

## PLANNING APPLICATIONS COMMITTEE 11 August 2016

<u>UPRN</u>	<u>APPLICATION NO.</u>	<u>DATE VALID</u>
	16/P1845	29/04/2016
<b>Address/Site:</b>	2 Cavendish Road Colliers Wood London SW19 2EU	
<b>Ward:</b>	Colliers Wood	
<b>Proposal:</b>	Demolition of existing storage and erection of a two storey 1 bed dwelling with cycle parking.	
<b>Drawing No.'s:</b>	MA 165 001 rev P1 (site location plan), MA 165 051 Rev P1 (prop site plan), MA 165 060 Rev P2 (ex and prop ground floor), MA 165 061 Rev P1 (ex and prop 1 <sup>st</sup> floor), MA 165 062 Rev P1 (ex and prop roof), MA 165 081 Rev P2 (elevation 01), MA 165 081 Rev P2 (elevation 2), MA 165 082 Rev P1 (elevation 03 & 04), MA 165 090 Rev P1 (site section).	
<b>Contact Officer:</b>	Shaun Hamilton (020 8545 3300)	

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### RECOMMENDATION

**Grant planning permission subject s106 legal agreement and conditions.**

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### CHECKLIST INFORMATION

- S106: Yes – permit free.
- Is a screening opinion required: No
- Is an Environmental Statement required: No
- Has an Environmental Statement been submitted: No
- Press notice: No
- Site notice: No
- Design Review Panel consulted: No
- Number of neighbours consulted: 22
- External consultations: 1
- Controlled Parking Zone: Yes
- Flood zone: No
- Conservation Area: No
- Listed building: No
- Protected Trees: 0
- Public Transport Access Level: 6a (excellent)

#### **1. INTRODUCTION**

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

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

- 2.1 The application site is located at the rear of number 2 Cavendish Road, SW19 which is located on the southern side of the road. The site is occupied by a 4 storey block of flats, and to the rear of the site is a garage/storage shed which is accessed via the right of way located to the side of the property. This application relates specifically to this garage/storage shed.
- 2.2 Directly to the rear and west of the application site is the Cavendish House development which is currently under construction. Directly to the east of the application site is the aforementioned right of way (vehicular) access beyond which are the flats of number 4 Cavendish Road which has been converted into 5 no flats.
- 2.3 The garage building is single level with a flat roof and has a large vehicular-sized roller door and additional pedestrian roller door, both of which open out onto the right of way.

### **3. CURRENT PROPOSAL**

- 3.1 This application seeks planning permission for the redevelopment of this garage /store to provide a 1 bedroom, split level residential unit. The proposed unit would be sunken by approx. half a floor (1.2m), meaning the lower level would be lower than the existing access point off the right of way. The upper level, would have a flat roof and be approx. half a storey higher than the existing roof of the store shed.
- 3.2 A sunken terrace area would be accessed from the lower level and double height ceilings and glazing would be incorporated over a portion of the lower level. The lower would accommodate the kitchen, living, dining and bathroom area of the proposed development. The upper level would constitute a double sized bedroom with south facing windows.
- 3.3 Cycle storage and refuse storage provision would be provided and accessed via roller doors opening directly out onto the right of way.
- 3.4 Noted amended proposal: the doors opening out onto the right of way were amended so as to be roller doors as opposed to swinging doors.

### **4. PLANNING HISTORY**

05/P0498 - Demolition of existing dwelling house and erection of a three storey building accommodating four flats ( 2 x 1 and 2 x 2 bedrooms) - Withdrawn Decision 17-11-2008

06/P2570 - Demolition of existing dwelling house and erection of a four storey building to provide 6 self-contained flats ( 4 X 1 AND 2 X 2 BEDROOMS) - Refuse Outline Planning Permission 12-04-2007

07/P1778 - Demolition of existing dwelling house and erection of a three storey building to provide 6 self-contained flats (outline application for siting and access only at this stage) - Grant Permission Subject to Section 106 Obligation or any other enabling agreement. 01-10-2008

08/P2725 - Demolition of existing house and erection of new three storey building to provide 6 one bedroom self-contained flats, with storage for refuse and cycle/mobility parking facilities to the rear. [application for approval of reserved matters in respect of appearance) following approval of outline permission ref. 07/P1778]. Approve Reserved Matters 26-01-2009

14/P2945-Application for a lawful development certificate for the retention of 2 flats at third floor level behind the parapet wall - Issue Certificate of Lawfulness 24-09-2014

## 5. CONSULTATION

### 5.1 Public

Letters were sent to neighbouring properties and a site notice was put up outside the application property. Four representations were received, 3 in objection and 1 which outlined no-objections. Those points raised in the 3 objections are summarised as follows:

- Windows will be overlooking Cavendish House.
- Applicants have previously built on the site, and the build was not to what was approved.
- The applicant started illegally building at the site again in 2015.
- How can neighbours be assured that they will follow the plans put forward in this application?
- Concerns that neighbouring number 4 Cavendish Road will be overlooked, resulting in no privacy – currently not overlooked by anyone.
- Demolition may cause case movement to ground /foundations of neighbouring properties.
- Serious disruption during construction.
- Disruption to access to garages at rear of no 4 Cavendish Road.

Officer response:

- Please refer to the planning considerations section of this report.

### 5.2 Objection from Councillor – summarised as follows:

- Proposed unit is very small. Can't find kitchen facilities on the plans. Would be surprised if it met London Plan standards.
- Not much in the way of development, those that are look straight out to the development at Cavendish House.
- Unfortunate history at the site
  - Main building was not built according to approved plans, and had very substandard top floor added illegally (only found out after 4 years had past following construction).
  - The garage site itself had illegal building work stopped last year by the enforcement team and was only dismantled after an appeal to the mayor failed.
- Would want to see local residents protected from any further abuse of planning regulation.
- Before the site is development I would like to see an open assessment of the history of the site from its developer and an assurance that, this time, the law will be adhered to.

Officer response:

- Noted. Please refer to the planning considerations section of this report. On Councillor request this application was called in for consideration at planning committee.

### 5.3 Internal:

Transport Planning - comments summarised as follows:

- Site is within a CPZ and has a PTAL of 6a it meeting Council's criteria for a permit free residential development.
- Would require a s106 agreement to be put in place which would require the development to be permit free meaning occupants cannot apply for an on

street parking permit.

- The cycle parking provision shown on the plans is not workable as the cycle parking space on the building side of the Sheffield stand would not be accessible and therefore unusable. Would therefore request that condition H6 – final cycle parking details be included requiring final cycle parking details to be submitted prior to construction.

Officer response:

- Noted – the scheme will be subject to a s106 legal agreement restricting future occupants from obtaining parking permits.
- Amended plans have been received in regards to cycle parking. It is also noted that being one-bedroom London Plan requirements are only that cycle parking for one bike is supplied.

#### 5.4 External

Transport for London – comments summarised as follows:

- Site is in close proximity to the A24 High Street Colliers Wood.
- Development is car free which is welcomed by TfL.
- TfL recommends that future occupants be excluded eligibility for local authority car parking permits by the developer entering into a section 106 agreement with the local authority.
- Cycle parking will be provided in accordance with the London plan.
- TfL does not believe the proposal would have an unacceptable impact on the Transport for London Road Network (TLRN).

Officer response:

- Noted. The proposal would be subjected a such a s106 legal agreement.

## 6. **POLICY CONTEXT**

### 6.1 NPPF - National Planning Policy Framework (2012):

- 6. Delivering a wide choice of quality homes.
- 7. Requiring good design.

### 6.2 London Plan (2015)

Relevant policies include:

- 3.3 Increasing housing supply
- 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 Cycling
- 7.1 Lifetime Neighbourhoods
- 7.4 Local character
- 7.5 Public realm
- 7.6 Architecture
- 8.2 Planning Obligations

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

Relevant policies include:

- CS 8 Housing choice
- CS 9 Housing provision
- CS 11 Infrastructure
- CS 13 Open space and leisure

CS 14 Design  
CS 15 Climate change  
CS 17 Waste management  
CS 18 Transport  
CS 20 Parking servicing and delivery

6.4 Merton Sites and Policies Plan – 2014 (SPP)

Relevant policies include:

DM H2 Housing mix  
DM H3 Support for affordable housing  
DM D1 Urban Design  
DM D2 Design considerations  
DM D3 Alterations and extensions to existing buildings  
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 – 2012  
Merton Design SPG – 2004

**7. PLANNING CONSIDERATIONS**

7.1 Key planning considerations:

- Principle of development
- Design and impact upon the character and appearance of the area
- Impact upon neighbouring amenity
- Standard of accommodation
- Transport and parking
- Refuse storage and collection
- Cycle storage

Principle of development

7.2 Policy 3.3 of the London Plan 2015 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 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.

7.4 The National Planning Policy Framework (2012) and London Plan (2015) policies 3.3 & 3.5 promote sustainable development that encourages the development of additional dwellings in locations with good public transport accessibility. The site has a PTAL rating of 6a which is considered to be excellent and is located in an area surrounded by residential uses and is in close proximity to key transportation hubs. It is considered that the principle of development for more intensive residential development of the site to be acceptable, subject to compliance with the relevant policies in the London Plan (2015), Merton's LDF Core Strategy (2011), Merton's Sites and Policies Plan (2014) and supplementary planning guidance documents.

Design and impact upon the character and appearance of the area

7.5 London Plan policies 7.4 and 7.6, Core Strategy policy CS14 and SPP Policy DMD2 require well designed proposals that will respect the appearance, materials, scale, bulk, proportions and character of the original building and their surroundings.

- 7.6 The site comprises an existing building located to the rear of number 2 Cavendish Road. Being located to the rear of the site it is not considered that the proposed development would have a detrimental impact on the streetscene.
- 7.7 The proposed demolition of this garage/store would be replaced with a two storey building of the same footprint. The lower level would be sunken approx. half a storey in comparison to the existing ground level to in line with the ground floor level of the main block of flats at number 2 Cavendish Road. As such, the proposed building would be approx. half a storey (1.2m) higher than the existing garage / storage shed.
- 7.8 In conclusion, the design, scale, layout and appearance of the proposed development is acceptable considering the local context.
- Impact upon neighbouring amenity
- 7.9 SPP policy DM D2 states that proposals must be designed to ensure that they would not have an undue negative impact upon the amenity of neighbouring properties in terms of loss of light, quality of living conditions, privacy, visual intrusion and noise.
- 7.10 Number 4 Cavendish Road is a property which has been converted into 5 flats. It is located to the east of the application site, with the rear gardens located on the opposite site of the adjacent vehicular accessway (which provides access to the application property and to the rear car parking areas and garages of this neighbouring property). Due to this driveway the proposed development is set back approx. 3m from the fence of the rear outdoor amenity spaces of these neighbouring properties. Considering this set back it is not considered that there would be any unacceptable amenity impact on this neighbouring property in terms of loss of light, overshadowing or outlook. The proposed residential unit would not have any windows facing out to this neighbouring property and therefore it is also considered that there would be no loss of privacy through overlooking potential.
- 7.11 Cavendish House is located to the south and west of the application site. This property is currently undergoing redevelopment. Directly to the south of the application site, a block of flats that will be 3 stories high is under construction. The ground level within this neighbouring construction area has been lowered substantially in comparison to the application site. The proposed development includes two windows at the upper level which would face towards this neighbouring property, however, they would be set back from the boundary with this neighbouring property by between 2.5m and 3m and only 0.3m above the wall of the proposed terrace. As such, and in combination with the orientation of the windows also being directly to the rear (as opposed to directly facing windows of the block to be constructed), it is not considered that the proposed development would result in any unacceptable loss of privacy to the residential units being constructed at Cavendish House. It is also noted that the developer of Cavendish House have outlined that they have no objection to the proposal.
- 7.12 The existing units of number 2 Cavendish Road are the closest existing residential units to the proposed development. The applicant has included a Daylight/Sunlight Assessment which has investigated the impact on the rear units of this existing block. Flat 2 is the rear unit at ground floor level with Flat 4 being located at the rear at first floor level. Whilst the assessment outlines that the view of the sky (VOS) will be lowered for the living room of Flat 2, this is already not achieving the minimum as a result of the existing garage / store. The upper level is set back from the elevation adjacent to these flats and therefore minimises impacts on outlook and daylighting impacts. Whilst the proposed development will have some impact on outlook from the

first floor rear flat (Flat 4) through the overall raising of the roof, it is not considered that this would be of a level which would warrant a refusal in this regard.

- 7.13 Overall it is not considered that the proposed development would result in an unacceptable impact on outlook for neighbouring properties in terms of loss of light, overshadowing, outlook or loss of privacy.

Standard of accommodation

- 7.14 Policy 3.5 of the London Plan 2015 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 - GIA) as set out in Table 3.3 of the London Plan (Table 3.3). Table 3.3 (as amended in the Housing Standards Minor Alterations to the London Plan – March 2016) provides a comprehensive detail of minimum space standards for new development with.

Table 1: Section of table in Table 3.3 of the London Plan

Number of bedrooms	Number of bed spaces	Minimum GIA (m2)			Built-in storage (m <sup>2</sup> )
		1 storey dwellings	2 storey dwellings	3 storey dwellings	
1b	1p	39 (37)			1.0
	2p	50	58		1.5
2b	3p	61	70		2.0
	4p	70	79		

- 7.15 The proposed residential unit is a 1 bedroom, 2 person unit that would be split over two levels – required 58sqm GIA. The GIA of the proposed unit is 63sqm and therefore satisfies this requirement.
- 7.16 The lower level forms the kitchen, living and dining areas of the proposed unit. This level has windows facing out to the proposed sunken terrace at a mixture of single storey height (the portion below the upper level bedroom) and double storey height glazing. A substantial portion above the kitchen area of the proposed unit would also have double storey floor to ceiling heights. This is considered to vastly improve the spaciousness of the proposed unit in what is generally considered a confined site. An additional rooflight is proposed above the kitchen area of the unit. With the above in mind it is considered that the lower level will benefit from adequate levels of natural light.
- 7.17 The upper level would be a generous double sized bedroom. This habitable room would be serviced by two south facing windows, and with this in mind is considered to benefit from acceptable daylight and sunlight levels.
- 7.18 In accordance with London Plan Housing SPG standards, all floor to ceiling heights are a minimum of 2.3m for at least 75% of the internal floor area.
- 7.19 In accordance with the London Housing SPG, the Council's Sites and Policies Plan states that there should be 5sq.m of external space provided for 1 and 2 bedroom flats with an extra square metre provided for each additional bed space. Although not technically a flat, given the size being 1 bedroom (i.e. a non-family sized unit) and the excellent PTAL value of the site, it is considered acceptable in this instance for outdoor amenity space requirements to be assessed on the basis of a flatted development. The proposed sunken terrace area would have an area of approx.

10.4sqm. As such, for the requirements of a 1 bedroom flat the provision of private outdoor amenity space is considered acceptable.

- 7.20 It is considered that the proposed unit would offer an acceptable standard of living for any future occupants.

#### Transport and parking

- 7.21 Core Strategy policy CS20 requires that development would not adversely affect pedestrian or cycle movements, safety, the convenience of local residents, on street parking or traffic management.

- 7.22 The proposed unit is intended to be car-free. Given the high PTAL rating of 6A and being located within a CPZ, it is considered that this approach is appropriate. The applicant has agreed to the restricting of future occupiers from obtaining parking permits within the CPZ which will be secured via s106 legal agreement. The application was reviewed by both Merton's Transport Planning Advisor and Transport for London, both of which were supportive of the car-free nature of the proposed development.

#### Refuse storage and collection

- 7.23 Appropriate refuse storage has been proposed close to the front door and opening out onto the accessway which is considered to be in accordance with policy 5.17 of the London Plan and policy CS 17 of the Core Strategy. Amendments were sought to alter the doors to this area so as to be roller as opposed to swinging out onto the vehicular accessway of which several residents have access. A condition requiring implementation has been imposed on the development for completeness.

#### Cycle storage

- 7.24 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; for a development of the nature proposed, 9 cycle storage spaces would be required.
- 7.25 Cycle storage space has been provided directly off of the accessway, adjacent to the above mentioned refuse storage area. The level of provision is considered acceptable given the size of the proposed residential unit. A condition requiring implementation has been imposed on the development for completeness.

#### Sustainability

- 7.26 On 25 March 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.
- 7.27 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.
- 7.28 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.

- 7.29 A condition requiring compliance has been included.

Developer contributions

- 7.30 The proposed development would be subject to payment of the Merton Community Infrastructure Levy and the Mayor of London's Community Infrastructure Levy (CIL).

**8. CONCLUSION**

- 8.1 It is considered that the proposal is of a suitable layout, height, scale and design which would not harm the amenities of neighbouring residents or the character and appearance of the area. The development would provide an acceptable quality of living accommodation for future occupants. The proposal would not have a detrimental impact on highway safety or parking pressure – being further secured via the restricting of future occupiers from obtaining parking permits as per the s106 legal agreement. The proposal would accord with the relevant National, Strategic and Local Planning policies and guidance and approval could reasonably be granted in this case. It is not considered that there are any other material considerations, which would warrant a refusal of the application.

The application is therefore recommended for approval subject to s106 legal agreement and appropriate conditions.

**RECOMMENDATION**

**Grant planning permission subject to planning conditions and the completion of a S106 agreement covering the following heads of terms:**

1. Future occupiers of both of the proposed residential units are restricted from obtaining residents parking permits for the CPZ.
2. The developer agreeing to meet the Council's costs of preparing [including legal fees] the Section 106 Obligations.
3. The developer agreeing to meet the Council's costs of monitoring the Section 106 Obligations.

And subject to conditions.

Grant planning permission subject to s106 legal agreement and appropriate conditions:

1. A1: The development to which this permission relates shall be commenced not later than the expiration of 3 years from the date of this permission.
2. A7: The development hereby permitted shall be carried out in accordance with the following approved plans: MA 165 001 rev P1 (site location plan), MA 165 051 Rev P1 (prop site plan), MA 165 060 Rev P2 (ex and prop ground floor), MA 165 061 Rev P1 (ex and prop 1<sup>st</sup> floor), MA 165 062 Rev P1 (ex and prop roof), MA 165 081 Rev P2 (elevation 01), MA 165 081 Rev P2 (elevation 2), MA 165 082 Rev P1 (elevation 03 & 04), MA 165 090 Rev P1 (site section).
3. B2: The facing materials used in the development hereby permitted shall match those of the existing building in materials, style, colour, texture and, in the case of brickwork, bonding, coursing and pointing.

4. C07: 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.
5. C08: 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.
6. H07: The development hereby permitted shall not be occupied until the cycle parking shown on the plans hereby approved has been provided and made available for use. These facilities shall be retained for the occupants of and visitors to the development at all times.
7. D11: 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.
8. 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.

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 (2013). Evidence to demonstrate a 19% reduction compared to 2013 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.

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

**Informatives:**

Note To Applicant - Scheme Amended During Application Lifecycle

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To view Plans, drawings and documents relating to this application please follow [this link](#)

Please note that this link, and some of the related plans, may be slow to load