

**PLANNING APPLICATIONS COMMITTEE
20 SEPTEMBER 2018**

APPLICATION NO.

DATE VALID

17/P0609

24/02/2017

Address/Site: Land on south side of Wyke Road
Opposite Langham Court
Wyke Road
Raynes Park
London

Ward: Raynes Park

Proposal: Construction of three, 3 storey apartment blocks
comprising 9 x 1 bedroom flats

Drawing No.'s: 01B, 02a, 03a, 05b, 06C, 07C, 08C, 11 revD, Proposed
Flats Materials Schedule_MSCHED_01 and Site Location
Plan.

Contact Officer: Jock Farrow (020 8545 3114)

RECOMMENDATION

Grant planning permission subject to conditions and S106 legal agreement.

CHECKLIST INFORMATION

- S106: Yes
- Is a screening opinion required: No
- Is an Environmental Statement required: No
- Has an Environmental Statement been submitted: No
- Press notice: Yes (initially lodged as a major application)
- Site notice: Yes (initially lodged as a major application)
- Design Review Panel consulted: No
- Number of neighbours consulted: 174
- External consultations: 5
- Conservation area: No
- Listed building: No
- Tree protection orders: No
- Controlled Parking Zone (CPZ): Yes (zone RPE)
- Flood zone: No (but known for surface flooding)
- Town centre: Partially (western end within Raynes Park Town Centre)
- Site of importance for nature conservation (SINC): Yes
- Green corridor: Yes

1. INTRODUCTION

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

2. SITE AND SURROUNDINGS

- 2.1 The application site comprises land along the southern side of Wyke Road, between the road and a railway embankment which borders the site to the south. The site is narrow and elongated, running in an approximate southwest to northeast direction, it is approximately 200m in length and ranges from 2.5m in width at the southwest end, increasing to around 6.3-6.6m near the middle and reducing to approximately 5m at the north-eastern end. The site is currently vacant of development. The majority of the site comprises overgrown vegetation while the south-western end is used for informal parking; however, it is noted that this area is zoned as a 'no parking area'. The applicant's planning advisor has confirmed that area shown as private parking is leased out to Raynes Park Motors and has been used for cars either awaiting to be serviced or having just been serviced at its garage. The company is aware of the development proposal and that the availability of the land is not a long term arrangement with the owner. The parking land has been the subject of enforcement action with a notice served in 2016 and an appeal dismissed in 2017.
- 2.2 Wyke Road serves Langham Court and provides a connection between Langham Road and Pepys Road. Wyke Road (including the pavements on both sides) is on average, approximately 9m wide. The north side of the road is characterised by extensive vegetation and mature trees; there is also a mature street tree on the south side of the road immediately in front of the site. Along the southern side of Wyke Road, immediately in front of the site, are parking spaces which straddle the pavement – these spaces are subject to the CPZ.
- 2.3 To the south of the site is a railway embankment which rises to a height of approximately 5-5.5m, immediately beyond which are railway tracks. To the north, of the north-eastern end of the site (across Wyke Road), is Langham Court, a part 5, part 6 storey block of flats. The main block of Langham Court is setback from the Wyke Road some 18m; at either end of Langham Court, two 5 storey wings extend toward Wyke Road to within a distance of 5-6m. To the north, of the south-western end of the site, are 3 storey blocks of flats, and a single storey car workshop at the south-western most point.
- 2.4 The site is a green corridor and a site of importance for nature conservation (SINC). The site is located within a CPZ and has a public transport accessibility level (PTAL) ranging from 4 to 5 (0 being the lowest and 6b being the best). The southwestern end of the site is located within the Raynes Park town centre. While the site is not within a designated flood risk zone, it is known to suffer from surface water flooding. The site is not located within a conservation area and there are no listed buildings on or adjoining the site.

3. CURRENT PROPOSAL

- 3.1 This application seeks planning permission for the construction of three, 3 storey blocks of flats, each comprising 3x1 bedroom units; giving a total of 9 residential units.
- 3.2 The blocks of flats would be positioned near the central portion of the site, with the ends of the site being landscaped. Between and immediately adjacent to the buildings would be a combination of amenity (private and communal) space and cycle and refuse stores. The buildings would have regular footprints, abutting the pavement to the front of the site and comprising a setback from the rear boundary of approximately 1.5m. Blocks A and B would have a separation distance between them of 23m while B and C would have a separation distance of 15m. Separation distances from the proposed buildings to the train tracks range from approximately 13m to 15m. From Block A to the closest residential property (block of flats at the south-western end of Wyke Road) is approximately 19m at the closest point. From Block B to Langham Court is approximately 15m at the closest point. From Block C to Langham Court is approximately 18m at the closest point.
- 3.3 The buildings would be contemporary in appearance, comprising large, bold openings and a mansard style top floor. The openings would be configured into a vertical and horizontal alignment, including the dormer windows within the mansard level. Full length glazed doors with metal balustrades and full length windows would occupy the ends of the buildings, serving winter gardens and stairwells respectively. Ground floor windows to the front would be screened with perforated metal sheets to a height of 1.7m above adjacent pavement level. The buildings would be constructed in red brick, the mansard level would be grey standing seamed zinc, between the main façade and the mansard level would be a band of decorative brickwork, windows and folding doors would be grey aluminium, main entrance doors would be hardwood timber, upon the mansard level would be a green roof and photovoltaic (PV) panels.
- 3.4 Each building would comprise 3x1 bed units, with each unit occupying one floor. Blocks A and B would have lifts and stairwells while Block A would also have wheelchair ramps at either end of the building. Block C would not be served by a lift.
- 3.5 The proposed buildings would have the following dimensions: 20.5m long, 4.7m wide, 6.2m high to the eaves and 8.8m maximum height.
- 3.6 The application was initially submitted as a 10 unit scheme, with Block B (the middle block) being 4 storeys in height and comprising 4x1 bed units; in addition, the scheme comprised 10 vehicle parking spaces and shared gardens spaces. Officers raised concerns regarding the scale of the 4 storey building and its impact upon the streetscene, the privacy of the proposed ground floor units, road safety, and the potential for the garden spaces to facilitate anti-social behaviour. Revised drawings were subsequently submitted which reduced Block B to 3 storeys in height and reduced the total

number of residential units from 10 to 9, consequently the scheme was downgraded from a 'major' application to a 'minor'. Other key amendments included removing all parking spaces from the scheme, removing the shared garden spaces, increasing the outlook through the ends of the units and adding screening to the ground floor windows to the front.

4. RELEVANT PLANNING HISTORY

- 4.1 86/P0867: Erection of two three storey blocks to provide 12 studio flats with 12 garages and 12 open parking spaces – Refused.

Reasons:

1) The proposed development would result in an unsatisfactory living environment for the occupiers of the flats by reason of excessive noise from the adjacent railway.

2) The site is not suitable or appropriate for residential development as proposed by reason of its narrow shape and close proximity to the railway embankment and the proposed three storey buildings would appear as a cramped and incongruous form of development out of character with the general pattern of development in this area.

- 4.2 87/P0686: Outline application for the erection of office buildings comprising 540 m. sq. of floor area together with the erection of 12 lock-up garages – Refused.

Reasons:

1) The proposed development would be contrary to Policy P4.20 of the Merton Borough Plan.

2) The site is not suited to office development as proposed by reason of its location within a predominantly residential area, the narrow shape of the site, and the poor working environment likely to arise so close to a busy railway.

3) By reason of the long, narrow shape of the site, the development by the erection of a building or buildings comprising 540 sq.m. of offices is likely to appear cramped and incongruous and out of character with the general pattern and layout of the surrounding area.

- 4.3 87/P1143: Outline application for the erection of buildings comprising 12 one person flats 12 parking spaces and 12 garages – Refused.

Reasons:

1) The proposal would result in an unsatisfactory living environment for the occupiers of the flats, by reason of excessive noise from the adjacent railway.

2) The site is not suitable or appropriate for residential development, by reason of its narrow shape and close proximity to the railway embankment and any new buildings would be likely to appear as cramped and incongruous forms of development, out of character with the general pattern of development in this area.

- 4.4 87/P1468: Erection of buildings to form a medical centre comprising surgeries for doctor dentist chiropodist and veterinary surgeon – Refused.

Reasons:

1) The erection of buildings comprising 400 m2 Medical centre on this long narrow site will appear cramped, incongruous and out of character with the general pattern and layout of development in the surrounding area.

2) The proposal would conflict with the views expressed by a Department of Environment Inspector in dismissing an appeal (APP/T5720/A/86/061201/P5) for residential development on this site.

3) Insufficient information has been provided to enable assessment of the parking provision in relation to the Local Planning Authority's requirements.

- 4.5 89/P0005: Outline application for the erection of office buildings comprising approximately 540 sq.m gross floor area together with the provision of car parking spaces – Granted.
- 4.6 89/P1199: Erection of a two-storey building comprising 612 square metres for use as offices together with the provision of 25 car parking spaces – Granted.
- 4.7 91/P0898: Use of site for the display and sale of motor vehicles – Refused.

Reasons:

1) The proposal is unacceptable in that the vehicle movements associated with the use would be prejudicial to the free flow of traffic and to highway safety contrary to Policy S.16 of the Unitary Development Plan Draft for Public Consultation.

2) The proposal would be likely to lead to an increase in the undesirable practice of kerbside parking in the locality which would be prejudicial to highway safety and damaging to the amenities of adjoining residents contrary to policies M.40 and S.16 of the Unitary Development Plan Draft for Public Consultation.

- 4.8 95/P0468: Erection of a two storey b1 office building with 12 off-street car parking spaces – Granted.
- 4.9 10/P2500: Erection of two-storey office building (class b1) with off-street parking and associated facilities – Undetermined.
- 4.10 13/P2080: Construction of a new car park including formation of a new vehicular crossover – Refused.

Reasons:

1) The proposed new formalised parking area, by virtue of its substandard layout and lack of management strategy, would result in development detrimental to pedestrian and highway safety and as such,

is contrary to policy CS 20 of the London Borough of Merton Core Strategy - 2011.

2) The proposed new formalised parking area would result in development detrimental to a Green Corridor and Borough SINC and for which insufficient mitigation measures have been provided. As such, the proposed development is contrary to policy NE.8 of the London Borough of Merton UDP - 2003, policy CS 13 of the London Borough of Merton Core Strategy - 2011, policy 7.19 of the London Plan - 2011, and the National Planning Policy Framework - 2012.

- 4.11 15/P2530: Erection of 6 x 2 bed dwellinghouse arranged in 3 pairs of semi-detached units – Refused.

Reasons:

1) The proposed development would constitute a cramped form of development that would lack adequate amenity space provision and would provide a poor quality living environment contrary to policies DM D2 and DM EP2 of the Merton Sites and Police Plan (July 2014).

2) The proposed development would fail to contribute to meeting affordable housing targets and in the absence of a legal undertaking securing a financial contribution towards delivering affordable housing off-site, would be contrary to policy CS8 of Merton's Adopted LDF Core Planning Strategy (July 2011).

- 4.12 Western end of site. The Council issued an enforcement notice on 4th July 2016 against the unauthorised material change in the use of the land for car parking. The notice would have come into effect on 10/08/16 but an appeal was submitted. On 11th April 2017 the appeal was dismissed and the Notice upheld. The compliance date was 12th May 2017.

5. CONSULTATION

- 5.1 Public consultation was initially undertaken by way of site and press notices (as it was lodged as a 'major' application) and by post sent to neighbouring properties, two periods of re-consultation were then undertaken to alert residents of the aforementioned amendments to the scheme. The results of the combined consultation exercises are summarised as follows:
- 5.2 19 objections from individual properties were received which are summarised as follows:
- Removal of resident parking bays
 - Exacerbate parking pressure
 - Loss of light
 - Loss of outlook
 - Increased overlooking
 - Increased noise and pollution from the trains
 - Disturbance during construction
 - Restricted access to Wyke Road during construction, including emergency vehicles
 - Increased congestion

- Exacerbate flooding
- Loss of trees and associated vista
- Land is too narrow for the development
- Unsuitable living conditions given noise and vibration from trains
- Excessive scale
- Loss of wildlife/habitat/biodiversity
- Devaluation of surrounding properties
- Concern regarding the existing street tree
- Fly tipping currently occurs on the land
- Land should be used for public transport purposes
- Land should be used to provide more parking spaces

- 5.3 1 letter of support was received which is summarised as follows:
- Green walls and roof would be sympathetic to the local environment and would improve the condition of the land which has been subject to fly tipping
 - The acoustic barrier would reduce noise for surrounding properties

External

- 5.4 The Wimbledon Society: Objection. The land is in close proximity to the railway tracks and may be required in the future for Crossrail 2 or for changes to Raynes Park Station. Concerns regarding noise and vibration from frequent trains in close proximity to the development. The proposed garden spaces would be substandard.

- 5.5 Langham Court Residents' Association: Mainly in objection, with two residents expressing some support. The loss of 30 residents parking spaces. Removal of trees will impact upon wildlife, vistas and increase noise. Exacerbate flooding. Land will likely to be compulsory purchased by Network Rail in the future to facilitate Crossrail 2. Disruption during the works will include road blockages, noise and dust. Once constructed, the increased density will result in additional traffic, noise refuse collections. Land unsuitable for the development given width and proximity to the railway tracks. Residents of the development would suffer from poor light, noise and vibration. Council should enforce regulations to stop the garage misusing parking areas, to make the land owner remove fly tipping and to reinstate the damaged railings. Council should remove the recycling station at the end of the road. The addition of only 9 flats would disrupt approximately 200 residents in Langham Court, which is a disproportionate way of addressing the housing need.

Comments in support: The scheme would improve the streetscene. The development would likely reduce crime, anti-social behaviour and fly tipping. The development would stop the garage using the land for parking and vehicle repairs.

- 5.6 Thames Water: No objection with regard to water or waste. Advised that the developer would need to approach Thames Water for a pre-development inquiry.

- 5.7 Transport for London: Objection. The site is not located within a safeguarding zone; however, ongoing design work would indicate that the site would be in a future safeguarding zone for Crossrail 2.
- 5.8 Crossrail: Stated they are not required to comment on the application given the site falls outside of the safeguarding zone for Crossrail.
- 5.9 Network Rail: Objection. Network Rail are working with TFL for the delivery of Crossrail 2, while the scheme is outside of the safeguarding zone, Crossrail 2 are of the opinion that the scheme would prejudice the delivery of Crossrail 2. Network Rail provided detailed guidance in relation to developments near railway tracks - these were passed on to the developer.
- 5.10 Metropolitan Police – Designing out Crime Officer: No objection. The area currently lacks natural surveillance and is subject to fly tipping. The scheme has the potential to increase natural surveillance. The scheme should be designed to eliminate climbing aides and uncontrolled access to the site. Lighting should be to British Standards and any planting should not impede natural surveillance or create opportunities for people to hide.

Internal

- 5.11 Transport and Highways Officers: Advised that given the narrow width of the road, the car parking would result in a safety risk to the highway, as such, the parking spaces should be removed from the scheme. Following the removal of the parking spaces LBM's Transport Planner advised that the scheme would be acceptable in highway terms subject to being ineligible for parking permits (secured by legal agreement) and to conditions requiring a construction method statement and a delivery and servicing plan.
- 5.12 Flood Risk Engineer: Advised that while the site is not located within a designated flood zone, it does suffer from surface water and sewer flooding, thus the floor levels should be raised 300mm above pavement level. Further advice was provided on the requirements of a 'major' application, however, the scheme has since been downgraded to a 'minor' application thus the requirements are no longer relevant.
- 5.13 Environmental Health: Advised that if the recommendations of the noise and vibration report are adhered to then the development can achieve suitable internal noise levels. Recommended conditions relating to noise mitigation, light spill, contamination and a construction method statement.
- 5.14 Climate Change Officer: Advised that the scheme can achieve the relevant sustainability standards and that they should be secured by way of condition. Further advice was provided on the requirements of a 'major' application, however, the scheme has since been downgraded to a 'minor' application thus the requirements are no longer relevant.
- 5.15 Trees Officer: Advised that there is a street tree in close proximity to the proposal, albeit the root protection zone appears to be accounted for. The proposed planting scheme will make a significant contribution to the green

amenities of the area. Advised conditions relating to the protection of existing trees and a full landscaping scheme.

6. POLICY CONTEXT

6.1 National Planning Policy Framework (2018)

- 5. Delivering a sufficient supply of homes
- 8. Promoting healthy and safe communities
- 9. Promoting sustainable transport
- 11. Making effective use of land
- 12. Achieving well-designed places
- 14. Meeting the challenge of climate change, flooding and coastal change
- 15. Conserving and enhancing the natural environment

6.2 London Plan (2016)

Relevant policies include:

- 3.3 Increasing housing supply
- 3.4 Optimising housing potential
- 3.5 Quality and design of housing developments
- 3.8 Housing choice
- 5.1 Climate change mitigation
- 5.2 Minimising carbon dioxide emissions
- 5.3 Sustainable design and construction
- 5.10 Urban greening
- 5.11 Green roofs
- 5.12 Flood risk management
- 5.17 Waste capacity
- 5.21 Contaminated land
- 5.22 Hazardous substances and installations
- 6.9 Cycling
- 6.10 Walking
- 6.12 Road network capacity
- 6.13 Parking
- 7.1 Lifetime Neighbourhoods
- 7.2 An inclusive design
- 7.3 Designing out crime
- 7.4 Local character
- 7.5 Public realm
- 7.6 Architecture
- 7.15 Reducing and managing noise, improving and enhancing the acoustic environment and promoting appropriate soundscapes
- 7.19 Biodiversity and access to nature
- 7.21 Trees and woodlands
- 8.2 Planning Obligations

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

Relevant policies include:

- CS 4 Raynes Park sub-area
- CS 7 Centres
- CS 8 Housing choice

CS 9 Housing provision
CS 11 Infrastructure
CS 13 Open space and leisure
CS 14 Design
CS 15 Climate change
CS 16 Flood risk management
CS 17 Waste management
CS 18 Transport
CS 19 Public Transport
CS 20 Parking servicing and delivery

6.4 Merton Sites and Policies Plan – 2014 (SPP)

Relevant policies include:

DM R1 Location and scale of development in Merton's town centres
DM H2 Housing mix
DM D1 Urban Design
DM D2 Design considerations
DM EP 2 Reducing and mitigating noise
DM O2 Nature conservation
DM EP4 Pollutants
DM T2 Transport impacts of development
DM T3 Car parking and servicing standards
DM T4 Transport infrastructure

6.5 Supplementary planning considerations

GLA - London Housing SPG 2016
DCLG - Technical Housing Standards 2015
GLA - Sustainable Design and Construction SPG 2014

7. PLANNING CONSIDERATIONS

7.1 Material Considerations

The key issues in the assessment of this planning application are:

- Principle of development
- Design and impact upon the character and appearance of the area
- Impact upon neighbouring amenity
- Standard of accommodation
- Transport, parking and cycle parking
- Refuse storage and collection
- Sustainable design and construction
- Landscaping and impact upon trees and biodiversity
- Flood risk
- Site contamination

Principle of development

7.2 Policy 3.3 of the London Plan 2016 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. Core Strategy policies CS8 & CS9 seek to encourage proposals for well-designed and conveniently located new housing that will create socially

mixed and sustainable neighbourhoods through physical regeneration and effective use of space. The National Planning Policy Framework 2018 and London Plan policies 3.3 & 3.5 promote sustainable development that encourages the development of additional dwellings at locations with good public transport accessibility.

- 7.3 The site is currently free of development, it is located within a residential area and has a public transport accessibility level (PTAL) ranging from 4 to 5 (0 being very poor and 6b being excellent). The site is an underutilised site which is considered to present opportunities for a residential development. The proposals would meet NPPF and London Plan objectives by contributing towards London Plan housing targets within sustainable areas.
- 7.4 Historic planning decisions have focused on the proximity of the site to the railway and its narrowness in shaping reasons to refuse housing schemes. Most recently the decision to refuse permission was shaped by concerns that the site was unsuited to family housing. Officers have reviewed the most recent Planning Inspector's decision (Appended to this report) regarding the scheme for six houses. It is considered that the Inspector's decision while dismissing the appeal may reasonably be interpreted as not resisting the principle of some form of residential development on the site. In excess of 30 years has lapsed since permission was refused for a scheme of flats in 1986 during which time there has been a greater focus on housing delivery with the emergence of the London Plan first setting targets of 321 units per year for Merton, rising to 411 and with the latest draft London Plan currently proposing more than tripling Merton's annual target. The emphasis in both the London Plan and the National Planning Policy Framework is very much towards maximising development opportunities to deliver housing and to explore innovative design solutions. Given the above, along with the most recent appeal decision, it is considered the principle of residential development on the site should be looked at afresh. Officers are of the opinion that a non-family residential development may be considered acceptable in principle, subject to compliance with the relevant London Plan policies, Merton Local Development Framework Core Strategy, Merton Sites and Policies Plan and supplementary planning documents.
- 7.5 It is noted that TfL and Network Rail have objected on the basis that the site may be required for the delivery of Crossrail 2 in the future. Policies DM T4 of Merton's Sites and Policies Plan and CS19 of Merton's Core Strategy seek to improve public transport and to safeguard land for the delivery of major public transport projects. However, there is an established procedure for safeguarding land for major transport projects and the site is not currently within a safeguarded area. Given there is no formal protection relating to the land for the delivery of Crossrail 2, it is considered that it would be unreasonable to withhold planning permission for this reason.

Design and impact upon the character and appearance of the area

- 7.6 The NPPF section 12, London Plan policies 7.4 and 7.6, Core Strategy policy CS14 and SPP Policies DM D1 and DMD2 require well designed proposals which would optimise the potential of sites, that are of the highest architectural

quality and incorporate a visually attractive design that is appropriate to its context, so that development relates positively to the appearance, scale, bulk, form, proportions, materials and character of their surroundings, thus enhancing the character of the wider area.

- 7.7 Paragraph 1.3.61 of the London Plan Housing SPG 2016 states that *fully optimising housing potential will necessitate high quality, innovative design to ensure new development successfully responds to challenges and opportunities presented on a particular site*. The site is considered to be unique in that it is isolated from other development i.e. there is a railway embankment to the rear and there is no other development along the southern side of Wyke Road, thus it would not be 'read' together with surrounding buildings. There is therefore an opportunity to develop a unique design approach, appropriate to the unique characteristics of the site in this instance. It is within this context that the development should be considered. It is further noted that there is a part 5, part 6 storey art deco style building opposite the proposed development, namely, Langham Court.
- 7.8 Given the aforementioned characteristics of the site, the width of the Wyke Road and separations distances to surrounding development, it is considered that the site can comfortably accommodate buildings of the height proposed. It is noted that the bulk of the buildings are effectively broken up by the use of a mansard top floor, which provides a visual break in the building and gives an appearance akin to a two storey building with a pitched roof. The positioning and footprints of the proposed buildings are considered to make effective use of the site while allowing for generous gaps between the buildings. Given the above, and notwithstanding earlier historic decisions reached against the background of a different policy context, officers are of the opinion that the development may reasonably be considered as not overbearing to the streetscene.
- 7.9 The scheme proposes a contemporary appearance, making use of bold fenestration and openings, perforated metal screens, red brick facades and decorative patterns, brick window surrounds and a grey zinc standing seam mansard level. The use of contrasting materials, recesses, horizontal separation between floors and a strong vertical alignment throughout the scheme successfully defines the individual façade elements, creating an interesting and high quality appearance with a strong vertical emphasis.
- 7.10 While the proposal does not seek to replicate the surrounding development, it is considered to achieve a coherent and high quality design while also picking up important visual cues from Langham Court, mainly in its use of large, regular openings and red brick. Given the development does not seek to create a single, isolated building, but rather an ensemble of three apartment blocks, it is considered to achieve a semblance of its own character while successfully harmonizing with its surroundings.

Impact upon neighbouring amenity

- 7.11 London Plan policy 7.6 and SPP policy DM D2 state that proposals must be designed to ensure that they would not have an undue negative impact upon

the amenity of surrounding land and buildings, particularly residential properties, in terms of loss of daylight or sunlight/overshadowing, quality of living conditions, privacy, visual intrusion, amenity space or noise.

7.12 Given the scale of the proposed development along with the separation distance to surrounding buildings, the proposal would pass the “25 degree test” at the closest point of surrounding buildings, and that as such, the development would not result in undue visual intrusion or loss of daylight or sunlight.

7.13 The proposal is not considered to unduly impact upon neighbouring amenity. Outlook to the rear would be toward railway land, to the sides would be within the site itself and to the front would be across Wyke Road, which is public space. Furthermore, there is considerable green screening in front of Langham Court.

Standard of accommodation

7.14 Policies 3.5 and 3.8 of the London Plan 2016 state that housing developments are to be suitably accessible and should be of the highest quality internally and externally and should ensure that new development reflects the minimum internal space standards (specified as Gross Internal Areas) as set out in table 3.3 of the London Plan (amended March 2016) and the DCLG – Technical Housing Standards 2015. The London Plan Housing SPG – 2016 states that homes should provide a place of retreat; factors to be considered include privacy, the importance of dual aspect development, noise mitigation, floor to ceiling heights and daylight and sunlight. Policy DM D2 of the Adopted Sites and Policies Plan (2014) states that developments should provide for suitable levels of privacy, sunlight and daylight and quality of living conditions for future occupants.

7.15 According to the DCLG – Technical Housing Standards 2015, all proposed units are categorised as 1bed, 2person, 1storey units; the Housing Standards state that units of this size and nature must have a minimum GIA of 50sq.m. The GIA of the proposed units ranges from 51.5sq.m to 56sq.m, thus all units exceed the minimum standards.

7.16 All units are considered to have a layout which offers a high standard of living and all habitable rooms are served by windows which are considered to offer suitable natural light, ventilation, privacy and outlook to prospective occupants.

7.17 With regard to the ground floor units, these units abut the pavement and have front facing windows, meaning that passers-by would be able to see straight into their living space, thus a solution was required to protect the privacy of the prospective occupants while still providing suitable outlook. To address these issues, amendments were made to the scheme which opened up the ends of the ground floor units with full length glazing and folding doors to provide their primary outlook into their private gardens. In addition, the floor level of the building was raised by 300mm above pavement level and perforated metal screens were added to the lower portion of the front windows

- the screens would measure to a height of 1.7m above adjacent pavement level. 1.7m high screening is the accepted height to maintain privacy levels, and as the building would be raised 300mm above pavement level, internally the screens would only appear to be 1.4m in height, thus some level of outlook would still be achieved. In addition to the perforated screens, wooden shutters would be installed internally to give occupants the option of complete privacy should they so desire. Considering all of these techniques together, it is considered that the ground floor units would achieve suitable levels of both privacy and outlook.

- 7.18 Given the proximity of the railway tracks, the consideration of noise and vibration and their potential to impact upon occupants of the scheme are of particular importance. Policies 7.6 and 7.15 of the London Plan and policy DM D2 of Merton's Sites and Policies Plan require developments to provide a suitable living environment for occupants in terms of noise. As such, an independent Noise and Vibration Assessment was commissioned by Merton Council. The assessment was informed by noise levels measured at the site and it recommended the use of specific double glazed windows, mechanical ventilation, insulation to the building envelope and acoustic fencing; the assessment found that provided the recommendations were adhered to, the development could achieve an internal acoustic environment that was within the relevant standards. In addition, further amendments were made to the upper floor units which positioned the hallway between the train tracks and the bedroom, creating an additional level of noise mitigation to the most noise sensitive room. With regard to vibration, the assessment found that the potential for vibration would be below the threshold levels to require specific mitigation measures.
- 7.19 In accordance with the London Housing SPG, policy DMD2 of the Council's Sites and Policies Plan states that there should be 5sq.m of external space provided for 1 and 2 person flats with an extra square metre provided for each additional occupant. In this instance the amenity space has been provided primarily in the form of winter gardens, this is an accepted form of amenity space and is particularly suited to this development, given it protects users from surrounding noise levels. In addition to the winter gardens, the ground floor units are provided with outdoor gardens and a provision of communal amenity space is provided near the centre of the site, between Blocks A and B. All units would be provided with amenity space that exceed the relevant standards and are considered to be high quality.
- 7.20 London Plan policy 3.8 requires all units to be provided with 'step free' access (i.e. lifts to upper floors) and for 10% of units to cater for wheelchair users, subject to viability. Blocks A is provided with a lift, wheelchair ramps and the ground floor unit is fully adaptable to cater for wheelchair users. In addition, Block B is also provided with a lift. Block C would not be served with a lift; however, given the size of the scheme it would not be considered practicable to provide lifts to all blocks, thus the scheme is considered to comply with London Plan policy 3.8.

Transport and Parking

- 7.21 Core Strategy policy CS20 and SPP policy DM T3 require that developments would not adversely affect pedestrian or cycle movements, safety, the convenience of local residents, on street parking or traffic management.
- 7.22 Officers acknowledge that the proposals would displace parking currently used by a nearby MOT and servicing business. However the parking area has been the subject of enforcement action with an appeal to retain the parking dismissed. It is considered that it would be unreasonable for the loss of the parking to be a basis for resisting the proposals.
- 7.23 As previously mentioned, all parking spaces were removed from the scheme as they were considered to pose a risk to highway safety. It is now proposed for the scheme to be permit (parking) free which would be secured by way of legal agreement. Given the occupants of the development would be ineligible for parking permits, the scheme is not considered to unduly impact upon parking pressure locally.
- 7.24 The scheme would introduce 3 small blocks of flats where no residential units currently exist, and where access to the new flats would be immediately alongside a pavement where the Council has sanctioned parking partly on the highway and partly on the pavement. Along with the presence of a mature street tree in the middle of the pavement along the Wyke Road frontage, the parking of vehicles over the pavement has the potential to compromise the movement and safety of pedestrians. Notwithstanding that the Planning Inspector was silent on the issue of parking and pedestrian safety in her recent appeal decision, officers consider it would be prudent to carefully review the available space, comprising the shared footway along this part of Wyke Road, and around the mature street tree, and for any legal agreement to make provision for the applicant to cover the Council's costs so as to enable making appropriate adjustment to parking bays and for the footway around the street tree to provide a safe pedestrian route/access to the units. The applicant has given an indication that they are amenable in principle to this proposal.
- 7.25 To mitigate the impact of the proposal during construction, it is recommended to require details of a construction management statement by way of condition.
- 7.26 In accordance with London Plan policy 6.9 and table 6.3, 9 cycle storage spaces would be required for the development. 24 cycle storage spaces are proposed which exceeds the standards by a considerable margin. It is recommended to require specific details of the cycle storage enclosures by way of condition.

Refuse storage and collection

- 7.27 Refuse would be stored within enclosures adjacent to the highway with collection to occur from Wyke Road, this arrangement is considered to be acceptable and would comply with policy 5.17 of the London Plan and policy CS 17 of the Core Strategy.

Sustainable design and construction

- 7.28 London Plan policy 5.3 and Core Strategy policy CS15 seek to ensure the highest standards of sustainability are achieved for developments which includes minimising carbon dioxide emissions, maximising recycling, sourcing materials with a low carbon footprint, ensuring urban greening and minimising the usage of resources such as water.
- 7.29 As per Core Strategy policy CS15, minor residential developments are required to achieve a 19% improvement on Part L of the Building Regulations 2013 and water consumption should not exceed 105 litres/person/day. It is recommended to include a condition which will require evidence to be submitted that a policy compliant scheme has been delivered prior to occupation.

Landscaping and impact upon trees and biodiversity

- 7.30 The site is a designated SINC and green corridor. NPPF section 15, London Plan policies 7.5, 7.19 and 7.21, CS policy CS13 and SPP policies DM D2, DM O2 seek to ensure high quality landscaping to enhance the public realm, protect trees that significantly improve the public realm, to enhance biodiversity, encourage proposals to result in a net gain in biodiversity and to discourage proposal that result in harm to the environment, particularly on sites of recognised nature conservation.
- 7.31 A Preliminary Ecological Appraisal was submitted with the application. The appraisal found that some level of habitat would be lost as a result of the development; however, the green corridor would be maintained and the loss of habitat could be offset by the use of living walls and green roofs. In addition, the appraisal made a number of recommendations for the protection of species and for the enhancement of the biodiversity value of the site, these included: the removal of any non-native invasive species by a suitably qualified and licensed contractor; the use of green roofs and living walls; the protection of the London Plane street tree; the retention of the scrub and tree lines; to design any lighting in such a way as to not impact upon bats; to install bat boxes; to undertake a badger update survey; to retain as many trees as possible and to only remove trees outside of bird breeding season; to avoid disturbing deadwood piles with the potential to support stag beetles, or where necessary, to relocate deadwood piles to a suitable location; to use local native species in the landscaping scheme. The methodology, findings and recommendations of the appraisal are considered to be fair and reasonable and it is recommended to secure them by way of conditions.
- 7.32 The proposal would involve the protection of the London Plane street tree, which is considered to be 'high quality', along with 23 trees of 'moderate quality'; 9 trees of low quality would be removed. The scheme would include substantial landscaping including trees, shrubs and/or hedges and grassed areas. The exact details, including species, of the landscaping has not been provided, it is therefore recommended to require full details of the landscaping scheme by condition and to require planting to be undertaken prior to occupation. In addition, it is recommended to include conditions to ensure the protection of the aforementioned trees.

- 7.33 Subject to the aforementioned conditions, it is not considered that the proposal would unduly impact upon trees, ecology or biodiversity and it is considered that the landscaping scheme would make a positive contribution to the streetscene and green network.

Flood risk

- 7.34 While the site is not located within a designated flood risk zone, it is known to suffer from the surface water and sewer flooding. Policy DM F1 of Merton's Sites and Policies Plan requires all sources of flooding to be considered and for developments to incorporate flood resilient and resistant measures.
- 7.35 Amendments were made to the scheme to raise the floor levels by 300mm above adjacent pavement level which is considered to be adequate to avoid flooding into the development.

Site contamination

- 7.36 London Plan Policy 5.21 and SPP policy DM EP4 state that developments should seek to minimise pollutants, reduce concentrations to levels that have minimal adverse effects on human or environment health and to ensure contamination is not spread.
- 7.37 In the event contamination is encountered during construction works, planning conditions are recommended which would require the submission of details of measures to deal with this contamination.

8. CONCLUSION

- 8.1 The site has an extensive planning history with various residential schemes having been resisted. Changes in planning policy since the first refusal in 1986 have seen a significant increase in pressure to deliver housing, and to explore innovative design solutions. Officers have interpreted the last appeal decision as signalling a resistance to more conventional family housing on the site but not necessarily non-family housing. Officers are therefore of the opinion that a non-family housing development is acceptable in principle given it would contribute toward London's housing stock and it is on an empty site which is within a residential area with excellent public transport links.
- 8.2 The development is considered to respond well to the challenges and opportunities of the site; despite the numerous constraints of the site, creative solutions have been found which are considered to address all material planning considerations to a high standard. The development is considered to be high quality and to make a positive contribution to the streetscene. The development is not considered to unduly impact upon neighbouring amenity. The proposal would offer high quality living standards for prospective occupants. The proposal would not unduly impact upon the highway network, including parking pressure. The proposal would achieve suitable refuse provisions. It is considered that the proposal would achieve appropriate sustainable design and construction standards. The proposal would appropriately mitigate any impact upon biodiversity and provide a high quality landscaping scheme.

- 8.3 The proposal is considered to accord with the relevant National, Strategic and Local Planning policies and guidance and approval could reasonably be granted in this case. It is not considered that there are any other material considerations which would warrant a refusal of the application.

RECOMMENDATION

Grant planning permission subject to the completion of a section 106 legal agreement and appropriate conditions.

Section 106 legal agreement:

1. Restrictions to prevent the future owner/occupiers of the development from being issued on-street parking permits within the surrounding Controlled Parking Zones;
2. The developer meeting the Council's costs for any work (both legal work and street works) associated with making adjustments to on street parking arrangements, and, where necessary, pavement alignment, along the south side of Wyke Road.
3. The developer agreeing to meet the Council's costs of preparing [including legal fees] the Section 106 Obligations [to be agreed by developer];
4. The developer agreeing to meet the Council's costs of monitoring the Section 106 Obligations [to be agreed by developer].

Conditions:

- 1) Standard condition [Commencement of development]: 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) Standard condition [Approved plans]: The development hereby permitted shall be carried out in accordance with the following approved plans: [Refer to the schedule on page 1 of this report].

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

- 3) Amended standard condition [Materials]: The facing materials, including roofing materials, to be used for the development hereby permitted shall be those specified on the approved plans unless otherwise agreed in writing by the Local Planning Authority.

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 2016, policy CS14 of Merton's Core Planning Strategy 2011 and policies DM D2 and D3 of Merton's Sites and Policies Plan 2014.

- 4) Standard condition [Timing of construction]: 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 2016 and policy DM EP2 of Merton's Sites and Policies Plan 2014.

- 5) Amended-standard condition [Use of flat roof]: Access to the flat roof parts of the development hereby permitted, shall be for maintenance or emergency purposes only and shall not be used as a roof garden, terrace, patio or similar amenity area.

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 2016, policy CS14 of Merton's Core Planning Strategy 2011 and policies DM D2 and D3 of Merton's Sites and Policies Plan 2014.

- 6) Non-standard condition [screening]: The external screening to the front of the buildings along with the internal shutters as shown on the approved plans shall be implemented before the development is first occupied and retained permanently thereafter.

Reason: To ensure appropriate levels of privacy for the occupiers of the development and to comply with the policy 7.6 of the London Plan 2016 and policy DM D2 of Merton's Sites and Policies Plan 2014.

- 7) Standard condition [Cycle storage]: Prior to occupation of the development hereby approved, details of secure cycle parking facilities for the occupants of the development shall be submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be fully implemented and made available for use prior to the first occupation of the development and retained thereafter for use 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 2016, policy CS18 of Merton's Core Planning Strategy 2011 and policy DM T1 of Merton's Sites and Policies Plan 2014.

- 8) Standard condition [Refuse storage]: 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) Non-standard condition [Sustainability]: No part of the development hereby approved shall be occupied until evidence has been submitted to the Local Planning Authority confirming that the development has achieved CO2 reductions not less than a 19% improvement on Part L of the Building Regulations 2013 and internal water usage 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 2016 and Policy CS15 of Merton's Core Planning Strategy 2011.

- 10) Amended standard condition [Working method statement]: Prior to the commencement of development [including demolition] a working method statement shall be submitted to and approved in writing by the Local Planning Authority that shall include measures to accommodate: the parking of vehicles of site workers and visitors; loading and unloading of plant and materials; storage of construction plant and materials; wheel cleaning facilities; control of dust, smell and other effluvia; measures to control noise and vibration; measures to control dust and dirt; control of surface water run-off; a scheme for recycling and disposing of waste from demolition and construction. No development shall be take place that is not in full accordance with the approved method statement.

Reason: It is necessary for the condition to be discharged prior to the commencement of development to ensure vehicle and pedestrian safety and to protect the amenities of neighbouring occupiers and to comply with policy CS20 of the Adopted Merton Core Planning Strategy 2011 and policy DM D2 of Merton's Sites and Policies Plan.

- 11) Standard condition [Delivery & servicing plan]: Prior to the occupation of the development, a Delivery and Servicing Plan (the Plan) shall be 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.

- 12) Non-standard condition [Lighting strategy]: Prior to the installation of any external lighting, an external lighting strategy shall be 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 scheme has been approved and those works shall be carried in accordance with the approved details.

Reason: To safeguard the amenities of the area and the occupiers of neighbouring properties, to protect nature conservation in the area and to avoid an adverse impact on the operation of the adjacent train network, in accordance with policies DM D2 and DM EP4 and DM O2 of Merton's Sites and Policies Plan 2014.

- 13) Non-standard condition [Details of glazing]: Development shall not commence (other than site clearance, preparation and demolition) until details of the glazing to be used in any windows facing within 90 degrees of adjacent train tracks has been 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 scheme has been approved and those works shall be carried in accordance with the approved details and retained as such thereafter.

Reason: To ensure the development would not have an adverse impact upon the operation of the adjacent train network, in accordance with policy CS19 of Merton's Core Planning Strategy 2011 and policy DM T4 of Merton's Sites and Policies Plan 2014.

- 14) Non-standard condition [Noise mitigation]: The development hereby authorised shall be carried out in accordance with the details, measures, and recommendations set out in the 'Noise And Vibration Assessment' dated February 2018 and with reference: P18-032-R01, and those measures shall be in place prior to the first occupation of the development and shall be retained at all times thereafter, or as otherwise agreed in writing by the local planning authority.

Reason: To ensure a suitable living environment for occupants of the development and to comply with policies 7.6 and 7.15 of the London Plan 2016 and policy DM D2 of Merton's Sites and Policies Plan 2014.

- 15) Non-standard condition [Noise mitigation verification]: No part of the development hereby approved shall be occupied until evidence has been submitted to the Local Planning Authority confirming that the development has achieved an internal acoustic environment in accordance with the following criteria, from 07:00 to 23:00 (16 hours) 35 dB LAeq for the living/dining rooms and bedrooms; and from 23:00 to 07:00 (8 hours) 30 dB LAeq for the bedrooms with no more than 10 events exceeding 45 dB L_{Amax}.

Reason: To ensure a suitable living environment for occupants of the development and to comply with policies 7.6 and 7.15 of the London Plan 2016 and policy DM D2 of Merton's Sites and Policies Plan 2014.

- 16) Standard condition [Tree protection]: No development [including demolition] pursuant to this consent shall commence until an Arboricultural Method Statement and Tree Protection Plan, drafted in accordance with the recommendations and guidance set out in BS 5837:2012 has been submitted to and approved in writing by the Local Planning Authority and the approved details have been installed. The details and measures as approved shall be retained and maintained, until the completion of all site operations.

Reason: It is necessary for the condition to be discharged prior to the commencement of development 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.

- 17) Standard condition [Site supervision]: 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.

- 18) Amended-standard condition [Landscaping/Planting Scheme]: Prior to the first occupation of the development hereby approved, full details of a landscaping and planting scheme, shall be submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved before the commencement of the use or the occupation of any building hereby approved, unless otherwise agreed in writing by the Local Planning Authority. The details shall include on a plan the size, species, quantities and location of the proposed new trees and plants. The approved works shall be planted in the first available planting season following the development or prior to the use/occupation of any part of the development, whichever is the sooner, and should any trees die within a period of 5 years from the completion of the development, be removed or become seriously damaged or diseased or dying, shall be replaced in the next planting season with others of the same approved specification, unless otherwise agreed in writing by the local planning authority.

Reason: To enhance the appearance of the development and the open space in the interest of the amenities and biodiversity of the area and to comply with the NPPF section 15, policies 7.5, 7.19 and 7.21 of the London Plan 2016, policies CS13 of Merton's Core Planning Strategy 2011 and policies DM D2, 01 and O2 of Merton's Sites and Policies Plan 2014.

- 19) Non-standard condition [Ecological and biodiversity measures]: The development hereby authorised shall be carried out in accordance with the avoidance, mitigation and enhancement measures recommended/proposed and follow the sequence of events set out in the submitted in the submitted 'Preliminary Ecological Appraisal', and those measures shall be in place prior to the first occupation of the development, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To mitigate and offset the impact of the development and to ensure a net gain in biodiversity and improvements to the visual amenity of the area, in accordance with NPPF section 15, London Plan 2016 policies 7.5, 7.19 and 7.21, Merton's Core Planning Strategy 2011 policy CS13 and Merton's Sites and Policies Plan 2014 policies DM D2 and DM O2.

- 20) Non-standard condition [Badger update survey]: Development shall not commence until a badger update survey has been submitted to and approved in writing by the Local Planning Authority. All works shall be carried out in accordance with any details, measures, and recommendations of the approved survey and shall remain in place for the duration of the construction period, unless otherwise agreed in writing by the planning authority.

Reason: It is necessary for the condition to be discharged prior to the commencement of development to protect ecology of the site and to accord with NPPF section 15 and Merton's Sites and Policies Plan 2014 policy DM O2.

- 21) Non-standard condition [Contamination]: If during construction works contamination is encountered which has not previously been identified and considered, the Council's Environmental Health Section shall be notified immediately and no further development shall take place until remediation proposals (detailing all investigative works and sampling, together with the results of analysis, risk assessment to any receptors and proposed remediation strategy detailing proposals for remediation) have been submitted to and approved by the Local Planning Authority and the approved remediation measures/treatments implemented in full.

Reason: To protect the health of future occupants and surrounding areas in accordance with the following Development Plan policies for Merton: policy 5.21 of the London Plan 2016 and policy DM EP4 of Merton's Sites and Policies Plan 2014.

- 22) Before occupation of the relevant block of flats comprising part of the development hereby approved the applicant shall have submitted to and had approved by the local planning authority, a specification for a green roof to the relevant block including measures for its on-going maintenance. The green roof for each block shall be installed before occupation of the relevant block and thereafter maintained in accordance with such details as are approved.
- Reason: To mitigate and offset the impact of the development and to ensure a net gain in biodiversity and improvements to the visual amenity of the area, in accordance with NPPF section 15, London Plan 2016 policies 7.5, 7.19 and 7.21, Merton's Core Planning Strategy 2011 policy CS13 and Merton's Sites and Policies Plan 2014 policies DM D2 and DM O2.

INFORMATIVES:

a) In accordance with paragraphs 186 and 187 of the National Planning Policy Framework, The London Borough of Merton takes a positive and proactive approach to development proposals focused on solutions. The London Borough of Merton works with applicants or agents in a positive and proactive manner by suggesting solutions to secure a successful outcome; and updating applicants or agents of any issues that may arise in the processing of their application. In this instance the Planning Committee considered the application where the applicant or agent had the opportunity to speak to the committee and promote the application.

b) 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.

c) Demolition of buildings and tree felling should avoid the bird nesting and bat roosting seasons. Anyone who takes, damages or destroys the nest of any wild bird whilst that nest is in use, or who kills, injures or disturbs bats, obstructs access to bat roosts or damages or disturbs bat roosts, even when unoccupied by bats, is guilty of an offence under the Wildlife and Countryside Act 1981. Buildings and trees should be inspected for bird nests and bat roosts prior to demolition or felling by an appropriately qualified person. If bats are found, Natural England should be contacted for advice.

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