

PLANNING APPLICATIONS COMMITTEE 17 November 2016

	APPLICATION NO.	DATE VALID
	15/P3217	17/11/2015
Address/Site:	40 Dane Road, Colliers Wood, London, SW19 2NB	
Ward:	Abbey	
Proposal:	Demolition of the existing building and the construction of a three storey block of flats (4x1 bed and 3 x studio flats).	
Drawing Nos:	Site location plan, drawings; Site location plan, drawings; 1497-001A P7,1497-002A P9,1497-003A P6,1497-004A P7,1497-005A P8,1497-006A P7 &1497-007A P5	
Contact Officer:	Leigh Harrington (020 8545 3836)	

RECOMMENDATION

GRANT Planning Permission subject to conditions

CHECKLIST INFORMATION

- Heads of agreement: Yes. Signed unilateral agreement submitted for car free
- Is a screening opinion required: No
- Is an Environmental impact statement required: No
- Has an Environmental Impact Assessment been submitted: No
- Press notice: No
- Site notice: Yes
- Design Review Panel consulted: No
- Number neighbours consulted – 64
- External consultants: Metropolitan Police, Environment Agency, Greater London Archaeological Advice Service
- Density: n/a
- Number of jobs created: n/a
- Density: 200 units per ha

1. INTRODUCTION

- 1.1. The application is brought before PAC due to the level of objection to the proposal.

2. SITE AND SURROUNDINGS

- 2.1. This is a 0.0335 hectare roughly square site located on the south side of Dane Road in Colliers Wood. The site is currently cleared having previously been occupied by a language school. The site is surrounded on both sides and directly opposite by houses whilst the site to the rear in Station Road, currently a retail furniture warehouse, has recently been granted permission following consideration by Merton's Planning Applications Committee for a residential development comprising houses and flats.
- 2.2. The site is not within a Conservation Area but is located within Controlled Parking Zone SW and is located within an Archaeological Priority Zone.
- 2.3. The application site enjoys reasonable access to public transport (PTAL level 3).

3. CURRENT PROPOSAL

- 3.1. The demolition of the previous language school building has already been undertaken.
- 3.2. On the ground floor the building will align with the existing building line along Dane Road. A central entrance between a pair of bay fronted windows will lead to an entrance hall serving two ground floor one bedroom units at the front and a third at the rear as well as a stairway to the upper floors. A refuse area would be set behind the front wall and a passageway would allow access to the rear of the site where secure cycle storage will be situated. Each ground floor unit has its own outdoor private amenity area directly accessed from the units.
- 3.3. The first floor of the block of flats would comprise a further one bedroom unit and a studio unit, both with winter garden amenity spaces at the rear.
- 3.4. The second floor of the proposal provides space for two further studio units within a rear dormer style top floor.
- 3.5. The first two floors would be finished in red brick with contrasting colour banding whilst third floor accommodation is to be set within a tiled roof and the design details, sizing and positioning of the fenestration has been amended to reflect that in the adjoining terrace for the windows and the ground floor front bays.
- 3.6. The scale in terms of the height and depth and the quantum of development has been reduced since the scheme was originally submitted in response to officer and neighbour concerns.
- 3.7. The proposal before members now includes a roof ridge line that is a continuation of the existing ridge line such that it now matches the height,

slope and orientation of the existing roof of the terrace. By doing so, the upper floor depth of the building matches that of the existing terrace on the flanks whilst in the centre it protrudes just over 2m beyond that rear wall whilst on the ground floor. The central element extends back from that wall line by 6.1m although on the flanks the development is a similar depth to that of each neighbouring property's own rear extension.

4. PLANNING HISTORY

- 4.1. 1953 Permission granted for the erection of a warehouse with consents in 1955 and 1956 for the cutting and storage of metal rods.
- 4.2. MER119/74 Planning permission granted for erection of an office extension.
- 4.3. MER969/82 Section 53 Determination for use of the premises for the processing, mixing and grinding of yeast, herbs and spices.
- 4.4. 1988 Permission granted for single storey and first floor rear extensions.
- 4.5. 01/P1450 Planning permission granted for change of use from B1 to D1 language school. (No other use within D1 without consent).
- 4.6. 15/P0606/NEW Pre application advice for the demolition of the existing building and erection of residential dwellings consisting of 3 x 1 bedroom flat, 3 x 2 bedroom flats and 1 x 3 bedroom flat.
- 4.7. 15/P2108/NEW Pre application advice for the erection of a 4 storey building to provide 6 x residential dwellings and D1 use on the ground floor.

5. CONSULTATION

- 5.1. The planning application was publicised by means of site notices and letters were sent to 64 neighbouring occupiers, In response 11 objection letters have been received from local residents raising the following issues:

- Three storeys is too high for the area.
- The depth & rear massing are too great, nothing else is this big.
- 4 Storey building will block out light to windows and gardens, be visually intrusive and harmful to outlook.
- Balconies at rear will overlook neighbour.
- Did not receive any pre application consultation from the applicant even though listed in the Community consultation document.
- The density would be too great with up to 24 residents.
- Front dormer windows are out of keeping with the area.
- Not enough parking.
- Drawings are misrepresentative.
- Noise from communal garden.
- Smells from refuse stores.

- Disturbance during construction.
- 5.2. The scheme was revised and the proposal was re-consulted upon in December 2015 and 5 comments were made that it was still too high, too obtrusive, overlooking, loss of light and had inadequate parking spaces.
- 5.3. The revised scheme currently before members was re-consulted upon again and 2 responses were received raising concerns relating to:
- Building still too high at the rear
 - Intrudes on privacy
 - Increased pressure on parking
 - The density is too high
 - The site is very close to a conservation area
 - Alley access to the rear cycle store presents a security risk for neighbours
- 5.4. The Metropolitan Police Safer by Design Officer recommended that security gates be fitted to prevent uncontrolled access to the rear where the cycle stores should be securable within stands that allowed for locking to take place in at least two points. Low roofs should not provide climbing points, the rear garden fence should include trellis and the refuse stores should not provide seating areas.
- 5.5. Transport Planning. Officers confirmed that the proposed cycle storage was policy compliant, that based on census data it was expected that the development would likely generate three additional vehicles but as this was in a CPZ the development will not generate a significant negative impact on the performance and safety of the surrounding highway network and as such the officer supported a recommendation for approval. Highways officers raised no objections but requested a condition be added to reinstate the existing dropped kerb
- 5.6. Environmental Health officers were consulted on the proposals and had no objections subject to the imposition of suitable conditions in relation to possible site contamination given its previous commercial uses.
- 5.7. Greater London Archaeological Advisory Service raised no objection but given the sites location near a Scheduled Ancient Monument (Merton Priory) they requested conditions relating to a written scheme of Investigation and an archaeological evaluation being undertaken post demolition and prior to any below ground work.
- 5.8. The Environment Agency were consulted and stated that as there was a low environmental risk involved they had no comment to make.

6. POLICY CONTEXT

- 6.1. The London Plan (March 2015)

The relevant policies within the London Plan are 3.3 (Increasing Housing Supply), 3.4 (Optimising Housing Potential), 3.5 (Quality and Design of Housing Development), 3.8 (Housing Choice), 5.1 (Climate Change), 5.3 (Sustainable Design and Construction), 5.13 (Sustainable drainage), 6.9 (Cycling), 6.13 (Parking), 7.4 (Local Character), 7.5 (Public realm), 7.6 (Architecture), 7.15 (Reducing and managing noise), 7.8 (Heritage assets) 7.21 (Trees and woodlands).

6.2. Merton Core Strategy (July 2011)

CS8 (Housing Choice), CS9 (Housing Provision), CS11 (Infrastructure), CS13 (Open space), CS14 (Design), CS15 (Climate Change), CS16 (Flood risk management), CS17 (Waste Management), CS18 (Active Transport), CS19 (Public Transport), CS20 (Parking, Servicing and Delivery).

6.3. Merton Sites and Policies Plan (July 2014)

DM D1 (Urban Design and the Public Realm), DM D2 (Design considerations in all developments), DM D3 (Alterations and extensions to buildings), DM D4 (Heritage assets), DM C1 (protection of community uses), DM EP 2 (Reducing and mitigating against noise), DM EP 4 (Pollutants), DM F2 (Sustainable urban drainage systems), DM O2 (Nature conservation), DM T1 (Support for sustainable transport and active travel), DM T2 (Transport impacts of development), DM T3 Car parking and servicing standards

6.4. London Plan Housing SPG (2016)

7. PLANNING CONSIDERATIONS

7.1. The main planning considerations include the loss of the site for D1 use (the building has been demolished), housing targets, standard of accommodation, design, impact on neighbouring amenity & parking and servicing.

7.2. The language school formed part of the Borough's social infrastructure. Policy 3.16 in the London Plan states 'Proposals which would result in a loss of social infrastructure in areas of defined need for that type of social infrastructure without realistic proposals for re-provision should be resisted. Policy CS 11 in the Merton LDF Core Strategy also resists the net loss of social and community facilities particularly where a need has been identified. This policy is followed through in Policy DM.C1 in the Merton Sites and Policies Plan (2014) which states that; any redevelopment proposals resulting in a net loss of existing community facilities will need to demonstrate that the loss would not create, or add to, a shortfall in provision for the specific community uses.

7.3. Given the building has been demolished the first question to be addressed is whether there is a need to re-provide similar D1 floor space as part of any redevelopment proposals. When permission was granted in 2001 for the language school its use was restricted by condition so as to prevent use for other D1 community uses. The building could therefore not be used for example as a surgery without permission having first been obtained. Thus, the loss of the floor space relates specifically to this specialist use for which there

is no defined planning need locally and does not contribute to a shortfall of specific social or community needs.

- 7.4 Sites and Policies policy DM.C1 also requires that when considering proposals for redevelopment that there is no viable demand for any other community uses on the site.
- 7.5 Applications proposing a loss of a community facility would be expected to show that full and proper marketing has been undertaken to demonstrate that community uses (D1 Use Class) are no longer viable on the site. The applicants submitted marketing evidence which has been reviewed by the Council's Policy section who were of the opinion that the loss of the Language school use was justifiable given the restricted lawful use set out in 7.3 above.
- 7.6 The principle of residential development on the site
Policy CS. 9 within the Council's Adopted Core Strategy [July 2011] and policy 3.3 of the London Plan [March 2015] state that the Council will work with housing providers to provide a minimum of 4,107 additional homes [411 new dwellings annually] between 2015 and 2025. The lawful use of the site previously was as a language school for which there is no identified need and the site is adjacent to the residential developments of Dane Road and Station Road. Consequently, subject to suitable conditions, officers consider that the site would be acceptable for residential occupation as a continuation of the surrounding residential area. This proposal will provide 4 new 1 bedroom flats and 3 new studio flats and there is an identified need for new housing and is therefore considered to accord with these policies.
- 7.7 Standard of accommodation and amenity space
The London Plan (2015) (Policy 3.5) and its supporting document, The London Housing Supplementary Planning Guidance 2016 provide detailed guidance on minimum room sizes and amenity space. These recommended minimum Gross Internal Area space standards, reflecting the nationally prescribed space standards are based on the numbers of bedrooms and therefore likely number of future occupiers. The units either meet or exceed this standard, with all habitable rooms receiving satisfactory levels of daylight. With the exception of the two top floor units each unit meets or exceeds the minimum requirement for private amenity space. Although the top two units do not have their own private amenity space most roof space flats do not benefit from such provision and without such space there is less overlooking and loss of privacy for neighbouring occupiers and therefore on balance, officers do not consider this would warrant a refusal of planning permission in these circumstances.
- 7.8 Design
London Plan policy 7.4, Sites and Policies Plan policies DM D1 and DM D2: as well as LBM Core Strategy Policy CS14 aim to ensure that proposals are well designed and in keeping with the character of the local area. The proposals have undergone significant revision in response to officer concerns. The originally proposed fourth floor has been removed from the scheme and the roof design altered such that it now follows the height and orientation of the

neighbouring ridgeline and the front dormers have also been removed so that the roof now has the appearance of other roofs in the road with Velux windows. Similarly the orientation and positioning of the fenestration and the ground floor bays has been revised such that officers now consider the proposals sits more comfortably within the streetscape. The scale, bulk and massing of the rear element has also been revised such that it now fits in with the extensions to the rear of the adjoining properties. The building will be constructed from brick on the first two floors to reflect facing materials in the area and, in officer's opinion, create a more attractive design than might have been the case with render.

7.9 Neighbour Amenity

London Plan policy 7.6 and SPP policy DM D2 require that proposals do not have a negative impact on neighbour amenity in terms of loss of light, visual intrusion or noise and disturbance. Objectors had considerable concerns with the impact of the original scheme upon their amenity, in particular the size and positioning of the upper floor. The upper floor depth has now been reduced so that the rear wall on the boundary is now to the same the depth of the adjoining building and is only slightly deeper than the other neighbour at 42 Dane Road with the deepest part again being set away from neighbours by 3.8m and 4.69m respectively. thereby reducing visual intrusion and loss of light to neighbouring properties.

The originally proposed rear balconies have been removed and replaced with Juliet's and therefore the issue of overlooking is considered to have been addressed and at ground level both neighbouring properties now have single storey rear extensions that equate to the depth of this proposal. Officers now consider that these changes significantly reduce any impact on neighbour's amenity such that this would not justify grounds for refusal.

7.10 Traffic, Parking and Servicing

The issue of parking pressure from the new flats was raised in objections to the initial proposals however current central government and Mayoral guidance seeks to encourage use of sustainable travel modes and to reduce reliance on private car travel. To this end they are only guidelines on the maximum level of parking that should be provided rather than a minimum. The site is located within a CPZ and consequently the occupiers can be restricted from obtaining parking permits for use within that area

- 7.11 The development would have sufficient space in the rear of the site to store cycles. The proposed level of cycle parking for the flats exceeds the London Plan minimum standards by one space and is consequently considered acceptable. There is a requirement for the cycle storage to be secure and therefore a condition requiring details to be approved is also recommended.

7.12 Archaeology

The site is located within an Archaeological Priority Zone and therefore GLAAS were involved to ensure that the proposals would accord with London Plan policy 7.8 and SPP policy DM D4 and not harm any heritage assets.

GLAAS were satisfied that this could be facilitated through the imposition of a condition that requires a two-stage process of archaeological investigation.

7.13 Contaminated Land

The relevant consultees have no objection to the proposals but require the imposition of suitable conditions relating to potential land contamination given the commercial use history of the site.

8 SUSTAINABILITY AND ENVIRONMENTAL IMPACT ASSESSMENT REQUIREMENTS

- 8.1 The proposal does not constitute Schedule 1 or Schedule 2 development. Accordingly, there are no requirements in terms of an Environmental Impact Assessment (EIA).

9 CONCLUSION

- 9.1 Although the site was previously in use for commercial uses the loss of the Language school and its replacement with housing in this location is not contrary to relevant policy. The previous building was of no architectural merit whilst the design of the proposed replacement development has evolved through continued discussions with officers to create a design that reflects its residential setting whilst providing much needed accommodation that meets the needs of both neighbouring residents and future occupiers of the development.

RECOMMENDATION

GRANT PLANNING PERMISSION Subject to a S106 Agreement and conditions:-

Heads of terms –

- i) Flats to be made Permit Free;
- ii) The developer agreeing to meet the Council's costs of preparing, drafting and monitoring the Section 106 Obligations

- 1. A.1 Commencement of Development
- 2. A.7 Approved Drawings; Site location plan, drawings; 1497-001A P7, 1497-002A P9, 1497-003A P6, 1497-004A P7, 1497-005A P8 & 1497-006A P7
- 3. B.1 Material to be approved
- 4. B.4 Site Surface Treatment
- 5. B.5 Boundary Treatment
- 6. C.6 Refuse and recycling

7. D.9 No external lighting
8. D.11 Construction times
9. F.1 Landscaping/Planting Scheme
10. F.2 Landscaping (Implementation)
11. H.3 Redundant crossovers
12. H.7 Cycle Parking to be implemented
13. H.9 Construction vehicles
14. Non-standard condition: Prior to the commencement of construction works details of: the design of all access gates; communal entrance security; refuse and cycle store locking systems shall be submitted to and approved in writing by the Local Planning Authority and be installed and operational prior to first occupation of the building.

Reason. To ensure a safe and secure layout in accordance with policy DM D2 of the Merton Adopted Sites and Policies Plan 2014

15. M1 Contaminated land
16. M2 Contaminated land- remedial measures
17. Contaminated land – Validation Report
18. Archaeology Non Standard Condition: No development shall take place until a stage 1 written scheme of investigation (WSI) has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no demolition or development shall take place other than in accordance with the agreed WSI, and the programme and methodology of site evaluation and the nomination of a competent person(s) or organisation to undertake the agreed works. If heritage assets of archaeological interest are identified by stage 1 then for those parts of the site which have archaeological interest a stage 2 WSI shall be submitted to and approved by the local planning authority in writing. For land that is included within the stage 2 WSI, no development shall take place other than in accordance with the agreed stage 2 WSI which shall include:
 - A. The statement of significance and research objectives, the programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works
 - B. The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This

part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the stage 2 WSI.

Reason: The planning authority wishes to secure physical preservation of the site's archaeological interest in accordance with the NPPF, policy 7.8 in the London Plan 2015 and policy DM D4 of the Merton Sites and Policies Plan 2014.

19. K2 Archaeology, Watching brief

20. K3 Foundation design; If as a result of the findings of the archaeological investigations it is deemed necessary by Historic England/GLAAS, no development shall take place until details of the final foundation design have been submitted by the applicant and approved in writing by the planning authority. The development shall only take place in accordance with the approved details. Reason The planning authority wishes to secure physical preservation of the site's archaeological interest in accordance with the NPPF, policy 7.8 in the London plan 2015 and policy DM D4 of the Merton Sites and Policies Plan 2014.

21. No part of the development hereby approved shall be occupied until evidence has been submitted to the council confirming that the development has achieved not less than the CO2 reductions (ENE1), internal water usage (WAT1) standards equivalent to Code for Sustainable Homes Level 4. Reason. To ensure that the development achieves a high standard of sustainability and makes efficient use of resources and to comply with the following Development Plan policies for Merton: policy 5.2 of the London Plan 2015 and policy CS15 of Merton's Core Planning Strategy 2011.

22. Non-standard condition. No development approved by this permission shall be commenced until a scheme for the provision of surface water drainage has been implemented in accordance with details that have been submitted to and approved in writing by the local planning authority. The scheme for disposing of surface water by means of a sustainable drainage system (SuDS) to ground, watercourse or sewer in accordance with drainage hierarchy contained within the London Plan Policy 5.13, shall be in accordance with the approved submitted drainage strategy (produced by Cole Easton Ltd Dated march 2016 Rev 2) . The final drainage scheme include the following:
i. provide information about the design storm period and intensity, the method employed to delay (attenuate provision no less than 47.5m3 of storage) and control the rate of surface water discharged from the site to no more than 5l/s the measures taken to prevent pollution of the receiving groundwater and/or surface waters; ii. include a timetable for its implementation; iii. include a CCTV survey of the existing surface water outfall and site wide drainage network to establish its condition is appropriate; and
iii. provide a drainage management and maintenance plan for the lifetime of the development.

Reason: To ensure satisfactory means of surface water drainage, to reduce the risk of flooding and to comply with the following Development Plan policies

for Merton: policy 5.13 of the London Plan 2015, policy CS16 of Merton's Core Planning Strategy 2011 and policy DM F2 of Merton's Sites and Policies Plan 2014.

Informative;

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

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

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