

**PLANNING APPLICATIONS COMMITTEE
21 SEPTEMBER 2017**

APPLICATION NO. **DATE VALID**

17/P2440

20/06/2017

Address/Site Land rear of
1 York Road, South Wimbledon SW19 8TP

(Ward) **Trinity**

Proposal: Redevelopment of the site to by the erection of a part single, part two and part three storey block comprising 372.9m² of B1 office floor space arranged over lower ground and ground floor levels and 1 x one bedroom and 2 x two bedroom flats above and erection of a two storey block comprising 3 x 2 bed duplex apartments arranged over lower ground, ground and first floor levels together with associated parking and landscaping works.

Drawing Nos Site location plan, B300145P-200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, Planning, Design and Access Statement, Basement Impact Statement, SUDS Feasibility Report and Flood Risk Assessment.

Contact Officer: Richard Allen (8545 3621)

RECOMMENDATION

GRANT Planning Permission subject to completion of a S.106 Agreement and conditions

CHECKLIST INFORMATION

- Heads of agreement: No
- Is a screening opinion required: No
- Is an Environmental impact statement required: No
- Has an Environmental Impact Assessment been submitted: No
- Press notice-Yes
- Site notice-Yes
- Design Review Panel consulted-No
- Number neighbours consulted :27
- External consultants: None
- Density: n/a
- Number of jobs created: n/a
- Archaeology Priority Zone: no

1. **INTRODUCTION**

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

2. **SITE AND SURROUNDINGS**

- 2.1 The application site comprises a vacant site previously occupied by workshop buildings, situated on the north side of York Road. To the east of the site are rear gardens of two storey houses in Haydon's Road, to the north of the site are two storey houses on Effra Road and to the west is Ashbury Place, a development of 6 two storey mews houses. The rear elevations of numbers 5 and 6 Ashbury Place abut the site boundary. Opposite the site are two storey business units in York Road. The application site is not within a conservation area.

3. **CURRENT PROPOSAL**

- 3.1 The current application involves the redevelopment of the site by the erection of a three storey block comprising 372.9m² of B1 office floor space arranged over lower ground and ground floor levels and 3 above and erection of a two storey block comprising 3 x duplex apartments arranged over lower ground, ground and first floor levels together with associated parking and landscaping

3.2 Block A

The block situated towards the front of the site would comprise a part single/part two and part three storey building (with accommodation at basement level). The proposed building would be 18 metres in length and 12.5 metres in width and would have an overall height of 9 metres. Block A would be set back from the site frontage by 20 metres and the rear elevation would abut the boundary with properties in Asbury Place.

- 3.3 Internally, at lower ground and ground floor levels 372.9m² of B1 Office floor space would be provided divided into four units. The units at lower ground floor level having windows fronting onto a light well running along the front elevation of the building. At first and second floor levels 1 x 1 bedroom and 2 x 2 bedroom flats would be provided with each flat comprising a combined living/kitchen/dining. Each flat would have a balcony to the front elevation (5.2m² for the one bedroom unit and 9.5m² for the two bedroom units).

3.4 Block B

The block would be sited towards the rear of the site and would comprise a terraced building (with accommodation at basement level) comprising three duplex apartments. At lower ground floor level each unit would have an en-suite bedroom at basement level with light provided by light wells to the front elevation. At ground floor level a combined living/kitchen/ dining area whilst at first floor level a further bedroom and study would be provided. Each unit would have a small rear balcony (8m²) screened from the rear by a 1.7 metre high obscure glazed screen.

- 3.5 The development has been designed in a contemporary style echoing an industrial/warehouse design. The buildings would be constructed in facing brickwork and render and would have traditional styled windows and projecting balconies.
- 3.6 Access to the site would be from York Road and two parking spaces would be provided, together with a turning area. A secure cycle store would also be provided.
- 3.7 The current application is similar to application LBM Ref.16/P0735 which proposed 8 x 1 bedroom flats and 4 x B1 Office units within a three storey building and erection of a two storey building accommodating two x B1 Office units together with 2 x car parking spaces and 4 cycle parking spaces that was dismissed on Appeal on 29 March 2017 (Appeal Ref.APP/T5720/W/16/3161322). The current application has been submitted in order to address the reasons for refusal and the Planning Inspectors comments.

4. **PLANNING HISTORY**

- 4.1 In November 2007 planning permission was refused for the redevelopment of the site by the erection of a three storey building comprising 12 flats with communal roof garden and 2 x class B1 office units (LBM Ref.07/P2548). A subsequent Appeal was dismissed on 15 July 2008 (Appeal Ref.APP/T5720/A/08/2064321). The Inspector considered that there main considerations were the effect of the proposed development on small-scale employment units within the borough; whether the proposal would ensure a satisfactory standard of accommodation for future occupiers of the development; and the effect on the neighbouring occupiers' living conditions in terms of loss of light and privacy. The Inspector noted that the site lay outside the Boroughs major employment locations but remained subject to policy E.6 that sought to maintain scattered employment sites which provide significant levels of employment. The Inspector considered that the small element of B1 space would not adequately compensate for the potential number of jobs that could be accommodated if the extant permission was implemented. The Inspector found the proposal to conflict with policy E.6.
- 4.2 In terms of the standard of residential accommodation to be provided, the Inspector acknowledged that the main bedrooms to flats 8 and 12 would have insufficient light and outlook, however considered the overall standard of accommodation would be satisfactory in terms of natural daylight and that in the main, floor areas would be adequate for furniture and storage. With regard to neighbours living conditions, the Inspector considered that the proposed buildings, in particular the three storey flats, would not be unduly large or so intrusive so as to appear overbearing or cause any appreciable loss of light to any neighbouring habitable rooms. Sufficient separating distance would also be maintained to avoid any significant adverse impact from noise. The Inspector was satisfied that the proposal would create no more intrusive impact than either the former or permitted uses of the buildings.

4.3 The Inspector concluded that the proposals would include a satisfactory standard of accommodation for future occupiers and would not cause harm to neighbouring residents' living conditions however this must be balanced against the need to retain a supply of land and premises for employment use. He also considered the supply of new housing and provision of an open space did not outweigh the loss of a significant amount of employment land.

4.4 In November 2013 planning permission was refused for the erection of 1 x 3 storey building and 1 x 2 storey building to create 9 x 1 bedroom flats with associated landscaping (LBM Ref.13/P2888). Planning permission was refused on the grounds that:-

'The proposed development would result in the loss of employment land, for which insufficient justification has been given, detrimental to the provision of employment floor space in the Borough. As such, the proposed development would be contrary to policy E.6 of the Adopted Merton unitary development Plan (October 2003) and policy CS12 of the adopted Merton Core Planning Strategy (July 2011) and

The proposed residential accommodation would, by virtue of its lack of private amenity space for three of the proposed two bedroom units, and substandard amenity space for three of the proposed two bedroom units, suitable for family accommodation, and lack of natural light to the units within the three storey block, would constitute an unsatisfactory standard of accommodation, contrary to policy HS.1 of the Adopted Merton Unitary Development Plan (October 2003) and the Councils' New Residential Development SPG and

The proposed three storey block, would by virtue of its height bulk, massing and site coverage, constitute an over development of the site, that would be detrimental to the outlook and privacy of the occupiers of the neighbouring properties, particularly 1A and 1B York Road, contrary to policies BE.15, BE.16, BE.22 and HS.1 of the Adopted Merton Unitary Development Plan (October 2003) and policy CS14 of the Adopted Merton Core Planning Strategy (July 2011), and the Council's New Residential Development SPG'.

Other reasons for refusal were lack of information on flood risk, lack of financial contribution towards affordable housing and loss of privacy from windows in the two storey block.

4.5 In August 2016 planning permission was refused under delegated powers for the redevelopment of the site by the erection of a three storey block comprising 372m² of B1 office floor space arranged over lower ground floor levels and 4 x two bedroom flats above and erection of a two storey block comprising 3 x duplex apartments arranged over lower ground, ground and first floor levels together with associated parking and landscaping works (LBM Ref.16/P0735). Planning permission was refused on the grounds that:-

'The proposed three storey block (Block 'A') would, by virtue of its height and location on the rear boundary with numbers 1A and 1B York Road constitute and excessively large and overbearing development to the detriment of the

outlook and daylight/sunlight to the occupiers of those properties contrary to policy CS14 of the Adopted Merton Core Planning Strategy (July 2010) and policy DM D2 of the Adopted Merton sites and Policies Plan (July 2014)'.

- 4.5 The applicant appealed against the Council's refusal of planning permission (Appeal Ref.APP/T5720/W/16/3161322) and the Planning Inspector dismissed the appeal on 29 March 2017. The Inspector in paragraph 15 of the Appeal decision letter stated that 'I conclude that the proposal would have an unacceptable harmful effect upon the living conditions of neighbouring occupiers. It would be contrary to policy Core Strategy policy CS14 and SPP policy DM D2, where they seek to protect residential amenities. It would also not meet the aims of paragraph 17 of the NPPF.
- 5.6 The current application has been submitted in order to overcome the reasons for refusal.

5. **CONSULTATION**

- 5.1 The application has been advertised by site notice procedure and letters of notification to occupiers of neighbouring properties. In response 28 letters of objection have been received. The grounds of objection are set out below:-
- The three storey building would be out of character.
 - There is no need for commercial floorspace.
 - Lack of parking.
 - Poor site access.
 - The current application has not addressed the reasons for refusal of the previous scheme (LBM Ref.16/P0735) of the Planning Inspector's comments.
 - the development would be oppressive and unacceptable overdevelopment of the site.
 - Basement construction may affect neighbouring properties.
 - The proposal would have a negative impact upon the area.
 - Balconies of block B would cause overlooking.
 - Incongruous design.
 - Lack of amenity space.
 - Loss of light to neighbouring properties.
 - No justification for basement accommodation.
 - Potential for flooding.
 - There is a need for family housing and not flats.
 - There are currently empty commercial properties in York Road and there is no local need.
 - The proposal will result in loss of light to properties in Ashbury Place.
 - The three storey block is too high.
 - Parking is a real issue in the area and the proposal should be rejected on parking grounds.
 - there is no affordable housing.
 - Three or four family sized houses should be built on the site.
 - The proposal would result in overshadowing of neighbouring properties.
 - Would reduce the quality of life in the area.
 - The commercial building would overlook the garden of 1A York Road.

- The current proposal has not addressed the impact of the scheme upon 1A and 1B York Road.
- The current scheme is little different from the previous proposal.
- Access is too narrow for emergency vehicles.
- Parking is insufficient for 6 units and commercial floorspace.
- There would be no objections to a single apartment block or a few houses with parking for all the homes.

5.2 The Wimbledon Society

The current proposals do not address the issues that caused the previous application to be rejected. One of the buildings is still three storeys in height. The new buildings extend almost to the perimeter of the site on all sides with a narrow access route. The effect of this would be a dominant form of development that would be detrimental to neighbour amenity. Privacy is also a key issue. The new properties have balconies facing adjacent properties. Although high opaque screens are proposed, this may not allay privacy concerns of local residents. Access to the site is also poor and the development lacks amenity space. The Wimbledon Society believes that the proposal represents over development of the small site and that the application should be refused.

5.3 Effra Road Tenant's Association

The proposal lack amenity space and the residential block would affect light to properties in Effra Road and the proposed development does not reinforce or respect the character of the local area. The association state that they would be in favour of a development similar to Barton Mews where a factory once stood. This has been turned into family housing.

5.2 Transport Planning

The site has been subject to a number of planning applications ranging from 8 to 12 flats plus commercial floor space. In terms of accessibility by public transport the site has a PTAL score of 2. However, following subsequent refusals/appeals the Inspector did not cite transport/parking impacts as an issue therefore the principal of this scale of development has been established, as was the principal of a car free development. It is therefore unlikely that transport planning could justify grounds for refusal. The addition of two parking spaces is not expected to have any adverse impacts on highway conditions. York Road is within a Controlled Parking Zone and therefore commuters/workers for the business units would not be able to park on street. There would need to be dedicated visitor cycle parking provided for the commercial units. The residential cycle parking is rather remote from block B and it is therefore suggested that a segregated block for cycle parking is provided for each block rather than a communal block.

6. **POLICY CONTEXT**

- 6.1 The relevant planning policy contained within the Adopted Merton Core Strategy (July 2011) are CS8 (Housing Choice), CS9 (Housing Provision), CS.14 (Design) and CS15 (Climate Change).

- 6.2 The Relevant Policies contained within the Merton Site and Policies Plan (July 2014) DM O1 (Nature Conservation, Trees, Hedges and Landscape Features), DM D1 (Urban Design and Public Realm), DM D2 (Design Considerations in all Developments), DM D3 (Alterations to Existing Buildings) and DM D4 (Managing Heritage Assets).
- 6.3 The relevant policies contained within the London Plan (July 2011) are 3.3 (Increasing London's Supply of Housing), 3.4 (Optimising Housing Potential), 3.5 (Quality and Design of Housing), 3.8 (Housing Choice), 7.4 (Local Character) and 7.6 (Architecture).
- 6.4 Mayor of London's London Plan Housing Supplementary Planning Guidance (March 2016) and Housing Standards, Minor alterations to the London Plan (March 2016).

7. **PLANNING CONSIDERATIONS**

7.1 Design Issues

The design of the current scheme has been influenced by the scale, bulk and massing of the scheme allowed on Appeal on 29 September 2009 (Appeal Ref.APP/T5720/A/09/2100051) following the refusal of application LBM Ref.08/P3098). A contemporary design approach has been adopted for the proposed development with the buildings having an industrial/warehouse appearance and would appear as a 'mews style' development. The current proposal has amended the design of the south elevation of block 'A' to incorporate a 'set back' at first and second floor levels of 3m and 5m respectively, which has reduced the visual bulk of the building when viewed from numbers 1A and 1B York Road.

7.2 Provision of Employment Floorspace

The current proposal would provide 372.9m² of employment floor space compared to the 347m² of the previously appealed scheme (LBM Ref.08/P3098). In allowing the Appeal, The Inspector considered that 347m² of commercial floor space then proposed was acceptable. The current proposal would provide more commercial floor space than the previous scheme and the application is also supported by policies DM E3. The proposed employment floor space provision is therefore considered to be acceptable.

7.3 Standard of Residential Accommodation.

The current application proposes 6 residential units rather than 8 x 1 bedroom units previously allowed on appeal. The current application proposes 1 x 1bedroom and 2 x two bedroom flats in block A and 3 x 2 bed duplex apartments in block B.

The gross internal floor area and amenity space provision for each unit is set out below.

Block A		GFI	Amenity Space
Flat 1	1 bedroom	56.8m ²	5.2m ²
Flat 2	2 bedroom	88.8m ²	9.5m ²
Flat 3	2 bedroom	86.8m ²	9.5m ²
Block B			
Flat1	2 bedroom	108.9m ²	9.1m ²
Flat 2	2 bedroom	109.9m ²	9.1m ²
Flat 3	2 bedroom	107.7m ²	9.1m ²

The Mayor of London's minimum floor space standards specify a minimum of 70m² for a two bedroom, 2 person unit therefore the gross internal floor area of each unit exceeds the minimum standard set out in policy 3.5 (Quality and Design of Housing of the London Plan).

7.4 Neighbour Amenity

The proposed development would have a similar foot print, height and massing and siting to the scheme allowed on Appeal. The Planning Inspector considered the impact of a mixed use development upon neighbour amenity in his Appeal decision letter dated 29 September 2009 (APP/T5720/A/09/2100051). The Inspector having considered the previous 2008 Planning Inspectors comments in relation to Appeal (Ref.APP/T5720/A/08/2064321) noted that the envelope of the two new buildings would be substantially the same as the previously appealed scheme.

In the Appeal decision letter, The Inspector, like the previous Inspector found that the proposed scheme would not cause significant harm to the living conditions of neighbouring dwellings, by reason of any overbearing proximity, or loss of natural light and outlook. That included the relationship between 1A and 1B York Road, and the dwellings in Ashbury Place.

Whilst the Council accepted that the appeal proposal would have a minimal impact upon properties in Ashbury Place, the height, bulk and siting of block 'A', abutting the rear garden boundary with numbers 1A and 1B York Road was considered to be oppressive due to the 9 metre height of the flank wall which would be 5.8 metres from the rear windows of 1A and 1B York Road. Indeed the minimal separation distance between block 'A' and 1A and 1B York Road was one of the reasons for refusal of application LBM Ref.13/P2888 on 21 November 2013.

7.5 In order to address previous concerns regarding the impact of the bulk of building 'A' upon the occupiers of 1A and 1B York Road, the building has been 'set back' at first and second floor levels by 3m and 4m respectively. There would also be no windows within the south elevation facing towards numbers 1A and 1B York Road. The proposal is now considered to be acceptable in terms of its impact upon 1A and 1B York road.

- 7.6 The concerns of a resident regarding possible contamination due to the sites previous use for manufacture of electrical components is noted and the applicant has stated that they would undertake a detailed survey the site prior to construction and the requirement for a survey on the condition of the site would be subject to a planning condition. The proposal is therefore considered to be acceptable in terms of policy DM D2.
- 7.7 The impact of the proposal on other neighbouring residential properties in Ashbury Place, Haydon's Road and Effra road have been considered and there is not considered to be any significant impact to warrant refusal. The proposed buildings are positioned adjoining blank flank walls of existing buildings and a daylight/sunlight report has been submitted and reports no significant impacts. As noted previously in this report, previous Inspectors decisions are also material considerations.
- 7.8 Basement Construction
The applicant has submitted a Basement Impact Statement for the proposed development. The Council's structural engineer has examined the submitted report and the accompanying Flood Risk Assessment. The Council's Flood Risk Engineer has raised no objections to the proposal subject to conditions being imposed requiring the submission of a detailed basement construction method statement and details of a sustainable drainage scheme in accordance with policy DM F2.
- 7.9 Parking
The Council's Transport planning section have no objections to the proposed development subject to the development being designated 'permit free' secured through a S106 Agreement. A planning condition regarding provision of cycle parking would also be appropriate in this instance.
- 7.10 Sustainability Issues
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.
- 7.11 Until amendments to the Building Regulations come into effect the government expects local planning authorities not to set conditions with requirements above Code level 4 equivalent. 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.
- 7.11 In light of the government's statement and changes to the national planning framework it is recommended that if planning permission were to be granted, 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.

7.12 Developer Contributions

The council is not currently seeking affordable housing onsite or financial contributions for affordable housing (under Policy CS8 of Merton's adopted Core Planning Strategy (July 2011)) from developments of 10 dwellings or less and no more than 1000 sqm of residential floor space. This follows a Court of Appeal decision supporting the retention of government policy set out at paragraph 31 (Reference ID: 23b-031-20160519) of the government's Planning Practice Guidance that seeks an exemption from affordable housing contributions for such developments. The council's position on this will be reviewed following any successful legal challenge to this decision or a judgement in support of local authority affordable housing policy for such a development. The council's policy will continue to be applied to developments of 11 units or more and developments involving more than 1000 sqm of residential floor space. However, the Mayor of London's and Merton's CIL would still apply.

9. **ENVIRONMENTAL IMPACT ASSESSMENT REQUIREMENTS**

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

10. **CONCLUSION**

The amended proposed is considered to be acceptable in design terms due to the introduction of 'set backs' at first and second floor levels of block 'A'. The revised design of Block 'A' has addressed the reasons for refusal of the previous application (LBM Ref.16/P0735) and the proposal would provide six new residential units and employment floor space on a currently vacant site. Although the application site has a PTAL of 2 the Planning Inspector has not cited lack of parking as a reason for refusal. York Road is a controlled parking zone that it is recommended that the development be designated 'permit free' secured through a S.106 Agreement. Accordingly, it is recommended that planning permission be granted.

RECOMMENDATION

GRANT PLANNING PERMISSION

Subject to a S.106 Agreement covering the following heads of terms:-

1. That the development be designated 'permit free'
3. That the developer pays the Council's legal and professional costs in drafting and completing the legal agreement.

And subject to the following conditions:-

1. A.1 Commencement of Development
2. A.7 Approved Plans
3. B.1 External Materials to be Approved
4. C.2 No Additional or Enlarged Window or Door Openings
5. C.6 Refuse and Recycling (Details to be Submitted)
6. C.9 Balcony Screening
7. D.10 External Lighting
8. D.11 Hours of Construction
9. F.1 Landscaping Scheme
10. F.2 Landscaping
11. H6P Details of Cycle Parking to include separate facilities for each block
12. H9P Construction Vehicles
13. Prior to commencement : Site survey for contamination and mitigation.
14. Prior to commencement ; Site transport construction management plan.
15. 1st floor balcony screening 1.7m high to block B facing Ashbury Place and Haydons Road
16. Prior to commencement of development a Basement Construction Method Statement shall be submitted to and be approved in writing by the Local Planning Authority. The basement shall be constructed in accordance with the approved details unless otherwise approved in writing by the Local Planning Authority.

Reason for condition: In the interest of neighbour amenity and to comply with policy DMN D2.
17. No development approved by this permission shall be commenced until a scheme for the provision of surface water drainage has been implemented in accordance with details that have been submitted to and approved in writing by the local planning authority. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system (SuDS) to ground, watercourse or sewer in accordance with drainage hierarchy contained within the London Plan Policy 5.13 and the advice contained within the National SuDS

Standards. Where a sustainable drainage scheme is to be provided, the submitted details shall:

- i. provide information about the design storm period and intensity, the method employed to delay (attenuation provision of no less than 15m³ of storage) and control the rate of surface water discharged from the site to no greater than 5l/s and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
- ii. include a timetable for its implementation;
- iii. include a CCTV survey of the existing surface water outfall and site wide drainage network to establish its condition is appropriate.

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

INFORMATIVES:

21. It is the responsibility of the developer to make proper provision for drainage to ground, watercourses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off-site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of ground water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required (contact no. 0845 850 2777).
22. INF1 Party Wall Act
23. INE7 Hardstandings
24. INF8 Construction of Vehicle Access

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