

## PLANNING APPLICATIONS COMMITTEE

5 September 2013

Item No:10

UPRN

APPLICATION NO.

DATE VALID

13/P1541

10/06/2013

**Address/Site:**

**16 Lambton Road, Raynes Park, SW20 0LR**

**Ward**

Raynes Park

**Proposal**

Demolition of and rebuilding of the rear part of 16 Lambton Road with a new part one, part three storey building extending to the rear boundary of the site [adjacent to 318 Worple Road] to provide an enlarged ground floor retail shop and shared self-contained refuse and cycle storage with a new shop front in Worple Road and alterations to the retained shop front with four flats [2 one bedroom and 2 two bedroom] on the upper floors with a rear roof terrace at first floor level and access to the flats provided from the Worple Road elevation.

**Drawing No's**

489 6A; 7B; 8A; 9A; 10A; 11; 12; Planning, Design and Access Statement; Energy Statement; Daylight and Sunlight Assessment; Affordable Housing Viability Assessment.

**Contact Officer**

Tony Ryan [020 8545 3114]

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**RECOMMENDATION GRANT PLANNING PERMISSION subject to planning conditions and an s106 legal agreement.**

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**CHECKLIST INFORMATION.**

- S106: N/A
  - Is an Environmental Statement required: No
  - Has an Environmental Impact Assessment been submitted – No
  - Press notice – No
  - Site notice – Yes
  - Design Review Panel consulted – No
  - Number of neighbours consulted – 30
  - External consultations – Raynes Park Association, Raynes Park and West Barnes Residents Association
  - PTAL: 4 [TFL Planning Information Database]
  - Density – N/A
  - Number of jobs created: N/A
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**1. INTRODUCTION**

- 1.1 This application is brought before Committee for Members' consideration due to the need for authority to enter into an s106 legal agreement.

**2. SITE AND SURROUNDINGS**

- 2.1 The application site [0.02 hectares] is located on the east side of Lambton Road at the junction with Worple Road and opposite the new Raynes Park Health Centre. A three-storey end of terrace building fronting Lambton Road currently occupies the application site. An advertisement hoarding is located on the Lambton Road elevation of the building at first floor level.

- 2.2 The building has a two-storey protecting rear wing and single storey lean to buildings that extend towards the rear of the site and to a two metre high brick wall on the Worple Road site boundary. A single storey garage at the rear of the site has vehicle access on to Worple Road. At the rear of the site is a vehicle access from Worple Road; this provides access to the rear of adjoining buildings in the terrace [4 to 14 Lambton Road] and the rear of the adjacent building at 318 Worple Road.

- 2.3 The application building forms part of the core-shopping frontage of Raynes Park Local Centre and currently has a retail pharmacy [Planning Use Class A1] at ground floor level. The core shopping designation includes both the Lambton Road and Worple Road frontages of the application site and covers the buildings at 308 to 318 Worple Road. A self-contained three bedroom maisonette is located at first and second floor levels with a separate ground floor entrance in Lambton Road. The three storey development at 213 Worple Road is located opposite the side elevation of the application site. This building provides commercial uses at ground floor level and residential accommodation on the upper floors. The residential building called Lambton Court is located to the rear of 213 Worple Road at 20 – 36 Lambton Road.

- 2.4 The application building is site is approximately 140 metres walking distance from Raynes Park Railway Station. The site has a Public Transport Accessibility Level rating of 4. Whilst the application site and Lambton Road are located outside a controlled parking zone, the roads to the north and east are located in controlled parking zones, [zones RPN and RPE]. In Lambton Road and Worple Road there are on street parking restrictions. The application site is not in an archeological priority area, and not in an area at risk from flooding [June 2012].

**3. CURRENT PROPOSAL**

- 3.1 The current application involves the demolition of and rebuilding of the rear part of 16 Lambton Road with a new part one, part three storey building extending to the rear boundary of the site [adjacent to 318 Worple Road].

- 3.2 The new building will provide an enlarged ground floor retail shop and shared self-contained refuse and cycle storage with a new shop front in Worple Road and alterations to the retained shop front with four flats [2 one bedroom and 2 two bedroom] on the upper floors with a rear roof terrace at first floor level and access to the flats provided from the Worple Road elevation.
- 3.3 The existing ground floor retail shop has a gross internal floor area of 74 square metres with the lean to extensions adding a further covered area of 55 square metres. The garage at the rear of the site has a gross internal floor area of 15 square metres. The proposed gross internal floor area of the retail shop will be 124 square metres with a separate self contained building in the position of the existing garage providing refuse and cycle storage.

**Table 1: Floor areas for the 4 flats, amenity space and tenure.**

|               | <b>Floor area</b><br>[Sq. M] | <b>London Plan standard</b><br>[Sq. M] | <b>Amenity space</b><br>[Sq. M] | <b>SPG standard</b><br>[Sq. M] | <b>Proposed tenure</b> |
|---------------|------------------------------|--|---------------------------------|--------------------------------|------------------------|
| <b>Unit 1</b> | 64                           | 61 [two bed three person]              | 5                               | 30                             | General market         |
| <b>Unit 2</b> | 47                           | 37 [one bed one person]                | 0                               | 20                             | General market         |
| <b>Unit 3</b> | 64                           | 61 [two bed three person]              | 0                               | 50                             | General market         |
| <b>Unit 4</b> | 48                           | 37 [one bed one person]                | 0                               | 50                             | General market         |

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

- 4.1 The planning history shows various applications relating to advertisements and signage on the application building that are not relevant to the current proposal.
- 4.2 At the Planning Applications Committee on the 20 June 2013 it was resolved to approve planning permission [LB Merton ref 13/p1225] subject to a legal agreement for the construction of an additional storey to the nearby building called Lambton Court at 20-36 Lambton Road to form a three-storey building.

#### **5. CONSULTATION**

- 5.1 The submitted planning application was publicised by means of a site notice, and individual consultation letters sent to 30 neighbouring properties. As a result of this consultation one letter have been received objecting to the proposal on the following grounds:

- The extension will go past the rear of the neighbouring buildings at 12 and 14 Lambton Road;
- The neighbouring buildings were not allowed to extend to the rear boundary;
- The neighbouring buildings are three storeys high at the front but only two storeys high at the rear;
- The development will place further pressure on the existing on street car parking for which there is already 'fierce' competition;
- All adjoining roads apart from Lambton Road are in controlled parking zones;
- The development will lead to a loss of light to a nearby flats and roof terrace;
- The development will result in a wall adjacent to the existing roof terrace, 'hemming them in';
- More than one roof terrace could be provided for future occupants;
- The development would set a precedent.

5.2 One letter has been received in support of the application making the following comments "*I congratulate the architect on a fine proposal totally sympathetic to the neighbourhood and wish it every success*".

5.3 LB Merton Transport Planning The application site has a good level of public transport accessibility and is in the middle of the town centre with good access to shops and facilities. There is no Transport Planning objection to this application subject to planning conditions relating to the reinstatement of the redundant vehicle crossover in Worple Road, the submission of details of cycle parking and an informative relating to the need to contact the highways section if works are proposed on the public highway.

## 6 **POLICY CONTEXT**

### The London Plan [July 2011].

6.1 The relevant policies in the London Plan [July 2011] are 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]; 3.11 [Affordable housing targets]; 5.1 [Climate change mitigation]; 5.2 [Minimising carbon dioxide emissions]; 5.3 [Sustainable design and construction]; 5.7 [Renewable energy]; 5.10 [Urban greening]; 6.3 [Assessing effects of development on transport capacity]; 6.9 [Cycling]; 6.10 [Walking]; 6.11 [Smoothing traffic flow and tackling congestion]; 6.12 [Road network capacity]; 6.13 [Parking]; 7.2 [An inclusive environment]; 7.3 [Designing out crime]; 7.4 [Local character]; 7.5 [Public realm]; 7.6 [Architecture]; 7.14 [Improving air quality]; 7.15 [Reducing noise and enhancing soundscapes]; and 8.2 [Planning obligations].

- Policies retained in Adopted Unitary Development Plan [October 2003]
- 6.2 The relevant planning policies retained in the Adopted Unitary Development Plan [October 2003] are BE.15 [New buildings and extensions; daylight; sunlight; privacy; visual intrusion and noise]; BE16 [Urban design]; BE22 [Design of new development]; BE25 [Sustainable development]; C1 [Location and access of facilities]; C13 [Planning obligations for educational facilities]; E2 [Access for disabled people]; F2 [Planning obligations]; HS1 [Housing layout and amenity]; L9 [Children's play facilities]; PE7 [Capacity of water systems]; PE.9 [Waste minimisation and waste disposal]; PE.11 [Recycling points]; PE.12 [Energy generation and energy saving]; RN3 [Vehicular access].
- Merton Supplementary Planning Guidance
- 6.3 The key supplementary planning guidance relevant to the proposals includes New Residential Development [1999]; Design [2004] and Planning Obligations [2006].
- Policies within the Merton LDF Core Planning Strategy [July 2011]
- 6.4 The relevant policies within the Council's Adopted Core Strategy [July 2011] are; CS.8 [Housing choice]; CS.9 [Housing provision]; CS.14 [Design]; CS.15 [Climate change]; CS.18 [Active transport]; CS.19 [Public transport]; and CS.20 [Parking; servicing and delivery].
- National Planning Policy Framework [March 2012]
- 6.5 The National Planning Policy Framework [NPPF] was published on the 27 March 2012 and replaces previous guidance contained in Planning Policy Guidance Notes and Planning Policy Statements. This document is a key part of central government reforms '...to make the planning system less complex and more accessible, and to promote sustainable growth'.
- 6.6 The NPPF supports the plan led system stating that development that accords with an up to date plan should be approved and proposed development that conflicts should be refused. The framework also states that the primary objective of development management should be to foster the delivery of sustainable development, and not to hinder or prevent development.
- 6.7 To enable each local authority to proactively fulfil their planning role, and to actively promote sustainable development, the framework advises that local planning authorities need to approach development management decisions positively. Local planning authorities looking for solutions rather than problems so that applications can be approved wherever it is practical to do so. The framework attaches significant weight to the benefits of economic and housing growth, the need to influence

development proposals to achieve quality outcomes; and enable the delivery of sustainable development proposals.

## **7. PLANNING CONSIDERATIONS**

- 7.1 The main planning considerations include assessing the principle of the development and the impact of the development including in terms of design, scale and layout, the standard of the proposed residential accommodation; and the impact on residential amenity; impact on access and parking.

### **Need for additional housing and housing mix.**

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

- 7.1 The National Planning Policy Framework [March 2012] requires the Council to identify a supply of specific 'deliverable' sites sufficient to provide five years worth of housing with an additional buffer of 5% to provide choice and competition.
- 7.2 Policy CS. 9 within the Council's Adopted Core Strategy [July 2011] and policy 3.3 of the London Plan [July 2011] state that the Council will work with housing providers to provide a minimum of 4,800 additional homes [320 new dwellings annually] between 2011 and 2026. This minimum target that should be exceeded where possible includes a minimum of additional 500 to 600 new dwellings to be provided within the Raynes Park area where the proposal site is located.
- 7.3 The housing delivery trajectory set out in the latest Council's Annual Monitoring Report has identified future challenges in ensuring an adequate supply of housing is delivered in the borough to meet the minimum targets in the Core Strategy and the London Plan.
- 7.4 The Core Strategy states that the Council will encourage housing in 'sustainable brownfield locations'. The Core Strategy states that that it is expected that the delivery of new housing in the borough will be achieved in various ways including the development of 'windfall sites'. The current application site is a 'windfall site' and is on brownfield land in a sustainable location adjacent to other existing residential properties and benefiting from good access to public transport and other local facilities.
- 7.5 In conclusion the provision of additional residential accommodation on this site is considered acceptable in principle subject to other considerations including matters of design, bulk, scale and layout, the standard of accommodation and the impact on amenity. The proposed development in this sustainable location will also assist in addressing the need for new residential accommodation in the borough that is identified in the London Plan and the Core Strategy.

- Housing mix
- 7.6 Policy CS. 8 within the Council's Adopted Core Strategy [July 2011] states that the Council will seek the provision of a mix of housing types sizes and tenures at a local level to meet the needs of all sectors of the community. This includes the provision of family sized and smaller housing units.
- 7.2 The development proposal includes a total of four self-contained residential units [three additional units] that are to be provided as 2 one bedroom flats and 2 two bedroom flats. The local area currently has a mixture of different housing types with family housing in the area to the north of Raynes Park Centre and flats above ground floor commercial uses within the town centre. It is considered that this will proposal will provide a mix of housing units that will contribute towards the creation of a socially mixed and sustainable neighbourhood in accordance with Core Strategy policy CS8.
- Layout, scale, massing, and design
- 7.7 Retained adopted Unitary Development Plan policies BE.16 and BE.22 require proposals for development to compliment the character and appearance of the wider setting. This is achieved by careful consideration of how the scale, design and materials of a development relate to the urban setting in which the development is placed. Retained adopted Unitary Development Plan policy BE.23 requires extensions to be sympathetic to the form, scale, bulk and proportions of the original building.
- 7.8 Policy CS8 within the Council's Adopted Core Strategy [July 2011] states that the Council will require redevelopment proposals to be well designed. Policy CS14 of the adopted Core Strategy states that all development needs to be designed to respect, reinforce and enhance local character and contribute to Merton's sense of place and identity. Policy CS14 advises that this should be achieved in various ways including by promoting high quality design and providing functional spaces and buildings. Policy 3.5 of the London Plan states that housing design should enhance the quality of local places taking into account physical context, local character and density.
- 7.9 The application site is located on the prominent corner of Lambton Road and Worple Road on the one-way system within Raynes Park Local Centre. In terms of the scale of nearby development, the building opposite the application site in Lambton Road is the Raynes Park Medical Centre, which is three storeys high. The building on the opposite corner of the Lambton Road and Worple Road junction at 213 Worple Road and the adjacent Victorian terrace at 207 to 211 Worple Road also both three storeys high. The building at 318 Worple Road to the rear of the application site is two storeys high.

- 7.10 The general scale of surrounding development is for larger scale buildings addressing the street frontage with smaller scale development to the rear. The main part of the prominent end of terrace building on the application is three storeys high with a pitched roof. A projecting rear building wing that is set back from the Worple Road elevation is two storeys high. The adjacent buildings in the terrace are of a similar scale with three storeys fronting Lambton Road and two storeys building wings located to the rear.
- 7.11 The application site has a Lambton Road frontage of 6 metres and a Worple Road frontage of 26 metres. The proposed development involves the demolition of the two-storey rear building wing on the application site and the construction of a three storey extension along the Worple Road frontage. It is considered that the principle of a three-storey extension in this location is acceptable. In contrast to other buildings in the adjoining terrace the application property is located in this prominent corner location with road frontages to both Lambton Road and Worple Road and in an area where the street scene includes various other three-storey buildings.
- 7.12 The roofline of the proposed building has been designed to step down along the Worple Road frontage from the pitch roof of the building at the front of the site on the Lambton Road frontage. The roof eaves of the proposed building on the rear elevation will be 9 metres high, a distance of 3 metres will separate this elevation from the adjacent building at 318 Worple Road that has a pitched roof with a ridge height of 6.5 metres. With this relationship and the character of the surrounding area the proposed building height is considered acceptable. The proposed development follows the general layout of the existing buildings and it is considered that this is the most efficient and sustainable layout for this brownfield site and minimises potential impact.

#### Design

- 7.13 There is some variety in the design of buildings in the area surrounding the application site with the predominantly glazed frontage of the Raynes Park Medical Centre, the adjacent Beaumont House constructed in yellow brick and the development at 213 Worple Road constructed with a red facing brick.
- 7.14 The application building is at the end of a Victorian terrace with commercial uses with shop fronts on the ground floor with residential accommodation at first and second floor levels. The design of the proposed extension has sought to reflect the design of the existing terrace with the stone window surrounds used to replicate the existing building and a reduction in the size of the windows to reflect the secondary nature of this elevation. At ground floor level the new extension provides a new longer retail frontage to Worple Road with pilasters and corbels to match



the existing shop front. The elevation also includes a new entrance to the residential accommodation and access to the cycle and refuse storage.

- 7.15 The new extension is of a design that complements the existing building and introduces interest to the longer prominent Worple Road frontage of the site. The proposed development also includes the removal of the existing advertisement hoarding on the Worple Road elevation of the building at first floor level. In conclusion the design, scale, layout and appearance of the proposed development complements the local context and respects the local pattern of development in accordance with policy BE.16, policy BE.22 Unitary Development Plan, policy CS14 of the Core Strategy and policy 3.5 of the London Plan.

**Neighbour amenity.**

- 7.14 Retained policies HS.1 and BE15 of the adopted Unitary Development Plan [October 2003] state that all proposals for residential development should safeguard the residential amenities of occupiers of nearby properties including in terms of maintaining adequate daylight and sunlight to adjoining buildings and gardens, the protection of privacy; protection from visual intrusion and ensuring that development does not result in harm to living conditions through noise or disturbance.

**Privacy and overlooking**

- 7.15 To minimise the impact of new development on the privacy of existing dwellings the Council's Supplementary Planning Guidance on 'New Residential Development' sets out minimum separation distances between habitable room windows. This guidance states that there should be a minimum separation distance of '20 metres' provided between 'directly opposing' residential windows 'at first floor level'.
- 7.16 The rear elevation of the proposed development faces towards the side elevation of the building at 318 Worple Road; there are no windows in this neighbouring elevation. Whilst the new windows in the Worple Road elevation overlook the public road there will also be a distance of 20 metres separating these windows from the residential windows on the upper floors of the development opposite at 213 Worple Road. The views from a kitchen window in the side elevation of the new building at second floor level will be restricted by the stepped design of the proposed new building in this location.
- 7.17 There are roof terraces to the rear of adjacent first floor residential accommodation at 12 and 14 Lambton Road and the proposal also includes a roof terrace at first floor level to the rear elevation. The roof terrace has been fitted with a 1.8 metre screen to prevent views towards adjacent properties and a planning condition is recommended to ensure that this screen is provided.

- 7.18 It is considered that the development has been sensitively designed to ensure that the new residential units do not give rise to a loss of privacy or overlooking to neighbouring properties. There is sufficient separation distance and screening to ensure that the new development does not give rise to overlooking and any loss of privacy to neighbouring properties.

Visual intrusion, daylight and sunlight

- 7.19 The two-storey rear building wing at 14 Lambton Road is located to the south of the application site and the property at 14 Lambton Road currently extends 2.5 metres past the first floor rear window on the rear elevation of the application property. As a result of the proposed development the new building will extend past the first floor window in the rear of 14 Lambton Road by a distance of 1.7 metres at first and second floor levels.
- 7.20 In order to assess the impact of proposed extensions on daylight and sunlight to neighbouring windows the Council's Supplementary Planning Advice residential extensions uses an 'Aspect Value Test'. This test uses the depth and height of the extension and the separation distance between the extension and the centre of the neighbouring window to measure the impact in daylight and sunlight provision. The proposed extension passes the Aspect Value Test' provided in the Council's Supplementary Planning Advice. In addition to this test the application includes a daylight and sunlight assessment. The assessment concludes that the development is in line with the relevant daylight and sunlight BRE guidelines.
- 7.21 Whilst the proposed extension will be 6 metres high adjacent to the first patio doors on the rear elevation of 14 Lambton Road, the extension is only 1.7 metres deep at this point and as a result it is not considered to result in visual intrusion to the patio doors on the rear of 14 Lambton Road. The first floor roof terrace to the rear of 14 Lambton Road has a depth of 2 metres and the impact on this amenity area of the proposed extension is considered acceptable.

Standard of residential accommodation.

- 7.22 The London Plan states that boroughs should ensure that new development reflects the minimum internal space standards as set out in table 3.3 of the London Plan. The standards are expressed in terms of gross internal area and supersede the individual room size standards provided within the Council's Supplementary Planning Guidance – "New Residential Development" [1999].
- 7.23 Policy HS.1 and BE.15 of the adopted Unitary Development Plan [2003] states that all proposals for residential development should safeguard the

residential amenities of future occupiers in terms of providing adequate internal space, a safe layout and access for all users; and provision of adequate amenity space to serve the needs of occupants. Policies CS 8, CS9 and CS14 within the Council's Adopted Core Strategy [2011] states that the Council will require proposals for new homes to be well designed.

Internal layout and room sizes

- 7.24 The proposed one and two bedroom units provide internal residential floor space in accordance with the London Plan and in excess of minimum floor space standards. The layout of the accommodation makes good use of the space available with an appropriate internal layout and good provision of natural light to habitable rooms.

External Amenity Space

- 7.25 Retained Unitary Development Plan policy HS.1 requires that all proposals for residential development provide adequate private amenity space to meet the needs of future occupiers. The occupier of the two bedroom flat at first floor level is provided with a roof terrace to the rear elevation.
- 7.26 The proposed development seeks to retain and extend an existing building at the end of a Victorian terrace whilst respecting the character of the terrace and protecting the amenities of neighbouring occupiers. It is considered that with these constraints the proposed accommodation is acceptable without provision of external amenity space for the remaining three residential units.

Lifetime Homes

- 7.27 Policies in the London Plan and Core Strategy require all new residential properties to be built to Lifetime Home Standards. The submitted Design and Access Statement advises that the proposed development has been designed to reflect Lifetime Home Standards and a planning condition is recommended to ensure that the development is constructed to these standards.

Standard of retail floorspace.

- 7.28 The applicant has highlighted in the submitted Design and Access Statement that the current layout makes inefficient use of the available floorspace with the trading floorspace of 40 square metres accounting for only 27% of the total floorspace. The submitted proposal will allow the provision of more flexible open floor space that will make more efficient use of the space that is available.

Car parking, servicing and access.

Car parking demand.

- 7.29 Policy CS20 of the Core Strategy [July 2011] states car parking should be provided in accordance with current parking standards, whilst assessing

the impact of any additional on street parking on vehicle movements and road safety.

- 7.30 Policy 6.13 of the London Plan states that the Mayor wishes to see an appropriate balance between promoting new development and preventing excessive car parking that can undermine cycling, walking and public transport use. The current maximum off street car parking standards are set out within the London Plan at table 6.2 and allow for a maximum of 1 car parking space for properties with one and two bedrooms.
- 7.31 The application site is not located within a Controlled Parking Zone; however there is restricted car parking in Lambton Road outside the site and in Worple Road. The application site is located in the centre of Raynes Park and is 140 metres walking distance from Raynes Park Railway Station. In addition to the public transport accessibility the site also benefits from the various goods and services that are available in walking distance from the application site.

Servicing and access

- 7.32 Policy CS 18 of the adopted Core Strategy [July 2011] states that the Council will promote active transport by prioritising the safety of pedestrian, cycle and other active transport modes; by supporting schemes and encouraging design that provides, attractive, safe, covered cycle storage. The proposed development shows parking for cycle within the rear gardens of the proposed houses
- 7.33 Policy CS20 of the Core Strategy [July 2011] states that the Council will seek to implement effective traffic management by requiring developers to incorporate adequate facilities for servicing to ensure loading and unloading activities do not have an adverse impact on the public highway. The policy also requires developers to incorporate safe access to and from the public highway.
- 7.34 As shown on the submitted plans the proposed accommodation is provided with a shared refuse storage area within the new building. A planning condition is recommended to ensure that this storage is provided and retained. The submitted plans show cycle storage within the new building and a planning condition is recommended to seek further details of this cycle storage and to ensure that this storage is maintained.
- 7.35 The proposal involves the removal of the existing boundary wall and lean to buildings to the Worple Road frontage with the new building frontage set back by 1.9 metres behind the line of the existing wall. The applicant has stated that they are not intending to seek the dedication of this land separating the shop front from the existing pavement as public highway. A

planning condition is recommended seeking details of surface materials for this land.

- 7.36 In conclusion it is considered that the proposed development has been designed with adequate access and servicing arrangements in line with Policy CS20 of the Core Strategy [July 2011].

**Sustainable design and construction.**

- 7.37 The Council's Core Strategy reinforces the wider sustainability objectives of the London Plan with policy CS15 requiring all development to demonstrate how the development makes effective use of resources and materials and minimises water use and CO2 emissions. All new development comprising the creation of new dwellings will be expected to achieve Code 4 Level for Sustainable Homes.

- 7.38 As part of the current planning application the applicant has submitted a Energy Report that includes a Code for Sustainable Homes – Pre-Assessment Report. The pre-assessment report concludes that based on the submitted proposal the development would only be able to achieve Code for Sustainable Homes Level 3. The justification provided by the applicant in the Energy Report has been considered by the Council's Climate Change Team, due to individual site constraints it is agreed that the development can only achieve Code for Sustainable Homes Level 3.

- 7.39 Planning conditions are recommended to seek the submission of a design stage assessment and post construction certification to show that that Code for Sustainable Homes Level 3 is achieved together with a minimum 25% improvement in the dwelling emissions rate in accordance with Policy 5.2 of the London Plan.

**8. ENVIRONMENTAL IMPACT ASSESSMENT**

- 8.1 The application site is less than 0.5 hectares in area and therefore falls outside the scope of Schedule 2 development under the The Town and Country Planning (Environmental Impact Assessment) Regulations 2011. In this context there is no requirement for an Environmental Impact Assessment as part of this planning application.

**9. LOCAL FINANCIAL CONSIDERATIONS**

**Mayor of London Community Infrastructure Lev**

- 9.1 The proposed development is liable to pay the Mayoral Community Infrastructure Levy [CIL], the funds for which will be used by the Mayor of London towards the 'CrossRail' project. The CIL amount is non-negotiable and planning permission cannot be refused for failure to pay the CIL.

- 9.2 The CIL charge that would be payable, for the proposed development, [providing additional floorspace of 143.09 square metres], under the Mayor of London Community Infrastructure Levy would be £5,008.

**Planning Obligations**

- 9.3 Regulation 122(2) of the CIL Regulations 2010 (continued in the CIL Regulations 2011) introduced three tests for planning obligations into law, stating that obligations must be:
- necessary to make the development acceptable in planning terms;
  - directly related to the development;
  - fairly and reasonably related in scale and kind to the development.

- 9.4 If a planning obligation does not meet all of these tests it cannot legally be taken into account in granting planning permission and for the Local Planning Authority to take account of S106 in granting planning permission it needs to be convinced that, without the obligation, permission should be refused.

**Financial contribution towards education provision;**

- 9.5 Saved UDP policy C13 recognises that new housing developments will lead to additional pressure on local educational facilities, and seeks financial contributions to be used towards the extra demand placed on local schools as a result of the development.
- 9.6 The proposed development will provide 2 two-bedroom units and therefore will place additional demand on local schools. The nearest primary school is Hollymount Primary School, this school has recently been expanded, and as a result a contribution towards primary school provision is not considered appropriate in this instance.
- 9.7 In relation to secondary school places, planning has commenced in order to meet the predicted demand in 2016/2017 across the whole borough that will arise from growth within the existing population. The Council in its Business Plan for 2013-17 has identified a requirement for projects to meet this need with new classrooms required from 2017/2018. There are no funding commitments from the Department for Education to help meet this need and therefore there is a funding gap. In addition to the need from the existing population the new family sized dwellings within the proposed new development will exacerbate the need for secondary school places within the schools that would serve this development site. There are no formal catchment areas for secondary schools as travel distance is greater.
- 9.8 In order to meet the need from the existing population and new developments the Council is planning projects for which there is a shortfall of funding. Given this situation a financial contribution towards the

provision of secondary school places is considered necessary as part of the proposed development and this accords with Regulation 122 of the Community Infrastructure Regulations 2010 and the NPPF. A planning obligation consisting of a financial contribution of £1,714.24 is sought towards secondary school places.

Financial contribution towards open space:

- 9.9 The nearest open space to the application site is Holland Gardens Open Space in Cambridge Road with this open space 0.35 miles from the application site. It is considered that due to the separation distance from the application site it would not be appropriate to seek a financial contribution towards improvements to this open space as part of the current development.

Financial contribution towards public realm improvements

- 9.10 The Council are due to implement works to provide new paving along the pavement from the Lambton Road and Coombe Lane junction to the new Health Centre. A financial contribution of £5,000 is sought to enable the new paving to continue around the application site and to provide new paving in front of the new proposed Worple Road frontage. This new paving would provide a direct benefit to the proposed development creating a better streetscape for the expanded retail shop.

Financial contribution towards provision of affordable housing:

- 9.11 Policy CS. 8 within the Council's Adopted Core Strategy [July 2011] states that the Council will seek the provision of a mix of housing tenures at a local level to meet the needs of all sectors of the community including provision for those unable to compete financially in the housing market sector. Core Strategy policy CS 8 states that for developments providing under ten residential units affordable housing provision should be equivalent to 20% of the new units with this provision achieved through an off site financial contribution, in seeking this off site financial contribution the Council will have regard to the economics of provision including financial viability issues.
- 9.12 As part of the planning application the applicant has submitted an Affordable Housing Viability Assessment that has concluded that the provision of an off site contribution of £82,122 would make the proposed development unviable. The conclusions of the applicant's viability assessment have been independently assessed. Based on the assumptions made this independent assessment agreed that the proposal would not be able to support a contribution towards affordable housing based on the other assumed planning obligations.
- 9.13 The assumed planning obligations within the applicant's viability assessment included a contribution of £9,713.98 towards education

provision and £8,420.70 towards open space. As part of the assessment of the planning application it was found that the contribution towards open space was not required and the contribution towards education provision was reduced by £7,999.98.

- 9.14 With the additional contribution towards public realm improvements of £5,000 it is considered that the proposal can support an affordable housing contribution of £11,420.68. With this conclusion a planning obligation seeking an off site financial contribution of £11,420.68 towards affordable housing is sought in this instance.

The developer agreeing to meet the Council's costs of preparing and monitoring the Section 106 Obligations;

- 9.15 As set out in the Council's adopted Supplementary Planning Guidance the s106 monitoring fees would be £336 calculated on the basis of 5% of the monetary contribution. Legal fees would need to be agreed at a later date.

## **10. CONCLUSION**

- 10.1 The proposed development represents an effective and sustainable use of this brownfield site providing improved retail floorspace and additional residential units and incorporates a design and layout sympathetic to the character of the surrounding area, whilst at the same time minimising any adverse impacts on neighbouring amenity. Accordingly, it is recommended that planning permission be granted subject to the planning conditions and planning obligations set out below.

### **RECOMMENDATION**

**GRANT PLANNING PERMISSION subject to the completion of a Section 106 Agreement and planning conditions.**

1. Provision of a financial contribution of £5,000 towards public realm improvements.
2. Provision of a financial contribution of £1,714 towards secondary school places.
3. Provision of a financial contribution of £11,421 towards off site affordable housing provision.
4. The developer agreeing to meet the Council's costs of drafting the Section 106 Obligations [to be agreed].
5. The developer agreeing to meet the Council's costs of monitoring the Section 106 Obligations [£336].

### **And the following conditions:**

1. Standard condition [Time period] 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 for condition: To comply with Section 91 (as amended) of the Town & Country Planning Act 1990.



2. Amended standard condition [Approved plans] The development hereby permitted shall be carried out in accordance with the following approved plans: 489 6A; 7B; 8A; 9A; 10A; 11; 12; Planning, Design and Access Statement; Energy Statement; Daylight and Sunlight Assessment; Affordable Housing Viability Assessment. Reason for condition: For the avoidance of doubt and in the interests of proper planning.
3. Standard condition [Timing of construction work] No demolition or construction work or ancillary activities such as deliveries shall take place before 0800hrs or after 1800hrs Mondays - Fridays inclusive; before 0800hrs or after 1300hrs on Saturdays or at any time on Sundays or Bank Holidays. Reason for condition: To safeguard the amenities of the area and occupiers of neighbouring properties and to ensure compliance with policy PE.2 of the Adopted Merton Unitary Development Plan 2003.
4. Non standard condition [Demolition dust and noise] No development [including demolition] shall commence until a method statement outlining the method of demolition, and measures to prevent nuisance from dust and noise to the surrounding occupiers has been submitted to and approved in writing to the Local Planning Authority for approval. Once approved, the scheme shall be implemented and retained thereafter. Reason for condition: To protect the amenities of occupiers of neighbouring properties and to accord with policy PE.2 of the Adopted Merton Unitary Development Plan 2003.
5. Amended standard condition [Construction phase impacts] No development shall commence until a working method statement has been submitted to and approved in writing by the Local Planning Authority to accommodate: parking of vehicles of site workers and visitors; loading and unloading of plant and materials; storage of construction plant and materials; wheel cleaning facilities; control of dust, smell and other effluvia; control of surface water run-off. No development shall be carried out except in full accordance with the approved method statement. Reason for condition: In the interests of vehicle and pedestrian safety and the amenities of neighbouring occupiers and to comply with policy CS20 of the Adopted Merton Core Planning Strategy 2011.
6. Amended standard condition [External Materials to be Approved] No development shall take place until details of the facing materials to be used on the walls of the development hereby permitted, (notwithstanding any materials specified in the application form and/or the approved drawings), and the surfacing materials for the wider pavement at the front of the site 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 for

- condition: To ensure a satisfactory appearance of the development and to comply with policy BE.23 of the Adopted Merton Unitary Development Plan 2003.
7. Amended standard condition [Roof terrace screening] The screening to the first floor rear roof terrace as shown on the approved plans shall be implemented in accordance with the approved plans before this residential unit is first occupied and retained permanently thereafter. Reason for condition: To safeguard the privacy and amenities of the occupiers of neighbouring properties and to comply with policy BE.15 of the Adopted Merton Unitary Development Plan 2003.
  8. Standard condition [Code for Sustainable Homes Pre-Commencement - New build residential] No development shall commence until a copy of a letter from a person that is licensed with the Building Research Establishment (BRE) or other equivalent assessors as a Code for Sustainable Homes assessor that the development is registered with BRE or other equivalent assessors under Code For Sustainable Homes and a Design Stage Assessment Report demonstrating that the development will achieve not less than Code for Sustainable Homes Level 3 has been submitted to and approved in writing by the Local Planning Authority together with a minimum 25% improvement in the dwelling emissions rate. Reason for condition: To ensure the development achieves a high standard of sustainability and makes efficient use of resources and to comply with policies BE.25 of the Adopted Merton Unitary Development Plan 2003, 5.2 of the Adopted London Plan 2011 and CS 15 of the Adopted Merton Core Planning Strategy 2011.
  9. Standard condition [Code for Sustainable Homes Pre-Occupation- New build residential] Unless otherwise agreed in writing by the Local Planning Authority, no part of the development hereby approved shall be occupied until a Building Research Establishment or other equivalent assessors Final Code Certificate confirming that it has achieved not less than a Code 3 level for Sustainable Homes together with confirmation that a minimum 25% improvement in the dwelling emissions rate has been achieved has been submitted to, and acknowledged in writing by the Local Planning Authority. Reason for condition: To ensure that the development achieves a high standard of sustainability and makes efficient use of resources and to comply with policies BE.25 of the Adopted Merton Unitary Development Plan 2003, 5.2 of the Adopted London Plan 2011 and CS 15 of the Adopted Merton Core Planning Strategy 2011.
  10. Standard condition [Lifetime homes] The new dwelling units shall meet Lifetime Homes Standards, and shall not be occupied until the applicant has provided written evidence to confirm this has been achieved based on the relevant criteria. Reason for condition: To meet the changing needs of

households and comply with policy CS8 of the Adopted Core Strategy [July 2011].

11. Non standard condition [Cycle storage] Prior to occupation of the development hereby permitted details of the cycle storage facilities shown on the submitted plans shall be submitted to and approved in writing by the Local Planning Authority with the approved facilities provided prior to occupation and retained permanently thereafter. Reason for condition: To ensure the provision of satisfactory facilities for the storage of cycles and to comply with policies comply with policy CS18 of the Adopted Core Strategy [July 2011].
12. Non standard condition [Refuse and recycling facilities] Prior to occupation of the development hereby permitted details of the Refuse and recycling facilities shown on the submitted plans shall be submitted to and approved in writing by the Local Planning Authority with the approved facilities provided prior to occupation and retained permanently thereafter. Reason for condition: To ensure the provision of satisfactory facilities for the storage of refuse and recycling material and to comply with policies BE.15 and PE.11 of the Adopted Merton Unitary Development Plan 2003.

**INFORMATIVES:**

- a) INF2 Lifetime Homes
- b) In accordance with paragraphs 186 and 187 of the National Planning Policy Framework, The London Borough of Merton takes a positive and proactive approach to development proposals focused on solutions. The London Borough of Merton works with applicants or agents in a positive and proactive manner by suggesting solutions to secure a successful outcome; and updating applicants or agents of any issues that may arise in the processing of their application. In this instance the Planning Committee considered the application where the applicant or agent had the opportunity to speak to the committee and promote the application.
- c) The development hereby approved is liable to the Community Infrastructure Levy (CIL). The chargeable amount of CIL that would be payable (subject to any successful applications for relief, surcharges or late payment interest charges) is £5,008. To avoid substantial surcharges an Assumption of Liability Notice and a Commencement Notice must be submitted to the Local Planning Authority prior to commencement of the development hereby approved. A Liability Transfer Notice can be submitted prior to the day the final payment falls due should parties who will be liable to pay change. These notices can be found on the planning portal at [www.planningportal.gov.uk](http://www.planningportal.gov.uk). For more information regarding CIL visit [www.merton.gov.uk/CIL](http://www.merton.gov.uk/CIL) or email [cilevy@merton.gov.uk](mailto:cilevy@merton.gov.uk).
- d) The applicant is advised to contact the Council's Highways team prior to undertaking any works within the Public Highway

- e) The applicant is advised that the demolition works should avoid the bird nesting and bat roosting season. This avoids disturbing birds and bats during a critical period and will assist in preventing possible contravention of the Wildlife and Countryside Act 1981, which seeks to protect nesting birds/bats and their nests/roosts. Buildings should be also be inspected for bird nests and bat roosts prior to demolition. All species of bat in Britain and their roosts are afforded special protection under the Wildlife and Countryside act 1981. If bats are found, Natural England should be contacted for advice (telephone: 020 7831 6922).
- f) The applicant is reminded of the need to comply with the Control of Asbestos Regulations 2012 in relation to the demolition of the existing garages on the application site, with further advice available at the following link: <http://www.hse.gov.uk/asbestos/regulations.htm>.