

# Agenda Item 9

## PLANNING APPLICATIONS COMMITTEE 26 APRIL 2018

<u>APPLICATION NO.</u>	<u>DATE VALID</u>
17/P4426	18/12/2017
<b>Address/Site</b>	74 Leopold Road, Wimbledon, SW19 7JQ
<b>Ward</b>	Wimbledon Park
<b>Proposal:</b>	Conversion of existing house into 5 x flats, plus the erection of 4 x dwellinghouses. New access from Arthur Road with car parking and landscaping.
<b>Drawing Nos</b>	0402-101-PR-P-SP Rev F, 0402-102-PR-P-GF Rev B, 0402-102A-PR-P-GF Rev C, 0402-103-PR-P-01 rev A, 0402-103A-PR-P-01 Rev E, 0402-104-PR-P-02, 0402-105-PR-P-RF Rev A, 0402-105A-PR-P-RF Rev D, 0402-106-PR-E-NE_03 Rev B, 0402-106A-PR-E-NE_03 Rev B, 0402-108-PR-E-NW_03 Rev B, 0402-109-PR-E-NW_04 Rev D, 0402-109A-PR-E-NW_04 Rev B, 0402-111-PR-E-SW_05 Rev A, 0402-116-PR-S-F Rev D, 0402-117-PR-E-NW_Fence, CCL09791b/IAP Rev 4 and CCL09791b/TPP Rev 4.
<b>Contact Officer:</b>	Tim Lipscomb (0208 545 3496)

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## RECOMMENDATION

**Grant Permission subject to conditions.**

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## CHECKLIST INFORMATION

- Heads of Agreement: No
- Is a screening opinion required: No
- Is an Environmental Statement required: No
- Has an Environmental Statement been submitted: No
- Press notice: Yes
- Site notice: Yes
- Design Review Panel consulted: No
- Number of neighbours consulted: 12
- External consultations: No
- Controlled Parking Zone: P2(s)

## **1.0 INTRODUCTION**

- 1.1 The application is brought before the Committee at the request of Councillor Howard.

## **2.0 SITE AND SURROUNDINGS**

- 2.1 The site comprises Caley House, a part two-storey, part three storey, substantial single family detached dwellinghouse on the corner of Leopold Road and Arthur Road. The building is locally listed.
- 2.2 The building is set well back from the road and is constructed from red brick and clay tiles with gable end roofs, tile hanging and barge board and eaves detailing.
- 2.3 There is a substantial roof terrace/balcony to the western part of the building.
- 2.4 A single storey timber extension adjoins the building to the south elevation.
- 2.5 There is a vehicular access onto Leopold Road.
- 2.6 The peripheries of the site are well treed and the southern part of the site is heavily treed.
- 2.7 The site is enclosed by a brick wall (approx. 1.7m in height).
- 2.8 The site is within the Wimbledon North Conservation Area (Sub Area 3) and is locally listed. The Wimbledon North Conservation Area Character Assessment 2007, describes the vicinity as follows:

“The sinuous alignment of Arthur Road follows a ridge for most of its length, and forms a contrast with the mainly straight Leopold Road, both laid out in the 1870's on former parkland. Both are lined with mostly late 19th Century buildings, many of quality...

...The length of the corner plot with Arthur Road runs along Leopold Road, allowing its side and rear gardens to contribute greenery and spaciousness to the vicinity. There are also other gaps of various sizes between buildings that allow views through to the mature planting within the rear gardens, and contribute to the sense of spaciousness.”

- 2.9 The buildings within this part of the Conservation Area are described as follows:

“Building characteristics common to many of the houses are similar to those within Arthur Road and include the use of: clay tiled hipped roofs; gables, particularly front gable projections; asymmetrical front elevation designs; a rich variety of fenestration types and styles, including bay windows, casements, the use of small panes and/or mullions; a variety of decorative details including eaves detailing and banding,; tall, ornate chimney stacks; and often lower, subordinate additions attached to the side or front. Buildings are often two or three storeys with the upper floors contained or partially contained within the roof space, resulting in the use of dormer windows, sometimes at the front, and windows breaking through the eaves line.”

- 2.10 No.61 Arthur Road, opposite the site to the north, is statutorily listed.
- 2.11 The site is covered by a group TPO. The Merton (No.339) Tree Preservation Order 2001 ‘74 Leopold Road’ applies to a Horse Chestnut adjacent to Arthur Road together with sixteen other individual trees, including Beech, Tree of Heaven, Cypress, Holly and other species, within the garden of no. 74 and alongside the boundary to Leopold Road.

- 2.12 The site has a PTAL of 1b (very poor).
- 2.13 The site is within a controlled parking zone.

### 3. **CURRENT PROPOSAL**

- 3.1 The proposal is for the subdivision of the existing dwelling into five flats, the flats would be incorporated into the existing envelope of the building with minor changes to fenestration but no extensions proposed.
- 3.2 Also proposed is the conversion of the existing two-storey part of the main dwellinghouse (to the southern part of the building) to a separate dwellinghouse.
- 3.3 Also proposed is the erection of a two-storey building to the southern part of the site, which would be physically separated from the main dwelling. This building would provide three new dwellinghouses. The building would take the form of a dual ridge, part gabled/part hipped end wing. The building would have contemporary fenestration, with full height glazing, with flat roof dormer elements punctuating the eaves line. There would be some brickwork detailing to the elevations. Construction materials would be red brick and clay tiles.
- 3.4 The proposed building would measure 7.9m to the ridge and 4.7m to the eaves.

3.5 The total accommodation proposed is as follows:

Unit	Number of bedrooms/people	Number of habitable rooms	GIA (sqm)	External amenity space (sqm)
Apartment A	2 bed/4 person	3	85	Access to communal garden
Apartment B	2 bed/4 person	4	127.5	Access to communal garden
Apartment C	1 bed/2 person	2	61	Access to communal garden and verandah
Apartment D	2 bed/4 person	3	78	Access to communal garden and verandah
Apartment E	3 bed/6 person	4	123	Access to communal garden and verandah
Mews 1	3 bed/5 person	4	119	Access to communal garden and small terrace area
Mews 2	3 bed/5 person	4	100.7	Access to communal garden and private garden
Mews 3	3 bed/5 person	4	98.9	Access to communal garden and private garden
Mews 4	3 bed/5 person	4	104.9	Access to communal garden and private garden

- 3.6 Part of the proposal involves obscure glazing the lower halves of 9 existing first floor and second floor facing windows to the northeast elevation (elevation facing No.42 Arthur Road).
- 3.7 A new vehicular access would be created onto Arthur Road, leading to a driveway and parking area for five cars; 1 space per flat (surfaced with Cellweb infilled with angular stone). The existing access and driveway would be retained and slightly enlarged (pavers to match the existing) to serve the four proposed houses (4 parking spaces).
- 3.8 A bike store would be provided to the eastern part of the site, providing 16 cycle parking spaces.
- 3.9 A bin store would be provided to the eastern and western parts of the site.
- 3.10 The scheme proposes the removal of 22 trees on site (all Category C or less).
- 3.11 The scheme has been amended from the original submission to show the Mews Houses to be further separated from the boundary, to include a hipped roof to the northeast side and show partial obscured glazing to existing windows to the northeast elevation. Further amendments to the plans have been made to increase the separation distance between the proposed Mews Houses and the protected Beech tree to the western part of the site (adjacent to the existing vehicular access).

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

- 4.1 98/P1251 - CONSERVATION AREA CONSENT TO DEMOLISH PART OF FRONT BOUNDARY WALL FACING LEOPOLD ROAD TO FORM NEW VEHICULAR ACCESS. Grant Conservation Area Consent\* 15-12-1998.

Various tree work applications.

#### **5. CONSULTATION**

- 5.1 21-day Site Notice procedure, individual letters to neighbouring occupiers and Press Notice. 3 letters of objection have been received (2 from the neighbouring occupier at No.42 and one from the occupier at No.61 Arthur Road), raising objection on the following grounds:

- Adverse impact on living conditions of No.42 due to bulk, mass and proximity to the boundary by way of overbearing form, sense of enclosure, overshadowing, loss of privacy and noise disturbance. (Concern is raised in particular as the son of the occupiers of No.42

Arthur Road has a medical condition which makes him extremely sensitive to noise).

- Concern that any development should not adversely impact on the existing foliage on the shared boundary between the site and No.42.
- Harm to character of the Conservation Area by way of loss of characteristic open space between buildings and loss of trees.
- Gated access onto Arthur Road is not in keeping with the character of the area unless it is constructed from wrought iron.
- Highway safety concerns regarding new access onto Arthur Road due to proximity of the mini roundabout junction.
- Query whether Design and Access Statement has been submitted.

Comments from the occupier of No.42 following amendments to the scheme:

- Changes to the scheme do not overcome concerns raised.
- Request overshadowing report be submitted.
- Concern regarding small strip of garden land directly adjacent to the boundary due to noise disturbance.

## 5.2 Climate Change Officer:

- The submitted SAP calculation / energy statement indicates that the proposed development should achieve an 19% improvement in CO<sub>2</sub> emissions on Part L 2013. This meets the minimum sustainability requirements of Merton's Core Planning Strategy Policy CS15 (2011).
- The internal water consumption calculations submitted for the development indicates that internal water consumption should be less than 95 litres per person per day.
- I am therefore content that the proposed energy approach to the development is policy compliant and recommend that Merton's Standard Sustainable Design and Construction (New Build Residential- Minor) Pre-Occupation Condition is applied to the development:

### **CONDITION:**

'No part of the development hereby approved shall be occupied until evidence has been submitted to, and approved in writing by, the Local Planning Authority confirming that the development has achieved CO<sub>2</sub> reductions of not less than a 19% improvement on Part L regulations 2013, and internal water usage rates of not more than 105 litres per person per day.'

### **INFORMATIVE:**

Carbon emissions evidence requirements for Post Construction stage assessments must provide:

- Detailed documentary evidence confirming the Target Emission Rate (TER), Dwelling Emission Rate (DER) and percentage improvement of

DER over TER based on 'As Built' SAP outputs (i.e. dated outputs with accredited energy assessor name and registration number, assessment status, plot number and development address); **OR**, where applicable:

- A copy of revised/final calculations as detailed in the assessment methodology based on 'As Built' SAP outputs; **AND**
- Confirmation of Fabric Energy Efficiency (FEE) performance where SAP section 16 allowances (i.e. CO<sub>2</sub> emissions associated with appliances and cooking, and site-wide electricity generation technologies) have been included in the calculation

Water efficiency evidence requirements for post construction stage assessments must provide:

- Documentary evidence representing the dwellings 'As Built'; detailing:
- the type of appliances/ fittings that use water in the dwelling (including any specific water reduction equipment with the capacity / flow rate of equipment);
- the size and details of any rainwater and grey-water collection systems provided for use in the dwelling; **AND**:
- Water Efficiency Calculator for New Dwellings; **OR**
- Where different from design stage, provide revised Water Efficiency Calculator for New Dwellings and detailed documentary evidence (as listed above) representing the dwellings 'As Built'

**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

### 5.3 Flood Risk and Drainage Engineer:

Recommend the following condition on any application recommended for approval:

Non-standard condition [Details of drainage]: Prior to the commencement of the development hereby permitted, a detailed scheme for the provision of surface and foul water drainage shall be submitted to and approved in writing by the local planning authority. The drainage scheme will dispose of surface water by means of a sustainable drainage system (SuDS), the scheme shall:

- i. Provide information about the design storm period and intensity, attenuation and control the rate of surface water discharged from the site to no more than 5l/s;
- ii. Include a timetable for its implementation;

iii. Provide a management and maintenance plan for the lifetime of the development, including arrangements for adoption to ensure the schemes' operation throughout its lifetime.

No works which are the subject of this condition shall be carried out until the scheme has been approved, and the development shall not be occupied until the scheme is carried out in full. Those facilities and measures shall be retained for use at all times thereafter.

Reason: To reduce the risk of surface and foul water flooding and to ensure the scheme is in accordance with the drainage hierarchy of London Plan policies 5.12 & 5.13 and the National SuDS standards and in accordance with policies CS16 of the Core Strategy and DMF2 of the Sites and Policies Plan.

**Informative:**

No surface water runoff should discharge onto the public highway including the public footway or highway. When it is proposed to connect to a public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. 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).

5.4 **Transport Planner:**

Application seeks planning permission for the conversion of the existing house into 5 no. flats; 2 x 1 bed, 2 x 2 bed and 1 x 3 bed, and 1 x 3 bed mews house. The erection of 3 no. two storey mews houses; 1 x 2 bed and 2 x 3 bed. New access from Arthur Road, car parking and landscaping.

The site lies within an area PTAL 2 which is considered to be poor. A poor PTAL rating suggests that only a few journeys could be conveniently made by public transport.

The site is enclosed with by a high brick wall with vehicular access via solid wooden gates from Leopold Road and separate pedestrian access via a garden door also off Leopold Road.

The existing access to the site from Leopold Road will be retained and it is proposed to create a new access from Arthur Road.

The new entrance will provide access to the flats in the main structure and create a new car park area.

The introduction of the new parking area, as well as the new entrance to the site is satisfactory subject to adequate pedestrian visibility to both sides of the new access is maintained.

**Car parking**

The proposal shows 5 car spaces for the conversion of the existing house accessing off the proposed new entrance off Arthur Road and 4 car spaces to the proposed development off Leopold Road.

Car parking as shown is satisfactory.

**Cycle parking:**

16 secure, covered cycle parking places are proposed all located within the confines of the existing dwelling house to be converted into 5 flats.

It is considered one store accommodating 8 cycles is out of reach of the occupiers of the proposed development and should be re located to a convenient position.

The no. of cycle spaces proposed is satisfactory.

**Refuse and Recycling**

Waste collection points should be located within 30 metres of residential units and within 20 metres of collection vehicles.

**Recommendation**

Transport has no objection to the proposal subject to conditions regarding re-siting of cycle storage, pedestrian visibility splays and a Construction Logistics/Management Plan.

**5.5 Highways Officer:**

No objection - INF8, INF9, INF12, H2, H5 and H12.

**5.6 Tree and Landscape Officer:**

The amended details are acceptable. I would recommend attaching the following planning conditions:

- Tree Protection: The details and measures for the protection of the existing trees as specified in the approved document 'BS 5837 Arboricultural Report Impact Assessment & Method Statement' reference '09791b' dated '17 April 2018' shall be fully complied with. The methods for the protection of the existing trees shall fully accord with all of the measures specified in the report. The details and measures as approved shall be retained and maintained until the completion of site works.  
Reason: To protect and safeguard the existing trees in accordance with

the following Development Plan policies for Merton: policy 7.21 of the London Plan 2015, policy CS13 of Merton's Core Planning Strategy 2011 and policies DM D2 and 02 of Merton's Sites and Policies Plan 2014;

- F8 – Site Supervision (Trees)
  - Hard standing – The new hard surface to be constructed within the Root Protection Area of the Horse Chestnut tree (referred to as T69 in the arboricultural report) and the Cedar of Lebanon (referred to as T54 in the arboricultural report) shall be installed using a no-dig approach consisting of a 3D cellular confinement system to be incorporated into a no-fines sub-base. The excavation for the area of hard surface shall be limited to the removal of the layer of turf. The measures for the installation of the area of hard standing shall accord with the approved arboricultural measures.
- Reason: To protect and safeguard the existing etc.,

## 6. **POLICY CONTEXT**

### 6.1 London Plan (2016)

- 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
- 5.1 Climate change mitigation
- 5.2 Minimising carbon dioxide emissions
- 5.3 Sustainable design and construction
- 5.7 Renewable energy
- 5.13 Sustainable drainage
- 6.3 Assessing effects of development on transport capacity
- 6.9 Cycling
- 6.13 Parking
- 7.2 An inclusive environment
- 7.3 Designing out crime
- 7.4 Local character
- 7.6 Architecture
- 7.8 Heritage assets and archaeology
- 7.14 Improving air quality
- 7.19 Biodiversity and access to nature
- 7.21 Trees and woodlands

### 6.2 Adopted Merton Core Planning Strategy (July 2011)

- CS6 Wimbledon Sub-Area
- CS8 Housing Choice
- CS9 Housing Provision
- CS11 Infrastructure
- 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 Sites and Policies Plan and Policies Map (July 2014)

DM H2	Housing mix
DM O2	Nature Conservation, Trees, hedges and landscape features
DM D1	Urban design and the public realm
DM D2	Design considerations in all developments
DM D3	Alterations and extensions to existing buildings
DM D4	Heritage considerations
DM F2	Sustainable urban drainage systems (SuDS) and; Wastewater and Water Infrastructure
DM T1	Support for sustainable transport and active travel
DM T2	Transport impacts of development
DM T3	Car parking and servicing standards

6.4 Other guidance:

- Merton's Design SPG 2004
- DCLG Technical Housing Standards - Nationally Described Space Standard 2016
- Mayor's Housing SPG 2016
- The National Planning Policy Framework 2012
- National Planning Policy Guidance

**7. PLANNING CONSIDERATIONS**

7.1 The main planning considerations concern the principle of the sub-division of the existing dwelling, the erection of new dwellings, the impact on the character and appearance of the Conservation Area, including the impact on trees, together with neighbouring amenity, standard of accommodation, biodiversity issues, drainage considerations, highway considerations and sustainability issues.

7.2 Principle of development

7.2.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that when determining a planning application, regard is to be had to the development plan, and the determination shall be made in accordance with the development plan, unless material considerations indicate otherwise.

- 7.2.2 The scheme includes a number of three bedroom units and as such no concern is raised in relation to the loss of family sized dwellings. The proposal would comply with Policy CS14 in this regard.
- 7.2.3 The proposed development would be on garden land. The London Plan sets out that land in built-up areas such as private residential gardens is not categorised as previously developed land. The London Plan sets out at Policy 3.5 that boroughs may in their LDFs introduce a presumption against development on back gardens. The NPPF also states, at paragraph 53 that Local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area.
- 7.2.4 Policy CS13 of the Core Planning Strategy states that any proposals for new dwellings in back gardens must be justified against the:
- local context and character of the site
  - biodiversity value of the site
  - value in terms of green corridors and green islands
  - flood risk and climate change impacts
- 7.2.5 The Core Planning Strategy goes on to states that private back gardens provide a significant resource for biodiversity and amenity space and contribute to mitigating against the impacts of climate change and flood risk. PPS3 Housing (2010) excludes private residential gardens from the definition of previously developed land. PPS3 states that there is no presumption that land that is previously developed is necessarily suitable for housing development nor that the whole curtilage should be developed. (It is noted that PPS3 is now superseded by the NPPF 2012).
- 7.2.6 Therefore, whilst there is not a presumption in favour of development, the proposal would be acceptable in principle subject to compliance with Development Plan policies.
- 7.2.7 The principle of development is acceptable subject to compliance with other development plan policies.
- 7.3 Provision of housing and mix
- 7.3.1 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.
- 7.3.2 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 and 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. Merton LDF Core Strategy policies CS8 & CS9 also seek to encourage proposals for well-designed and located new housing that will create socially mixed and sustainable neighbourhoods through physical regeneration and effective use of space.

- 7.3.3 LB Merton's housing target between 2011 and 2026 is 5,801 (Authority's Monitoring Report 2014/15, p8). While a robust five years supply has been identified, the housing need is increasing in London. The borough's Core Planning Strategy states that that it is expected that the delivery of new residential accommodation in the borough will be achieved in various ways including development in 'sustainable brownfield locations' and "ensuring that it is used efficiently" (supporting text to Policy CS9). The application site is on brownfield land and is in a sustainable location adjacent to other existing residential properties.
- 7.3.4 The benefit of providing 8 additional units must be weighed against the planning merits of the proposal.
- 7.3.5 The London Plan provides a density matrix to act as a guide indicating suitable levels of density depending on the characteristics of the area. In this type of area (suburban with a low PTAL) the London Plan indicates a density range of 35-55 units per hectare and 150-200 habitable rooms per hectare. The proposed density is 30 dwellings per hectare and 107 habitable rooms per hectare. This falls below the indicated density range, however, the resultant density is not the overriding factor in the assessment. The key issues will be the impact on the character and appearance of the Conservation Area and impact on neighbouring properties.
- 7.3.6 Policy DM H2 sets out a requirement for housing mix based on the housing needs of the borough. The policy requires an even proportion of one, two bed and three bedroom units. Historically there has been an under provision of family sized units (3 beds and above). The scheme proposes 5 x 3 bed units, 3 x 2 bed units and 1 x 1 bed unit. This housing mix is supported as it would go some way to redress the historical under provision of family sized units.
- 7.3.7 The proposal is considered to be acceptable in terms of density and housing mix.

#### 7.4 Impact on the character and appearance of the Wimbledon North Conservation Area (Sub-Area 3)

- 7.4.1 The National Planning Policy Framework (NPPF) states that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. The regional planning policy advice in relation to design is found in the London Plan (2015), in Policy 7.4 - Local Character and 7.6 - Architecture. These policies state that Local Authorities should seek to ensure that developments promote high quality inclusive design, enhance the public realm, and seek to ensure that development promotes world class architecture and design.
- 7.4.2 Policies DM D2 and DM D3 seek to ensure a high quality of design in all development, which relates positively and appropriately to the siting, rhythm, scale, density, proportions, height, materials and massing of surrounding buildings and existing street patterns, historic context, urban layout and landscape features of the surrounding area. Policy DM D2 also seeks to ensure that trees are protected from adverse impacts from development. Policy DM D4 seeks to ensure that development which affects the setting of Conservation Areas either preserves or enhances the character and appearance of the Conservation Area. Core Planning Policy CS14 supports these SPP Policies.
- 7.4.3 The Wimbledon North Conservation Area Character Assessment 2007 describes Arthur Road as follows:
- “Arthur Road contains a variety of buildings erected at various times in styles typical of their period. These include many substantial Victorian and Edwardian houses on large plots, some now converted into smaller dwellings or flats, as well as more recent buildings, mostly erected since the 1950s.”
- 7.4.4 In relation to the part of Leopold Road that the site occupies, the Character Assessment sets out:
- “The buildings fronting the road are set back from it, contributing a sense of spaciousness, and are mostly aligned in a row. The corner property with Arthur Road (No. 74 Leopold) also aligns with the adjacent houses there. There is, nevertheless, variety in the pattern of development: Those buildings at the southern corner with Vineyard Hill Road are set at an angle to face the junction with Lake Road, while Highland Lodge to their rear fronts onto Vineyard Hill Road. Also, Stable Cottage, although erected at a similar time to other buildings, is located on a backland plot to the rear of No.72...  
...Most of the plots are large and rectangular, but those at the southern corner are smaller, due to subdivision in the 1950s. The

length of the corner plot with Arthur Road runs along Leopold Road, allowing its side and rear gardens to contribute greenery and spaciousness to the vicinity. There are also other gaps of various sizes between buildings that allow views through to the mature planting within the rear gardens, and contribute to the sense of spaciousness. Some of these are over lower side additions to buildings.”

- 7.4.5 Therefore, whilst there is a range in the pattern and form of development in this area, it is clear that the gaps in the streetscene contribute towards the spacious character and appearance of the area.
- 7.4.6 In terms of layout the proposed development would elongate the built form across the site into the currently open part of the site to the south. The scheme seeks to create a courtyard type addition to the existing building. The building that would accommodate three of the proposed mews houses would involve an extension into this currently open area with the loss of a number of low category trees.
- 7.4.7 The additional built footprint would retain a space to the southern part of the site and the proposed building would be substantially set in from the boundary with Leopold Road (circa. 12.5m). Whilst a number of low category trees would be removed there would remain a reasonable degree of tree cover and open space across the site and on balance, it is considered that the proposed development would not result in material harm to the spacious character of the area. The specific impact on trees to be retained is considered further in this report.
- 7.4.8 The form and design of the proposed building is considered to complement the existing built form without competing for dominance. The scale of the proposed building is considered to be suitably subordinate to the main building. The architectural form of the building would be less detailed than the existing building, but this approach would allow for a neutral impact, whereas replicating the existing historic form on site would likely appear as a contrived pastiche. The contrast of the more contemporary design of the proposed building is considered to complement the existing historic built form.
- 7.4.9 The staggered form of the building would assist in visually breaking up the bulk and mass of the proposed building and this design approach is supported, as it adds visual interest to the building.
- 7.4.10 The works to the main building are mainly internal and the alterations would not adversely affect the character of the area.

- 7.4.11 The scheme would include bin and cycle stores but these would be discreetly sited behind existing boundary walls so as to minimise their impact.
- 7.4.12 The proposal would involve additional car parking on the site but this would also largely be concealed by the existing boundary wall and would not result in material harm to the character of the area.
- 7.4.13 The proposed gates to the proposed vehicular access onto Arthur Road would be constructed from timber with brick piers. The gates and piers have been designed to match the existing gates and piers at the access onto Leopold Road and it is considered that the proposed gates would be suitable for the character of the area.
- 7.4.14 The proposal would fill in a currently open space within the Conservation Area but due to the reasons set out above it is considered that the proposal would satisfactorily preserve the character and appearance of the Conservation Area and therefore complies with Policies CS14 of the Core planning Strategy, Policy DM D4 of the Sites and Policies Plan and the NPPF.

## 7.5 Trees

- 7.5.1 There are a number of significant trees in and around the site, which contribute to the character of the area. A number of these are protected by way of TPO as well as by virtue of being within the Conservation Area.
- 7.5.2 There are 71 trees or tree groups on site currently. The scheme proposes the removal of 22 Category C trees, with the most important trees on site being retained.
- 7.5.3 The trees to be lost are not of a high amenity value individually but do contribute to the verdant character of the area through their group value.
- 7.5.4 Whilst there is some reservation over the loss of trees it is noted that the peripheries of the site would remain well treed and it is considered that the proposed tree loss would not result in a materially harmful impact on the character and appearance of the Conservation Area. Further the Council's Tree and Landscape Officer has assessed the Arboricultural report and is satisfied that the trees to be retained would not be harmed by the proposal. Conditions have been recommended to ensure protection.

## 7.6 Standard of accommodation

- 7.6.1 London Plan Policy 3.5, as amended by Minor Alterations to the London Plan (March 2016) states that all new housing developments should be of

the highest quality internally, externally and in relation to their context. In order to ensure that such development provide an adequate level of internal amenity, Table 3.3 of the London Plan sets out the minimum floor areas which should be provided for new housing. The DCLG publication: "Technical housing standards - nationally described space standard" (2016) provides further guidance, which has been adopted by the Mayor for London.

- 7.6.2 Sites and Policies Plan Policy DM D2 seeks to ensure good quality residential accommodation with adequate levels of privacy, daylight and sunlight for existing and future residents, the provision of adequate amenity space and the avoidance of noise, vibration or other forms of pollution.

- 7.6.3 The scheme proposes the following unit sizes:

Unit	Number of bedrooms/people	GIA (sqm)	External amenity space (sqm)	London Plan minimum GIA (sqm)
Apartment A	2 bed/4 person	85	Access to communal garden	70
Apartment B	2 bed/4 person	127.5	Access to communal garden	70
Apartment C	1 bed/2 person	61	Access to communal garden and verandah	50
Apartment D	2 bed/4 person	78	Access to communal garden and verandah	70
Apartment E	3 bed/6 person	123	Access to communal garden and verandah	95
Mews 1	3 bed/5 person	119	Access to communal garden and small terrace area	93
Mews 2	3 bed/5 person	100.7	Access to communal garden and	93

			private garden	
Mews 3	3 bed/5 person	98.9	Access to communal garden and private garden	93
Mews 4	3 bed/5 person	104.9	Access to communal garden and private garden	93

- 7.6.4 All the units proposed would exceed the minimum space standards in terms of overall GIA and the provision of private and communal amenity space would also meet the requirements of the London Plan.
- 7.6.5 The proposal meets the minimum requirements of the London Plan in terms of the internal GIA and external amenity space and the standard of accommodation is considered to be acceptable.

## 7.7 Neighbouring Amenity

- 7.7.1 Policy DM D2 seeks to ensure that development does not adversely impact on the amenity of nearby residential properties.
- 7.7.2 Impact on No.42 Arthur Road
- 7.7.3 The existing single storey timber outrigger stands approximately 1.7m from the shared boundary with No.42. As this is a relatively low level structure it has a limited impact on the amenities of the neighbouring property. The existing built form on the site projects some 10m beyond the rear building line of No.42 and as such there is a historic relationship which results in some adverse impact on No.42. The proposed addition would be set in from the site boundary by a minimum of 3m with a hipped roof (the application has been amended from its original form by moving the proposed addition further from this shared boundary and altering the roof form from a gable end to a hipped end).
- 7.7.4 Whilst the proposed building would be visible from the neighbouring property and there would be some marginal impact in terms of light to part of the garden of No.42, by way of some marginal overshadowing at late afternoon, the separation of 3m to the boundary, coupled with the hipped roof sloping away from the boundary and height of the building, is such that there is considered to not be a materially harmful impact on the neighbour's amenity by virtue of the bulk and massing proposed.

- 7.7.5 In terms of overlooking, there are currently 14 side facing windows to the northeast elevation, facing No.42 Arthur Road. There is no existing requirement for these windows to be obscurely glazed and as such there is a degree of overlooking to No.42 currently.
- 7.7.6 No new side facing windows are proposed at first floor level or above and therefore the proposal would not result in additional overlooking, over and above the existing situation. However, in order to minimise the impact of the development, as a whole, on the occupiers of No.42 the applicant has amended the proposal to ensure that 9 existing first floor side facing windows (northeast side) are obscurely glazed to the lower portions of the windows to minimise overlooking. The windows to be obscurely glazed are towards the rear of this elevation and would significantly reduce the actual level of overlooking to No.42.
- 7.7.7 In terms of noise disturbance, whilst the use would remain as residential, there would be an intensification of development on site and there would be more activity on the site as a result of the additional dwellings. The majority of car movements would not affect the neighbouring occupier at No.42 as the existing building would block the majority of direct noise disturbance. There is an external private amenity space for use By Mews House 1 that is proposed to be located between the existing building and the boundary with No.42. Whilst it would be possible to use this area currently as an amenity area the layout and single dwelling occupation of the site is such that there is no demand for this area to provide amenity space currently. Therefore, following the development this area would be more heavily used than currently. It is noted that the occupiers of Mews House 1 would have access to the wider communal garden in addition to this private area. Whilst the use of this private external amenity space would result in the potential for some noise emanation, it is considered that the limited size of the terrace is such that it is unlikely to be used over and above the usual use of a small external amenity space and it is considered that this could not reasonably form a reason for refusal as any harm would be very limited.
- 7.7.8 The impact on No.42 is therefore considered to be acceptable.

#### 7.7.9 Impact on No.72 Leopold Road

- 7.7.10 The rear elevation of the proposed Mews Houses facing to the southeast (towards No.72) would be separated from the site boundary by 15-16m with intervening deciduous and evergreen tree screening retained. There is a vehicular access at No.72 to the other side of the boundary and the side facing elevation is set away from the site boundary by approximately

5-6m, giving an overall window to window separation of 20-22m at the closest points.

7.7.11 The separation distance, coupled with the substantial screening that would be retained is such that it is considered that the impact on No.72 would be acceptable.

**7.7.12 Impacts within the site**

7.7.13 The proposal would result in some degree of intervisibility within the site, with some windows and balconies overlooking one another. For example the front elevations of the Mews Houses would face toward the existing building with a separation distance of 12.7m. However, in this case, with the existing building being subdivided into flats and new housing created in a courtyard arrangement, it is considered that this proximity would be acceptable. It is also noted that it would be the less private front facing windows of the Mews Houses that would be affected and on balance, the impact of the development on the future occupiers of the development is considered to be acceptable.

7.7.14 Overall, the proposal is considered to be acceptable in terms of the impact on residential amenity.

**7.8 Highway, traffic and parking considerations**

7.8.1 Core Strategy Policy CS 20 considers matters of pedestrian movement, safety, servicing and loading facilities for local businesses and manoeuvring for emergency vehicles as well as refuse storage and collection.

7.8.2 Core Strategy Policy CS 18 promotes active means of transport and the gardens of the houses provide sufficient space for the storage of cycles without the need to clutter up the front of the development with further cycle stores.

7.8.3 In terms of car parking, nine formal parking spaces would be created on site to serve the nine units, which is in accordance with London Plan maximum parking standards. There are areas of hardstanding that could also be used for occasional parking. The level of parking provided with the proposal is considered to be acceptable.

7.8.4 Cycle parking would be provided on site and no objection is raised on this basis. The comments of the Transport Planner, in relation to the suggested re-siting of cycle parking spaces, are noted but it is considered that the cycle parking would be adequately accessible and no objection is raised in relation to the specific siting of the store.

- 7.8.5 In terms of the proposed vehicular access onto Arthur Road, the proposed arrangement would be acceptable in highway safety terms provided that pedestrian visibility splays are provided (this would be secured by way of condition as suggested by the Council's Transport Planner and Highway Officer).
- 7.8.6 The concerns of neighbours in relation to the proposed vehicular access is noted, however, it would be sited well over 20m from the mini roundabout junction of Leopold Road and Arthur Road and the juxtaposition has been assessed as being acceptable in highway safety terms by the Council's Transport and Highway Officers.
- 7.8.7 The proposal is considered to be acceptable in terms of parking and highway considerations.

#### 7.9 Refuse and recycling

- 7.9.1 Policy CS20 of the Core Strategy (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.
- 7.9.2 The scheme includes suitable refuse and recycling storage arrangements and no objection is raised on this basis.
- 7.9.3 The proposal would therefore, comply with Policy CS17 of the Core Planning Strategy 2011.

#### 7.10 Drainage

- 7.10.1 The site is not within Flood Zone 2 or 3 and not within an area identified as being prone to flooding. However, issues of surface water runoff are relevant to the assessment.
- 7.10.2 The application is accompanied by a Sustainability Statement which recognises the requirement to minimise surface water runoff. The Council's Flood Risk and Drainage Engineer has reviewed the proposals and is satisfied that the relevant policy targets can be met.
- 7.10.3 The Council would seek the implementation of a SuDS system on the site in order for the development to be acceptable. This has not been included in the application but can be secured by way of condition.
- 7.10.4 The impact on surface water runoff is considered to be acceptable subject to condition.

## **7.11 Biodiversity**

7.11.1 Policy DMO2 seeks, amongst other things, to protect land of ecological value. The NPPF has a presumption in favour of sustainable development, seeking positive improvements in the quality of the built, natural and historic environment including moving from a net loss of biodiversity to achieving net gains for nature.

7.11.2 The existing site and buildings have the potential to accommodate protected species. None of the trees to be removed are suitable for occupation by bats. The submitted Preliminary Ecological Appraisal submitted with the application states that no further protected species surveys are required.

7.11.3 Subject to conditions to minimise external lighting across the site and an informative to ensure that vegetation clearance occurs outside of bird and bat nesting season, it is considered that the impact on protected species would be acceptable.

## **7.12 Sustainable design and construction**

7.12.1 New buildings must comply with the Mayor's and Merton's objectives on carbon emissions, renewable energy, sustainable design and construction, green roofs, flood risk management and sustainable drainage. The most relevant London Plan policies are 5.1 (Climate Change Adaptation), 5.2 (Minimising Carbon Dioxide Emissions) and 5.3 (Sustainable Design and Construction) which seek to minimise energy usage and reduce carbon dioxide emissions.

7.12.2 Policy CS15 sets out minimum sustainability requirements for development proposals.

7.12.3 On 25 March 2015 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 2015. Amongst its provisions is the withdrawal of the Code for Sustainable Homes.

7.12.4 Until amendments to the Building Regulations come into effect the government expects local planning authorities not to set conditions with the requirements of Code Level 4. 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.

7.12.5 The application is accompanied by supporting information in relation to sustainable construction.

7.12.6 The Council's Climate Change Officer has commented on the application and subject to condition raises no objection, as the proposal would meet the relevant sustainability objectives.

7.12.7 The proposal complies with Policy CS15 of the Core Planning Strategy 2011 and Policy 5.3 of the London Plan.

### 7.13 Community Infrastructure Levy

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

### 7.14 Response to representations

7.14.1 The majority of issues raised by objectors are addressed in the body of this report. However, in addition, the following comments are offered:

- There would be a degree of disturbance and disruption throughout the construction process. However, it would not be reasonable to refuse the application on this basis. If permitted, conditions to restrict working hours and secure a Construction Logistics Plan and Working Method Statement would be imposed to ensure that the disruption is minimised as far as reasonably possible.
- The comments from the neighbour in relation to the medical condition of their son have been carefully considered. Whilst the proposal is considered to be acceptable in planning terms, the construction works do have the potential for disturbance and as such will be minimised as far as reasonably practicable through the use of planning conditions.
- There is no indication that the existing boundary screening between the site and No.42 would be removed. However, a condition which sought to retain this screening would not be in accordance with the tests for planning conditions as set out in the NPPG, as it would not be reasonable, as this boundary screening could be removed lawfully at any point and is not essential to the acceptability of the scheme.

## **8.0 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).

## **9.0 CONCLUSION**

- 9.1 The principle of development is considered to be acceptable.
- 9.2 Whilst the proposal would result in a currently open part of the site being developed. However, for the reasons set out above, the impact on the character of the area and neighbouring amenity is considered to be acceptable.
- 9.3 The proposal is considered to be acceptable in planning terms.

## **RECOMMENDATION**

Grant permission subject to the following conditions:

1. 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: To comply with Section 91 (as amended) of the Town & Country Planning Act 1990.

2. The development hereby permitted shall be carried out in accordance with the following approved plans: 0402-101-PR-P-SP Rev F, 0402-102-PR-P-GF Rev B, 0402-102A-PR-P-GF Rev C, 0402-103-PR-P-01 rev A, 0402-103A-PR-P-01 Rev E, 0402-104-PR-P-02, 0402-105-PR-P-RF Rev A, 0402-105A-PR-P-RF Rev D, 0402-106-PR-E-NE\_03 Rev B, 0402-106A-PR-E-NE\_03 Rev B, 0402-108-PR-E-NW\_03 Rev B, 0402-109-PR-E-NW\_04 Rev D, 0402-109A-PR-E-NW\_04 Rev B, 0402-111-PR-E-SW\_05 Rev A, 0402-116-PR-S-F Rev D, 0402-117-PR-E-NW\_Fence, CCL09791b/IAP Rev 4 and CCL09791b/TPP Rev 4.

Reason: For the avoidance of doubt and in the interests of proper planning.

3. No development shall take place until details of particulars and samples of the materials to be used on all external faces of the development hereby permitted, including window frames and doors (notwithstanding any materials specified in the application form and/or the approved drawings), 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: To ensure a satisfactory appearance of the development and to comply with the following Development Plan policies for Merton: policy 7.6 of the London Plan 2015, policy CS14 of Merton's Core Planning Strategy 2011 and policies DM D2 and D3 of Merton's Sites and Policies Plan 2014.

4. No development shall take place until details of the surfacing of all those parts of the site not covered by buildings or soft landscaping, including any parking, service areas or roads, footpaths, hard and soft have been submitted in writing for approval by the Local Planning Authority. No works that are the subject of this condition shall be carried out until the details are approved, and the development shall not be occupied / the use of the development hereby approved shall not commence until the details have been approved and works to which this condition relates have been carried out in accordance with the approved details.

Reason: To ensure a satisfactory standard of development in accordance with the following Development Plan policies for Merton: policies 7.5 and 7.6 of the London Plan 2015, policy CS14 of Merton's Core Planning Strategy 2011 and policies DM D1 and D2 of Merton's Sites and Policies Plan 2014.

5. No development shall take place until details of all boundary walls or fences are submitted in writing for approval to the Local Planning Authority. No works which are the subject of this condition shall be carried out until the details are approved, and the development shall not be occupied / the use of the development hereby approved shall not commence until the details are approved and works to which this condition relates have been carried out in accordance with the approved details. The walls and fencing shall be permanently retained thereafter.

Reason: To ensure a satisfactory and safe development in accordance with the following Development Plan policies for Merton: policies 7.5 and 7.6 of the London Plan 2015, policy CS14 of Merton's Core Planning Strategy 2011 and policies DM D1 and D2 of Merton's Sites and Policies Plan 2014.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no extension, enlargement or other alteration (including the installation of any new windows) of the dwellinghouse other than that expressly authorised

by this permission shall be carried out without planning permission first obtained from the Local Planning Authority.

Reason: The Local Planning Authority considers that further development could cause detriment to the amenities of the occupiers of nearby properties or to the character of the area and for this reason would wish to control any future Development plan policies for Merton: policy 7.6 of the London Plan 2015, policy CS14 of Merton's Core Planning Strategy 2011 and policies DM D2 and D3 of Merton's Sites and Policies Plan 2014.

7. Before the development hereby permitted is first occupied, the nine windows shown to have the lower portions of the window obscurely glazed on drawing number 0402-106-PR-E-NE\_03 Rev B shall be glazed with obscured glass as shown on the drawing and shall be maintained as such thereafter.

Reason: To safeguard the amenities and privacy of the occupiers of adjoining properties and to comply with the following Development Plan policies for Merton: policy 7.6 of the London Plan 2015, policy CS14 of Merton's Core Planning Strategy 2011 and policies DM D2 and D3 of Merton's Sites and Policies Plan 2014.

8. 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.

Reason: To ensure the provision of satisfactory facilities for the storage of refuse and recycling material and to comply with the following Development Plan policies for Merton: policy 5.17 of the London Plan 2015, policy CS17 of Merton's Core Planning Strategy 2011 and policy DM D2 of Merton's Sites and Policies Plan 2014.

9. No external lighting shall be installed without the prior approval in writing of the Local Planning Authority.

Reason: To safeguard the amenities of the area and the occupiers of neighbouring properties and ensure compliance with the following Development Plan policies for Merton: policies DM D2 and DM EP4 of Merton's Sites and Policies Plan 2014.

10. 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.

Reason: To safeguard the amenities of the area and the occupiers of neighbouring properties and ensure compliance with the following Development Plan policies for Merton: policy 7.15 of the London Plan 2015 and policy DM EP2 of Merton's Sites and Policies Plan 2014.

11. The details and measures for the protection of the existing trees as specified in the approved document 'BS 5837 Arboricultural Report Impact Assessment & Method Statement' reference '09791b' dated '17 April 2018' shall be fully complied with. The methods for the protection of the existing trees shall fully accord with all of the measures specified in the report. The details and measures as approved shall be retained and maintained until the completion of site works.

Reason: To protect and safeguard the existing retained trees in accordance with the following Development Plan policies for Merton: policy 7.21 of the London Plan 2015, policy CS13 of Merton's Core Planning Strategy 2011 and policy O2 of Merton's Sites and Policies Plan 2014.

12. The details of the Arboricultural Method Statement and Tree Protection Plan shall include the retention of an arboricultural expert to supervise, monitor and report to the LPA not less than monthly the status of all tree works and tree protection measures throughout the course of the construction period. At the conclusion of the construction period the arboricultural expert shall submit to the LPA a satisfactory completion statement to demonstrate compliance with the approved protection measures.

Reason: To protect and safeguard the existing retained trees in accordance with the following Development Plan policies for Merton: policy 7.21 of the London Plan 2015, policy CS13 of Merton's Core Planning Strategy 2011 and policy O2 of Merton's Sites and Policies Plan 2014.

13. The new hard surface to be constructed within the Root Protection Area of the Horse Chestnut tree (referred to as T69 in the arboricultural report) and the Cedar of Lebanon (referred to as T54 in the arboricultural report) shall be installed using a no-dig approach consisting of a 3D cellular confinement system to be incorporated into a no-fines sub-base. The excavation for the area of hard surface shall be limited to the removal of the layer of turf. The measures for the installation of the area of hard standing shall accord with the approved arboricultural measures.

Reason: To protect and safeguard the existing retained trees in accordance with the following Development Plan policies for Merton: policy 7.21 of the London Plan 2015, policy CS13 of Merton's Core

Planning Strategy 2011 and policy O2 of Merton's Sites and Policies Plan 2014.

14. No development shall take place until full details of a landscaping and planting scheme has been submitted to and approved in writing by the LPA. The details shall include on a plan, full details of the size, species, quantities and location of the proposed plants. The approved work shall be carried out in the first available planning season following the development or prior to the occupation of any part of the development, whichever is the sooner, and any trees which die within a period of 5 years from the completion of the development, are removed or become seriously damaged or are dying, shall be replaced in the next planting season with others of the same approved specification, unless the LPA gives written consent to any variation.

Reason: To enhance the appearance of the development in the interest of the amenities of the area, to ensure the provision sustainable drainage surfaces and to comply with the following Development Plan policies for Merton: policies 5.1, 7.5 and 7.21 of the London Plan 2015, policies CS13 and CS16 of Merton's Core Planning Strategy 2011 and policies DM D2, F2 and O2 of Merton's Sites and Policies Plan 2014.

15. 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.

Reason: To ensure satisfactory facilities for cycle parking are provided and to comply with the following Development Plan policies for Merton: policy 6.13 of the London Plan 2015, policy CS18 of Merton's Core Planning Strategy 2011 and policy DM T1 of Merton's Sites and Policies Plan 2014.

16. Prior to the commencement of the development hereby permitted, a Construction Logistics Plan shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented prior to the first occupation of the development hereby permitted and shall be so maintained for the duration of the construction period, unless the prior written approval of the Local Planning Authority is first obtained to any variation.

Reason: To ensure the safety of pedestrians and vehicles and the amenities of the surrounding area and to comply with the following Development Plan policies for Merton: policies 6.3 and 6.14 of the London Plan 2015, policy CS20 of Merton's Core Planning Strategy 2011 and policy DM T2 of Merton's Sites and Policies Plan 2014.

17. Prior to the occupation of the development, 2 metre x 2 metre pedestrian visibility splays shall be provided either side of the vehicular access to the site. Any objects within the visibility splays shall not exceed a height of 0.6 metres.

Reason: In the interests of the safety of pedestrians and vehicles and to comply with the following Development Plan policies for Merton: policies CS18 and CS20 of Merton's Core Planning Strategy 2011 and policies DM T2, T3, T4 and T5 of Merton's Sites and Policies Plan 2014.

18. The doors of the garage or gates hereby approved shall not open over the adjacent highway.

Reason: In the interests of the safety of pedestrians and vehicles and to comply with the following Development Plan policies for Merton: policies CS18 and CS20 of Merton's Core Planning Strategy 2011 and policies DM T2, T3, T4 and T5 of Merton's Sites and Policies Plan 2014.

19. Prior to the commencement of the development hereby permitted, a detailed scheme for the provision of surface and foul water drainage shall be submitted to and approved in writing by the local planning authority. The drainage scheme will dispose of surface water by means of a sustainable drainage system (SuDS), the scheme shall:

- i. Provide information about the design storm period and intensity, attenuation and control the rate of surface water discharged from the site to no more than 5l/s;
- ii. Include a timetable for its implementation;
- iii. Provide a management and maintenance plan for the lifetime of the development, including arrangements for adoption to ensure the schemes' operation throughout its lifetime.

No works which are the subject of this condition shall be carried out until the scheme has been approved, and the development shall not be occupied until the scheme is carried out in full. Those facilities and measures shall be retained for use at all times thereafter.

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.

20. No part of the development hereby approved shall be occupied until evidence has been submitted to, and approved in writing by, the Local

Planning Authority confirming that the development has achieved CO<sub>2</sub> reductions of not less than a 19% improvement on Part L regulations 2013, and internal water usage rates of not more than 105 litres per person per day.

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.

21. Development shall not commence until a Delivery and Servicing Plan (the Plan) has been submitted in writing for approval to the Local Planning Authority. No occupation of the development shall be permitted until the Plan is approved in writing by the Local Planning Authority and implemented in accordance with the approved plan. The approved measures shall be maintained, in accordance with the Plan, for the duration of the use, unless the prior written approval of the Local Planning Authority is obtained to any variation.

Reason: To ensure the safety of pedestrians and vehicles and the amenities of the surrounding area and to comply with the following Development Plan policies for Merton: policies 6.3 and 6.14 of the London Plan 2015, policy CS20 of Merton's Core Planning Strategy 2011 and policies DM T2, T3 and T5 of Merton's Sites and Policies Plan 2014.

22. The development hereby approved shall not be occupied until the proposed vehicle access has been sited and laid out in accordance with the approved plans.

Reason: In the interests of the safety of pedestrians and vehicles and to comply with the following Development Plan policies for Merton: policies CS18 and CS20 of Merton's Core Planning Strategy 2011 and policies DM T2, T3, T4 and T5 of Merton's Sites and Policies Plan 2014.

23. Development shall not commence until a working method statement has been submitted to and approved in writing by the Local Planning Authority to accommodate:
  - (i) Parking of vehicles of site workers and visitors;
  - (ii) Loading and unloading of plant and materials;
  - (iii) Storage of construction plant and materials;
  - (iv) Control of dust, smell, noise and other effluvia;No development shall be carried out except in full accordance with the approved method statement.

Reason: To ensure the safety of pedestrians and vehicles and the amenities of the surrounding area and to comply with the following

Development Plan policies for Merton: policies 6.3 and 6.14 of the London Plan 2015, policy CS20 of Merton's Core Planning Strategy 2011 and policy DM T2 of Merton's Sites and Policies Plan 2014.

24. The hardstanding hereby permitted shall be made of porous materials, or provision made to direct surface water run-off to a permeable or porous area or surface within the application site before the development hereby permitted is first occupied or brought into use.

Reason: To reduce surface water run-off and to reduce pressure on the surrounding drainage system in accordance 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 F2 of Merton's Sites and Policies Plan 2014.

## INFORMATIVES

### 1. INFORMATIVE

In accordance with paragraphs 186 and 187 of the NPPF, The London Borough of Merton (LBM) takes a positive and proactive approach to development proposals focused on solutions. LBM works with applicants/agents in a positive and proactive manner by:

- i) Offering a pre-application advice and duty desk service.
- ii) Where possible, suggesting solutions to secure a successful outcome.
- iii) As appropriate, updating applicants/agents of any issues that may arise in the processing of their application.

In this instance:

- i) The applicant was offered the opportunity to submit amended plans in order to make the proposal acceptable in planning terms.
- ii) The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.

### 2. INFORMATIVE

The applicant is advised to check the requirements of the Party Wall Act 1996 relating to work on an existing wall shared with another property, building on the boundary with a neighbouring property, or excavating near a neighbouring building. Further information is available at the following link:

<http://www.planningportal.gov.uk/buildingregulations/buildingpolicyandlegislation/currentlegislation/partywallact>

### 3. INFORMATIVE

It is Council policy for the Council's contractor to construct new vehicular accesses. The applicant should contact the Council's Highways Team on

020 8545 3829 prior to any work starting to arrange for this work to be done. If the applicant wishes to undertake this work the Council will require a deposit and the applicant will need to cover all the Council's costs (including supervision of the works). If the works are of a significant nature, a Section 278 Agreement (Highways Act 1980) will be required and the works must be carried out to the Council's specification.

#### 4. INFORMATIVE

This planning permission contains certain conditions precedent that state 'before development commences' or 'prior to commencement of any development' (or similar). As a result these must be discharged prior to ANY development activity taking place on site. Commencement of development without having complied with these conditions will make any development unauthorised and possibly subject to enforcement action such as a Stop Notice.

#### 5. INFORMATIVE

This permission creates one or more new units which will require a correct postal address. Please contact the:

Street Naming & Numbering Officer at the London Borough of Merton  
Street Naming and Numbering (Business Improvement Division)

Corporate Services

7th Floor, Merton Civic Centre

London Road

Morden

SM4 5DX

Email: street.naming@merton.gov.uk

#### 6. INFORMATIVE

Demolition of buildings 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 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 (tel: 020 7831 6922).

#### 7. INFORMATIVE

Carbon emissions evidence requirements for Post Construction stage assessments must provide:

- Detailed documentary evidence confirming the Target Emission Rate (TER), Dwelling Emission Rate (DER) and percentage improvement of DER over TER based on 'As Built' SAP outputs (i.e. dated outputs with

accredited energy assessor name and registration number, assessment status, plot number and development address); OR, where applicable:

- A copy of revised/final calculations as detailed in the assessment methodology based on 'As Built' SAP outputs; AND
- Confirmation of Fabric Energy Efficiency (FEE) performance where SAP section 16 allowances (i.e. CO<sub>2</sub> emissions associated with appliances and cooking, and site-wide electricity generation technologies) have been included in the calculation.

**8. INFORMATIVE**

Water efficiency evidence requirements for post construction stage assessments must provide:

- Documentary evidence representing the dwellings 'As Built'; detailing:
    - the type of appliances/ fittings that use water in the dwelling (including any specific water reduction equipment with the capacity / flow rate of equipment);
    - the size and details of any rainwater and grey-water collection systems provided for use in the dwelling;
- AND:
- Water Efficiency Calculator for New Dwellings; OR
  - Where different from design stage, provide revised Water Efficiency Calculator for New Dwellings and detailed documentary evidence (as listed above) representing the dwellings 'As Built'.

**9. INFORMATIVE**

It is Council policy for the Council's contractor to construct new vehicular accesses. The applicant should contact the Council's Highways Team on 020 8545 3829 prior to any work starting to arrange for this work to be done. If the applicant wishes to undertake this work the Council will require a deposit and the applicant will need to cover all the Council's costs (including supervision of the works). If the works are of a significant nature, a Section 278 Agreement (Highways Act 1980) will be required and the works must be carried out to the Council's specification.

**10. INFORMATIVE**

Any works/events carried out either by, or at the behest of, the developer, whether they are located on, or affecting a prospectively maintainable highway, as defined under Section 87 of the New Roads and Street Works Act 1991, or on or affecting the public highway, shall be co-ordinated under the requirements of the New Roads and Street Works Act 1991 and the Traffic management Act 2004 and licensed accordingly in order to secure the expeditious movement of traffic by minimising disruption to users of the highway network in Merton. Any such works or events commissioned by the developer and particularly those involving the connection of any utility to the site, shall be co-ordinated by them in liaison with the London Borough of Merton, Network Coordinator, (telephone 020

8545 3976). This must take place at least one month in advance of the works and particularly to ensure that statutory undertaker connections/supplies to the site are co-ordinated to take place wherever possible at the same time.

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

Please note these web pages may be slow to load