulted and re-consulted - 64
- Press notice - Yes
- Site notice - Yes
- External consultations: Metropolitan Police
- Density - N/A
- Number of jobs created N/A

## **1. INTRODUCTION**

- 1.1 This application is brought before the Planning Applications Committee at the request of Cllr Benbow and due to the level of public objection.
- 1.2 When planning permission 17/P2668 was granted for 'Alterations and extensions to existing Merton Hall building including partial demolition of the single storey hall, and alterations and refurbishment to the retained main two storey building and erection of a new worship hall, cafe, foyer and meeting/group rooms for use of by Elim Pentecostal Church' it was subject to a number of conditions. Condition 8 was attached stating; *The use hereby permitted shall operate only between the hours of 7:00-22:00 Monday to Sunday, unless otherwise agreed in writing by the Local Planning Authority. Reason: To safeguard the amenities of surrounding area and to ensure compliance with the following Development Plan policies for Merton: policy 7.15 of the London Plan 2016, and policy DM EP2 of Merton's Sites and Policies Plan 2014.*
- 1.3 The applicant considers the requirements of condition 8 to be too restrictive for its operational needs and consequently submitted has submitted an application to vary condition 8 (hours of operation) to extend use of church beyond 10pm to 11pm Monday to Saturday and beyond that time no more than 10 times a year unless agreed in writing, in LBM planning permission 17/P2668. Following further discussions with officers and the applicant the proposal was amended to its current form representing a reduction in the hours originally sought.

## **2. SITE AND SURROUNDINGS**

- 2.1 The application site is a large hall set within its own land on the south side of Kingston Road in Wimbledon. Directly opposite the site there are a number of residential properties flanked to the east by a Youth centre and to the west by a Fire Station and Salvation Army barracks. A disused social club and bowls club are located directly to the east of the site. More

residential development is located directly to the west and south of the site.

- 2.2 The site is on a main road with busses and tram lines providing a Public Transport Accessibility Level (PTAL level 4) which is considered good. The site is within a Controlled Parking Zone.
- 2.3 Works to implement the consented scheme (17/P2668) are well advanced.

### **3. CURRENT PROPOSAL**

- 3.1 Application to vary Condition 8 (Hours of operation) to extend use of church beyond 10.00 p.m to 10.30 p.m Monday to Sunday and beyond that time no more than 10 separate occasions a year. No church service or similar activity shall take place after 10.00 p.m Mondays to Sundays. These restriction do not apply to administrative use including small meetings of no more than 15 persons of planning permission 17/P2668.
- 3.2 Condition 8 currently states: The use hereby permitted shall operate only between the hours of 7:00-22:00 Monday to Sunday, unless otherwise agreed in writing by the Local Planning Authority.

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

- 3.3 The proposal would add 30 minutes to the approved daily hours of operation to allow additional time for the congregation to leave the site at the end of services. There would remain a restriction on church services finishing by 10.00 p.m. in line with the original operating restriction. The proposal does provide greater operational flexibility for the applicant by allowing for up to 10 unrestricted event per year and unrestricted small administrative meetings of up to 15 persons.
- 3.3 The applicant has indicated that in relation to the unrestricted events each year there are number of celebrations that would fall into this category they would include some of the following:
  - New Years Eve Watchnight Service - Worship and Prayer that extends to just past midnight.
  - Annual 2 day conference - These meetings can run longer than average and may finish at 22.30.
  - Night of prayer - once a year a small group from the church meet to pray throughout the night.

- Good Friday Watchnight service - Worship and prayer that may finish later than the usual time.
- Christmas Carol Service - once again this meeting may finish later than the usual time.

There may also be a few additional one off events such as international evenings, volunteer recognition services and charity fundraisers that again may finish slightly later than the usual time.

3.4 All other conditions would remain unaltered including those relating to restricting noise:

Condition 9

As a minimum, the proposed development shall be carried out in accordance with the noise insulation measures as detailed in the RockTech Acoustic Report with reference: 0117/EPCW1 dated 25/01/2017. The approved noise insulation measures shall be installed prior to the commencement of the use/occupation and shall be permanently retained thereafter unless otherwise agreed in writing by the Local Planning Authority.

Condition 10.

No music or other amplified sound generated on the premises shall be audible at the boundary of any adjacent residential building such as to constitute a statutory nuisance, nor shall the use of the premises increase the ambient noise level by more than 2 dB on any day, between the hours of 19:00 and 07:00, when expressed as a LAeq15 mins as measured at the boundary of the nearest residential property, unless otherwise agreed in writing by the Local Planning Authority.

Condition 11.

Prior to the use of the development hereby approved, details of sound insulation/attenuation measures shall be submitted in writing to the Local Planning Authority to ensure that noise from new plant/machinery does not increase the background noise level by more than 2dBa L90 (5 min) with no increase in any one-third octave band between 50Hertz and 160Hertz. No works that are subject of this condition shall be carried out until the details are approved. The plant and machinery shall not be first used until those details are approved and installed in full accordance with the approved details and shall be permanently retained thereafter unless otherwise agreed in writing by the Local Planning Authority.

(Appendix 1 - Copy of planning permission ref 17/P2668).

4. **PLANNING HISTORY**

- 4.1 18/P0891 Application approved to discharge conditions 22 (method statement), 24 (construction logistics plan) and 28 (Sustainability).
- 4.2 17/P4105 Application approved to discharge condition 3 (materials), 4 (fencing/walls), 14 (landscaping), 15 (arboricultural method statement) and 26 (SuDS)
- 4.3 17/P2668 Planning permission granted by Planning Applications Committee for 'Alterations and extensions to existing Merton Hall building including partial demolition of the single storey hall, and alterations and refurbishment to the retained main two storey building and erection of a new worship hall, cafe, foyer and meeting/group rooms for use of by Elim Pentecostal Church'.
- 4.4 16/P4748 Planning permission refused by Planning Applications Committee for alterations and extensions to existing Merton Hall building including partial demolition of the single storey hall, and alterations and refurbishment to the retained main two storey building and erection of a new worship hall, cafe, foyer and meeting/group rooms for use of by Elim Pentecostal Church.
- Reason; The proposed development by reason of the design, form and massing of the extensions facing the Kingston Road frontage would; fail to respect and complement the design and detailing of the existing building; fail to respect the form of the host building; fail to complement the character of the immediate streetscene in the context of the locally listed building and its neighbour at 76 Kingston Road which makes a positive contribution to the streetscene; and fails to enhance the significance of the heritage asset in terms of its individual architectural and historic interest and setting. The proposals would be to the detriment of the character and appearance of the host building, views of the neighbouring building at 79 Kingston Road, which makes a positive contribution to the streetscene, and to the wider streetscene along this part of Kingston Road and would therefore be contrary to policies 7.4, 7.6 and 7.8 of the London Plan (2015), policy CS14 of the Merton LDF Core Planning Strategy (2011), and policies DM.D2, DM.D3, and DM.D4 of the Merton Sites and Policies Plan (2014).**
- 4.5 12/P0025 Planning permission granted by Planning Applications Committee for formation of hardsurfaced area to provide additional car and cycle parking facilities on the east side of the building with access via the existing vehicle access from Kingston Road including installation of new gates and fencing.

## **5. CONSULTATION**

- 5.1 The application was advertised by means of neighbour notification letter and press and site notices.
- 5.2 There were 147 objections to the original wording of the proposal which can be summarized as follows;
- Church does not need to be open so late, they had previously suggested to operate until 9pm and 10pm was therefore to allow for slippage from that.
  - The foyer and lobby are to allow them to disperse quietly and given services were supposed to stop at 9pm and hour should be sufficient to leave by 10pm.
  - This will disturb the peace of residents from noise from the venue as well as people returning to cars parked around the area.
  - The church already often has events in its current location that finish about 11pm and there are often children running around shouting and screaming for 30 minutes before their parents take them home.
  - The church is a noisy use with musical and percussion instruments as part of the worship.
  - The Police have been called to the church's current location on average more than once every six months
  - At the Committee meeting one Councillor suggested they would be better off on an industrial estate.
  - Evening Standard ran a story on Pentecostal churches in Lambeth, Southwark and Croydon being open until 3am.
  - The later it is open the harder it is to use public transport and so more people will drive.
  - Congregation don't use public transport for their existing site which is the same distance away from South Wimbledon Station and they won't here. Naïve to expect them to have a sudden change of habit especially with 30 children in the congregation.
  - In 2006 they claimed to need 15 car parking spaces and 20 cycle racks and 13 years later parking no longer appears a problem for them.
  - Many local residents have long working days and or children and all need their rest and peace
  - The insulation of the building has not been tested yet.
  - This is a peaceful residential area not suited to a noise generating activity such as a Pentecostal Church.
  - It is unclear how long they are hoping to operate on a Sunday
  - How will the 10 times a year limit be enforced.
  - The council won't in practice be able to police the extended hours.
  - The Council spent £3m on the building including a foyer which would allow for the congregation to disperse socially without doing it late and outside.
  - To lose the community hall to a wealthy private organization and rebuilt at great cost using taxpayer money adds insult to injury and to inflict further misery on residents in this manner is simply not acceptable.



- “The neighbours have had to put up with the noise, pollution, disturbance and congestion created by the demolition of a perfectly sound Victorian Public community hall and the rebuilding of a monstrous edifice within our quiet residential neighbours just to satisfy the demands of this congregation against the will of the vast majority of inhabitants of the area.”
  - Church should show consideration for residents
  - The Council should listen to its residents and “protect what is left of the amenity of the wider neighbourhood and reject this application to extend the hours of use just to satisfy the desires of a few worshippers at the expense of the many residents in the surrounding neighbourhood.”
  - There were 350 written objections to the original proposal and 5000 signed a petition.
  - As the use hasn’t started how can it already be too restrictive.
  - “They should have considered the restrictions more carefully beforehand if they can’t work within the 10pm limit then they should start services earlier or not move in at all”.
  - Has a judgement been reached on the legality of the freehold swap and an investigation of the land values between the original site and the proposed site.
  - “This is another slap in the face of our community from an organisation that seems hell bent on screwing whatever it can out of this shady deal with little regard for the neighbours they intend to move in next to”.
  - Application is arrogant, cheeky, grasping, thoughtless and greedy.
- 5.3 Stephen Hammond MP. Objects to proposals having signed a letter individual copies of which were submitted by various objectors and which covers various points raised above.
- 5.4 Councillor Benbow. The proposals are totally unacceptable and will cause more unnecessary disturbance from music and people leaving to go to their cars after 11pm.
- 5.5 The Wimbledon Society. Objects to the proposals noting that 10pm was previously considered acceptable and there was no reason for the Council to change its view now. The disruption won’t stop at 11pm as people leaving will be in groups and will not be silent.
- 5.6 The revised details were re-consulted on and as a result further letters of objection, albeit mostly in the form of a pre written and circulated letter, were received taking the total to 207  
The letters raised the following concerns;
- Extending the hours of use to 10.30pm seven days a week will impact the neighbours and residents in the area/surrounding streets in an unacceptable manner. It contravenes London Plan Policies 7.6 and 7.15 and SPP Policies DM D2 and DM EP2.

- Planning application 17/P2668 to demolish 80% of the original building and redevelop for Elim Church stated that services ended at 9pm. An additional hour, to 10pm, was allowed for users to disperse slowly so as to reduce impact on the residential neighbourhood. It is very strange that suddenly services are going to end at 10pm. This should have been stated in the original planning application 17/P2668 if it was the case.
- In addition, suddenly there is mention that 'there are some, normally smaller, events that operate beyond 10.00pm'. Again this would have been known when application 17/P2668 was written and submitted.
- There is no mention of needing extra time for these events to disperse slowly. We must therefore assume that these events will disperse over a short space of time.
- The application to extend the hours beyond 10.30pm no more than 10 times a year without approval does not give any indication of the end time of these events and is unenforceable.
- Who will know whether 10 events or more have been held at the site?
- These events could end at any time of the night or indeed run for 24 hours.
- How will they be monitored and controlled?
- When Elim Church moved to their High Path site over 10 years ago, that planning application included a transport statement showing that there would be a reduction in the number of users travelling by car (one of the reasons they moved to High Path was parking problems in Montague Rd and surrounding streets - a matter of metres from the Merton Hall Kingston Road site). This did not happen and as shown in the transport statement in application 17/P2668 many users travel to the High Path site by car.
- Exactly the same will occur at the Kingston Road site. It is very unlikely there will be a reduction in car users. Both sites are virtually equidistant from South Wimbledon Underground Station and a variety of bus routes.
- There is more incentive to travel by private vehicle in the evening especially with such a late proposed closing time.
- Users travelling by car will park in the surrounding streets. A large number of cars all leaving the area at 10.30pm (or later by the time people reach their cars) will disturb the residents many of whom are families with children and working people. They will suffer lack of sleep from the disturbance of people talking as they walk along residential streets and cars starting late at night. This could also affect the academic performance of children disturbed at night.
- A large foyer of 97m<sup>2</sup> and an additional lobby of 15m<sup>2</sup> were designed into the redevelopment to allow the congregation to chat inside the building after services and disperse slowly over time, in the evening this would be the hour from 9pm to 10pm. All details in the planning application 17/P2668 were developed in conjunction with representatives from Elim Church Wimbledon, including Pastor Jon Featherstone.
- It is unacceptable that there are now changes being put forward by the church representative(s) and an officer from Merton Council who was also

involved in all the negotiations and the original planning application 17/P2668.

- I refer to the comments from the London Metropolitan Police which raise several of the concerns mentioned above and additional concerns.
- I read with interest that an FOI identified 18 police call outs to event at Elim Church on High Path over the last few years. This demonstrates the sort of disturbance that sometimes occurs at events held in their premises. There is no reason to assume this will change in their new location on Kingston Road.
- The closing time of 10.00 p.m. should apply to all activities whether 15 people or less and administration. The original application was for the building to close at 10pm and this should be adhered to.

#### Other consultation.

- 5.9 Merton Environmental Health. No objections to proposals as amended (open up to 10.30) provided condition 9 is adhered to.
- 5.10 Metropolitan Police. Comments to proposals as first submitted. Concerned that extending the use of the church to 11 p.m would encroach into the 11 p.m period of low noise. Groups of people leaving the church may cause an increase in the volume of noise into the 11 p.m to 7 a.m period of low noise. Groups of people leaving the church may cause an increase in the volume of noise that exceeds the permitted levels of noise of 34 dBA if the underlying level of noise is no more than 24 dBA or 10 dBA above the underlying level of noise if this is more than 24 dBA. This would cause an increase in the amount of noise nuisance and anti-social behaviour calls to the police and the council.
- 5.11 The use and effects of transportation modes to take the churchgoers away from the church can have a significant impact on the quality of the public realm and nearby residential homes in terms of noise. The applicant should evidence the plans to mitigate against any noise pollution.
- 5.12 A noise impact assessment should be requested to ascertain the levels of noise potentially caused from actions of groups of people dispersing from the church.

## **6. POLICY CONTEXT**

### 6.1 London Plan Policy 2016 policies.

3.1 Ensuring equal life chances for all

3.16 Protection and enhancement of social infrastructure

7.4 Local character

- 7.15 Reducing and managing noise, improving and enhancing the acoustic environment and promoting appropriate soundscapes
- 6.2 Merton Core Strategy 2011 policies
  - CS 11 Infrastructure
  - CS20 Parking, Servicing and Delivery
- 6.3 Merton Adopted Sites and Policies Plan 2014 policies
  - DM C1 Community facilities
  - DM D2 Design considerations
  - DM EP2 Reducing and mitigating against noise
  - DM T2 Transport impacts of Development

## **7. PLANNING CONSIDERATIONS**

- 7.1 The planning considerations in this case relate to the impact on the operation of the church, neighbour amenity and traffic and parking.
- 7.2 Core Planning Strategy Policy CS11 and SPP Policy DM C1 encourages improvements to existing community facilities and places of worship, including encouraging services to be co-located where possible. The policies state that facilities should be provided in accessible locations with good links to public transport, should be adaptable and suitable to accommodate a range of services and should not have an undue adverse impact on the amenities of nearby residents or businesses.
- 7.3 The use of the site as a place of worship along with associated facilities having already been found acceptable by the Council remains unaltered by this application. It is the extension of its operational hours which is the subject of review alongside the objections to the proposal which are primarily related to a perceived adverse impact on neighbour amenity.
- 7.4 SPP policy DM D2 and London Plan policies 7.4 and 7.6 also require that proposals do not have a negative impact on neighbour amenity from increased disturbance and that people feel comfortable with their surroundings.
- 7.5 Existing soundproofing conditions mean that any noise generated within the actual auditorium itself should not be audible outside of the site. In the event that it is then the Council is already in a position to take enforcement action if it is deemed necessary.
- 7.6 Officers would also note that the proposals would not increase the numbers of worshiper or the number of religious gatherings on site.
- 7.7 It is the extension of the times of those events that has generated concerns from neighbours regarding noise and disturbance from the

congregation leaving the site late at night and returning to their cars on the surrounding side streets.

- 7.8 The changes would allow for services to continue until 10pm and then allow time to leave the building within the additional 30 minutes being sought. During the course of assessing the application officers have pursued amendments to limit the extension from an additional hour to an additional half hour. Members may consider that an extra half an hour is a reasonable extension to the regular hours of operation that would not have an undue adverse impact on the amenity of neighbours.
- 7.9 Condition 8 currently provides for the use of the building beyond 10 p.m subject to the written agreement of the local planning authority. While such a condition seeks to provide for flexibility in the event of, for example, a Christmas eve service, that might run later than 10.00, or perhaps an all-night vigil its operation has the potential to prove cumbersome with the applicant routinely reverting to the council as local planning authority to sanction various one off extensions of hours of operation. The proposed amended wording would enable the operator to log and record events so as to enable the Council if necessary to scrutinise this in order to verify compliance with the condition.
- 7.10 Again, while Condition 8 would enable small groups (for example an events committee and the like) to use the building after 10 p.m this too would currently need to be the subject of written submissions to the Council in order to seek approval. The prime potential source of activity outside and beyond the buildings is considered to be that associated with services in the main hall. A planning condition should meet the test of reasonableness and it may be considered that the noise and activity associated with departures from the building by a group of no more than 15 people would not be significant or warrant such a restriction and that this could reasonably be included in the wording of a revised condition.
- 7.11 Objections have also been concerned with the impact of parking on the area. When the original consent was granted it was considered that the proposals for the use would generate up to 70 additional vehicles in the area for members of the congregation. The proposals will not impact on this number but it is acknowledged that congregation members would be returning to their cars later than would be the situation without the variation of the condition. It is conceivable that the pattern of departures of those leaving by car would not be any different after 10 p.m than were the premises to close before 10 p.m. While its effect may be more advisory than mandatory members may feel it would be prudent to recommend as part of the management arrangements of the church signage to be displayed in the premises requiring the congregation to respect the amenities of neighbours and to leave quietly at the end of services.

- 7.12 Above and beyond planning controls Councils can investigate complaints of statutory nuisance to tackle noise produced at any time of day or night. They may also issue warning notices in response to complaints about noise above permitted levels from 11pm to 7am. These warning notices can be used by councils for noise that's not a statutory nuisance.

The warning notice must tell the recipient:

- that the noise is coming from the premises between 11pm and 7am
- that the noise exceeds, or may exceed permitted levels as measured from within the complainant's dwelling
- that the noise must be reduced to below the permitted level in a specified period (this must be at least 10 minutes after the notice is served and must end by 7am)
- what time the notice is issued.

It is considered that the Council's wider powers provide adequate checks and balances so as to safeguard the amenities of the wider community.

## **8. Conclusion**

- 8.1 The use of the building as a place of worship has been approved by members. On a day to day basis the change would be to allow the congregation an additional 30 minutes to leave the premises, allow up to 10 unrestricted events per year and allow for non-religious administration meetings of up to 15 persons to take place beyond the current 10pm limit.
- 8.2 The current amended hours proposed reflect a reduction on the original proposed change of hours that was applied for. As a matter of judgement it is considered that the amended hours provide for a more robust and enforceable condition and that the change in impact on neighbour amenity over and above that of the current condition would not warrant a refusal of the application. The proposed variation of condition is recommended for approval.

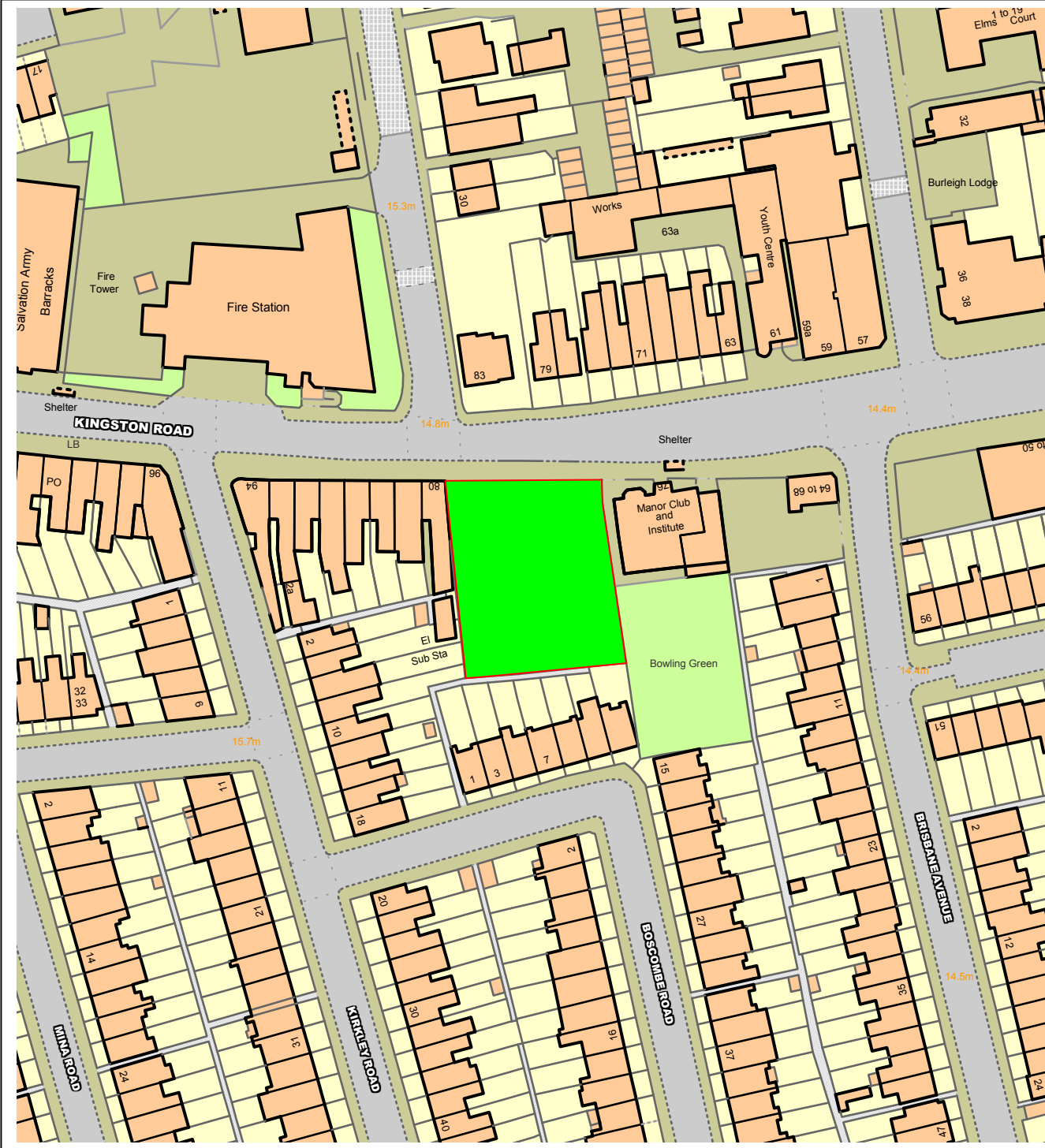
**RECOMMENDATION. Grant variation of Condition 8 of planning permission reference 17/P2668 and issue a new permission incorporating a varied hours of opening condition along with other relevant conditions previously imposed.**

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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 19 JUNE 2019

<b><u>APPLICATION NO.</u></b>	<b><u>DATE VALID</u></b>
19/P0558	25/03/2019
<b>Address/Site</b>	PLOTS A, B & C, 3 Lincoln Avenue, Wimbledon Park, SW19 5JT
<b>Ward</b>	<b>Village</b>
<b>Proposal:</b>	Erection of 3 x six bedroom detached houses with basements
<b>Drawing Nos</b>	0339_e002, 0339_e001, 0339_p001, 0339_p002, 0339_p003, 0339_p007, 0339_p004, 0339_p006, 0339_p005, L90-300, XBLINCOLNAVE.1-10 and Arboricultural Impact Assessment
<b>Contact Officer:</b>	Joe Byrne (020 8274 5232)

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### **RECOMMENDATION**

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

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### **CHECKLIST INFORMATION**

- Heads of agreement: Yes – Affordable Housing Contributions
- Is a screening opinion required: No
- Is an Environmental impact statement required: No
- Has an Environmental Impact Assessment been submitted: No
- Press notice- No
- Site notice-Yes
- Design Review Panel consulted-No
- Number neighbours consulted – 5
- External consultants: None
- Density: n/a
- Number of jobs created: n/a
- Archaeology Priority Zone: No
- PTAC Rating: PTAL 1b

### 1. **INTRODUCTION**

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

## 2. **SITE AND SURROUNDINGS**

- 2.1 The application site currently comprises a vacant block of land with the works associated with Planning Permission 16/P2681 currently under construction. The subject site is located on the south and east side of Lincoln Avenue, in Wimbledon Park. To the south of the site is multi storey residential buildings, while directly to the east are semi-detached dwellings.

The site has an area of approximately 0.18ha.

The site is within Flood Zone 1 (low probability of flooding).

The subject site is not located within a Conservation Area, nor is the building locally or statutory listed.

## 3. **CURRENT PROPOSAL**

- 3.1 This application seeks to planning permission for the erection of 2 x five bedroom and 1 x six bedroom detached houses with basements.

- 3.2 The proposed 3 dwellings will be positioned evenly on the site. The dwellings main roof form will be a low lying hipped roof, with other sections of flat roof above the first floor. The buildings will be of a modern design, with flat roof sections at different levels. The dwellings will be clad with facing brickwork and metal roof finish in black bronze. The windows and doors of the dwellings will be primarily vertically orientated, double glazed, steel framed windows and doors.

Each dwelling will contain a basement. The basements would stand under the majority of the footprint of the houses, with a lightwell and external stairs to the rear garden. The basements would provide secondary habitable accommodation (games room, plant room, cinema, gym and WC/shower).

Each dwelling will have 2 car parking bays to the front of the property.

## 4. **PLANNING HISTORY**

- 4.1 12/P2166: DEMOLITION OF EXISTING HOUSE AND ERECTION OF 4 DETACHED HOUSES – Decision Withdrawn.
- 4.2 13/P2333: DEMOLITION OF EXISTING HOUSE AND ERECTION OF 4 DETACHED HOUSES WITH ACCOMODATION AT BASEMENT AND ROOF LEVELS – Decision Withdrawn.
- 4.3 13/P2338: DEMOLITION OF EXISTING HOUSE AND ERECTION OF 4 CONTEMPORARY DETACHED HOUSES WITH ACCOMODATION AT BASEMENT AND ROOF LEVELS – Decision Withdrawn.
- 4.4 15/P1972: DEMOLITION OF EXISTING HOUSE AND ERECTION OF 4 x DETACHED HOUSES WITH ACCOMODATION AT BASEMENT AND ROOF LEVELS – Decision Withdrawn.

- 4.6 18/P3498: APPLICATION TO DISCHARGE CONDITIONS 4(Details of Surface Treatment) 5 (Details of Walls/Fences) 6 (Replacement Wall Details) 8 (Refuse & Recycling) 14 (Tree Protection) 15 (Site Supervision Trees) 17 (Arboricultural Method Statement & Protection Plan) AND 18 (Demolition Method Statement & Construction Method Statement) ATTACHED TO LBM PLANNING PERMISSION 16/P2681 RELATING TO THE DEMOLITION OF EXISTING HOUSE AND ERECTION OF 3 x DETACHED HOUSES WITH ACCOMODATION AT BASEMENT AND ROOF LEVELS – Discharge of Conditions Granted.
- 4.6 88/P0070: APPROVAL OF DETAIL DRAWINGS FOR ERECTION OF FIRST FLOOR EXTENSION TO DWELLINGHOUSE TO PROVIDE ADDITIONAL BEDROOM AND BATHROOM ACCOMMODATION – Application Granted.
- 4.7 MER989/85: EXTENSION AT FIRST FLOOR LEVEL – Permission Granted.
- 4.8 WIM5305: PLOT 11 ERECTION OF A TWO STOREY HOUSE AND GARAGE – Permission Granted.
- 4.9 18/P4320: APPLICATION TO DISCHARGE CONDITIONS 16 (UNDERGROUND SERVICES IN RELATION TO TREES), 18A (DEMOLITION METHOD STATEMENT), 19 (SURFACE WATER DRAINAGE), 20 (GROUNDWATER INGRESS), 26 (PROVISION FOR CONSTRUCTION VEHICLES), & 27 (SURFACE WATER DRAINAGE) ATTACHED TO 16P/2681 IN RESPECT OF THE DEMOLITION OF EXISTING HOUSE AND ERECTION OF 3 x DETACHED HOUSES WITH ACCOMODATION AT BASEMENT AND ROOF LEVELS - Discharge of Conditions Granted.
- 4.10 19/P0168: APPLICATION FOR VARIATION OF CONDITION 2 (APPROVED PLANS) ATTACHED TO LBM PLANNING PERMISSION 16/P2681 RELATING TO THE DEMOLITION OF EXISTING HOUSE AND ERECTION OF 3 x DETACHED HOUSES WITH ACCOMODATION AT BASEMENT AND ROOF LEVELS – Variation of Condition Granted.
- 4.11 16/P2681: DEMOLITION OF EXISTING HOUSE AND ERECTION OF 3 x DETACHED HOUSES WITH ACCOMODATION AT BASEMENT AND ROOF LEVELS – Permission Granted. (Implemented)

## 5. **CONSULTATION**

- 5.1 Public consultation was undertaken by way of letters sent to neighbouring properties and a site notice displayed at the front of the property – 5 representations were received and the following concerns were raised:
- Dwellings are out of character;
  - The size of the dwellings will dominate the street;
  - Loss of privacy and overlooking;
  - Loss of Parking;
  - Excuse of precedent;
  - Materials and finishes;

- Small gardens;
- Loss of daylight; and
- Planting.

- 5.2 LBM Flood Risk Management Officer: No objection. They specified that the same conditions should be included on any permission granted as per Planning Permission 16P/2681. These conditions relate to a scheme for the provision of surface water drainage, details of the potential impact of groundwater ingress both to and from the proposed development and details of the drainage system for surface water drainage to prevent the discharge of surface water from private land on to the highway.
- 5.3 Thames Water: No objection. They requested that the Applicant incorporate a positive pumped device to avoid backflow. They advised that if the developer follows the sequential approach to the disposal of surface water they would not object. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required.
- 5.4 LBM Environmental Health Officer: No objection. Requested conditions relating to potential contamination on the site and the submission of a Demolition and Construction Method Statement.
- 5.5 LBM Transport and Highways Officer: No objection. Requested conditions relating to car parking on the site maintained, appropriate cycle parking provided, refuse and recycling provided and reinstatement of the existing dropped kerb access.
- 5.6 LBM Trees and Landscape Officer  
No objection. Requested conditions relating to submission of a Tree Protection Plan and more information regarding the excavation and construction of the basement.

## 6. POLICY CONTEXT

- 6.1 National Planning Policy Framework (2019)  
5. Delivering a sufficient supply of homes  
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
- 6.2 London Plan (2016)  
Relevant policies include:  
3.3 Increasing housing supply  
3.5 Quality and design of housing developments  
5.2 Minimising carbon dioxide emissions  
5.3 Sustainable design and construction  
5.13 Sustainable drainage  
5.17 Waste Capacity  
6.9 Cycling

- 6.13 Parking
- 7.4 Local character
- 7.6 Architecture
- 8.3 Community Infrastructure Levy

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

Relevant policies include:

- CS 8 Housing choice
- CS 9 Housing provision
- CS11 Infrastructure
- CS 14 Design
- CS 15 Climate change
- CS 17 Waste management
- CS 18 Active 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
- DMEP2
- DM T1 Support for sustainable transport
- DM T2 Transport impacts of development
- DM T3 Car parking and servicing standards

6.5 Supplementary planning considerations

- London Housing SPG – 2016
- London Character and Context SPG -2014
- 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
- Need for additional housing
- 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
- Sustainable design and construction
- Affordable Housing
- Community Infrastructure Levy

7.2 Principle of development

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 2019 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.

The existing use of the site is residential and the site is within a residential area. The proposals would result in three new family sized dwellings (net gain in 2), thereby meeting NPPF and London Plan objectives by contributing towards London Plan housing targets and the redevelopment of sites at higher densities.

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 as detailed in the relevant sections below. Further, the re-development of the site for 3 new homes has already been established with the previous permission 16/P2681.

### 7.3 Need for additional housing

The National Planning Policy Framework (March 2018) requires Councils 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.

Policy 3.3 of the London Plan states that the Council will work with housing providers to provide a minimum of 4,107 additional homes in the borough between 2015 and 2025. Within this figure of 4,107 new homes, the policy states that a minimum of 411 new dwellings should be provided annually. This is an increase from the 320 dwellings annually that was set out in the earlier London Plan and in Policy CS9 of the Core Strategy. The policy also 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.

The Council's planning policies commit to working with housing providers to provide a minimum of 4,107 additional homes in the borough between 2015 and 2025 (a minimum of 411 new dwellings to be provided annually). This is an increase from the 320 dwellings annually that was set out in the earlier London Plan and in Policy CS9 of the Core Strategy. The emerging London Plan is likely to increase this annual target, however, only limited weight can be attributed at this stage.

Merton's overall housing target between 2011 and 2026 is 5,801 dwellings (Authority's Monitoring Report Draft 2017/19, p12). The latest (draft) Monitoring report confirms:

- All the main housing targets have been met for 2017/18.

- 665 additional new homes were built during the monitoring period, 254 above Merton's target of 411 new homes per year (London Plan 2015).
- 2013-18 provision: 2,686 net units (813 homes above target)
- For all the home completions between 2004 and 2017, Merton always met the London Plan target apart from 2009/10. In total Merton has exceeded the target by over 2,000 homes since 2004.

The current housing target for the London Borough of Merton is 411 annually. Last year's published AMR figures are: "688 additional new homes were built during the monitoring period, 277 above Merton's target of 411 new homes per year (in London Plan 2015)."

Against this background officers consider that while new dwellings are welcomed, the delivery of new housing does not override the need for comprehensive scrutiny of the proposals to ensure compliance with the relevant London Plan policies, Merton Local Development Framework Core Strategy, Merton Sites and Policies Plan and supplementary planning documents.

#### 7.4 Design and impact upon the character and appearance of the area

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.

The recently constructed dwellings to the south of the site are of a similar design to the proposal. These dwellings are of a similar scale and form and use familiar materials. They also possess gardens at the rear and parking on site. Given that the proposal will maintain these features, it is considered to fit within the character of the surrounding area. Lincoln Avenue generally contains large double storey semi-detached and detached dwellings. Although the proposal will be far more modern than many of the dwellings in the street, it will be sympathetic to the design and rhythm of the buildings in the streetscene.

As noted previously within the report, permission for 3 new dwellings has already been given on the site (Planning Permission 16/P2681). Although the design of the dwellings is different, they are sited within similar positions on the lot, and contain similar form and size. This application was considered acceptable given its design and the way the dwellings presented to the street. The proposed application will not be dissimilar to this.

The proposed spacing of the dwellings will be similar to that of many of the other dwellings within the area. These setbacks will ensure that the proposal will not appear out of keeping with the area. And would result in 3 dwellings of similar design, form and scale, adding character to the streetscene.

The proposal includes the retaining of important trees on site and the proposed landscaping will appropriately respond to the character of the area.

As a whole, whilst being in a prominent siting, officers consider the proposal would be broadly in keeping with the character of the surrounding area, would be appropriate in scale, bulk and design, and would incorporate appropriate set-ins from the side boundary with Lincoln Avenue. It is therefore considered that the proposal would not result in a harmful impact to the street scene.

The proposal is considered to be acceptable in terms of the impact on the character of the area, in compliance with London Plan policies 7.4 and 7.6, Core Strategy policy CS14 and SPP Policies DMD2 and DMD3 in this regard.

#### 7.5 Impact upon neighbouring amenity

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.

Lincoln Avenue has a unique curve in the road to the north west of the subject site, making the property appear as though it is on a corner plot. Given this siting, the main neighbours to be considered in this case, when regarding amenity impacts, would be the adjoining dwelling to the east (No.5 Lincoln Avenue) and to the rear (No. 1 Lincoln Avenue).

As noted previously within the report, all three dwellings have private open space to the east. This will ensure the impacts of the proposed built form to the neighbouring properties to the east are limited. Given the height of the proposed dwellings, there will be some additional impacts onto the garden space of No. 5 Lincoln Avenue. However, the setback (approximately 13m) will ensure that this space will not be enclosed by built form and the impacts are minimal. There is also a high level of tree coverage on this northern boundary, which will also hinder some views of the proposed dwellings when viewed from No. 5 Lincoln Avenue. However, vegetation cannot be relied upon as preventing overlooking. The distance to the east boundary would be identical to that already granted permission under the 2016 Scheme. The proposed first floor and second floor windows of the dwellings will be setback between 13m and 16m from the open space of the property to the east. This distance is similar to the previously approved application on the site (16/P2681). Although the second floor windows of the previously approved application were rooflights, the distance will be similar and it is considered that there would not be a materially harmful impact in overlooking. The parapet wall will also assist in hindering lower views into this space.

Facing the highway to the west and north, and setback from neighbouring properties in these directions, the proposed dwellings will not result in unreasonable overlooking. Given the siting of the dwelling to the south, views from the new windows into this property will not unduly impact the amenity. To the south of the site is a recently constructed dwelling of similar appearance to the proposed development. The proposal will be sited in a similar building line with this dwelling and setback from any sensitive interfaces, such as windows



and the garden of this dwelling. The amenity of this dwelling will therefore not be unduly impacted by the proposal.

Some of the primary outlook from the proposed units would be directed toward the front & side into the public highway. As such, it is not considered there would be a materially harmful impact to the privacy of these neighbouring amenities.

The proposal is considered to be acceptable in terms of the impact on residential amenity, in compliance with London Plan policies 7.6 and 7.15 and SPP Policy DMD2 and DMEP2 in this regard.

#### 7.6 Standard of accommodation

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.

House No.	No. of beds	No. of persons	No. of storey's	Required GIA	Proposed GIA	Compliant
H1	5	10	4	139sq.m	600sq.m	Yes
H2	6	12	4	157sq.m	655sq.m	Yes
H3	5	10	4	139sq.m	631sq.m	Yes

As shown by the table above, each unit would satisfy the minimum internal space standards. It is noted that single bedrooms would require 7.5sqm and double bedrooms would require 11.5sqm; the proposed bedrooms would meet these minimum requirements.

Policy DM D2 of the Council's 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. Each dwelling has numerous large windows on each level facing the front and rear of the site. This will ensure that each will have sufficient light, outlook and ventilation to all the bedrooms and living areas. The basement will also have an outlook to a lightwell with a staircase to the rear garden area. It is considered that it would be unreasonable to resist the proposal on the basis of light and outlook, given the above.

In accordance with the London Housing SPG, policy DMD2 of the Council's Sites and Policies Plan states that there should be 5sq.m of external space provided for 1 and 2 person flats with an extra square metre provided for each additional occupant.

The first house (8 person) would be provided with 129sq.m of private outdoor amenity space to the rear, while the second house (10 person) and the third house (8 person) will have 164sq.m and 152sq.m respectively. The provision of private amenity would therefore far exceed minimum standards.

As outlined above, the scheme as a whole is considered to offer an acceptable standard of living for prospective occupants. And the proposal is considered to comply with London Plan policies 3.5 and 3.8 and SPP policy DMD2.

#### 7.7 Transport, highway network, parking and sustainable travel

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).

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

The site has a PTAL of 1b which is considered poor. The proposal would provide 2 off-street car parking spaces for each dwelling. The London Plan Standard 3.3.1 (amended March 2016) sets out maximum parking standards for residential development. This specifies that a 4+ bedroom dwelling should provide no more than 1.5-2 parking space per dwelling - the standards do not set out minimum car parking standards.

Transport Officers recommend a pre-commencement condition is included requiring the applicant to provide a Demolition/Construction Logistic Plan (including a Construction Management plan in accordance with TFL guidance).

In accordance with London Plan policy 6.9 and table 6.3, 3 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 do not indicate a cycle storage shed for each unit. Council's Transport Officers has recommended a condition requiring each dwelling to provide 2 long term cycle parking spaces for each dwelling which should be secure and undercover. A condition would be included on any permission granted requiring this.

#### 7.8 Refuse storage

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.

A storage area for bins has not been indicated on the plans. Council's Transport Planner has recommended a condition be included on any permission granted requiring the details of refuse and recycling.

### 7.9 Basement Construction

Policy DMD2 of the Merton Sites and Policies Plan seek to ensure basement constructions are suitable in terms structural impacts to the highway and the host or neighbouring properties.

LBM Structural Engineers have reviewed this application, however, given the distance of the works to the public highway, determined that they did not need to formally comment on this application.

As noted previously within the report, The Council's Flood Risk Officer commented on the application. They specified that the works are very similar to what was previously approved under Planning Application 16P/2681. They did not object to the proposal and recommended that the same conditions requested from the previous application be included on any permission granted. These conditions relate to a scheme for the provision of surface water drainage, details of the potential impact of groundwater ingress both to and from the proposed development and details of the drainage system for surface water drainage to prevent the discharge of surface water from private land on to the highway. These conditions will be included on any permission granted.

### 7.10 Sustainable design and construction

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 per person per day. 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.

### 7.11 Affordable Housing

LDF Core Planning Strategy policy CS8 seeks the provision of a mix of housing types including affordable housing. Policy CS8 seeks financial contributions towards off-site affordable housing for schemes providing 1-9 additional residential units.

However, the council considers that the Government's 2014 statements (advising councils not to seek affordable housing contributions from small sites) have greater weight than the relevant part of Merton's 2011 Core Planning Strategy policy CS8 (d) and therefore the London Borough of Merton has currently stopped seeking affordable housing contributions from small sites of 10 homes / 1,000 square metres or less.

Following this change, the council will not seek financial contributions towards affordable housing on schemes of 1-9 units with a gross area of no more than

1,000sqm; consequently part of Section (d) of Merton's Core Planning Strategy policy CS8 housing choice, is not being applied.

The proposal would result in a floorspace of the proposed development being 1,835 sq m and therefore an affordable housing contribution is required. The exact figure sought has not been finalised, however, this would be secured in the Section 106 Agreement.

#### 7.12 Community Infrastructure Levy

The proposed development would be subject to the Community Infrastructure Levy (CIL). This would require a contribution of £220 per additional square metre of floorspace to be paid to Merton Council and an additional £35 per additional square meter to be paid to the Mayor. Further information on this can be found at: <http://www.merton.gov.uk/environment/planning/cil.htm>

### 8. **CONCLUSION**

Officers consider the proposal is 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 and would not have a harmful impact on the visual amenities of the area. The proposal would not unduly impact upon neighbouring amenity. The proposal would not unduly impact upon the highway network, including parking provisions.

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) No development shall take place until details of particulars and samples of the materials to be used on all external faces of the development hereby permitted,

including window frames and doors (notwithstanding any materials specified in the application form and/or the approved drawings), have been submitted to the Local Planning Authority for approval. No works which are the subject of this condition shall be carried out until the details are approved, and the development shall be carried out in full accordance with the approved details.

Reason: To ensure a satisfactory appearance of the development and to comply with the following Development Plan policies for Merton: policy 7.6 of the London Plan 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 (site and surface treatment) No development shall take place until details of the surfacing of all those parts of the site not covered by buildings or soft landscaping, including any parking, service areas or roads, footpaths, hard and soft have been submitted in writing for approval by the Local Planning Authority. No works that are the subject of this condition shall be carried out until the details are approved, and the development shall not be occupied / the use of the development hereby approved shall not commence until the details have been approved and works to which this condition relates have been carried out in accordance with the approved details.

Reason: To ensure a satisfactory standard of development in accordance with the following Development Plan policies for Merton: policies 7.5 and 7.6 of the London Plan 2016, policy CS14 of Merton's Core Planning Strategy 2011 and policies DM D1 and D2 of Merton's Sites and Policies Plan 2014.

- 5) The dwellings shall not be occupied until all boundary walls or fences as shown on the approved plans have been carried out. The walls and fencing shall be permanently retained thereafter.

Reason: To ensure a satisfactory and safe development, and to ensure adequate garden space is provided for the flats, in accordance with the following Development Plan policies for Merton: policies 7.5 and 7.6 of the London Plan 2016, policy CS14 of Merton's Core Planning Strategy 2011 and policies DM D1 and D2 of Merton's Sites and Policies Plan 2014.

- 6) No basement works shall commence until details of a replacement wall to the eastern boundary of the site, to include sections and ground levels, has been submitted to and approved in writing by the Local Planning Authority. The wall shall be constructed in accordance with the agreed details, inspected and approved by the Local Planning Authority prior to the commencement of basement works.

Reason: Having regard to the impact on the residential amenities of the adjoining occupier and to accord with Policy DM D2 of the Sites and Policies Plan 2014.

- 7) 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.

- 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 2016, policy CS17 of Merton's Core Planning Strategy 2011 and policy DM D2 of Merton's Sites and Policies Plan 2014.

- 9) 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.

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

Reason: To ensure the safety of pedestrians and vehicles and the amenities of the surrounding area and to comply with the following Development Plan policies for Merton: policies 6.3 and 6.14 of the London Plan 2016, policy CS20 of Merton's Core Planning Strategy 2011 and policy DM T2 of Merton's Sites and Policies Plan 2014.

- 11) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no window, dormer, rooflight or door other than those expressly authorised by this permission shall be constructed without planning permission first obtained from the Local Planning Authority.

Reason: To safeguard the amenities and privacy of the occupiers of nearby 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.

- 12) 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.

- 13) F05 Tree Protection: No development [including demolition] pursuant to this consent shall commence until an Arboricultural Method Statement and Tree Protection Plan, drafted in accordance with the recommendations and guidance set out in BS 5837:2012 has been submitted to and approved in writing by the Local Planning Authority and the approved details have been installed. The details and measures as approved shall be retained and maintained, until the completion of all site operations.

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

- 14) F08 Site Supervision (Trees): Site supervision: The details of the Arboricultural Method Statement and Tree Protection Plan shall include the retention of an arboricultural expert to supervise, monitor and report to the LPA not less than monthly the status of all tree works and tree protection measures throughout the course of the construction period. At the conclusion of the construction period the arboricultural expert shall submit to the LPA a satisfactory completion statement to demonstrate compliance with the approved protection measures.

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

- 15) A Non Standard Condition: No development shall be commenced on site until details of the proposed method of excavation and method of construction of the basements to be used within 10 metres of the existing retained trees has been submitted to and approved in writing by the LPA and the work shall be carried out in accordance with the approved details. Such details shall be included in the Arboricultural Method Statement and Tree Protection Plan.

Reason: To protect and safeguard the existing retained trees.

- 16) A Non Standard Condition No development approved by this permission shall be commenced until a scheme for the provision of surface water drainage has been implemented in accordance with details that have been submitted to and approved in writing by the local planning authority. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system (SuDS) to ground, watercourse or sewer in accordance with drainage hierarchy contained within the London Plan Policy 5.13, Merton's Policy DM F2 and the advice contained within the National SuDS Standards. Where a sustainable drainage scheme is to be provided, the submitted details shall:
- i. provide information about the design storm period and intensity, the method employed to delay and control the rate of surface water discharged from the site to no more than 2l/sec and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
  - ii. include a timetable for its implementation;
  - iii. include a CCTV survey of the existing surface water connection to the main sewer and site wide drainage network to establish its condition is appropriate, and
  - iv. provide a drainage management and maintenance plan for the lifetime of the development.

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

- 17) A Non Standard Condition No development approved by this permission shall be commenced until a scheme to reduce the potential impact of groundwater ingress both to and from the proposed development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall address the risks both during and post construction as highlighted in the submitted CMS.

Reason: To ensure the risk of groundwater ingress to and from the development is managed appropriately and to reduce the risk of flooding in compliance with the following Development Plan policies for Merton: policy 5.13 of the London Plan 2011, policy CS16 of Merton's Core Planning Strategy 2011 and policies, DM D2 and DM F2 of Merton's Sites and Polices Plan 2014.

- 18) A Non Standard Condition No part of the development hereby approved shall be occupied until evidence has been submitted to the council confirming that the development has achieved not less than the CO2 reductions (ENE1), internal water usage (WAT1) standards equivalent to Code for Sustainable Homes Level 4.

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



- 19) H02 Vehicle Access to be provided: The development hereby approved shall not be occupied until the proposed vehicle access has been sited and laid out in accordance with the approved plans

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

- 20) H03 Redundant Crossovers: The development shall not be occupied until the existing redundant crossover/s have been removed by raising the kerb and reinstating the footway in accordance with the requirements of the Highway Authority.

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

- 21) H04 Provision of Vehicle Parking The vehicle parking area (including any garages hereby approved) shown on the approved plans shall be provided before the commencement of the buildings or use hereby permitted and shall be retained for parking purposes for occupiers and users of the development and for no other purpose.

Reason: To ensure the provision of a satisfactory level of parking and comply with the following Development Plan policies for Merton: policy 6.13 of the London Plan 2015, policy CS20 of Merton's Core Planning Strategy 2011 and policy DM T3 of Merton's Sites and Policies Plan 2014.

- 22) 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 2016, policy CS18 of Merton's Core Planning Strategy 2011 and policy DM T1 of Merton's Sites and Policies Plan 2014.

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

Reason: To ensure the provision of satisfactory facilities for the storage of refuse and recycling material and to comply with the following Development Plan policies for Merton: policy 5.17 of the London Plan 2016, policy CS17 of Merton's Core Planning Strategy 2011 and policy DM D2 of Merton's Sites and Policies Plan 2014.

- 24) 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.

- 25) H09 Construction Vehicles The development shall not commence until details of the provision to accommodate all site workers', visitors' and construction vehicles and loading /unloading arrangements during the construction process have been submitted to and approved in writing by the Local Planning Authority. The approved details must be implemented and complied with for the duration of the construction process.

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

- 26) H17 Drainage Surface water from private land shall not discharge on to the public highway. Details of the drainage system for surface water drainage to prevent the discharge of surface water from private land on to the highway shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of works. Before any part of the development hereby permitted is first occupied, the surface water drainage system shall be completed in accordance with the approved details and shall be retained permanently thereafter.

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

- 27) Amended standard condition [Demolition & Construction Method Statement]: No development shall take place until a Demolition and Construction Method Statement has been submitted to, and is approved in writing, by the Local Planning Authority to accommodate:  
- Parking of vehicles of site operatives and visitors

- Loading and unloading of plant and materials
- Storage of construction plant and materials;
- The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- Wheel cleaning facilities
- Measures to control the emission of dust, dirt, smell and other effluvia;
- Measures to control the emission of noise and vibration during construction/demolition
- Non road mobile machinery compliance
- A scheme for recycling/disposing of waste resulting from demolition and construction works

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

Reason: To ensure the safety of pedestrians and vehicles and the amenities of the surrounding area, and to comply with the following Development Plan policies for Merton: policies 6.3, 6.14 & 7.15 of the London Plan 2016, policy CS20 of Merton's Core Planning Strategy 2011 and policies DM T2 & DM EP2 of Merton's Sites and Policies Plan 2014.

- 28) Non-standard condition [Contamination] In the event that contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken 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 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.

#### INFORMATIVE

##### INF 01 Party Walls Act

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

<http://www.planningportal.gov.uk/buildingregulations/buildingpolicyandlegislation/current-legislation/partywallact>

#### INFORMATIVE

##### INF 09 Works on the Public Highway

You are advised to contact the Council's Highways team on 020 8545 3700 before undertaking any works within the Public Highway to obtain the necessary approvals and/or licences. Please be advised that there is a further charge for

this work. If your application falls within a Controlled Parking Zone this has further costs involved and can delay the application by 6 to 12 months.

INFORMATIVE

INF 15 Discharge conditions prior to commencement of work 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.

INFORMATIVE

INF 20 Street naming and numbering  
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)

INFORMATIVE

INF 00 Non-Standard/ Blank Informative It is the responsibility of the developer to make proper provision for drainage to ground, watercourses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off-site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of ground water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required (contact no. 0845 850 2777).

INFORMATIVE

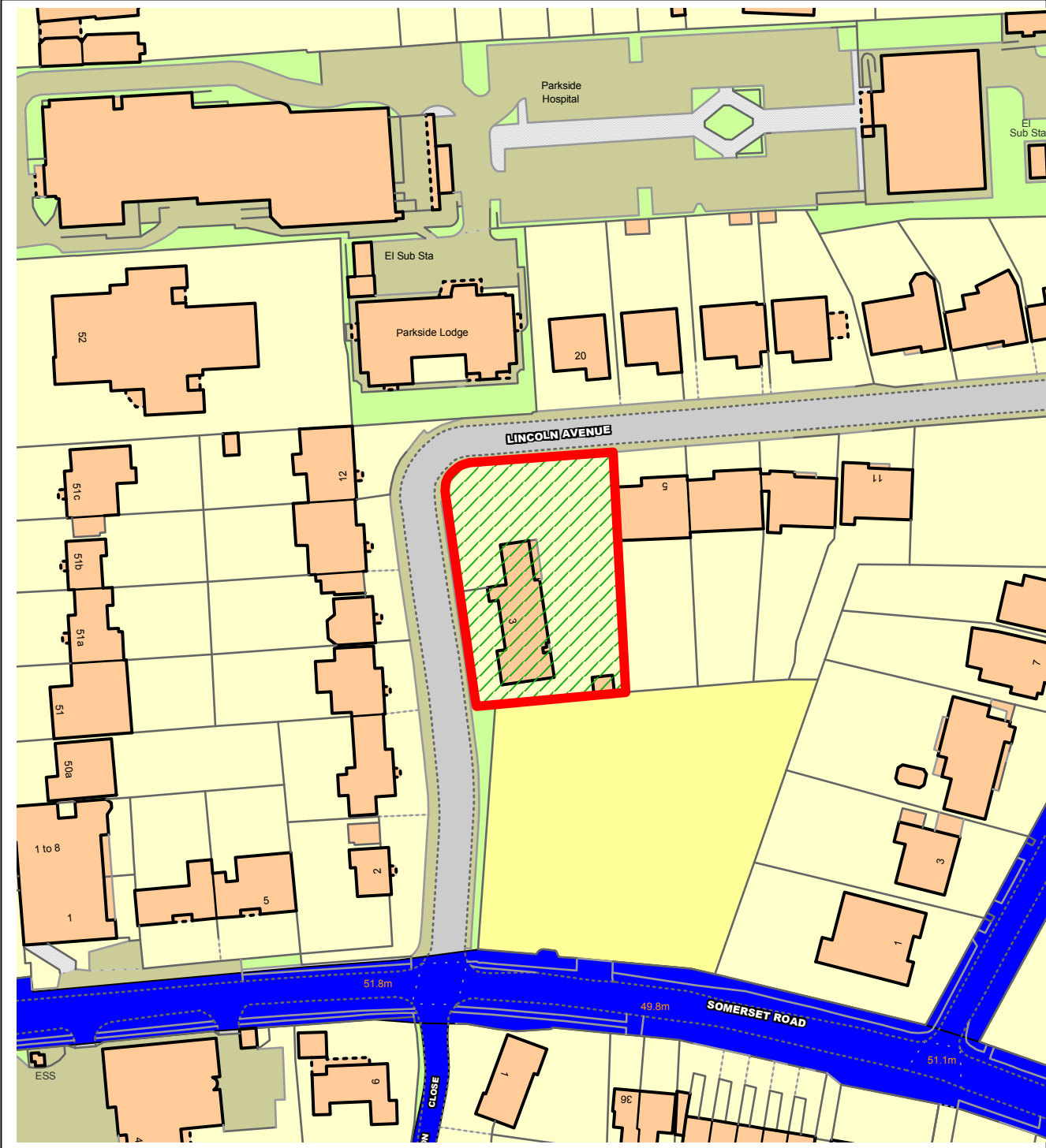
INF 00 Non-Standard/ Blank Informative Evidence requirements are detailed in the "Schedule of Evidence Required - Post Construction Stage" under Category 1: Energy and Carbon Dioxide Emissions (ENE1: dwelling emissions rate) and Category 2: Water (WAT1: Indoor water use) of the Code for Sustainable Homes Technical Guide (2010).

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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

19 JUNE 2019

**APPLICATION NO.**

19/P0824

**DATE VALID**

14/02/2019

**Address/Site:** Old Rutlishians Association Sports Ground  
Poplar Road, Merton Park

**Ward:** Merton Park

**Proposal:** Installation of new cricket nets to replace existing, erection of new storage shed & erection of mesh-wire fencing along western and eastern boundaries to height of 1.8m.

**Drawing No.'s:** Site location plan, block plan, SK003, Elevations (Rev B) Amended 04.04.2019, NSORCC002 & A15-142/OLDR171213 & Fence Details 04.04.2019.

**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: Yes
- Site notice: Yes
- Design Review Panel consulted: No
- Number of neighbours consulted: 33
- External consultations: 1
- Conservation area: No
- Listed building: No
- Archaeological priority zone: No
- Tree protection orders: No
- Controlled Parking Zone: Yes, Zone MP1
- Flood Zone: 1
- Designated Open Space: Yes – 'The Old Rutlishians Sports Club'
- Metropolitan Open Land: 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 comprises the Old Rutlishians Association Sports Ground located on the eastern side of Poplar Road and to the north of the junction with Circle Gardens in Merton Park. The playing fields are used for rugby and cricket training and matches during their respective seasons and the grounds include a pavilion to the north-west of the site, with a set of 3 lane cricket nets to the north-east corner. Parking spaces are provided along the full length of the western side facing Poplar Road. The surrounding area is made up of residential streets and Merton Park Primary School is located approximately 170m to the north-west. The site is approximately 25,300 sq.m in size
- 2.2 The site has a public transport accessibility level (PTAL) of 3 which is considered moderate (with 0 being the lowest and 6b being the highest).

## **3. CURRENT PROPOSAL**

- 3.1 This application seeks planning permission for the removal of the existing 3 lane cricket nets and the installation of new 4 lane nets in the north-eastern corner of the site, with the erection of a new storage shed and installation of mesh wire fencing along the western and eastern boundaries.
- 3.2 The proposed nets are situated in the north-eastern corner of the site, being located 10m from the northern boundary with the rear gardens of nos. 34 & 36 Erridge Road and maintaining a 4m separation from the eastern boundary with the cul-de-sac end of Charnwood Avenue. The nets have been constructed parallel to the eastern boundary and the rugby field in order to leave a 5m run-off distance as recommended by the RFU & World Rugby. The proposed nets utilise a typical metal cage with fully enclosed black mesh netting and artificial grass pitches to allow for all weather practise. Approximately 2m high white tarpaulin sheets have been installed to the side netting of the batting areas, towards the centre of the enclosures, in order to provide screening from adjacent nets and other external distractions.
- 3.3 The proposed nets have the following dimensions:
- 72m length
  - 7.9m width
  - 4m height
- 3.4 It should be noted that this proposal follows previously approved planning permission ref. 18/P1480, with the only difference to the cricket nets being a further separation from the northern boundary by 6.2m and from the eastern boundary by approx. 0.2m.
- 3.5 It is also proposed to erect a timber storage shed to the south-east of the nets. The shed would be situated 1m from the eastern boundary hedge (and proposed netting). The shed would have mono-pitched roof, with the lower eaves facing the eastern boundary.



3.6 The storage shed would have the following dimensions:

- 5m length
- 4m width
- 2.2m eaves height
- 2.75m maximum height

3.7 It should be noted that the application has been amended upon submission to include the installation of mesh fencing to the western and eastern boundaries of the site. The proposed fencing would require 40x60mm posts spaced approximately 2.5m apart, and would use a moss green coloured wire mesh to a height of 1.8m.

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

4.1 M/M5442 - USE OF MAIN HALL OF PAVILION FOR KINDERGARTEN CLASS: Granted.

4.2 M/M5879 - ENTRANCE GATES: Granted.

4.3 M/M6661 - EXTENSION TO CLUBHOUSE: Granted.

4.4 M/M8538 - ERECTION OF TRANSFORMER CHAMBER: Granted.

4.5 M/M8826 - EXTENSION TO AIR RAID SHELTER AND USE AS IMPLEMENT STORE: Granted.

4.6 M/M9105 - OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT: Refused.

4.7 MER66/72 - ERECTION OF NEW SQUASH COURT BUILDING: Granted.

4.8 MER754/82 - ERECTION OF A SINGLE STOREY BUILDING: Granted.

4.9 95/P0128 - DISPLAY OF NON-ILLUMINATED SIGN: Granted.

4.10 18/P1480 - REPLACEMENT OF CRICKET NETS: Granted.

#### **5. CONSULTATION**

5.1 Public consultation was undertaken by way of site notice, a press notice in the local Newspaper and letters sent to 34 neighbouring properties initially. In addition to this, a second round of consultation was undertaken given the aforementioned amendments to the scheme to include mesh fencing along the western and eastern boundaries. The outcome of the combined consultation periods are summarised as follows:

5.2 Representations were received from 13 neighbouring properties who raised the following points:

- Structure has already been erected before approval
- Some neighbours didn't receive a notice

- Loss of view from Charnwood Avenue
- Visual intrusion and dominating
- Permanent structure and therefore visible year round
- White tarpaulin blinkers unsightly and do not blend in with surroundings
- No objection to netting material, but objection to any opaque materials
- Site too close to Charnwood Avenue
- Concerns over practise times and previous unsocial language from users
- Increased activity and noise towards Charnwood Avenue
- The nets appear safer as they reduce stray cricket balls entering rear gardens
- Objection to fencing as unnecessary and out of keeping with area
- Request for hedge to be grown to height of fence
- No mention of how the fence will be secured to ground
- Mix of mesh, hedge, spikes and cricket netting is visually unacceptable
- Request for existing netting to remain in addition to new fence

5.3 Sport England were also consulted as the operations would affect a playing field. Their representation is summarised as follows:

- Consultation with Sport England is a statutory requirement
- It is proposed to provide replacement cricket nets at this club, which are required to provide more modern facilities for training and also provide facilities that reduce the number of stray balls falling in the gardens of neighbouring facilities
- The cricket ground is home to a thriving community club and the facilities will help support the sporting activities of both young and old members
- The proposed development is for ancillary facilities supporting the principal use of the site as a playing field, and does not affect the quantity or quality of playing pitches or otherwise adversely affect their use
- Therefore Sport England raises no objection to the application and supports the proposals.

## **6. POLICY CONTEXT**

### 6.1 National Planning Policy Framework (2019)

8. Promoting healthy and safe communities  
12. Achieving well-designed places

### 6.2 London Plan (2016)

Relevant policies include:

3.19 Sports Facilities

7.4 Local Character

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

Relevant policies include:

CS 13 Open Space, Nature Conservation, Leisure & Culture

CS 14 Design

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

Relevant policies include:

Merton Sites and Policies Plan July 2014 policies

DM D2 Design considerations in all developments

DM O1 Open space

DM O2 Nature conservation, trees, hedges and landscape features

## **7. PLANNING CONSIDERATIONS**

### **7.1 Material Considerations**

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

- Principle of development
- Impact on open space, nature conservation and sporting facilities.
- Design and impact upon the character and appearance of the area
- Impact upon neighbouring amenity
- Response to objections

#### Principle of development

7.2 The principle of development (for the cricket nets) has already been established by way of the approved planning permission ref. 18/P1480. Therefore the only elements to be considered within this application are the impacts of the relocation of the nets, and the impacts of the storage outbuilding and fencing to eastern and western boundaries.

7.3 The site is currently in use as a sports ground and the proposals seek to improve the capacity and quality of its sporting facilities without impeding the use of the site, which is also used as a rugby pitch in the winter seasons.

7.4 Given the above, it is considered the proposal is acceptable in principle, subject to compliance with the relevant policies of the London Plan, Merton Local Development Framework Core Strategy, Merton Sites and Policies Plan, as detailed in the relevant sections below.

#### Impact on open space, nature conservation and sporting facilities

7.5 Core strategy policy CS13 and SPP Policies DM01 & DM02 seek to protect open spaces and improve leisure and sport facilities within the borough, whilst protecting biodiversity.

7.6 The new cricket cage and artificial surface would serve to improve on the existing dilapidated nets. The existing nets are orientated as such that batsmen face the setting sun causing blinding issues, balls escape into neighbouring gardens and the 3 lanes cannot provide for the number of members currently. The proposed pitches would be permanent, with a synthetic imitation grass wicket surface laid into the ground, providing a seamless transition from the surrounding field. The cage and netting would be fully enclosed, preventing balls escaping into neighbouring gardens and the pitches would now be orientated north-south to prevent any blinding issues in the evening. The nets would be positioned 5m away from the rugby pitch as recommended by the RFU and World Rugby in order to allow sufficient run-off. Sport England were consulted as a Statutory Consultee, who supported the proposal.

7.6 Regarding biodiversity and nature conservation, this section of the site is made up of grass with no trees or bushes to be removed. It is therefore not considered the proposal would raise concerns in this respect.

7.7 Given the above, it is therefore considered the proposal would be in accordance with Core strategy policy CS13 and SPP Policies DM01 & DM02.

#### Design and impact upon the character and appearance of the area

7.8 Core strategy policy CS14 and SPP Policy DMD2 require well designed proposals that will respect the appearance, materials, scale, bulk, proportions and character of its surroundings.

7.9 Objections have been raised regarding the visual impact of the cricket nets on the character and appearance of the area, particularly when viewed from Charnwood Avenue. Objections mainly relate to the white tarpaulin screenings to the side of the batting areas which have the purpose of reducing distractions, and therefore by design, are necessary to be opaque.

7.10 The nets are sited within a sports ground, and therefore the context to which they must be assessed is that of sporting facilities. Whilst the nets would be visible from the streetscene of Charnwood Avenue, it is not considered that they would be out of keeping with the character of the sports ground, and would therefore accord with the aforementioned policies.

7.11 In regards to the storage shed, it is considered the use of timber and the modest scale of development would not give rise to a detrimental impact on the character and appearance of the sports ground or neighbouring streetscene.

7.12 Regarding the erection of 1.8m high mesh wire fencing, the applicant has made efforts to reduce its visual impact, by the choice of Green wiring. It is considered the erection of open fencing at this height and would not be incongruous with typical boundary treatments of sporting grounds and would have limited impact on the character and appearance of its surrounding area.

#### Impact upon neighbouring amenity

7.13 London Plan policy 7.4 and 7.6, SPP policy DMD2 and Core Strategy Policy CS14 require that proposals do not have a negative impact on neighbour amenity in terms of loss of light, outlook, privacy, overshadowing or noise.

7.14 The nets would be relatively large, being 4m in height and running 8m along the northern boundary and 72m along the eastern boundary. The nets would maintain a 10m and 4m separation distance from these respective boundaries, with a further 2.5m separation to Charnwood Avenue to the east, due to the pedestrian accessway. It is considered that these separation distances, in conjunction with the materials used (mostly metal poles, material netting and some opaque tarpaulin), would not give rise to an undue harmful impact to neighbouring amenity in terms of visual intrusion, loss of light, outlook, shadowing or privacy.

- 7.15 Regarding increased noise generation from the proposal, it is considered that the existing use and nature of the site, the similar positioning of the nets and the modest increase in lanes from 3 to 4, would not generate an unexpected, materially harmful impact to neighbouring amenity in terms of noise pollution.

#### Responses to objections

- 7.16 The majority of the issues raised by objectors are addressed in the body of the report but in addition, the following response is provided:
- Whilst the structure may be in place already, this would not prejudice the determination of the planning application.
  - Notices were sent to neighbouring occupiers who were deemed to be affected by the proposal, and a notice was posted outside the site and within the local newspaper.
  - Unsocial language of users of the facilities is not a material planning consideration.
  - Officers consider the visual impact of the proposal is acceptable without the need for additional screening, including the growth of the existing hedge.
  - The fixing of the fence has been detailed within the application documents.

## **8. CONCLUSION**

- 8.1 The proposal would serve to improve on existing sporting facilities on open space without harming the character of the site and surrounding area or materially impacting neighbouring residential amenity. It is therefore recommended to grant permission subject to conditions.

## **RECOMMENDATION**

Grant planning permission subject to the following conditions:

### **Conditions:**

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

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

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

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

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

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

**Informatives:**

1) INFORMATIVE

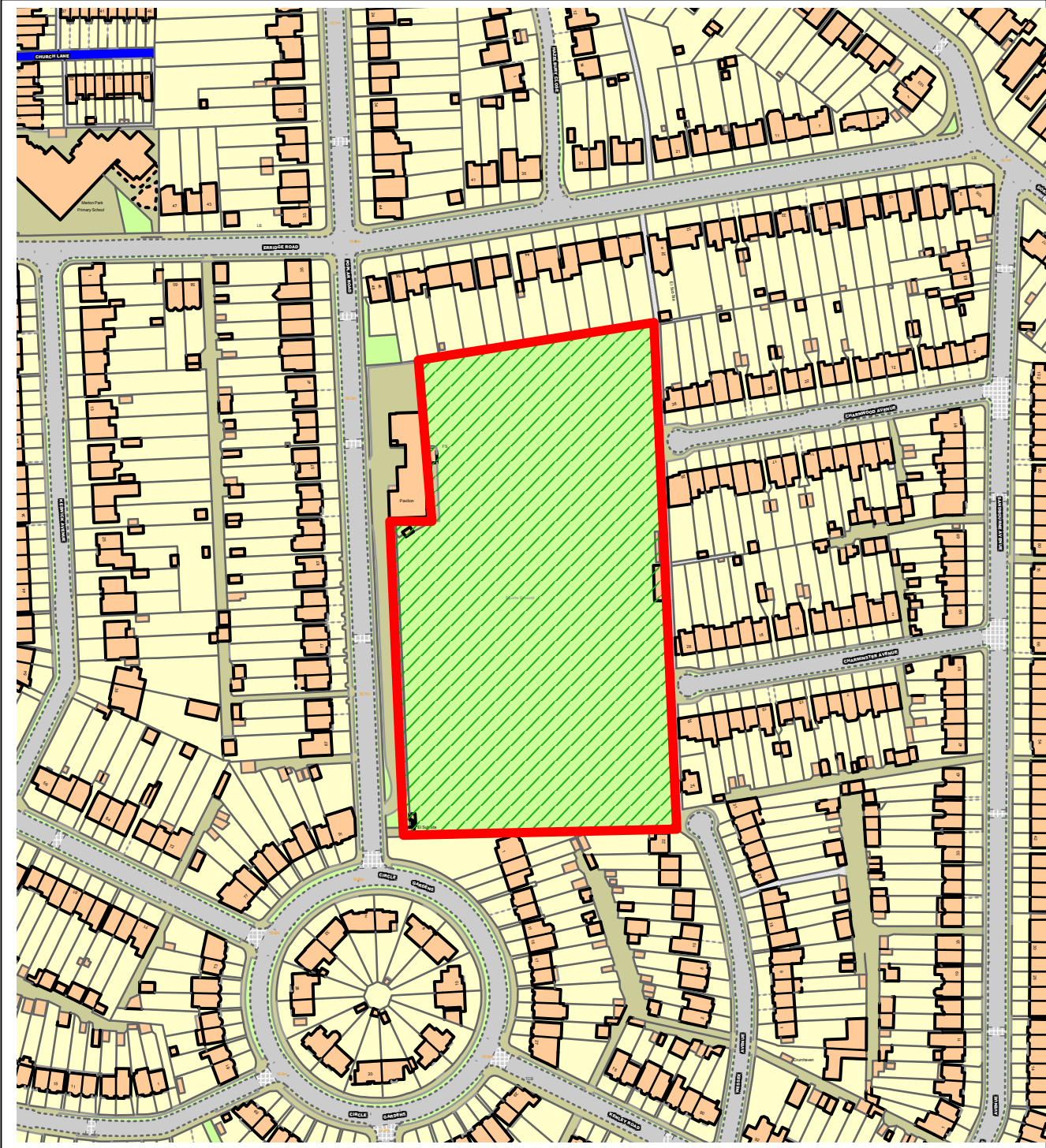
In accordance with paragraphs 38 and 39 of the National Planning Policy Framework 2018, The London Borough of Merton takes a positive and proactive approach to development proposals focused on solutions. The London Borough of Merton works with applicants or agents in a positive and proactive manner by 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.

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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 19 JUNE 2019

**APPLICATION NO.**  
19/P0807

**DATE VALID**  
07/05/2019

**Address/Site** 72 Southdown Road, Raynes Park, SW20 8PX

**Ward** Hillside

**Proposal:** Conversion of single storey dwellinghouse to create 1 x three bedroom flat and 1 x two bedroom flat

**Drawing Nos** 2018-039-LP, 2018-039-01, 2018-039-02, 2018-039-06 Rev C and 2018-039-07

**Contact Officer:** Joe Byrne (020 8274 5232)

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### **RECOMMENDATION**

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

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#### **CHECKLIST INFORMATION**

- Heads of agreement: Yes – Permit Free
- Is a screening opinion required: No
- Is an Environmental impact statement required: No
- Has an Environmental Impact Assessment been submitted: No
- Press notice: No
- Site notice: No
- Design Review Panel consulted: No
- Number neighbours consulted: 2
- External consultants: None
- Density: n/a
- Number of jobs created: n/a
- Archaeology Priority Zone: No
- PTAL Rating: 3
- Controlled Parking Zone: P2

#### 1. **INTRODUCTION**

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

#### 2. **SITE AND SURROUNDINGS**

- 2.1 The site contains a double storey semi-detached dwelling, located on the south side of Southdown Road in Raynes Park. The dwelling has a recently constructed ground floor extension and a roof dormer at the rear, constructed under a Certificate of Lawfulness. The primary access to the dwelling is at the front. Private open space is located at the rear of the site. There is no car parking on the property. The subject site is on-site not located within a Conservation Area, nor is the building statutory or locally listed.

The area is characterised by double storey dwellings and railway line to the south.

### 3. **CURRENT PROPOSAL**

- 3.1 This application seeks planning permission for the conversion of the single dwellinghouse (5-bedroom house) to create 1 x three bedroom flat and 1 x two bedroom flat.
- 3.2 The ground floor flat will have a large living/kitchen area opening up onto the garden. One bedroom will be located to the front of the building, while a smaller bedroom is situated at the rear. The living and kitchen area of the first floor flat will be located on the full length of the first floor. One bedroom will be located at first floor at the rear and two in the existing loft at the rear. Outdoor amenity space to this flat would be located to the rear at ground level accessed via a side gate. The outdoor amenity space for the ground floor flat would be located immediately at the rear. Entrance to the two flats will be located at the front of the site via two separate front doors. The ground floor flat will have an overall floor area of 65.5m<sup>2</sup> and the first floor flat will be 88.5m<sup>2</sup>.

Amended plans: Amended plans were submitted on 23<sup>rd</sup> of May 2019. The changes were limited to amending the proposed front elevation to show the two front doors, as per the proposed floor plans and to alter the size of the rear gardens by moving the fence line.

### 4. **PLANNING HISTORY**

- 4.1 18/P4139: APPLICATION FOR A LAWFUL DEVELOPMENT CERTIFICATE IN RESPECT OF THE PROPOSED ERECTION OF A SINGLE STOREY REAR EXTENSION AND ERECTION OF A REAR ROOF EXTENSION – Issue Certificate of Lawfulness. (implemented)

### 5. **CONSULTATION**

- 5.1 Public consultation was undertaken by way of post sent to neighbouring properties – 7 objections were received and the following concerns were raised:
- Reduce the value of houses on Southdown Road;
  - The character of the road would change;
  - Parking issues;
  - Safety concerns regarding construction of previous works to the dwelling;
  - Noise;

- Loss of family homes; and
- Waste.

## 6. **POLICY CONTEXT**

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

DM H3 (Support for affordable housing), DM D1 (Urban design and the public realm), DM D2 (Design considerations in all developments) and DM D3 (Alterations and extensions to existing buildings).

### 6.2 Adopted Merton Core Planning Strategy (July 2011)

CS8 (Housing Choice), CS9 (Housing Provision), CS11 (Infrastructure), CS13 (Open Space, Nature Conservation, Leisure and Culture), CS14 (Design), CS15 (Climate Change), CS17 (Waste Management), CS18 (Active Transport), CS19 (Public Transport) and CS20 (Parking, Servicing and Delivery)

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

3.3 (Increasing housing supply), 3.4 (Optimising housing potential), 3.5 (Quality and design of housing developments), 3.11 (Affordable Housing Targets), 5.2 (Minimising carbon dioxide emissions), 5.3 (Sustainable design and construction), 5.17 (Waste Capacity), 6.9 (Assessing effects of development on transport capacity), 6.9 (Cycling), 6.13 (Parking), 7.4 (Local character), 7.6 (Architecture) and 8.2 Planning Obligations

### 6.4 National Planning Policy Framework (2019) (NPPF)

5. Delivering a sufficient supply of homes  
 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

## 7. **PLANNING CONSIDERATIONS**

### 7.1 Principle of Development

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 proposed units would comply with the most appropriate minimum space standards, as such, the proposal would comply with Core Strategy policy CS14 d(a) & d(b) ii). The proposal includes the provision of a 3-bedroom unit, in compliance with Policy CS14 d(i).

Given the above, the principle of the conversion of the dwellinghouse is considered to be acceptable in this case.

## 7.2 Impact on the Character and Appearance

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

The only external works proposed on the site is the construction of a new door at the front of the building and new fences at the rear, to separate the flats gardens and replacement rear ground floor window, and front porch overhang. The additional front door will be of the same proportions and materials as the existing front door. A small porch will be located above both doors. The new door will not change the building in a way that it will become a dominant feature within the street. The building will still mostly present as a single dwelling to the street. The new fence at the rear of the property will not be visible from the street and will not impact the appearance of the building with the neighbourhood. Fences are common within the neighbourhood dividing plots and the proposed works are considered acceptable.

Although there is just one dwelling within close vicinity to the subject site that has been converted into flats, the proposed conversion will not unduly impact the character of the street. The number of bedrooms on the property will remain. It is therefore unreasonable to expect the character on the property will significantly change with the proposed conversion, given the minor external works proposed.

The proposed bin storage would be at the front of the property. These would be constructed of brick, which is considered an appropriate material for the street. A condition is recommended to secure final elevation details of the storage facilities.

## 7.3 Neighbouring Amenity

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.

The works associated with this application are mainly internal. The construction of an additional front door, rear fences, front porch and replacement of windows are not considered to result in material harm. The doors are setback from any sensitive interfaces of any neighbouring properties. The dwelling is currently a 5-bedroom dwelling. The number of bedrooms will not change with the proposal and the additional noise impacts are not expected to unduly impact the surrounding properties amenity. Having flats adjoin houses is an acceptable future relationship in planning terms and the number of flats (2 proposed) are considered suitable, having regard to the size of the building. The proposed

rear fences are of a height that will not unduly impact the amenity of any surrounding properties.

The proposal would not unduly impact upon the amenity of neighbouring properties, and is considered to be consistent with London Plan policies 7.4 and 7.6, Core Strategy policy CS14 and SPP Policies DMD2 and DMD3 in this regard.

#### 7.4 Standard of Accommodation

Policy 3.5 of the London Plan 2016 states that housing developments 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).

With regards to the ground floor flat, a two bedroom, 3 person, single storey unit is guided to have a minimum GIA requirement of 61sq.m. Given that the proposed ground floor flat unit has a floor area of 66.5sq.m, the proposal will comply with the minimum GIA requirement.

Regarding the first floor flat, a three bedroom, 4 person double storey unit is guided to have a minimum GIA requirement of 84sq.m. Given that this unit has a floor area of 92.6sq.m, the proposal will comply with the minimum GIA requirement.

Both areas of outdoor amenity space will be at the rear and will be reasonable in size (24sq.m ground floor flat and 37sq.m first floor flat. These spaces will comply with external space requirements.

The access into both flats will be at the front of the property, with two separate front doors. Southdown Road is a generally quiet residential street, however, well connected to larger main roads. It is considered that given the location of the entry and the fact that there will be high surveillance, the accesses to the proposed flats would be acceptably safe.

All living room areas, bedrooms and bathrooms have acceptable access to natural light and ventilation through the existing windows. Both units have good outlook to the front and rear of the property. This will ensure the internal amenity of both units are of good quality and are considered appropriate. The close proximity of the new fence and the window serving bedroom 2 at ground floor is a slight drawback, however, it is not considered to warrant a refusal on this basis.

Overall, given the size and positioning of the flats on the site, the proposal will accommodate acceptable internal amenity and safe access and is considered appropriate. The application will also comply with the minimal GIA requirement for internal space.

#### 7.5 Transport and parking

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.

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 3 which means it has moderate access to public transport.

There would not be any impact on parking or highway safety as a result of the proposed works if the applicant agreed to enter into a legal agreement which prohibits the occupants of the proposed additional one units (the 2-bed unit) from obtaining parking permits. This would be recommended.

7.6 Refuse storage and collection

A refuse area has been identified on the plans within the front setback. Full details of the storage facilities are to be secured via Condition. As such, the proposal would reasonably accord with policy 5.17 of the London Plan and policy CS 17 of the Core Strategy.

7.7 Cycle storage

Cycle storage is required for new development in accordance with London Plan policy 6.9 and table 6.3 and Core Strategy policy CS 18. Cycle storage should be secure, sheltered and adequately lit. Cycle storage is located within the rear and front setbacks. A planning condition would be included on any permission granted requiring details of the proposed cycle storage unit.

7.8 Sustainable design and construction

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

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

In light of the Government's statement and changes to the national planning framework it is recommended that conditions are not attached requiring full compliance with Code Level 4 but are attached so as to ensure that the dwelling is designed and constructed to achieve CO2 reduction standards and water consumption standards equivalent to Code for Sustainable Homes Level 4. It is considered the aforementioned requirements can be reasonably addressed by way of planning condition.

7.9 Landscaping

The proposal does not specify the landscaping within the rear garden. A condition will be included on any permission granted requiring a landscape plan and schedule to be submitted.

## 9. **CONCLUSION**

- 9.1 It is considered that the proposed conversion would not harm the amenities of neighbouring occupier's or the character and appearance of the area. The development would provide good quality living accommodation for future occupants and the proposal and the proposal would not cause a harmful impact on parking capacity in the surrounding roads, subject to the applicant entering into a legal agreement to ensure the net additional unit is permit-free. Therefore, the proposal complies with the principles of policies DMD2 and DMD3 of the Adopted SPP 2014, CS 9 and CS 14 of the LBM Core Strategy 2011 and 3.14, 7.4 and 7.6 of the London Plan 2016.

It is therefore recommended to grant permission subject to conditions.

## **RECOMMENDATION**

### **GRANT PLANNING PERMISSION**

Subject to the following conditions and Section 106 Agreement:-

1. A.1 Commencement of development (full application): 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. A.7 Approved Plans: The development hereby permitted shall be carried out in accordance with the following approved plans: 2018-039-LP, 2018-039-01, 2018-039-02, 2018-039-06 Rev C and 2018-039-07

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

3. B3 External Materials as Specified: The facing materials to be used for the development hereby permitted shall be those specified in the application form unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure a satisfactory appearance of the development and to comply with the following Development Plan policies for Merton: policy 7.6 of the London Plan 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. F01 Landscaping/Planting Scheme: Prior to first occupation 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, full details of the size, species, spacing, quantities and location of proposed plants, together with any hard surfacing, means of enclosure, and indications of all existing trees, hedges and any other features to be retained, and measures for their protection during the course of development.

Reason: To enhance the appearance of the development in the interest of the amenities of the area, to ensure the provision sustainable drainage surfaces and to comply with the following Development Plan policies for Merton: policies 5.1, 7.5 and 7.21 of the London Plan 2016, policies CS13 and CS16 of Merton's Core Planning Strategy 2011 and policies DM D2, DM F2 and DM O2 of Merton's Sites and Policies Plan 2014.

5. L2 Code for Sustainable Homes - Pre-Commencement (New build residential): No part of the development hereby approved shall be occupied until evidence has been submitted to the council confirming that the development has achieved not less than the CO2 reductions (ENE1), internal water usage (WAT1) standards equivalent to Code for Sustainable Homes level 4. Evidence requirements are detailed in the "Schedule of evidence Required for Post Construction Stage from Ene1 & Wat1 of the Code for Sustainable Homes Technical Guide. Evidence to demonstrate a 25% reduction compared to 2010 part L regulations and internal water usage rates of 105l/p/day must be submitted to, and acknowledged in writing by the Local Planning Authority, unless otherwise agreed in writing.

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

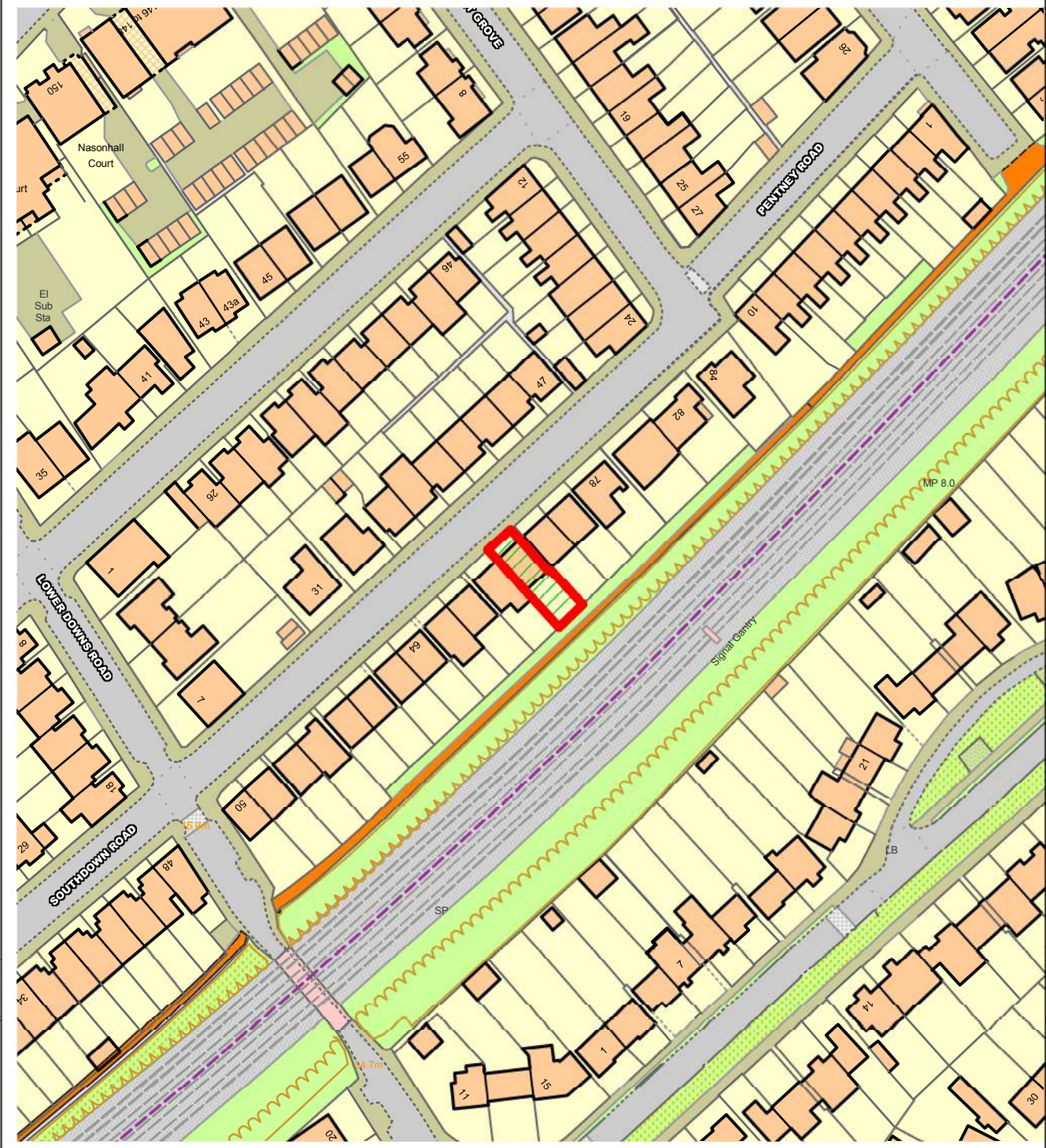
Reason: To ensure that the development achieves a high standard of sustainability and makes efficient use of resources and to comply with the following Development Plan policies for Merton: policy 5.2 of the London Plan 2016 and policy CS15 of Merton's Core Planning Strategy 2011.

6. Note To Applicant - Approved Schemes: In accordance with paragraph 38 of the NPPF, The London Borough of Merton (LBM) takes a positive and proactive approach to development proposals focused on solutions. LBM works with applicants/agents in a positive and proactive manner by:
- i) Offering a pre-application advice and duty desk service.
  - ii) Where possible, suggesting solutions to secure a successful outcome.
  - iii) As appropriate, updating applicants/agents of any issues that may arise in the processing of their application.
- In this instance:
- i) The application was acceptable as submitted and no further assistance was required.
  - ii) The application was approved without delay.
- 

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



# NORTHGATE SE GIS Print Template



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## PLANNING APPLICATIONS COMMITTEE 19 JUNE 2019

**APPLICATION NO.**  
19/P0132

**DATE VALID**  
18/12/2018

**Address/Site** 7 Sunnyside Place, Wimbledon SW19 4SJ

**Ward** Hillside

**Proposal:** Erection of a three storey rear extension and installation of new balustrade to existing front roof terrace and alterations to façade.

**Drawing Nos** 200/PA/01, 200/PA/06, 07A, 08A, 09A, 10 and 11A

**Contact Officer:** Richard Allen (020 8545 3621)

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### **RECOMMENDATION**

#### **GRANT Planning Permission**

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#### **CHECKLIST INFORMATION**

- Heads of agreement: No
- Conservation Area: Yes
- UDP site designation: None
- Is a screening opinion required: No
- Is an Environmental impact statement required: No
- Has an Environmental Impact Assessment been submitted: No
- Press notice- Yes
- Site notice-Yes
- Design Review Panel consulted-No
- Number neighbours consulted: 23
- External consultants: None
- Archaeology Priority Zone: No
- Controlled Parking Zone: Yes

#### **1. SITE AND SURROUNDINGS**

- 1.1 The application site comprises a mid-terraced town house situated on the south side of Sunnyside. The surrounding area is residential in character comprising a mix of architectural styles. The application site is within the Merton (Wimbledon West) Conservation Area. The application site is also within a Controlled Parking Zone.

## 2. **CURRENT PROPOSAL**

- 2.1 The current application involves the erection of a part single/part three storey rear extension and installation of new balustrade to existing front roof terrace and conversion of garage into habitable room involving installation of new windows.
- 2.2 The proposed single storey section of the rear extension would be 2.7 metres in height, 3.8 metres in length and 4.2 metres in width. The ground floor section of the extension would incorporate a 'sunshade' projection 500mm in depth.
- 2.3 The first and second storeys of the rear extension would 'infill' the 'set back' on the rear elevation (above the ground floor rear extension) and would have an eaves height of 7 metres and an overall height of 7.9 metres and would be 4.2 metres in width and 1.95 in depth.
- 2.4 The upper section of the three storey 'infill' extension would incorporate dormer window 1.5 metres in length, 700mm in height and 3.7 metres in width in order to provide headroom within the existing roof space.
- 2.5 The existing garage would be converted into a habitable room with the garage door replaced by vertical windows and timber cladding. The existing timber balustrade to the front balcony would be replaced with a 1 metre glazed balustrade (as installed on other properties within the terrace).

## 3. **PLANNING HISTORY**

- 3.1 In December 1963 planning permission was granted for the erection of a terrace of 9 houses and garages (Ref.WIM7190).
- 3.2 6 Sunnyside Place  
In March 2014 planning permission was granted for amendments to LBM Planning Permission Ref.13/P0695 in respect of the erection of a three storey rear extension, new windows and doors and refurbishment of balcony (LBM Ref.13/P4055).
- 3.3 1 Sunnyside Place  
In March 2018 planning permission was granted for the erection of a three storey side extension and alterations to fenestration of existing dwelling house including installation of replacement windows (LBM Ref.18/P0601).
- 3.4 1 – 9 Sunnyside Place  
In August 2017 planning permission was granted for the laying out of parking spaces and access points onto Sunnyside and hard and soft landscaping works in front of numbers 1 – 9 Sunnyside Place (LBM Ref.17/P1568).
- 3.5 In March 2019 a non-material amendment to LBM Planning Permission Ref.17/1568 was granted in respect of revisions to the materials to be used for the new parking spaces (LBM Ref.19/P0653).

#### 4. **CONSULTATION**

4.1 The application has been advertised by Conservation Area site and press notice procedure and letters on notification to occupiers of neighbouring properties. In response seven letters of objection has been received from the occupiers of neighbouring properties. The grounds of objection are set out below:-

##### 4.2 5 Sunnyside

The owner of 5 Sunnyside, the detached house constructed on former garages at the rear of the application site states the proposed rear extension would be imposing and window would enable views into the garden of number 5. The existing second floor windows in the application property are obscure glazed and would be clear glazed in the extension. The spacing would less than 25 metres window to window and the proposal would fail to preserve or enhance outlook. Due to the existing layout of 5 Sunnyside the front area is used for amenity and would be most affected by the proposal. The proposed extension would also affect immediate neighbours. The ground floor flat roof would also give rise to overlooking. The description of the development does not mention the repositioning of the front door, glass doors and repositioning of a skylight and the loss of the garage. The site is within a residents parking zone and recent developments for other properties have resulted in the loss of 50% of the parking. None of the other eight houses in the terrace have glazing to the garage.

##### 4.3 1 Sunnyside Place

The glass doors to the front elevation would not blend in with other houses and the expanse of glazing seems unnecessary and incongruous.

##### 4.4 4 Sunnyside Place

The glass doors to the ground floor front elevation would be out of keeping. The loss of the garage could result in a negative impact as parking is in short supply.

##### 4.5 5 Sunnyside Place

The glass doors to the ground floor would be out of keeping.

##### 4.6 8 Sunnyside Place

The extension would be built up against the side of 8 Sunnyside Place and would be overbearing on number 8, consequently resulting in loss of light to the rear of the property. The extension approved for 6 Sunnyside does not abut the neighbours boundary nor the width of the property. The proposed glass doors to the front elevation are out of keeping with the property and the character of the terrace.

##### 4.7 9 Savona Close

The occupier of 9 Savona Close states that the glass doors replacing the garage doors are out of keeping will result in loss of privacy and is not in keeping with the existing street scene. Number 9 Sunnyside Place converted their garage without altering the appearance of the frontage.

#### 4.8 5 Hayes Court

The occupier of 5 Hayes Court does not object to the application, but questions the design of the front elevation on the ground floor. The proposed design is not in keeping with Sunnyside place and would be detrimental to the conservation area.

#### 4.9 Amended Plans

Officers received amended plans, which set the east side elevation 500mm further in from the boundary at first floor level and above. A reconsultation has been undertaken with neighbouring properties. No further representations have been received.

### 5. **POLICY CONTEXT**

5.1 The relevant policies contained within the Adopted Merton Core Strategy (July 2011) are CS14 (Design) and CS20 (Parking).

5.2 The relevant policies within the Plans and Policies Plan (July 2014) are DM D2 (Design Considerations in all Developments), DM D3 (Alterations and Extensions to Buildings) and DM D4 (Managing Heritage Assets).

5.3 The relevant policies within the London Plan (July 2016) are 7.4 (Local Character), 7.6 (Architecture) and 7.8 (Heritage and Archaeology).

5.4 NPPF (2019)

### 6. **PLANNING CONSIDERATIONS**

6.1 The main planning considerations concern the impact on visual amenity and Conservation Area, and neighbour amenity issues.

#### 6.2 Impact on Visual Amenity

The proposed three storey rear extension would align with the rear elevation of 6 Sunnyside Place and the design of the rear extension is considered to be acceptable. Although it is proposed to convert the existing integral garage into a habitable room, by replacing the existing garage door with double folding doors and Cedar cladding, the design of the doors and cladding reflect the 1960's character of the townhouse and the design and materials proposed for the ground floor front elevation are in keeping with the design of the house and terrace as a whole. The proposed extensions and alterations are therefore considered to be acceptable in terms of policies CS14 (Design) of the Adopted Merton Core Planning Strategy (2011) and DM D2 (Design Considerations in all Developments) of the Adopted Merton Sites and Policies Plan (2014).

#### 6.3 Design/Conservation Issues

The application site is within the Merton (Wimbledon West) Conservation Area. The Conservation Area Character assessment describes the terrace of nine three storey townhouses as having little architectural merit which fails to enhance what remains of the historic character of the area. It should be noted

that a similar form of extension has been previously approved and constructed at 6 Sunnyside Place (LBM Ref.13/P4055). The design and scale of the three storey rear extension is considered to be acceptable as it would mirror the adjacent extension in terms of design, scale and form. The alterations to the front elevation including the installation of glazing, timber cladding and replacement of the timber balustrade with a glazed balustrade would result in a visual change to the appearance of the mid-terrace building. Although a more modern appearance would result from the changes, similar extensions have been done on the adjoining neighbouring property, with the exception of the garage conversion. Officers note that the garages remain present on other properties in the row of terraces, however, the terrace properties are set back from the public highway and officers do not identify visual harm with the garage conversion.

6.4 Therefore, no objections are raised in this regard. The Merton (Wimbledon West) Conservation Area is therefore considered to be preserved by the proposal. The proposal is therefore considered to be acceptable in terms of policies CS14 (Design), DM D2 (Design Considerations in all Developments), DM D3 (Alterations and Extensions to Buildings) and DM D4 (Managing Heritage Assets).

6.5 Neighbour Amenity Issues

Policy DM D2 (Design Considerations in all Developments) of the Adopted Merton Sites and Polices Plan (2011) seeks achieve high quality design and protection of amenity within the borough and ensure the provision of appropriate levels of sunlight and daylight, quality of living conditions, amenity space and privacy, to both proposed and adjoining buildings and gardens.

6.6 The concerns raised by the occupier of 5 Sunnyside and other objectors are noted. However, 5 Sunnyside is a relatively new detached dwelling house (with basement) constructed on former garages at the rear of the application site (LBM Ref.08/P2671) and 5 Sunnyside is over 15 metres away from the application property and has no windows within the flank elevations facing the application site. It should also be noted that numbers 1 to 5 Sunnyside Place are considerably closer to 5 Sunnyside than the application property. There is also a similar extension with dormer window at 6 Sunnyside Place. The flat roof of the ground floor extension is not accessible so cannot be used as a terrace. The design of the alterations to the front of the house as currently proposed, are similar to previous approvals for numbers 1, 6 and 9 Sunnyside Place.

6.7 The proposed extension would be set back off the boundary with number 8 Sunnyside Place at first floor level and above and the combination of with the limited depth at first floor level and above (1.95m) is not considered to cause harm. Although the ground floor extension is deeper, the ground floor extension would have flat roof and the design of the extension is not considered to be harmful. The proposed extension would not have any impact upon 6 Sunnyside Place, as there is an existing ground, first and second floor extension at 6 Sunnyside Place.

6.8 The front door has been brought forward to replace the passageway and improve safety and security. The existing garage is not used for parking as like adjoining garages in the terrace they are of small size. It should also be noted that other properties in Sunnyside Place are of similar limited size, which hinders safe use for a modern car. Officers therefore do not consider there would be a significant impact on parking pressure in Sunnyside Place. Planning permission has also been approved under LBM Ref.17/P1568 for laying out dedicated parking bays within a landscaped frontage with individual vehicular access points onto Sunnyside providing two spaces for each house. The proposals are not therefore considered to cause harm to neighbour amenity and are acceptable in terms of policy DM D2 (Design Considerations in all Developments).

## 7. **CONCLUSION**

7.1 The concerns of the objectors are noted. However, the proposed three storey rear extension is not considered to result in material harm to the amenities of neighboring occupiers. The alterations to the front elevation including conversion of the garage into a habitable room are considered to be acceptable in design terms. The proposal would result in an improvement to the appearance of the building and would preserve the character and appearance of the Merton (Wimbledon West) Conservation Area. Accordingly, it is recommended that planning permission be granted.

## **RECOMMENDATION:**

**GRANT PLANNING PERMISSION** - Subject to the following conditions: -

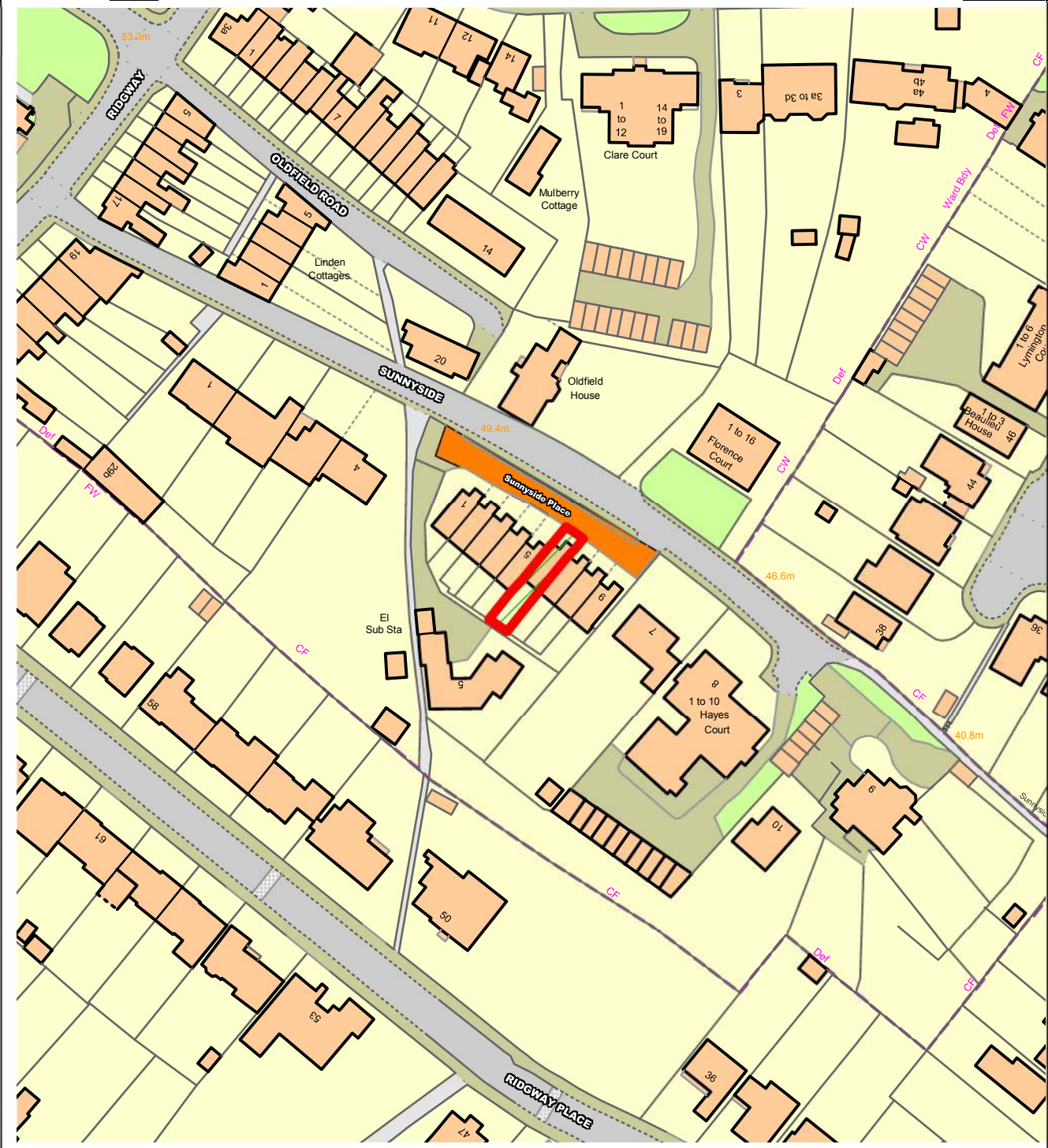
1. A.1 (Commencement of Development)
2. A.7 (Approved Plans)
3. B.3 (External Materials as those Specified on Application Form)
4. C2 (No Permitted Development-Doors and Windows)
5. C.8 (No Use of Flat Roof)
6. D.11 (Hours of Construction)
7. Prior to first use of the roof terrace, the obscure glass screening as shown on drawing numbers 200/PA/07 A and 200/PA/09 A shall be installed and therefore maintained thereafter.  
Reason for condition: In the interest of neighbour amenity and to comply with policy DM D2 (Design Considerations in all Developments) of the Adopted Merton sites and Policies Plan (2014).
- 8 INF1 (Party Wall Act)

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



# NORTHGATE SE GIS Print Template



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## Planning Applications Committee

19 JUNE 2019

Ward: Village

Subject: Tree Preservation Order (No.738) at 5 Highbury Road,  
Wimbledon, SW19 7PR

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:

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**That the Merton (No.738) Tree Preservation Order 2019 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 4<sup>th</sup> January 2019, the Council received a s.211 notification proposing the removal of 3no. trees from the front garden of the property; a Strawberry tree, Hawthorn and Silver birch. The reasons for the work was stated as: *“Strawberry tree to be removed as it is lifting and moving the front drive. As it continues to grow, this will continue to affect a larger area and may even reach the house. Hawthorn is lifting front drive and shifting the front wall pillar and lifting pavement. We have already had to take down one section of the front wall as it was becoming unstable and would have come down anyway. Silver birch is lifting the drive, potentially damaging existing foundations of main house and is at risk of falling. In particular, it is very close, about 13ft, from the front left hand corner, and we are concerned that the roots are affecting the foundations and that the tree could be unstable. The roots are already lifting the drive in the area, right up to the porch plinth adjoin the main house. As it continues to grow the roots are likely to cause further damage. Also, the structural engineer believes that the root structure of the Silver birch is likely to have been weakened when the house was built about 23 years ago and so is at risk of falling in high winds. It is his opinion that the tree should be removed to preserve the structural integrity of our house. We are worried as these trees are already causing damage to our property and this is only likely to get worse as time goes on. For these reasons we do not propose replacement trees, as they will cause the same issues.”*
- 2.2 The Tree Officer made a site visit with the objector on the 22<sup>nd</sup> January to assess the proposal and to explain the process the Council must follow in these matters. The Council’s letter of the 11<sup>th</sup> February raised no objection to the

removal of the Strawberry tree; being of average condition with some evidence of root severance being visible. The Council considered that the reasons made in support of the proposal to remove the Hawthorn and Silver birch would not appear to outweigh the loss of amenity that would result from their removal and the proposal could not be justified.

- 2.3 In line with the regulations, a Tree Preservation Order was made and is known as the Merton (No.738) Tree Preservation Order 2019 and this took effect on the 28<sup>th</sup> January 2019. A copy of the Tree Preservation Order plan is appended to this report.

### **3. Background**

- 3.1 05/T2845 – Notification for Silver birch to be thinned and pruned back from building by 2 metres. Hawthorn to be pruned back from Strawberry tree.
- 3.2 15/T4224 - Notification to crown reduce Silver birch by 25% (3-4 metres off height, up to 2 metres off width).
- 3.3 18/P1366 - Single storey side & rear extensions. The submitted tree protection plan & tree schedule from the ATS Tree Survey, March 2018 identified the Hawthorn and Silver birch as being of 'satisfactory condition and contribute to the street scene'. Both specimens were attributed with 10-20 years estimated remaining contribution and classed as B-grade trees (ref; BS 5387 Trees in relation to construction – Recommendations 2005). The tree protection plan indicates that these trees were to be retained and depicts protective fencing and additional ground protection around them. It comments also on the adjacent driveway remaining as ground protection throughout demolition & construction process. The intention to retain these trees would appear to have been fully considered at this time.

### **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 9 reasons were given that include references to the visual amenity value of the tree in the area; that the trees have an intrinsic beauty; that the trees are visible to the public view; that the trees make an important contribution to the local landscape; that the trees form part of our collective heritage for present and future generations; that the trees are an integral part of the urban forest; that the trees contributes to the local bio-diversity; and that the trees protect 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 trees at 5 Highbury Road objects to the Order on the grounds of:
- Repair and maintenance costs for blockages in and damage to drains. The submitted CCTV drainage survey report 25/2/19 observes that this is not the original underground drainage system; the implication being it may well be that the previous drainage was replaced as a consequence of root damage though this unknown. All drains surveyed with CCTV appear to have been installed relatively recently and are clean, clear and free-flowing. As there are roots at various levels in manhole 1, it is likely that roots will disturb underground drains in this area. Consideration should be given to rebuilding manhole 1 due to root intrusion.
  - Structural damage – Structural Engineers report 4/3/19; the front of the house has experienced minor cracks, probably associated with ground movements over and above the normal seasonal movement as a consequences of the tree roots. Concerns were expressed that retaining the trees may continue to pose a subsidence risk to the front left hand side of the property. Ideally the trees should be removed and replaced with younger specimens located slightly further away from the drains and front boundary.
  - Health and Safety – the trees have created large cracks to the public pavement. Structural Engineer notes that the objector might attract liability for damaging the public pavement.
  - Reduced mobility users of the pavements on Highbury Road – if the trees continue to expand the cracks, gaps and edges in the pavement, the trip hazards for elderly neighbours with reduced mobility will increase further.
  - Low light levels to the first floor bedroom – the submitted Arboricultural report 1/3/19 concludes the trees retention will result in unreasonable nuisance to the property owner. The excessive shading of the first floor bedroom cannot be mitigated without significant crown reductions to both trees.

## **6. Planning Considerations**

- 6.1 The Tree Officer was shown manhole 1, which was open on the date of the site visit to the property. Consultation with Merton Building Control reported that the level of root ingress seen in reports into this manhole was slight, certainly not significant and might easily be treated through their removal e.g severance/pressure washing. Officers commented, in their experience, it was highly unlikely that there would be the need to consider rebuilding this chamber due to this limited degree small diameter root ingress.
- 6.2 Structural damage, whilst having been mentioned, along with many caveats to the advice submitted, has not been assessed in any real terms. The Council would require the results/data from various “industry-standard” tests, so that an informed decision could be reached; the level and location of any structural damage to be properly quantified, the results of various & appropriate soil tests, positive (live) root identification retrieved from trial pit/s which reveal foundation depth and crack/level monitoring over a period of time to indicate patterns of seasonal movement. Without this evidence, little weight can be given to the assessment of minor cracking, ground movement or the role of tree roots and the proposal to remove either tree, at this stage, would not be a proportionate response. The submitted Chartered Surveyors specific defect report 5/3/19 notes they formed the opinion that slight ground movement had occurred, but

that this was not of an ongoing concern. Structural Engineers note that cracking of external walls should be properly repaired; references to two companies that regularly repair them are provided.

- 6.3 The comments raised in relation to health and safety and reduced mobility of pavement users are noted. Consultation with Merton's Principal Highway Officer reports "Highbury Road has an annual inspection and while defects have been identified no defect has been identified outside no. 5 Highbury Road. Trained Inspectors work to the broad practices of the Code of Practice for Well Maintained Highways. The crack in the surface of the footway has been evident for many years and to date has not met our criterion for repair. Many such footways within Merton have radial cracks such as this one and when any of these reach our level of repair criterion, they will be appropriately marked for our contractor to repair.
- 6.4 The Arboricultural Consultancy report 1/3/19 states it is likely there will be a requirement for cyclical pruning in the future to avoid nuisance associated with dropped leaves, seeds and branches onto the neighbouring driveway as well as direct conflict with the objector's house. Applications for tree pruning can be made to the Council as required and will be determined on the merits of the proposal. However, the 'avoiding of nuisance' as described is not considered to be reason enough for requiring the removal of a protected tree, or be strictly relevant for the purposes of confirming the Tree Preservation Order.

## **7. Officer Recommendations**

- 7.1 The Merton (No.738) Tree Preservation Order 2019 should be confirmed without modification.

## **8. Consultation undertaken or proposed**

Principal Highways Officer (Merton) & Building Control (Merton).

## **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.738) Tree Preservation Order 2019  
Government Planning Practice Guidance on Tree Preservation Orders and trees in Conservation Areas.



- Annotations
- T T2 *HAWTHORN*
  - T T1 *SILVER BIRCH*
  - Circle2
  - Circle1
- Adult Education
- AdultEducation

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**Merton (No.738) Tree Preservation Order 2019**  
**5 Highbury Road**

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**Committee:** Planning Applications

**Date:** 20<sup>th</sup> June 2019

## **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/P2836**  
Site: Land to rear of 2 to 16, Woodville Road, Morden SM4 5AF  
Development: Erection of a two storey building to provide 10 x self-contained flats with 4 parking spaces and associated landscaping  
Recommendation: Refused (Delegated Decision)  
Appeal Decision: **DISMISSED**  
Date of Appeal Decision: 7<sup>th</sup> May 2019

**[Link to Appeal Decision Notice](#)**

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Application Numbers: **18/P0565**  
Site: Church Road Crescent 87-101, Church Rd, Wimbledon SW19 5AL  
Development: Erection of 2 x rear dormer roof extensions  
Recommendation: (Delegated Decision)  
Appeal Decision: **ALLOWED**  
Date of Appeal Decision: 28<sup>th</sup> May 2019

## [Link to Appeal Decision Notice](#)

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Application Numbers: **18/P1286**  
Site: 37-39 Rookwood Avenue, New Malden, KT3 4LY  
Development: Demolition of office/workshop building and erection of two new 3 bedroom houses.  
Recommendation: Refused (Delegated Decision)  
Appeal Decision: **ALLOWED**  
Date of Appeal Decision: 26<sup>th</sup> April 2019

## [Link to Appeal Decision Notice](#)

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Application Numbers: **18/P1810**  
Site: Ground floor 199 London Road, London, CR4 2JD  
Development: Prior approval for proposed change of use from retail to residential  
Recommendation: Refused (Delegated Decision)  
Appeal Decision: **DISMISSED**  
Date of Appeal Decision: 16<sup>th</sup> April 2019

## [Link to Appeal Decision Notice](#)

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Application Numbers: **18/P2465**  
Site: 40 Arras Avenue, Morden SM4 6DF  
Development: Retention of the existing single storey rear extension linked to the existing garage  
Recommendation: Refused (Delegated Decision)  
Appeal Decision: **ALLOWED**  
Date of Appeal Decision: 20<sup>th</sup> May 2019

## [Link to Appeal Decision Notice](#)

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Application Numbers: **18/P3186**  
Site: 7 Dore Gardens, Morden SM4 6QD  
Development: Erection of a two-storey end of terrace house  
Recommendation: Refused (Delegated Decision)  
Appeal Decision: **DISMISSED**  
Date of Appeal Decision: 17<sup>th</sup> April 2019

## [Link to Appeal Decision Notice](#)

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Application Numbers: **18/P3807**  
Site: 20 Erridge Road, Merton Park SW19 3JB  
Development: Erection of two storey rear extension  
Appeal Decision: **DISMISSED**  
Date of Appeal Decision: 8<sup>th</sup> May 2019

## [Link to Appeal Decision Notice](#)

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Application Numbers: **18/P4176**  
Site: 22 St Georges Road, Mitcham CR4 1EB  
Development: Erection of a single story rear extension  
Recommendation: dismissed (Delegated Decision)  
Appeal Decision: **ALLOWED**  
Date of Appeal Decision: 9<sup>th</sup> May 2019

## [Link to Appeal Decision Notice](#)

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Application Numbers: **18/P4327**  
Site: 93 Cannon Hill Lane, Raynes Park SW20 9LE  
Development: Erection of a gazebo  
Recommendation: dismissed (Delegated Decision)  
Appeal Decision: **ALLOWED**  
Date of Appeal Decision: 23<sup>rd</sup> April 2019

## [Link to Appeal Decision Notice](#)

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Application Numbers: **19/P0023**  
Site: 12 Rostrevor Road, Wimbledon SW19 7AP  
Development: Erection of rear roof extension  
Recommendation: dismissed (Delegated Decision)  
Appeal Decision: **DISMISSED**  
Date of Appeal Decision: 15<sup>th</sup> May 2019

## [Link to Appeal Decision Notice](#)

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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.

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## Planning Applications Committee

**19 June 2019**

**Wards: All**

**Subject: PLANNING ENFORCEMENT - SUMMARY OF CURRENT CASES**

**Lead officer: HEAD OF SUSTAINABLE COMMUNITIES**

**COUNCILLOR LINDA KIRBY, CHAIR, PLANNING APPLICATIONS COMMITTEE**

**Lead member: CABINET MEMBER FOR REGENERATION, HOUSING AND  
TRANSPORT COUNCILLOR MARTIN WHELTON**

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

### Recommendation:

That Members note the contents of the report.

### 1. Purpose of report and executive summary

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

<b>Current Enforcement Cases:</b>	<b>921</b>	<sup>1</sup> (901)	<b>New Appeals:</b>	(0)	(1)
<b>New Complaints</b>	88	(43)	<b>Instructions to Legal</b>	<b>0</b>	(0)
<b>Cases Closed</b>	<b>68</b>		<b>Existing Appeals</b>	<b>1</b>	(1)
No Breach:	36		<hr/>		
Breach Ceased:	34		<b>TREE ISSUES</b>		
NFA <sup>2</sup> (see below):	0		<b>Tree Applications Received</b>	<b>49</b>	<b>(57)</b>
<b>Total</b>	<b>68</b>	<b>(31)</b>	<b>% Determined within time limits:</b>	<b>95%</b>	
<b>New Enforcement Notices Issued</b>			<b>High Hedges Complaint</b>	<b>0</b>	<b>(1)</b>
Breach of Condition Notice:	0		<b>New Tree Preservation Orders (TPO)</b>	<b>2</b>	<b>(0)</b>
New Enforcement Notice issued	3	(0)	<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)			
<b>Total</b>	<b>0</b>	<b>(0)</b>			
<b>Prosecutions: (instructed)</b>	<b>1</b>	<b>(0)</b>			

Note (*figures are for the period from 13<sup>th</sup> April 2019 to 7<sup>th</sup> June 2019*). 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**

**183A Streatham Road CR4 2AG.** An Enforcement Notice was issued on 1<sup>st</sup> May 2019 relating to the erection of a rear balcony to the existing rear roof dormer of the property. The Notice requires demolishing the rear balcony to the existing rear roof dormer and restoring the property to that prior to the breach. The Notice will take effect on 4<sup>th</sup> June 2019, with a compliance period of 2 months if no appeal is made.

**74 Beeleigh Road, Morden, SM4 5JW.** An Enforcement Notice was issued on the property on 17<sup>th</sup> December 2018 for 'Without planning permission the erection of a single story front extension. The notice requires the owner to demolish the front extension; and will take effect on 21<sup>st</sup> January 2019 with a compliance period of four months of this date unless an appeal is made. An appeal was made under ground (A) That Planning Permission should be granted. The Council's statement has been submitted.

**227 London Road SM4 5PU.** An Enforcement Notice was issued on the property on 20<sup>th</sup> December 2018 for 'Without planning permission, the formation of a hardstanding and the parking of vehicles, on the front garden of the land'. The notice requires the owner to cease use of the front garden for the parking of vehicles and to remove the unauthorised hardstanding; and will take effect on 24<sup>th</sup> January 2019 with a compliance period of three months of this date unless an appeal is made. No appeal has been made to date. A recent site visit has confirmed the requirements of the enforcement notice have not been complied. The Council are considering legal action if there is further non-compliance.

**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. An appeal was made but withdrawn the following day.

### **Some Recent Enforcement Actions**

- **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.

**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 was issued and served on 13<sup>th</sup> November 2018 giving 28 days in which to comply with the Notice. To date the Notice has not been complied and direct action is now under consideration.

**399 Hillcross Avenue, Morden, SM5 4BY**

The Council served an enforcement notice on the 14<sup>th</sup> May 2019 to require the following steps; - revert the property to a single dwelling; and to remove from the land all materials and debris resulting from the compliance. The property has been changed from a dwellinghouse into four separate flats without planning permission. The compliance date is the 24<sup>th</sup> September 2019.

**7 Streatham Road, Mitcham, CR4 2AD**

The Council served two enforcement notices on 6<sup>th</sup> June 2019, requiring the outbuilding to be demolished and to clear debris and all other related materials. The second enforcement notice is for an unauthorised front, side and rear (adjacent to Graham Road) dormer roof extensions. An appeal was lost for the dormers to be considered permitted development, the notice requires the owner to demolish the unauthorised front, side and rear roof dormer extensions (adjacent to Graham Road) and to clear debris and all other related materials. Both Notices come into effect on 8<sup>th</sup> July 2019 unless appeals are made before this date.

**3.0 New Enforcement Appeals - 0**

**Existing enforcement appeals - 1**

**Appeals determined – 1**

**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 Appeal has now been determined. With the outcome that the decking was considered to be Permitted Development, but the fencing has to be reduced in height or removed.

**3.3 Prosecution cases.**

**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.

The people involved were summoned to attend Lavender Hill Magistrates' Court on 10<sup>th</sup> July 2018. The defendants were 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 – N/A**