

## PLANNING APPLICATIONS COMMITTEE 22 AUGUST 2019

**APPLICATION NO.**  
19/P1235

**DATE VALID**  
25/03/2019

**Address/Site:** Land Adjacent to 163A Mostyn Road  
Merton Park, SW19 3LS

**Proposal:** Erection of a 1 bed, single storey detached dwellinghouse.  
Resurfacing of existing access routes and associated security gates.

**Drawing No.'s:** P-Si-D-003 Rev A; P-Si-D-004 Rev A; P-00-D-005 Rev A;  
P-R1-D-006 Rev A; E-D-007 Rev A.

**Contact Officer:** Tony Smith (020 8545 3144)

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### **RECOMMENDATION**

**Grant planning permission subject to conditions and a Section 106 agreement.**

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### **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: No
- Site notice: Yes
- Design Review Panel consulted: No
- Number of neighbours consulted: 10
- External consultations: 1
- Conservation area: No
- Listed building: No
- Archaeological priority zone: No
- Tree protection orders: No
- Controlled Parking Zone: Yes, Zone MP1
- Public Transport Accessibility Level: 4
- Flood Zone: 1
- Designated Open Space: No

## **1. INTRODUCTION**

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

## **2. SITE AND SURROUNDINGS**

- 2.1 The application site comprises a parcel of approximately 152 sq.m of vacant land located to the rear of the terraced properties at 153-163 Mostyn Road and 147-157 Aylward Road within Merton Park. The site is located between an existing single storey backland bungalow (no.163A Mostyn Road) and a single storey garage owned by the occupants of 153 Mostyn Road. The site is accessible via an access road which runs along the rear of properties within this section of Mostyn Road, with pedestrian entrances between terraces and a vehicular entrance from Aylward Road.

## **3. CURRENT PROPOSAL**

- 3.1 This application seeks planning permission for the erection of a single storey, detached 1 bed room dwelling with associated resurfacing of access road, installation of security gates, lighting and CCTV.
- 3.2 As detailed in the planning history section below, this application is a resubmission of a previously refused planning application (18/P0218). Alterations include a reduction the height of the dwelling, change in boundary treatment from brick to timber fencing, a proposals to resurface the access road and the installation of security gates, lighting and CCTV.
- 3.3 The proposed dwelling would have a staggered rectangular shape with a flat roof. The internal layout includes an open plan living room and kitchen area, a bathroom and a double bedroom. The property would be clad in timber on all elevations and would have a 'green roof'. Large, near full height, windows would give light to the bed room on the front elevation with an adjacent door for access to the hallway. Large windows would also be inserted in to the north flank elevation and a set of folding doors would provide access to the rear garden in the west elevation.
- 3.4 To the rear a patio and grass garden area would be formed. An area for bin and cycle storage is shown to the front of the dwelling with a 2.4m high timber fencing and access door. Timber fencing of the same height would be erected around the sites boundary.
- 3.5 The application also proposes to resurface the service road which runs along the rear and between terraces at 129 – 165 Mostyn Road and along the side of no. 175 Aylward Road with permeable surfacing. Security gates would be installed at the entrances on Mostyn Road and Aylward Road.
- 3.6 The proposed building would have the following dimensions:
- 5.4m min width
  - 6.7 max width
  - 11.9m length
  - 2.9m height

## **4. PLANNING HISTORY**

The application site has been subject to a number of refused planning applications which have sought to erect a new dwelling. Below is a summary of these applications:

- 4.1 **14/P0743:** Erection of a single storey detached bungalow on previously undeveloped land. Permission refused 17/04/2014.

**Reasons:**

1. The proposed development, by virtue of its density, mass and design would, together with other nearby backland development, have an adverse impact on the open outlook of nearby residential properties, contrary to policies BE.15 and BE.22 of the Council's adopted Unitary Development Plan (October 2003) and the Council's Supplementary Planning Guidance:" Residential Extensions, Alterations & Conversions (November 2001).
2. The proposed development, by virtue of its density, mass and design would constitute an overdevelopment of the site contrary to policy BE.15 of the Council's adopted Unitary Development Plan (October 2003) and the Council's Supplementary Planning Guidance:" Residential Extensions, Alterations & Conversions (November 2001).
3. The proposed development, by virtue of its design and outlook would provide a poor standard of accommodation for future occupiers contrary to policy BE.15 of the Council's adopted Unitary Development Plan (October 2003) and the Council's Supplementary Planning Guidance:" Residential Extensions, Alterations & Conversions (November 2001).
4. The applicant has failed to demonstrate a suitable access arrangement to the proposed dwelling which would be safe and secure, minimise opportunities for crime and be accessible to emergency vehicles contrary to policies BE.15 and BE.16 of the Council's adopted Unitary Development Plan (October 2003) and the Council's Supplementary Planning Guidance:" Residential Extensions, Alterations & Conversions (November 2001).
5. In the absence of a unilateral undertaking to secure the provision of affordable housing off site, the proposal would fail to contribute to meeting affordable housing targets in the borough and would therefore be contrary to policy CS.8 of the London Borough of Merton Core Strategy (2011).
6. The applicant has failed to demonstrate a suitable arrangement for the storage and disposal of refuse from the site contrary to policies BE.15 and BE.16 of the Council's adopted Unitary Development Plan (October 2003) and the Council's Supplementary Planning Guidance:" Residential Extensions, Alterations & Conversions (November 2001).

- 4.2 **14/P4190:** Erection of a single storey detached one bedroom bungalow [roof eaves height of 2.7 metres and roof ridge height of 4 metres] on land to the side of 163a Mostyn Road and to the rear of 153 and 157 Mostyn Road with pedestrian access provided between 151 and 153 Mostyn Road. [Resubmission of previously refused planning application under reference 14/p0743 with changes including reduction in roof ridge height and reduction in building depth].

Permission Refused 16/02/2015.

Reasons:

1. The proposed development, by virtue of its density, mass and design would, together with other nearby back land development, would appear unduly intrusive and would have an adverse impact on the existing open outlook to the detriment of the amenities of neighbouring occupiers contrary to policies DM D1 and DM D2 of the sites and Policies Plan [2014] and CS14 of the adopted Core Strategy [2011].
2. The proposed development, by virtue of its location, density, mass and design would be unsympathetic and harmful to the established pattern of local development and would constitute an overdevelopment of the site contrary to policies DM D1 and DM D2 of the sites and Policies Plan [2014] and CS14 of the adopted Core Strategy [2011].
3. The applicant has failed to demonstrate a suitable access arrangement to the proposed dwelling which would be safe and secure, minimise opportunities for crime and be accessible to emergency vehicles policies DM D1 and DM D2 of the sites and Policies Plan [2014] and CS14, CS18 and CS20 of the adopted Core Strategy [2011].

4.3 **18/P0218:** Erection of a 1 bed, single storey detached dwellinghouse.  
Permission refused 28/02/2018.

Reasons:

1. The proposed development, by reason of its siting, mass and design would in conjunction with the existing adjacent dwelling, appear increasingly incongruous by consolidating an unsatisfactory form of backland development, contrary to policies DM D1 and DM D2 of the Merton Sites and Policies Plan (2014) and CS 14 of the adopted Core Planning Strategy (2011).
2. The proposed development, by reason of its design and siting would result in an unsuitable form of access via an unmade access way to the detriment of the safety and security of future occupiers. The proposal would be contrary to policy 7.3 of the London Plan (2015), and policy DM D2 of the Merton Sites and Policies Plan (2014).

## **5. CONSULTATION**

5.1 Public consultation was undertaken by way of site notice and letters sent to 10 neighbouring properties.

5.2 10 representations have been received which have raised the following concerns:

- No mention of car-parking arrangements. Aylward Road already over used by Mostyn Road residents and commuters without permits. Development would add to parking pressure
- Unclear who would maintain and fund repairs to shared access route and gates.
- How will access to garage and side fencing be assured
- Application is an improvement but would still be overdevelopment

- Application site is farmland for allotments and animals only.
- No road access, only passageway for rear entrance to gardens.
- Site not suitable for buildings due to lack of access.
- Existing bungalow at no.163A is run down and impacts drainage due to extra waste
- Illegally parked car at no.163A is a fire hazard.
- How will building materials be transported to the site.
- Ongoing applications making it difficult to sell properties on Mostyn Road
- Dangerous with trains going through the station nearby
- Site is haven for wildlife with hedgehogs in the local area
- The proposed building and boundary treatment will prevent movement of wildlife and will not protect their habitat
- Access not wide enough for emergency vehicles
- How will refuse be stored and taken away
- Extra dwellings on road are impacting sewerage system
- Limited increase in housing and would it be affordable?
- Is there a guarantee that the building would remain as single storey
- Increased access could reduce security for existing homeowners
- Recent burglary of neighbouring bungalow (no.163A)
- Disruption from building works
- No guarantee of safety from improved access and security gates
- Invasion of privacy and overlooking into rear of properties regardless of fencing
- Proposed boundary treatment would be eyesore and new owners can remove it
- Increasing criminal behaviour will be worsened with lighting and better access
- Incorrect information from applicant on size of site and access
- Noise disruption from vehicle and pedestrian access
- Loss of open space
- Bushes on access road cut without permission
- No permissions to use access to site from Mostyn Road or erect gates
- Previous and potential damage to fences
- Site is too small and not shown correctly

5.3 LBM Climate Change Officer: No objection. The development would need to achieve the relevant sustainability requirements, being a 19% improvement on Part L of the Building Regulations 2013 and an internal water usage not exceeding 105 litres per person per day; these requirements should be secured by condition and an informative should be included detailing this.

5.4 LBM Transport and Highways Officers: The site is within a CPZ and has a good PTAL rating (4) with no off-street car parking. The development should be permit free and secured by a legal agreement. The site provides adequate cycle and refuse storage, and a condition is requested for further details of the cycle storage. A condition is requested requiring a Demolition and Construction Logistic Plan. Refuse collection should be located within 20m of the highway.

5.5 LBM Trees Officer: No objection subject to conditions for further details ofn the landscaping/green roof and an Arboricultural Method Statement and Tree Protection Plan.

5.6 Metropolitan Police – Designing Out Crime Officer:  
Supplied information on recent crime rates on Mostyn Road and provided a number of measures which should be implemented in order to provide a safe and secure development. Further information will be detailed in the Designing Out Crime section below.

## **6. POLICY CONTEXT**

### 6.1 National Planning Policy Framework (2019)

- 5. Delivering a sufficient supply of homes
- 9. Promoting sustainable transport
- 11. Making effective use of land
- 12. Achieving well-designed places

### 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
- 6.9 Cycling
- 6.13 Parking
- 7.4 Local character
- 7.6 Architecture
- 7.14 Improving air quality
- 8.2 Planning obligations
- 8.3 Community Infrastructure Levy

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

Relevant policies include:

- CS 8 Housing choice
- CS 9 Housing provision
- CS13 Open Space (e - new dwellings in gardens)
- CS 14 Design
- CS 15 Climate change
- CS 16 Flood risk management
- CS 17 Waste management
- CS 18 Active Transport
- CS 20 Parking servicing and delivery

### 6.4 Merton Sites and Policies Plan – 2014 (SPP)

Relevant policies include:

- DM D2 Design considerations
- DM EP2 Reducing and mitigating noise
- DM F2 DM F2 Sustainable urban drainage systems and; wastewater and water infrastructure
- DM T1 Support for sustainable transport
- DM T2 Transport impacts of development

DM T3 Car parking and servicing standards

- 6.5 Supplementary planning considerations  
London Housing SPG – 2016  
London Character and Context SPG -2014  
DCLG - Technical Housing Standards 2015

## **7. PLANNING CONSIDERATIONS**

### **7.1 Material Considerations**

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

- Principle of development
- Need for additional housing
- Design and impact upon the character and appearance of the area
- Impact upon neighbouring amenity
- Access & secured by design
- Trees/Biodiversity
- Standard of accommodation
- Transport, highway network, parking and sustainable travel
- Refuse storage and collection
- Sustainable design and construction including flood risk.
- Community Infrastructure Levy
- Response to objections

#### 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 2019 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 located within a residential area, and is currently vacant. The site has a good public transport accessibility level (PTAL) of 4 (with 0 the worst and 6b being excellent). The proposals would result in an additional residential unit for up to 2 people, thereby meeting NPPF and London Plan objectives by contributing towards London Plan housing targets and the redevelopment of sites at higher densities.

- 7.4 Subject to a more detailed assessment as to whether the proposals overcome previous reasons for refusal, and any technical considerations, in order to comply with the relevant London Plan policies, Merton Local Development Framework Core Strategy, Merton Sites and Policies Plan, supplementary planning documents officers consider use of the land for residential purposes could be supported.

#### Need for additional housing

- 7.5 The National Planning Policy Framework (March 2018) requires Councils 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.
- 7.6 Policy 3.3 of the London Plan states that the Council will work with housing providers to provide a minimum of 4,107 additional homes in the borough between 2015 and 2025. Within this figure of 4,107 new homes, the policy states that a minimum of 411 new dwellings should be provided annually. This is an increase from the 320 dwellings annually that was set out in the earlier London Plan and in Policy CS9 of the Core Strategy. The policy also states that development plan policies should seek to identify new sources of land for residential development including intensification of housing provision through development at higher densities.
- 7.7 The latest (draft) Monitoring report confirms:
- All the main housing targets have been met for 2017/18.
  - 665 additional new homes were built during the monitoring period, 254 above Merton's target of 411 new homes per year (London Plan 2016).
  - 2013-18 provision: 2,686 net units (813 homes above target)
  - For all the home completions between 2004 and 2017, Merton always met the London Plan target apart from 2009/10. In total Merton has exceeded the target by over 2,000 homes since 2004.
- 7.8 The current housing target for the London Borough of Merton is 411 annually. Last year's published AMR figures are: "688 additional new homes were built during the monitoring period, 277 above Merton's target of 411 new homes per year (in London Plan 2016)."
- 7.9 Against this background officers consider that while new dwellings are welcomed, the delivery of new housing does not override the need for comprehensive scrutiny of the proposals to ensure compliance with the relevant London Plan policies, Merton Local Development Framework Core Strategy, Merton Sites and Policies Plan and supplementary planning documents.

Design and impact upon the character and appearance of the area

- 7.10 Section 12 of the NPPF, London Plan policies 7.4 and 7.6, Core Strategy policy CS13 and CS14 and SPP Policies DM D2 and DM D3 require well designed proposals which make a positive contribution to the public realm, are of the highest quality materials and design and which are appropriate in their context, thus they must respect the appearance, materials, scale, bulk, proportions and character of their surroundings.
- 7.11 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.



- 7.12 The previous scheme was refused on the following grounds: *'The proposed development, by reason of its siting, mass and design would in conjunction with the existing adjacent dwelling, appear increasingly incongruous by consolidating an unsatisfactory form of backland development, contrary to policies DM D1 and DM D2 of the Merton Sites and Policies Plan (2014) and CS 14 of the adopted Core Planning Strategy (2011)'*
- 7.13 This proposal has sought to address these concerns by reducing the height of the development, in combination with a change from a brick boundary to a timber boundary. The proposed dwelling would now sit at a height of 2.9m with timber fencing to the front at a height of 2.4m. Given the use of timber cladding for the dwelling, in conjunction with a green roof and the amended boundary treatment, it is now considered the proposal would appear more appropriate to its setting as a backland development. The height would be comparable to the adjacent outbuildings to the east and would have limited visibility when viewed from the access road.
- 7.14 As a whole, officers consider that in context with the nature of the site, the proposal would be of an appropriate scale and bulk and would incorporate a satisfactory design and choice of materials. Given its backland location it is considered that the proposal would not result in a harmful impact to the street scene.
- 7.15 It is considered that the proposal, as amended following the earlier refusal, is considered to be acceptable in terms of the impact on the character of the area, in compliance with London Plan policies 7.4 and 7.6, Core Strategy policy CS14 and SPP Policies DMD2 and DMD3 in this regard, and that it may appear unreasonable to withhold permission on this basis alone.

#### Impact upon neighbouring amenity

- 7.16 London Plan policies 7.6 and 7.15 along with 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 neighbouring properties in terms of light spill/pollution, loss of light (sunlight and daylight), quality of living conditions, privacy, visual intrusion and noise.
- 7.17 The previous application was considered acceptable on amenity grounds, and given this proposal has further reduced its heights, it is considered any impacts upon neighbouring amenity would be further limited.
- 7.18 The proposal would utilise a 'green roof' at a lower height of 2.9m, together with timber cladding and timber fencing fronting the access road and the rear of the terraces to the east on Mostyn Road. Given the scale and use of materials, in conjunction with the separation of 14m to the closest property, it is not considered the proposal would materially impact the amenities of neighbouring properties in terms of visual intrusion, loss of outlook, loss of light or shadowing.
- 7.19 Furthermore, given the boundary treatments proposed, it is considered there would be sufficient screening in the form of timber fencing as to protect the privacy of neighbouring windows and amenities. In terms of noise generation,

the application site is situated further than adjoining terraced properties and given the limited occupancy it is not considered there would be additional noise impact that would warrant refusal.

- 7.20 Given the above, it is not considered that neighbouring amenity would be unduly compromised as a result of the proposal. The proposal would therefore accord with London Plan policies 7.6 and 7.15 and Merton Sites and Policies Plan policy DM D2.

Access & Secured by Design principles

- 7.21 The previous application cited the following as a reason for refusal: '*The proposed development, by reason of its design and siting would result in an unsuitable form of access via an unmade access way to the detriment of the safety and security of future occupiers. The proposal would be contrary to policy 7.3 of the London Plan (2015), and policy DM D2 of the Merton Sites and Policies Plan (2014).*'
- 7.22 Whilst the previous application had proposed to resurface the unmade access road which runs between and along the rear of terraces on Mosytn Road, Officers remained concerned that such works could not be guaranteed. Upon consultation with the applicant and further legal advice, along with a recent appeal decision on a nearby backland housing site it is now considered that the application could be suitably conditioned, requiring such works to be implemented prior to the occupation to the dwelling as to protect the security and safety of future occupiers. In this respect, a suitably worded condition is recommended to safeguard upgrading the access road.
- 7.23 With respect to the proposed resurfacing, the application has indicated that this would be permeable. In order to prevent the increase of surface water flood risk and to ensure a high quality development, conditions are recommended requiring further details of the proposed surfacing prior and requiring it to be permeable.
- 7.24 Metropolitan Police Secured by Design Officers were consulted on the application following concerns regarding the safety and security of the development given its isolated nature and lack of surveillance. A number of measure were provided which hare considered sufficient to protect safety of future occupiers. These have been summarised below:
- Gates to each alleyway entrance to a prescribed standard.
  - Lighting to be BS5489; avoiding light pollution (vertical and horizontal glare), and as sustainable as possible with good uniformity.
  - CCTV system capable of generating evidential quality images day or night 24/7.
  - Fencing to be topped with trellis and augmented with plants with high thorn content to prevent climbing intruders.
- 7.25 The applicant has supplied a Secured By Design Statement in response to the above, which confirms the proposal will implement all of the measures. Given the above, it is considered the applicant has taken reasonable steps to address policy considerations pertaining to safety and prevention of crime. As with the

upgrading of the access road, a condition is recommended requiring further details of the proposed measures to be submitted, approved and implemented before occupation and their retention thereafter.

Standard of accommodation

- 7.26 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 DCGL – Technical Housing Standards 2015.

No. of beds	No. of persons	No. of storey's	Required GIA	Proposed GIA	Compliant
1	2	1	50 sq.m	53.65 sq.m	Yes

- 7.27 As demonstrated by the table above, the proposed dwelling would meet the minimum required GIA and would therefore comply with Core Strategy policies CS8 & CS9 and London Plan Policy 3.5.
- 7.28 All habitable rooms are serviced by windows which are considered to offer suitable natural light and ventilation to prospective occupants in line with policy 3.5 of the London Plan (2016), policy CS.14 of the Merton Core Planning Strategy (2011) and policy DM.D2 of the Merton Sites and Policies plan (2014).
- 7.29 In accordance with the London Housing SPG, policy DMD2 of the Council's Sites and Policies Plan states that there should be 50sq.m of external amenity space provided for a new build dwelling, the proposal includes a 59.2sq.m garden area to the west in a regular and useable plot. The proposal is therefore considered acceptable in this respect.
- 7.30 As a whole it is considered the proposal would offer an acceptable standard of accommodation to future occupants.

Transport, highway network, parking and sustainable travel

- 7.31 London Plan policies 6.3 and 6.12, CS policies CS18 and CS20 and SPP policy DM T2 seek to reduce congestion of road networks, reduce conflict between walking and cycling, and other modes of transport, to increase safety and to not adversely effect on street parking or traffic management. London Plan policies 6.9, 6.10, 6.13, Core Strategy policy CS20 and SPP policies DM T1 and DM T3 seek to promote sustainable modes of transport including walking, cycling, electric charging points and to provide parking spaces on a restraint basis (maximum standards).
- 7.32 The LBM Transport Planner has reviewed this application and their comments are integrated into the assessment below.

- 7.32 The site has a 'Good' PTAL rating of 4, and the site falls within a Controlled Parking Zone. As such, it is considered that a car-free development would be acceptable. However, in order to prevent the increase of on street parking pressure, future occupiers should be restricted from obtaining permits for the CPZ and this should be secured by way of a legal agreement.
- 7.33 London Plan policy 6.9 and the London Housing SPG standard 20 require that developments provide dedicated, secure and covered cycle storage, with 1 space for one bedroom units. The proposal has indicated a space to the front of the dwelling which would be large enough to exceed this requirement. Therefore, a pre-occupation condition requiring further details of the cycle storage is recommended, which shall be retained thereafter.

#### Refuse storage

- 7.34 Appropriate refuse storage must be provided for developments in accordance with policy 5.17 of the London Plan and policy CS 17 of the Core Strategy.
- 7.35 Concerns were raised from LBM Transport Officers regarding the logistics of refuse collection and the distance of the refuse storage from the highway. Refuse storage should be located no more than 20m from the point of collection, and in this case, from Mostyn Road. The carrying distance from the carriageway to the site exceeds the Council's recommended maximum and movement of refuse and recycling on collection days may prove inconvenient for future occupiers. The placing of bins on the service road may inconvenience other users accessing the service road or if placed in front of neighbouring dwellings on Mostyn Road, diminish their amenities on collection days. The applicant may need to explore alternative refuse collection arrangements other than by Merton's contractors and detailed arrangements will need to be agreed with the applicant before occupation. In the event that approval is given for the proposals, a pre-occupation condition is recommended which will require details of arrangements for refuse and recycle storage and collection to be approved and retained thereafter in order to ensure the building is adequately serviced.

#### Sustainable design and construction and flood risk.

- 7.36 London Plan policy 5.3 and CS 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.
- 7.37 As per CS 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 per person per day. Climate Change officers recommend to include a condition and informative which will require evidence to be submitted that a policy compliant scheme has been delivered prior to occupation.
- 7.38 As per CS policy CS13(e ) development of this kind should address flood risk impacts. The site is in Flood Zone 1 and is therefore not in an area at risk from

flooding. Nevertheless, a green roof can mitigate against any potential increase in runoff and upgrading of the service road may be conditioned so as to ensure permeable surfaces are employed.

#### Biodiversity and trees.

- 7.39 As per CS policy CS13(e ) development of this kind should also address the biodiversity value of the site, while policy DM.D2 (ix) requires developments to ensure that trees and other landscape features are protected. The site benefits from no formal nature conservation status or contains any trees safeguarded by a TPO. Land alongside the nearby railway line is however identified as a green corridor Policy DM.O2 encourages development adjacent to these corridors to enhance their nature conservation value. The naturalised appearance of the plot derives from the site becoming overgrown and it is considered that there are no reasonable grounds to resist development on the grounds of impact on biodiversity. The inclusion of a green roof can assist in supplementing the biodiversity value of the nearby green corridor. There is a mature tree adjacent to the southern boundary of the site at no.163A Mostyn Road and a conditions is recommended so as to ensure its protection during development.

#### Community Infrastructure Levy

- 7.40 The proposed development would be subject to the Community Infrastructure Levy (CIL). This would require a contribution of £220 per additional square metre of floorspace to be paid to Merton Council and an additional £35 per additional square meter to be paid to the Mayor. Further information on this can be found at:

#### 7.41 Responses to objections

The majority of the issues raised by objectors are addressed in the body of the report but in addition, the following response is provided:

- A demolition and construction management plan is to be submitted to and approved by the LPA as to reduce impacts during construction to neighbouring properties
- The future occupiers would not be able to apply for CPZ permits as to alleviate concerns of increased parking pressure
- Access requirements in the event of fire is covered under Document B of the Building Regulations
- Impacts on infrastructure would be dealt with the relevant agencies.
- House prices and ability to sell is not a material planning consideration
- The improved access and security measures convey a greater sense of “ownership” of the transient space to the rear of the existing dwellings and may be considered to reduce potential for criminal behaviour rather than promote it.
- The site is not designated as open space and therefore the principle development is considered acceptable in this respect
- Previous issues with damage to property and works without permission are not a material planning consideration.

- The site as shown on the drawings has been confirmed against Council mapping systems.
- Issues pertaining to upgrading the access road and implementing security measures - a condition is recommended which requires this to be undertaken and therefore if this cannot be implemented the building and occupation of the dwellinghouse would not be lawful and would be liable to enforcement action.

## **8. CONCLUSION**

- 8.1 Officers recognize that the site has the potential to provide residential development at an increased density. The proposal is considered to adequately designed, appropriately responding to the surrounding context in terms of massing, heights, layout and materials and would not have a harmful impact on the visual amenities of the area. The proposal would not unduly impact upon neighboring amenity and may be considered as having addressed the first of the two reasons for refusal on the previous scheme.
- 8.2 Subject to the satisfactory upgrading of the service road and rigorous enhancement of its security via gates lighting and other associated measures, it is considered that the proposals may be considered as having reasonably addressed the second of the reasons for refusal on the last application.
- 8.3 Servicing arrangements, in particular refuse and recycling collection require further examination, however officers consider that a decision may be made on the application provided suitable conditions requiring such details to be agreed are attached to any approval.
- 8.4 The proposal would not unduly impact upon the highway network, including parking provisions (subject to Section 106 Obligations). The proposal would achieve suitable refuse and cycle storage provisions.
- 8.2 On balance, officers consider that the proposals have reasonably addressed earlier reasons for refusal, that the proposals accord with the relevant National, Strategic and Local Planning policies and guidance and approval could reasonably be granted in this case.

## **RECOMMENDATION**

Grant planning permission subject to conditions and a Section 106 Agreement covering the following heads of term;

1. The new dwelling is to be a permit free residential unit
2. The developer agreeing to meet the Council's costs of preparing [including legal fees] the Section 106 Obligations [to be agreed]
3. The developer agreeing to meet the Council's costs of monitoring the Section 106 Obligations [to be agreed].

### **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]: 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: 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 [Site and surface treatment]: 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 and to reduce the risk of surface and foul water flooding to the proposed development and future users, and ensure surface water and foul flood risk does not increase offsite in accordance with the following Development Plan policies for Merton: policies 5.13, 7.5 and 7.6 of the London Plan 2016, policies CS14 & CS16 of Merton's Core Planning Strategy 2011 and policies DM D1, DM D2 & DM F2 of Merton's Sites and Policies Plan 2014.

- 5) The dwelling shall not be occupied until all boundary walls, fences or screening as shown on the approved plans have been carried out. The walls, fencing and screening shall be permanently retained thereafter.

Reason: To ensure a satisfactory and safe development, and to ensure adequate garden space is provided for the flats, in accordance with the following Development Plan policies for Merton: policies 7.5 and 7.6 of the London Plan 2016, policy CS14 of Merton's Core Planning Strategy 2011 and policies DM D1 and D2 of Merton's Sites and Policies Plan 2014.

- 6) Standard condition [Refuse storage] No development shall take place until a scheme, for the storage of refuse and recycling, to include formal arrangements for collection by an identified contractor, has been submitted in writing for approval to the Local Planning Authority. The development shall not be occupied until the scheme has been approved and has been carried out in full. Those facilities and measures shall thereafter be retained for use at all times from the date of first occupation.

Reason: To ensure the provision of satisfactory facilities for the storage of refuse and recycling material and its collection, to ensure access to the site does not detract from the safety or convenience of pedestrian and vehicles, does not detract from the amenities of neighbouring occupiers, and to comply with the following Development Plan policies for Merton: policy 5.17 of the London Plan 2016, policy CS.14 and CS17 of Merton's Core Planning Strategy 2011 and policy DM D2 of Merton's Sites and Policies Plan 2014.

- 7) Amended standard condition [Cycle storage]: The development hereby permitted shall not be occupied until further details of the proposed cycle parking have been submitted to and approved by the Local Authority. The approved cycle parking must be provided and made available for use prior to occupation and 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 2016, policy CS18 of Merton's Core Planning Strategy 2011 and policy DM T1 of Merton's Sites and Policies Plan 2014.

- 8) 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.

- 9) Amended standard condition [Demolition & Construction Method Statement]: No development shall take place until a Demolition and Construction Method Statement has been submitted to, and is approved in writing, by the Local Planning Authority to accommodate:
- Parking of vehicles of site operatives and visitors
  - Loading and unloading of plant and materials
  - Storage of construction plant and materials;
  - The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate



- Wheel cleaning facilities
- Measures to control the emission of dust, dirt, smell and other effluvia;
- Measures to control the emission of noise and vibration during construction/demolition
- Non road mobile machinery compliance
- A scheme for recycling/disposing of waste resulting from demolition and construction works

The approved details must be implemented and complied with for the duration of the demolition and construction period.

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, 6.14 & 7.15 of the London Plan 2016, policy CS20 of Merton's Core Planning Strategy 2011 and policies DM T2 & DM EP2 of Merton's Sites and Policies Plan 2014.

- 10) Amended standard condition [Boundaries]: Prior to the first occupation of the development, the proposed boundary treatments as shown on the approved drawings shall be implemented. 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 2016, policy CS14 of Merton's Core Planning Strategy 2011 and policies DM D1 and D2 of Merton's Sites and Policies Plan 2014.

- 12) Amended standard condition [Tree Protection] No development [including demolition] pursuant to this consent shall commence until an Arboricultural Method Statement and Tree Protection Plan (with specific regard to the mature tree adjacent to the southern boundary of the site at no.163A Mostyn Road), 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: To protect and safeguard the existing southerly neighbouring tree 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.

- 13) Amended standard condition [Landscaping & planting]: No development shall take place until full details of a landscaping and planting scheme (including any green roofs) has been 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, full details of the size, species, spacing, quantities and location of proposed plants, together with any hard surfacing, means of enclosure, and indications of all existing trees, hedges and any other features

to be retained, and measures for their protection during the course of development.

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 2016, policies CS13 and CS16 of Merton's Core Planning Strategy 2011 and policies DM D2, DM F2 and DM O2 of Merton's Sites and Policies Plan 2014.

- 14) 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.

- 15) Standard condition [Removal of PD rights]: 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 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 2016, policy CS14 of Merton's Core Planning Strategy 2011 and policies DM D2 and D3 of Merton's Sites and Policies Plan 2014.

- 16) Standard condition [External lighting]: Any external lighting shall be positioned and angled to prevent any light spillage or glare beyond the site boundary.

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.

- 17) Amended standard condition [Hardstanding]: The hardstanding hereby permitted shall be made of porous materials and implemented 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 2016, policy CS16 of

Merton's Core Planning Strategy 2011 and policy DMF2 of Merton's Sites and Policies Plan 2014.

- 18) Non-standard condition [Secured by Design]: The development shall not be occupied until a detailed scheme of security measures, including Security Gates, CCTV, Lighting and Security Fencing is submitted to and approved by the Local Planning Authority. The approved details shall be implemented prior to occupation of the development and permanently retained thereafter.

Reason: To ensure a safe and secure environment is provided in accordance with policy 7.3 of the London Plan (2016) and policy DM.D2 of the Merton Sites and Policies Plan (2014)

**Informatives:**

1) INFORMATIVE

In accordance with paragraphs 38 and 39 of the National Planning Policy Framework 2019, 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, further information has been submitted following concerns from Officers and the Planning Committee considered the application where the applicant or agent had the opportunity to speak to the committee and promote the application.

2) 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. CO2 emissions associated with appliances and cooking, and site-wide electricity generation technologies) have been included in the calculation

3) INFORMATIVE

Water efficiency evidence requirements for Post Construction Stage assessments must provide:

- Detailed documentary evidence representing the dwellings 'As Built'; showing:

- The location, details and type of appliances/ fittings that use water in the dwelling (including any specific water reduction equipment with the capacity / flow rate of equipment); and
- The location, size and details of any rainwater and grey-water collection systems provided for use in the dwelling; along with one of the following:
  - Water Efficiency Calculator for New Dwellings; **or**
  - Written confirmation from the developer that the appliances/fittings have been installed, as specified in the design stage detailed documentary evidence; **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'

4) **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) **INFORMATIVE**

No waste material, including concrete, mortar, grout, plaster, fats, oils and chemicals shall be washed down on the highway or disposed of into the highway drainage system.

6) **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](mailto:street.naming@merton.gov.uk)

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