

Agenda Item 7

PLANNING APPLICATIONS COMMITTEE 5 SEPTEMBER 2013

Item No: 07

<u>UPRN</u>	<u>APPLICATION NO.</u>	<u>DATE VALID</u>
	13/P1588 13/P1669	07/06/13
Address/Site	The Chantry, 15 Ellerton Road, West Wimbledon, SW20 0ER	
(Ward)	Village	
Proposal:	Erection of 5 bedroom, detached dwelling, with accommodation at roof and basement level (amendment to LBM planning permission 11/P0341 comprising enlarged single storey rear element, enlarged basement, addition of rear patio area, and alteration to layout of front curtilage) on land adjacent to 15 Ellerton Road.	
	And	
	Application for Conservation Area Consent for the insertion of new vehicular access gate within existing front boundary wall	
Drawing Nos	1303-021, 1303-022, 1303-023, 1303-024, 1303-025, 1303-026, 1303-027, 1303-028, 1303-029, 1303-030, 1303-031, 1303-032, 1303-033, Tree Identification Plan, Proposed Tree Plan, British Standard 5837:2005 Arboricultural Impact Assessment, Arboricultural Method Statement and Tree Protection Plan 05/01/10, and Appendix A - Tree Survey.	
Contact Officer:	Sabah Halli (0208 545 3297)	

RECOMMENDATION

- 1) GRANT Planning Permission subject to a S.106 Agreement and conditions
 - 2) GRANT Conservation Area Consent
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CHECKLIST INFORMATION

- Heads of Agreement: Education, and Affordable Housing
- 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: 22
- External consultations: No
- Controlled Parking Zone: No

1. **INTRODUCTION**

- 1.1 This application is being brought to the Planning Applications Committee for determination due to the requirement for a Section 106 agreement in respect of education, and affordable housing financial contributions.

2. **SITE AND SURROUNDINGS**

- 2.1 The site comprises part of the curtilage of 15 Ellerton Road, a large detached two-storey dwelling sited within a generous plot on the west side of Ellerton Road at its junction with Almer Road. Ellerton Road is a well-established residential road characterised by other detached dwellings of varying sizes, designs, and materials, set well back from the road and with relatively large rear gardens. The site is well vegetated along all four boundaries, particularly the side and rear boundaries, and so has a high level of privacy.
- 2.2 The land on which the application site is located is to the west of the property and currently includes a number of trees and a pond. It is obscured by a relatively high wall which runs a long the front boundary of the site. The side boundary with 11 Ellerton Road comprises and relatively low brick wall.
- 2.3 The dwelling is Locally Listed and the site lies within the Drax Avenue Conservation Area. The site is not located within a controlled parking zone.

3. **CURRENT PROPOSAL**

- 3.1 The current proposal relates to the erection of a detached 5 bedroom dwelling with basement on land currently within the curtilage of 15 Ellerton Road and adjacent to 11 Ellerton Road. The plot size is 0.1 hectares and fronts onto Ellerton Road.
- 3.2 Members resolved to approve the erection of a 5 bedroom dwelling on the same site at Planning Applications Committee on the 16th June 2011 subject to a S106 agreement and conditions (Planning Ref: 11/P0341). The S106 has since been signed and completed. The new dwelling the subject of this application is identical in all respects to this previous application except for the rearward extension of the basement, enlargement of the single storey rear element over the extended basement, installation of rear patio area, altered vehicular entrance location, and associated amended layout of the front curtilage.

- 3.3 The previous committee report and plans for approval 11/P0341 can be viewed on the Council's website:

http://www.merton.gov.uk/democratic_services/w-agendas/w-nonexecreports/1035.pdf

4. **PLANNING HISTORY**

13/P1595 - PROPOSED ERECTION OF NEW 5 BEDROOM, DETACHED, DWELLING WITH ACCOMODATION AT ROOF AND BASEMENT LEVEL – To be considered at this Planning Applications Committee meeting.

13/P1670 - APPLICATION FOR CONSERVATION AREA CONSENT FOR THE INSERTION OF NEW VEHICULAR ACCESS GATE WITHIN EXISTING FRONT BOUNDARY WALL – To be considered at this Planning Applications Committee meeting.

11/P0341 - ERECTION OF A FIVE BEDROOM HOUSE WITH BASEMENT (AMENDMENT TO PREVIOUS PLANNING PERMISSION 10/P0597 INVOLVING ADDITION OF BASEMENT) ON LAND ADJACENT TO 15 ELLERTON ROAD – Approved at June 2011 Planning Applications committee subject to conditions and a S106 legal agreement in respect of an education contribution. The S106 has since been signed and completed.

11/P0638 - AMENDMENT TO PREVIOUS CONSERVATION AREA CONSENT 10/P1535 TO DEMOLISH PART OF EXISTING FRONT BOUNDARY WALL IN CONNECTION WITH A CHANGE IN THE POSITION OF THE ENTRANCE GATES TO THE NEW HOUSE ON THE LAND ADJACENT TO 15 ELLERTON ROAD - APPROVED UNDER APPLICATION NO 10/P0597. – Approved.

10/P0597 - ERECTION OF A DETACHED 5 BEDROOM HOUSE ON LAND ADJACENT TO 15 ELLERTON ROAD – Approved at June 2009 Planning Applications Committee subject to conditions and a S106 legal agreement in respect of an education contribution. The S106 has since been signed and completed.

10/P1535 - APPLICATION FOR CONSERVATION AREA CONSENT TO DEMOLISH PART OF EXISTING FRONT BOUNDARY WALL TO ENABLE FORMATION OF NEW ENTRANCE WITH GATES AND PIERS TO SERVE PROPOSED HOUSE ON THE LAND ADJACENT TO 15 ELLERTON ROAD. - Approved at June 2009 Planning Applications Committee subject to conditions

09/P0256 – ERECTION OF DETACHED 6 BEDROOM DWELLING – refused under delegated powers, on the basis of its design, bulk, scale, mass, and footprint, which would detrimentally impact on the residential amenities of the occupiers of the adjoining properties, particularly No.13 Ellerton Road, and on

the setting of the locally Listed building (15 Ellerton Way) and the character and appearance of the Drax Avenue Conservation Area.

Appeal dismissed. The Inspector considered that the proposed dwelling would be uncharacteristically deep and combined with the crown roof and two storey front projections, would result in the dwelling appearing unduly bulky and overbearing within the street scene. For these reasons the scheme would fail to preserve or enhance the character and appearance of the Drax Avenue Conservation Area.

07/P3703 - TWO STOREY GARAGE INCORPORATING DORMERS AND SWIMMING POOL, EXTENSION TO EXISTING HOUSE AND CONVERSION OF EXISTING GARAGE TO DINING ROOM AND INTERNAL ALTERATION ABOVE AS INDICATED ON ARCHITECTS DRAWING – Withdrawn

88/P0820 - CONSERVATION AREA CONSENT TO DEMOLISH REDUNDANT CHIMNEY EXTERNAL STAIRCASE AND CONSERVATORY – Granted consent.

88/P0821 - ALTERATIONS TO HOUSE AND ERECTION OF CONSERVATORY AT REAR – Approved

90/P0257 - INSTALLATION OF NEW DORMER WINDOW IN REAR ROOF SLOPE OF SOUTH WING AND ADDITION OF HIPPED ROOFS TO THE EXISTING THREE DORMER WINDOWS IN THE WEST WING – Approved

90/P0353 - ERECTION OF GARDEN PAVILION TO SIDE OF DWELLINGHOUSE – Approved

MER948/78 - ALTERATIONS & ERECTION OF EXTENSION AT FIRST FLOOR LEVEL TO PROVIDE A SELF CONTAINED FLAT FOR DOMESTIC STAFF – Grant permission

WIM4482 - ERECTION OF A FUEL STORE AND BOUNDARY WALL – Approved

WIM4791 - ERECTION OF A STOVE BUILDING INCLUDING THE CONSTRUCTION OF INTERNAL PARTITION WALLS AND ALSO A BOUNDARY WALL 6 FEET HIGH ALONG THE WHOLE OF THE ALMER ROAD & ELLERTON ROAD FRONTAGES OF THE PROPERTY – Approved

WIM5246 - EXTENSION OF BOUNDARY WALL 6 FEET HIGH FOR 40 FEET ALONG ADDITIONAL FRONTAGE IN ALMER ROAD TO THE CHANTRY ELLERTON ROAD – Approved.

5. **CONSULTATION**

The applications have been advertised by site notice and press notice procedure and letters of notification to occupiers of neighbouring properties. There has been one representation received in respect of both applications:

- A new vehicular access has been made in the existing side boundary and this has not been addressed in this conservation area consent application

- Ellerton Road is a private road, not maintained by the Council however the highway boundary coincides with the front garden boundary of adjacent properties and the verges form part of the highway and have been disrupted by construction work. The applicants need to specify how pedestrian right of way will work during construction and how the verges will be landscaped on completion.

5.1 Transport Planning

5.2 No objections

5.3 Conservation Officer

5.4 No objections. The proposed to move the position of the approved entrance through the existing front boundary wall to line up with the opening made by the contractors when they cleared the site would be beneficial as more of the fine old wall would be preserved. It would be preferable if the proposed entrance did not involve further loss of the existing wall. Overall this proposal will preserve more of the existing wall than previously approved proposal which is positive.

5.5 Tree Officer

No objections subject to the impositions of conditions on any approval in respect of tree protection, site supervision, and a basement construction method statement.

6. **POLICY CONTEXT**

The relevant policies contained within the Adopted Merton Unitary Development Plan (October 2003) are HS.1 (Housing Layout and Amenity), NE.11 (Trees-Protection), BE.1 (Conservation Areas, New Development, Change of Use, Alterations and Extensions), BE.8 (Setting of Listed Buildings, Ancient Monuments, Historic Parks and Gardens and the Wider Historic Landscape), BE.11 (Local List; Rehabilitation and Maintenance), BE.15 (New Buildings and Extensions; Daylight, Sunlight, Privacy, Visual Intrusion and Noise), BE.18 (Gardens), BE.22 (Design of New Development), and F.2 (Planning Obligations)

Core Strategy (2011):

CS8 (Housing Choice), CS 9 (Housing Provision), CS13 (Open Space, Nature Conservation, Leisure and Culture), CS 14 (Design), and CS 20 (Parking, Servicing, and Delivery)

Design – SPG

New Residential Development – SPG

Planning Obligations - SPD

London Plan (2011):

The relevant policies contained within the London Plan (February 2011) are

- 3.3 (Increasing Housing Supply)
- 3.4 (Optimising Housing Potential)
- 3.5 (Quality and Design of Housing Developments)
- 3.11(Affordable Housing Targets)
- 5.7 (Renewable Energy)
- 7.4 (Local Character)
- 7.8 (Heritage Assets and Archaeology)
- 8.2 (Planning Obligations).

National Planning Policy Framework (2012)

7. **PLANNING CONSIDERATIONS**

7.1 Principle of Development

7.2 There is an extant planning permission in place, capable of implementation, for a house of identical design with the exception of the proposed slightly enlarged single storey rear element and basement, new rear patio, front light well, and altered front access and drive way. This is a very strong material consideration in relation to this current proposal. The report will therefore concentrate on the acceptability of these proposed amendments to the approved scheme.

7.3 Design

7.4 The proposed amendments to planning approval 11/P0341 are considered acceptable in design and conservation terms.

7.5 The proposed enlargement of the approved basement and single storey rear element comprise the 'squaring off' of the rear building lines of both and would not result in any increase in rear projection, or increase in height of the single storey rear element.

7.6 the proposed front light well would be small in size and flush with the ground level of the property. It would be covered by a flat grille and is not considered would be overly prominent from the public realm because of this and the distance of the property from the front boundary. The property would also be set behind a 2.4m brick wall.

7.7 The proposed amended vehicular access and front drive are also considered acceptable in design and conservation terms. The development would still be only provided with one vehicular access and so the extent of walling being removed would be minimal and akin that previously approved. The front drive is being altered in terms of layout and this would be acceptable given the level

of soft landscaping to be provided.

7.8 It is therefore considered that the proposed amendments to planning approval 11/P0341 would not have any impact on the setting of the adjoining locally listed building and would preserve or enhance the character and appearance of the conservation area.

7.9 Neighbour Amenity Issues

7.10 There are not considered to be any neighbour amenity issues as a result of the proposed amendments. The basement extension is to the rear of property and would not be visible from the public realm. The proposed light well is to the front of the property however would be covered with a flat grille and would not be overly visible from the public realm given the distance the property is from the front boundary and the walled front boundary itself.

7.11 The proposed enlargement of the single storey element would only comprise the small 'squaring off' of the rear building line and no increase in rear projection or height. As such the two adjoining properties would not be affected in terms of outlook or daylight/sunlight.

7.12 The altered vehicular access and reconfigured front drive way are not considered would give rise to any neighbour amenity issues.

7.13 Trees

7.14 The Council's Tree Officer has no objections to the scheme subject to a construction method statement being provided for the basement to ensure that there is no damage to existing trees. This can be achieved through the imposition of conditions on any approval in respect of the submission of tree protection and site supervision details, and a construction method statement in respect of the basement for approval in writing by the Local Planning Authority prior the development commencing.

7.15 Affordable Housing

7.16 Core Strategy policy CS 8 requires that all sites capable of providing between 1-9 units (net) will be required to make provision for affordable housing as an off-site financial contribution. In this instance there will be a net gain of 1 new units on the site and so a financial contribution will be required (£17, 420).

7.17 The previous application (11/P0341) was approved prior to the adoption of the Core Strategy and policy CS 8, and therefore was not liable for an affordable housing contribution. The current scheme has been independently assessed in viability terms taking into account the minor nature of the proposed amendments to the approved dwelling, the fact that the approval 11/P0341 could still be implemented, and this new additional financial constraint, and the assessment has confirmed that £17, 420 is

maximum financial contribution which could be made for the development to be viable.

7.18 Local Financial Considerations

- 7.19 The proposed development is liable to pay the Mayoral Community Infrastructure Levy, the funds for which will be applied by the Mayor towards the Crossrail project. The CIL amount is non-negotiable and planning permission cannot be refused for failure to agree to pay CIL.

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

- 8.1 The new dwelling would be required to be built to Lifetime Homes standards and would be required to achieve Code 4 of the Code for Sustainable Homes.
- 8.2 The proposal does not constitute Schedule 1 or Schedule 2 development. Accordingly there is no requirement for an EIA submission.

9. **SECTION 106 LEGAL AGREEMENT**

- 9.1 A financial contribution towards education is required because there is an additional 5 bedroom unit proposed which would be suitable for family accommodation, and there are educational shortages in this part of the borough.
- 9.2 A financial contribution is required towards affordable housing in the borough.
- 9.3 These contributions are in line with policy F2 (Planning Obligations) of the London Borough of Merton UDP and the requirements of the Council's Planning Obligations SPD.
- 9.4 The Applicant has confirmed that they would be willing to enter into such an agreement.

10. **CONCLUSION**

- 10.1 The new dwelling with basement is considered to be acceptable in both design and neighbour amenity terms. It is identical to an existing planning permission with the exception of the addition of the extended basement level and single storey rear addition, altered vehicular entrance, and amended front curtilage layout which would not materially change the external appearance to the detriment of the street scene. It would not harm the setting of the adjoining locally listed building and would preserve or enhance the character of the conservation area. The proposal makes a more efficient use of the plot and will not be to the detriment of the residential amenities of the occupiers of the adjoining properties or local parking and pedestrian safety. Accordingly, it

is recommended that planning permission be granted.

RECOMMENDATION

(1) GRANT PLANNING PERMISSION

Subject to the completion of a Section 106 Agreement covering the following heads of terms:

1. The provision of a financial contribution towards education (£10, 499.68)
2. The provision of a financial contribution towards affordable housing (£17, 420)
2. The developer agreeing to meet the Council's costs of preparing drafting and monitoring the Agreement.

And the following conditions:-

1. A.1 Commencement of Development (Full Application)
2. A.7 Plan Numbers
2. B.1 Approval of Facing Materials
3. B.4 Details of Site/Surface Treatment
5. B.5 Details of Walls/Fences
5. B.6P Slab Levels
4. C.1 Removal of Permitted Development for Dwelling Houses (Classes A, B, C, and E) (2013 Regulations)
6. C.2 Restriction on Window Openings (side elevations of the houses)
7. C.4 Obscure Glazing (side windows at first and second floor level)
8. C.8 No Use of Flat Roof
8. D.11 Hours of Construction
9. Non-standard Condition: The car parking spaces shown on the approved drawing to serve the development shall be provided before occupation of the uses hereby permitted and thereafter shall be kept free from obstruction and shall be retained for parking for users of the residential development and for no other purpose.

Reason: To ensure the provision of adequate off street parking and in

order to prevent additional parking in surrounding streets which could be detrimental to amenity and prejudicial to highway safety and to ensure compliance with policy CS20 of the Adopted Merton Core Planning Strategy 2011.

10. Non-standard Condition: Prior to the commencement of the development details of the provision to accommodate all site operatives, visitors and construction vehicles and loading/unloading arrangements during the construction process shall be submitted to and approved in writing with the local planning authority. The approved details must be implemented and complied with for the duration of the construction process.

Reason: To obviate danger to pedestrians and vehicles comply with policy RN.3 of the Adopted Merton Unitary Development Plan 2003.

11. F.1 Landscaping Scheme (including the following requirement: An additional tree of a substantial size at maturity, such as an oak or beech, in addition to the trees already on the site, shall form part of the Landscaping/Planting Scheme required to be submitted by this Condition).

12. F.5P Tree Protection

13. F.9 Hard-Standings

13. Non-Standard Condition: Site supervision (Trees): No works or development shall commence until a scheme of supervision for the arboricultural protection measures required by condition 12 has been approved in writing by the LPA. This scheme will be appropriate to the scale and duration of the works and will include details of:

- a) Induction and personnel awareness of arboricultural matters
- b) Identification of individual responsibilities and key personnel
- c) Statement of delegated powers
- d) Timing and methods of site visiting and record keeping, including updates
- e) Procedures for dealing with variations and incidents
- f) The scheme of supervision will be carried out as agreed
- g) The scheme of supervision will be administered by a qualified arboriculturist instructed by the applicant and approved by the LPA.

Reason: To safeguard the existing trees in accordance with policy CS.13 of the Adopted Merton Core Planning Strategy 2011.

14. Non-Standard Condition: No work shall be commenced until details of the proposed design, materials and method of construction of the basement to be built shall be submitted and approved in writing by the LPA and the work shall be carried out in accordance with the approved details. Such details shall have regard to the recommendations set out in the BS 5837:2005 and shall form part of the Arboricultural Method Statement and Tree Protection Plan.

Reason; To safeguard the existing trees in accordance with policy CS.13 of the Adopted Merton Core Planning Strategy 2011.

15. J.1 Lifetime Homes
16. L.2P Code For Sustainable Homes – Pre-Commencement (New Build Residential)
17. L.3 Code For Sustainable Homes – Pre-Occupation (New Build Residential)
18. Non-standard Condition: All works shall be carried out in accordance with the submitted Arboricultural Method Statement and trees shall be protected in accordance with the submitted Tree Protection Plan. The approved details shall be installed before any site works commence and shall be retained and maintained until the completion of all site operations.

Reason: To protect and safeguard the existing retained trees in accordance with policy CS 13 of the Adopted Merton Core Strategy 2011.

19. Non-standard Condition: Notwithstanding any details specified in the application form and/or the approved drawings, 1:20 (scale) drawings of the proposed new entranceway formed by removing a small section of the existing front boundary wall so as to form a vehicular access; shall be submitted to and approved in writing by the Local Planning Authority before any works are commenced. The development shall be carried out in full accordance with the approved details and the alterations to the front boundary wall shall be constructed re-using the material from the demolished section.

Reason: To ensure a satisfactory appearance of the development and to comply with policy BE.1 and BE.23 of the Adopted Merton Unitary Development Plan 2003.

(2) GRANT CONSERVATION AREA CONSENT

Subject to the following conditions:

1. A.4 Commencement of Development (Conservation Area Consent)
2. A.7 Plan Numbers
3. Non-standard Condition: Notwithstanding any details specified in the application form and/or the approved drawings, 1:20 (scale) drawings of the proposed new entranceway formed by removing a small section of the existing front boundary wall so as to form a vehicular access; shall be submitted to and approved in writing by the Local Planning Authority before any works are commenced. The development shall be carried out in full accordance with the approved details and the alterations to the front boundary

wall shall be constructed re-using the material from the demolished section.

Reason: To ensure a satisfactory appearance of the development and to comply with policy BE.1 and BE.23 of the Adopted Merton Unitary Development Plan 2003.

Reason for Approval:

The proposal involves the erection of a new detached property with basement within the curtilage of an existing dwelling. The size, siting and design of the proposed unit are considered to be acceptable in this location. The proposal accords with the Council's Adopted Unitary Development Plan and London Plan Policies. The policies listed below were relevant to the determination of this proposal.

Adopted Merton Unitary Development Plan (October 2003)

HS.1 (Housing Layout and Amenity)
NE.11 (Trees-Protection)
NE.12 (Trees, Hedges and Landscape Features)
BE.1 (Conservation Areas, New Development, Change of Use, Alterations and Extensions)
BE.8 (Setting of Listed Buildings, Ancient Monuments, Historic Parks and Gardens and the Wider Historic Landscape)
BE.11 (Local List; Rehabilitation and Maintenance)
BE.15 (New Buildings and Extensions; Daylight, Sunlight, Privacy, Visual Intrusion and Noise)
BE.18 (Gardens)
BE.22 (Design of New Development)
PE.13 (Energy Efficient Design and Use of Materials)
F.2 (Planning Obligations)

Adopted Core Strategy (2011)

CS 9 (Housing Provision),
CS 6 (Wimbledon Sub - Area),
CS13 (Open Space, Nature Conservation, Leisure and Culture),
CS 14 (Design),
CS 20 (Parking, Servicing, and Delivery)

London Plan:

The relevant policies contained within the London Plan (2011) are
3.3 (Increasing Housing Supply)
3.4 (Optimising Housing Potential)
3.5 (Quality and Design of Housing Developments)
3.11(Affordable Housing Targets)
5.7 (Renewable Energy)

- 7.4 (Local Character)
- 7.8 (Heritage Assets and Archaeology)
- 8.2 (Planning Obligations).

Informative:

1. It is current Council policy for the Council's contractor to construct new vehicular accesses and to reinstate the footway across redundant accesses. The developer is to contact the Council's Highways team, prior to the commencement of construction, to arrange for any such work to be done. If the developer wishes to undertake this work the Council will require a deposit and the developer will need to cover all the Council's costs (including supervision of the works). If the works are of a significant nature, a Section 278 Agreement (Highways Act 1980) will be required and the works must be carried out to the Council's specification.
2. In accordance with paragraphs 186 and 187 of the NPPF, The London Borough of Merton (LBM) takes a positive and proactive approach to development proposals focused on solutions. LBM works with applicants/agents in a positive and proactive manner by:
 - Offering a pre-application advice and duty desk service.
 - Where possible, suggesting solutions to secure a successful outcome.
 - As appropriate, updating applicants/agents of any issues that may arise in the processing of their application.

In this instance:

- The applicant/agent was provided with pre-application advice.
- The application was acceptable as submitted and no further assistance was required.
- The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.

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