

**PLANNING APPLICATIONS COMMITTEE**  
**14<sup>th</sup> May 2020**

**Item No:**

**UPRN**

**APPLICATION NO.**

**DATE VALID**

19/P3400

17/09/2019

**Address/Site:**

2 Church Lane  
Merton Park  
SW19 3NY

**Ward:**

Merton Park

**Proposal:**

DEMOLITION OF FORMER TWO STOREY DOCTORS' SURGERY BUILDING AND ERECTION OF A THREE STOREY RESIDENTIAL BLOCK PROVIDING 8 x SELF-CONTAINED FLATS

**Drawing No.'s:**

101; PL03 Rev G; PL04 Rev G; PL08 Rev G; PL05 Rev G; PL07 Rev G; PL09 Rev G; PL10 Rev G; PL11 Rev H; PL23 Rev G; PL24 Rev G; PL25 Rev G; PL27 Rev G; PL90; PL91; 738.1B.

**Contact Officer:**

Catarina Cheung (020 8545 4747)

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**RECOMMENDATION**

**Grant planning permission subject to S106 Obligation or any other enabling agreement.**

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**CHECKLIST INFORMATION**

- Is a screening opinion required: No
- Is an Environmental Statement required: No
- Has an Environmental Statement been submitted: No
- Press notice: Yes
- Design Review Panel consulted: No
- Number of neighbours consulted: 66
- External consultations: 0
- Controlled Parking Zone: Yes, MP1
- Archaeological Zone: Yes, Tier 2
- Conservation Area: Yes, Merton Park John Innes

**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 site is a vacant two storey building previously in use as a doctors' surgery, located on the western side of Church Lane in Merton Park. The site is surrounded to the north and west by the access path and car park of Andridge Court, and to the south shares a boundary with properties on Church Lane and Langley Road.
- 2.2 The site lies within the Merton Park John Innes Conservation Area but is not a Listed building.
- 2.5 The site has a PTAL rating of 3 (measured on a scale of 0 to 6b, 0 being the worst), and is located in a Controlled Parking Zone, MP1.

## 3. CURRENT PROPOSAL

- 3.1 This application seeks planning permission for the demolition of the existing two storey former doctors' surgery building and to erect a three storey (2 storey with roof level) residential building providing 8 self-contained units.
- 3.2 The proposed building would the following measurements:
- Width of 15.8m;
  - Maximum depth 15.9m (including the front porch 17.8m);
  - Eaves height 5.25m;
  - Maximum height 8.78m.
- 3.3 The external finishing of the building would comprise red brick, tiled roofing with decorate ridge tiles, lead clad dormers, timber framed windows and doors.
- 3.4 The proposed dwelling mix would be as follows:

	Level	Type	Storeys	Proposed GIA (sqm)	Amenity area (sqm)
Unit 1	Ground	3b4p	1	78	25
Unit 2	Ground	2b3p	1	62	44
Unit 3	Ground	1b2p	1	50	10
Unit 4	First	3b4p	1	77	12.5
Unit 5	First	1b2p	1	51	6.1
Unit 6	First	1b2p	1	53	6
Unit 7	Second	2b4p	1	79	6.5
Unit 8	Second	2b3p	1	61	6.5

- 3.5 Refuse bins would be stored in a single building at the front of the site, toward the southern elevation of the proposed building.
- 3.6 2 car parking spaces are retained at the front of the site for the ground floor units.
- 3.7 A communal bike store is provided at the front of the site.

## 4. RELEVANT PLANNING HISTORY

- 4.1 19/P4200: ERECTION OF TEMPORARY HOARDINGS TO FRONT AND SIDE BOUNDARIES – Granted 30/01/2020

- 4.2 16/P0350: DEMOLITION OF EXISTING 2 STOREY BUILDING & ERECTION OF A 3 STOREY BUILDING COMPRISING OF 9 RESIDENTIAL UNITS, 4 X TWO BEDROOM & 5 X ONE BEDROOM FLATS – Refused 27/04/2016, and appeal dismissed 09/11/2016

**Reason 1 - The size, siting and design of the proposals would represent an unneighbourly form of development that would be visually intrusive and result in a loss of light, privacy and outlook to the detriment of the amenities of neighbouring residents contrary to London Plan 2015 policies 7.4 and 7.6, policy CS14 of the Merton LDF Core Planning Strategy (2011) and policy DM D2 of the Merton Sites and Policies Plan (2014).**

**Reason 2 - The size, siting and design of the proposed development would appear incongruous and out of character in the streetscene and, arising from the loss of a holly hedge, features that contribute to the character of the conservation area, would fail to conserve and enhance the John Innes Merton Park Conservation Area and would be contrary to London Plan (2015) policies 7.4, 7.6 and 7.8, policies CS13 and CS14 of the Merton LDF Core Planning Strategy (2011) and policies DM D2, DM D4 and DM O2 of the Merton Sites and Policies Plan (2014).**

**Reason 3 - The proposals by reason of their design would result in a substandard environment for future occupiers with the provision of substandard internal floor area less than the recommended minimum for flats, poor levels of natural lights and outlook contrary to London Plan 2015 policies 3.3, 3.4 & 3.5, Merton Core Strategy (2011) policies CS 9 and CS 14 and Policy DM D2 of the Merton Sites and Policies Plan (2014).**

**Reason 4 - The size, design and layout of the cycle provision would fail to meet adopted minimum standards for safe and secure cycle parking and the layout of the off street parking and refuse store are considered to adversely affect, pedestrian, cycle and vehicular safety. The proposals are therefore contrary to policy 6.9 of the London Plan 2015 and policies CS 18 and CS 20 in the Merton Core Strategy 2011.**

- 4.3 15/P3917: DEMOLITION OF EXISTING 2 STOREY BUILDING & ERECTION OF A 3 STOREY BUILDING WITH ACCOMMODATION IN ROOF SPACE, PROPOSED MIXED USE COMPRISING OF A DAY NURSERY IN THE BASEMENT AND 7 RESIDENTIAL UNITS, 3 X TWO BEDROOM & 4 X ONE BEDROOM FLATS ON THE UPPER FLOORS. – Refused 26/01/2016, and appeal dismissed 09/11/2016

**Reason 1 - The size, siting and design of the proposals would represent an unneighbourly form of development that would be visually intrusive and result in a loss of light, privacy and outlook to the detriment of the amenities of neighbouring residents contrary to London Plan 2015 policies 7.4 and 7.6, policy CS14 of the Merton LDF Core Planning Strategy (2011) and policy DM D2 of the Merton Sites and Policies Plan (2014).**

**Reason 2 - The size, siting and design of the proposed development would appear incongruous and out of character in the streetscene and, arising from the loss of trees and a holly hedge, features that contribute to the character of the conservation area, would fail to conserve and enhance the John Innes Merton Park Conservation Area and would be contrary to London Plan (2015) policies 7.4, 7.6 and 7.8, policies CS13 and CS14 of the Merton LDF Core Planning Strategy (2011) and policies DM D2, DM D4 and DM O2 of the Merton Sites and Policies Plan (2014).**

**Reason 3 - The proposals by reason of their design would result in a substandard environment for future occupiers with the provision of external amenity space less than the recommended minimum for flats, with window openings, and the potential for natural light to rooms, below recommended minimum and with the potential to suffer from noise and disturbance due to the proximity of the nursery use and its associated play space, contrary to London Plan 2015 policies 3.3, 3.4 & 3.5, and the London Plan Housing SPG (2012), Merton Core Strategy (2011) policies CS 9 and CS 14 and Policy DM D2 of the Merton Sites and Policies Plan (2014).**

**Reason 4 - The size, design and layout of the secure cycle provision for both the residential and non-residential uses would fail to meet adopted minimum standards and, in respect of the residential cycle store, the applicant has failed to demonstrate that the spaces would be readily accessible relying on access via third party land. The proposals are therefore contrary to policy 6.9 of the London Plan 2015 and paragraph 5.5.1 of the London Plan Housing SPG (2012) and policy CS 18 in the Merton Core Strategy 2011.**

**Reason 5 - The proposed nursery by reason of its design and layout and the location of the outdoor play area, would result in noise and disturbance to the detriment of neighbour amenity and the amenities of future occupiers and fails to demonstrate that appropriate access and parking facilities would be provided so as not to detract from the general conditions of highway safety and would be contrary to policy DM.C2 of the Merton Sites and Policies Plan (2014).**

- 4.4 Both appeals were considered together. While each application is considered on its merits, within the planning considerations, section 7, this report shall make comment on how officers consider the current scheme has overcome the previous reasons for refusal.
- 4.5 90/P0213: ERECTION OF SINGLE STOREY SIDE AND FRONT EXTENSIONS INCLUDING A FRONT PORCH AND 1ST FLOOR SIDE EXTENSION AND REPLACEMENT OF EXISTING FIRST FLOOR FLAT ROOF WITH PITCHED ROOF TO EXTEND DOCTORS SURGERY – Granted 16/08/1990
- 4.6 90/P0259: CONSERVATION AREA CONSENT FOR ALTERATIONS TO ROOF BY REPLACEMENT OF FIRST FLOOR FLAT ROOF WITH PITCHED ROOF – Granted 16/08/1990
- 4.7 MER604/74: SINGLE STOREY EXTENSION TO DOCTORS CLINIC – Granted 26/09/1974
- 4.8 MER379/74: ROOF OVER OPEN AREA – Granted 04/07/1974
- 4.9 MER295/66: SINGLE STOREY EXTENSION TO EXISTING CLINIC – Granted 11/08/1966
- 4.10 M/M9327: DETAILED APPLICATION FOR ERECTION OF A CLINIC – Granted 10/04/1963
- 4.11 M/M9207: OUTLINE APPLICATION FOR ERECTION OF A SURGERY – Granted 14/11/1962

## 5. CONSULTATION

### External

- 5.1 Public consultation was undertaken by way of letters sent to 66 neighbouring properties. Conservation area site notice was displayed and a press notice advertised in the local paper.
- 5.2 41 representations were received objecting to the proposal, including a petition (21 signatories) from Andridge Court, and one comment received by the Wimbledon Swift Group which raises no objection but suggests that the projects presents a golden opportunity to help local swifts through including artificial nest sites into the construction.
- 5.3 Concerns raised by The John Innes Society:
- The Appeals on previous applications were refused because the plans caused visual intrusion, loss of privacy and overlooking of the neighbouring properties. We do not consider these plans have made realistic proposals to overcome these problems.
  - The proposed obscure glass will create unsatisfactory living conditions for the future occupiers, adding to a feeling of enclosure.
  - The proposed siting of the refuse store is particularly unneighbourly.
  - Concerned of the loss of the mature holly hedge belonging to number 85 Church Lane on the southern boundary, and the row of trees and mature shrubs on the western boundary.
  - If planning permission were to be granted, the development should be carbon neutral.
- 5.4 Objection from the public are summarised as below:

#### Design and appearance

- No justification for the 3 storey height, any new development should be restricted to the same height as present
- Overdevelopment of a small site
- Disingenuous to describe the roof height of the proposed building as a “smooth transition” in terms of streetscape, the building looks unbalanced from the front view.
- Cycle store toward front would be an eyesore onto Church Lane

#### Impact on neighbouring amenity

- Loss of privacy and overlooking from the upper level windows and balconies
- Balconies will have the potential to present a noise and nuisance factor
- Proposed development is both closer in proximity and higher than the existing building and will present a dominating, imposing and overbearing aspect toward neighbouring windows.
- Loss of light and overshadowing
- Overlooking into Andridge Court’s amenity area/ pergola
- Two amenity spaces would have views into Andridge Court’s access road
- Potential intrusion into neighbouring property for servicing (e.g. plant tending, window cleaning, repairs etc)
- Refuse bin positioned along boundary will invite smells and attract foxes and vermin into the neighbouring front garden area, and invite flytipping if not secure.

#### Standard of accommodation

- No amenity space for the flats which will undoubtedly house children as well as adults.

#### Transport (parking and cycle)

- 2 parking spaces inadequate for 8 flats
- Church Lane is already heavily congested, extra flats will only make the traffic and parking situation worse.
- Where will vehicles park if the development is permit free
- Bicycles stored toward the street would be vulnerable to opportunistic theft

#### Others

- Loss of trees, hedges and effect on wildlife. Applicant has removed the hedge between 2 Church Lane and 85 Church Lane which does not belong to them.
- Inaccuracy of the boundary drawn between numbers 2 and 85 Church Lane
- Construction works causing congestion
- Likely asbestos within the walls of the existing building, before any demolition works a full survey should be required
- Could not find notice of the application

5.5 A 14 day re-consult was carried out 01/04/2020, and 11 representations were received:

5.6 Concerns raised by The John Innes Society

- Support objections to the occupiers of number 14 Langley Road and 85 Church Lane as the proposal would detract from their amenities
- Roof lights and Juliette balconies on the front roof are out of keeping
- Dormers should be tile hung
- Not persuaded by the living conditions of the units
- No indication the development will be built to Carbon Neutral standards
- Not happy with the proposals for trees set out in the arboricultural report

5.7 Objections from the public summarised as below:

- The building still looks unbalanced from the front view.
- Overdevelopment of the site
- Building remains disproportionately large in relation to the neighbouring properties and out of keeping with the expectations and spirit of the Conservation Area
- Allowing a high density block would create a dangerous precedent
- Privacy and amenity of neighbouring properties would still be threatened by the proposed development despite the small adjustments that have recently been proposed.
- Loss of light, privacy and visual intrusion toward Andridge Court's flats and their garden
- Amenity areas along the southern boundary would cause additional noise, and if used as a smoking area would cause an unpleasant smell and health issue
- Trespassing into neighbouring property to prune trees and for servicing
- Overlooking into Andridge Court's access road
- Cycle store would be unsightly at the front of the development
- Trees along the western boundary in Andridge Court's car park would the light and views to the private amenity areas of the development
- The siting of the waste bin area is likely to be noisy, and unless properly managed could be insanitary and smelly

- Permission would be required to building any structure on the party wall and removal of the neighbouring holly hedge
- Lack of car parking
- The 3 storey building would bring the house prices down of the surrounding houses

### **Internal**

5.8 Conservation officer – The Conservation officer has been involved through the previously refused applications and pre-application discussions, and considers that the current proposal has come a long way from its previous submissions and the responds to the concerns previously raised. With further amendment involving notably the reduction of the height of the northern element and reducing the size of the side dormers, the building has appropriately reduced its bulk and appears overall more in balance. The proposal has the potential of being a successful design. However, in the event of permission being granted, conditions would be required to ensure samples of all the materials are supplied to the LPA for approval.

5.9 Transport officer – The site lies within an arear of PTAL 3, which is considered to be a moderate rating. A moderate PTAL rating suggests that it is possible to plan regular journeys such as daily work trips or trips to and from school using public transport. The local area forms part of Controlled Parking Zone MP1. Restrictions are enforced from Monday to Friday between 10 am and 4 pm with a maximum stay of 2 hours for pay and display customers.

**Car Parking:** Two parking spaces are provided, retaining the existing dropped kerbs and vehicular access to the site.

The parking survey undertaken by the applicant indicates there are sufficient car parking spaces during off peak periods. However, in order to minimise impact upon surrounding streets during peak periods it is considered appropriate in this instance the development is permit free. The applicant will be required to enter into a Sec.106 agreement with the Council to ensure the development is permit free and no future resident within the development can apply for an on street parking permit in the surrounding parking zones.

**Cycle Parking:** Cycle parking should be installed on site in accordance with London Plan standards on cycle parking for new residential developments: 1 per studio and one bed dwellings; and 2 per all other dwellings. In order to meet the standards, the proposal should provide 13 long term cycle parking (secure and undercover). The proposal provides 14 cycle parking spaces, which is acceptable.

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

**Recommendation:** The proposal is unlikely to have a significant impact on the adjoining highway network. No objection raised subject to:

- Car parking and cycle parking maintained.
- A S106 agreement with the Council to ensure the development is permit free and no resident within the development can apply for an on street parking permit in the surrounding parking zones.
- Condition for Refuse.

- 5.10 Climate Change – The Council’s Climate Change officer has requested that an energy statement with supporting SAP worksheets be submitted for review prior to making a decision. The applicant has provided this information, and following review by the Climate Change officer, they now consider that the Energy statement (‘00036 – 2 Church Lane’) is consistent with Merton’s Climate policies, and our standard pre-occupation condition to achieve at least a 19% improvement over building regulations and maximum internal water consumption of 105L/day can be applied.

The SAP calculations provided by the applicant indicate an assumed COP (coefficient of performance) of 2.6 for the air source heat pumps (ASHP). The ASHP provide the only form of heating to the building. The Climate Change officer considers the ASHP can achieve a performance of a higher target, at least 3 to ensure energy bills are not unreasonably high for future occupiers. Therefore, a further condition has been recommended to ensure the ASHP achieve a seasonal COP (coefficient of performance) of 3.

- 5.11 Waste services – For the proposed 8 units, the following are the recommended waste storage capacity to avoid overflowing bins and residents leaving items on the floor by the bins:

2x 360L wheelie bins for refuse 2x 360L wheelie bins for paper and card, up to 2x recycling boxes per unit for mixed recycling, 1x indoor and 1x outdoor kitchen waste caddy per unit.

As these would be properties with street level collection service, the only concern here is that all waste must be presented for collection by property edge. Waste not presented would not be collected nor logged as a missed collection.

- 5.12 Trees – The Tree officer requested an Arboricultural Report as the site lies within a Conservation Area. This was provided by the applicant and reviewed by LBM’s Tree officer. No Arboricultural objection raised provided that the trees are protected in line with the submitted report. Conditions have been recommended should the application be minded for approval.

## **6. POLICY CONTEXT**

- 6.1 NPPF - National Planning Policy Framework (2019):

Part 5 Delivering a sufficient supply of homes

Part 9 Promoting sustainable transport

Part 11 Making effective use of land

Part 12 Achieving well-designed places

- 6.2 London Plan 2016:

3.3 Increasing housing supply

3.4 Optimising housing potential

3.5 Quality and design of housing developments

3.8 Housing choice

3.9 Mixed and balanced communities

3.17 Health and social care facilities

5.1 Climate change mitigation

5.2 Minimising carbon dioxide emissions

5.3 Sustainable design and construction

5.17 Waste Capacity

6.3 Assessing effects of development on transport capacity

6.9 Cycling

6.13 Parking

7.3 Designing out crime



- 7.4 Local character
- 7.6 Architecture
- 7.8 Heritage assets and archaeology
- 8.3 Community infrastructure levy

6.3 Merton Sites and Policies Plan July 2014 policies:

- DM C1 Community facilities
- DM D1 Urban design and the public realm
- DM D2 Design considerations in all developments
- DM D4 Managing heritage assets
- DM E3 Protection of scattered employment sites
- DM EP4 Pollutants
- DM H2 Housing mix
- DM O1 Open space
- DM T1 Support for sustainable transport and active travel
- DM T2 Transport impacts of development
- DM T3 Car parking and servicing standards
- DM T5 Access to road network

6.4 Merton Core Strategy 2011 policy:

- CS 8 Housing choice
- CS 9 Housing provision
- CS 11 Infrastructure
- CS 13 Open space, nature conservation, leisure and culture
- CS 14 Design
- CS 15 Climate change
- CS 17 Waste management
- CS 18 Transport
- CS 20 Parking servicing and delivery

6.5 Supplementary planning documents

- London Housing SPG 2016
- Technical Housing standards – nationally described space standards 2015

**7. PLANNING CONSIDERATIONS**

7.1 The key planning considerations of the proposal are as follows:

- 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 storage
- Refuse
- Sustainability
- Other matters
- Developer contributions

Principle of development

**Loss of medical centre**

- 7.2 Merton SPP 2014 Policy DM C1 states any redevelopment proposals resulting in a net loss of existing community facilities will need to demonstrate that: i) the loss would not create, or add to, a shortfall in provision for the specific community uses; and ii. that there is no viable demand for any other community uses on the site. Redevelopment or change of use of sites used for health facilities should not result in

inadequate provision or poor accessibility to healthcare for residents. Locations for new health developments should be in accessible locations that are well served by public transport, commensurate with the numbers of trips the facility is expected to generate and the need to locate facilities throughout the borough.

- 7.3 The former doctor's surgery has been relocated to the nearby Nelson Hospital re-development, now Nelson Medical Practice, along Kingston Road. The site has been vacant since purchase around 2015.
- 7.4 Therefore, it is not considered the change of use of the existing medical centre would result in the loss of health facilities for the local community as this has been relocated to a centre within walking distance of the site. The change of use would not be considered contrary to policy.

#### **Erection of residential development**

- 7.5 The National Planning Policy Framework, London Plan Policy 3.3 and the Council's Core Strategy Policy CS8 and CS9 all seek to increase sustainable housing provision and access to a mixture of dwelling types for the local community, providing that an acceptable standard of accommodation would be provided. Policy 3.3 of the London Plan 2016 also states that boroughs should seek to enable additional development capacity which includes intensification, developing at higher densities.
- 7.6 The site is in a wholly residential area, therefore a residential building would not appear contrary to the character of the area.
- 7.7 The development seeks to make effective use of the site by providing 8 residential units. The principle of doing so is considered acceptable and in line with policies to increase provision of additional homes and seeking opportunities through intensification of the site.
- 7.8 However, the scheme is also subject to all other criteria being equally fulfilled and compliant with the policies referred to above.

#### Character and Appearance

- 7.9 The NPPF states that developments should function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development. Developments should ensure that they are visually attractive and are sympathetic to local character and history, while not preventing or discouraging appropriate innovation or change (such as increased densities).
- 7.10 Policies CS14, DMD1 & DMD2 require that new development reflect the best elements of the character of the surrounding area, or have sufficient distinctive merit so that the development would contribute positively to the character and appearance of the built environment. Policy DM D2 of Merton's Sites and Policies Plan requires development to relate positively and appropriately to the siting, rhythm, scale, density, proportions, height, materials and massing of surrounding buildings and existing street patterns, historic context, urban layout and landscape features of the surrounding area and to use appropriate architectural forms, language, detailing and materials which complement and enhance the character of the wider setting. The requirement for good quality design is further supported by the London Plan London Plan Policies 7.4 and 7.6.
- 7.11 The building lies within the John Innes Conservation Area, and as noted above is considered a building of negative contribution to the Conservation Area. The buildings immediately surrounding the application site have been recognised of

different levels of significance as described within the John Innes Merton Park Character Assessment, these are set out below:

Locally Listed

- 2a Church Lane, adjoining north of the application site - but its large side and rear extension is not considered of architectural interest and considered to make a neutral contribution to the Conservation Area;
- 16 Langley Road, southeast of the application site.

Positive contribution

- 1a Church Lane, northeast of the application site;
- 166 Kingston Road, adjoining west (rear) of the application site.

Neutral contribution

- 85 Church Lane, adjoining south of the application site;
- 14 Langley Road, adjoining south of the application site.

Negative contribution

- 1 Church Lane, east of the application site.

- 7.12 There is a varied degree of architectural significance in this immediate area of Church Lane. The existing building is noted of negative contribution, therefore a replacement building with a high quality design in response to its historic surrounds would be welcomed by officers to enhance this area of Church Lane and contribute to the Conservation Area.
- 7.13 The design has been heavily influenced by the character Quartermain buildings in the area. Officers consider the features within the surrounding area have been well observed and drawn upon to create a sympathetic design; such as the arched brick detailing above the windows, herring-bone design of the timber balconies and hung tile upper gables.
- 7.14 The scheme has also been amended, 26/03/2020, these changes were reconsulted (summary of their representations under section 5). Most notably, the revision reduced the height of the northern three storey element so that the building altogether sits at an even height, and along the northern roof slope, 3 dormers are proposed instead which align with the windows on the ground and first floor levels. The proposed external finishing would be of a red brick instead of yellow stock brick as originally specified.
- 7.15 With the further amendments, and those discussed with the Conservation officer, it is considered that the proposed design of the development is acceptable. In this instance, the 'pastiche' approach works successfully and would altogether would present an enhanced building toward the streetscene and Conservation Area which would make a positive contribution.
- 7.16 It is noted the 2 schemes previously dismissed at appeal (listed under section 4), were considered to have a harmful impact toward the Conservation Area, in its detailing such as: massing, prominent front light wells enclosed by handrailing, refuse bin store positioned at the front of the site, privacy screen to the sides of the front balconies and loss of hedging toward the streetscene. Both schemes were considered by the Inspector to have an "overdominant, stark and obtrusive appearance, which would detract from character and appearance of the Conservation Area to a greater extent than the existing property".
- 7.17 However, officers consider the design of the currently proposed building reflects more

successfully its surrounding architecture, and could be described as a more 'traditional' detached dwelling in appearance than the previous schemes. The massing at the front of the building has removed the previously proposed dominant 3 storey front projection with a steep roof feature that highlighted its mass, and has broken the frontage into a more conventional detached house configuration with a setback side (northern) element. Of further note, the holly hedge at the front boundary has been retained (as shown on the 'Planting Proposals' drawing [738.1B]), which was considered by the Inspector to make "a positive contribution to the verdant character of the Conservation Area".

#### Neighbouring Amenity

- 7.18 SPP Policy DM D2 states 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 loss of light, quality of living conditions, privacy, visual intrusion and noise.

#### **85 Church Lane**

- 7.19 Toward 85 Church Lane, the building would display a height increase of around 0.9m (not including the 0.27m height of the decorative ridge tile) from the existing doctor's surgery building. The building line would also remain the same as existing along the southern elevation, therefore the separation distance between the buildings remain at 3.1m.
- 7.20 On the ground floor, a boundary fence would separate Flat 3's amenity area from the rear window of number 85's lounge (the window of the lounge is set back 1.3m from the boundary, and does not provide the room's principal views as is toward the rear). The proposed single storey refuse store area would be sited toward the rear of number 85's bathroom which exhibits an obscure window. Therefore, it is not considered the ground floor amenity area or the store room would result in harmful overlooking or material impact in terms of light or views.
- 7.21 On the first floor, 2 windows with lower pane obscure glazing are proposed on the southern elevation. However, there are no windows on the rear elevation of number 85 and would unlikely raise concerns in terms of overlooking.
- 7.22 No windows are proposed on the southern elevation of the second floor of the proposed building. And, given the height increase of the building would be around 0.9m, this would not likely raise such harmful impact than the existing situation in terms of light and outlook toward the neighbouring rooflights – two which serve a bathroom and a stairwell which are not considered habitable rooms.

#### **Andridge Court, 2a Church Lane**

- 7.23 The existing building and Andridge Court are separated by a vehicular access path. The proposed development would predominantly retain the existing ground floor footprint of the doctor's surgery, but with an increased 2.8m set back from the existing rear building line. Therefore, on the ground floor, the separation distance between the main buildings remain at 6.6m; and at the point between the single storey side element of Andridge Court and the proposed building, would remain at 3.7m.
- 7.24 Andridge Court is an L-shaped building. The proposed development would therefore project 5.2m from the rear building line of the front building (facing toward Church Lane), and the separation distance between the rear of the proposed building and the rear building of Andridge Court would be 13.8m.

- 7.25 On the second floor side elevation of Andridge Court (the front building), there are 2 existing windows. The proposed development would have three dormer windows on the second floor northern elevation facing toward Andridge Court. However, given the positioning of the dormers, these would unlikely have direct view toward the neighbouring windows; at most, the rear two dormers would have oblique views toward these. Officers also note in respect of the Andridge Court windows; one is obscure glazed (that positioned on the right hand side), and the other obscure glazed on the lower pane. Whilst overlooking would be unlikely, the rear dormer has nonetheless has been amended to provide a half obscure window in order to increase privacy for both units – there is a separation distance of 6.7m between the two windows, so even if both were open, there is a reasonable setback.
- 7.26 As mentioned above, the rear of the proposed building would be set back 13.8m from the rear end of Andridge Court. Therefore, it would be unlikely Flat 6's first floor living/kitchen window of the proposed development would have inappropriate view into the windows of Andridge Court.
- 7.27 Toward the pergola area of Andridge Court. Flat 6's first floor side windows would mostly have a skewed view from their living/kitchen area and bedroom. The Juliette balconies at the rear of the development would unlikely overlook this area as there is not an opportunity to 'step out' /peer over, so the directional outlook from the Juliette balconies remain toward the car park, with at most, some angled view toward the rear end of the pergola area. Similarly, the balconies on the second floor level would have 1.7m high obscure screens on the sides preventing view toward the pergola area, and again main outlook toward the car park.
- 7.28 Notably, the height of the building has been reduced toward the northern end, so overall there would be a reduced visual impact toward Andridge Court as the building would display a uniform height.

#### **14 Langley Road**

- 7.29 As mentioned previously, the footprint of the ground floor would remain the same as existing with a 2.8m set back from the rear building line and the building line of the southern elevation would remain as existing. On the ground floor, it is noted there is a shed at the rear of 14 Langley Road positioned along the boundary. Therefore, on the ground floor, there would unlikely be views overlooking into the rear window /French doors of number 14 from the amenity area of Flat 2.
- 7.30 On the first floor of the proposed building on the southwestern corner, the building has been set back 3.2m from the ground floor rear building line to provide an amenity area for Flat 4. However, to ensure there would be no overlooking toward 14 Langley Road, a 1.7m high obscure screen would be positioned along the southern elevation.
- 7.31 All amenity areas on the first floor and roof level would have obscure screens along its southern elevation to prevent overlooking. The directional outlook of these spaces would be focussed predominantly toward the car park of Andridge Court, with only some oblique views toward the rear of 14 Langley Road. However, there would be at least a 9.5m separation distance from the rear of the first floor amenity area and number 14's closest first floor rear window; and given the nature of the second floor balcony 'tucked' into the rear roof slope, this would not project beyond the edge of the eaves and there would be a separation distance of 12m from Flat 7's balcony and 14 Langley Road's rear building line.
- 7.32 Overall, it is not considered there would be an undue loss of privacy, light or outlook toward 14 Langley Road.

### **1 Church Lane**

- 7.33 The front building line of the new proposed development would be the same as existing. Therefore, the separation distance from the opposite neighbouring dwelling, 1 Church Lane, remains at 28m.
- 7.34 The main building of 1 Church Lane is not sited immediately opposite of the proposed development, this area is their garden. Nonetheless, there would be an 18m separation distance from this, and, along the western boundary of 1 Church Lane's garden is a high fence with hedges and mature trees further screening views.
- 7.35 Therefore, there would unlikely be inappropriate overlooking or loss of privacy toward 1 Church Lane.

### **166 Kingston Road**

- 7.36 Between the application site and the rear neighbouring property, 166 Kingston Road, there is a car park separating the plots spanning a width of around 19-20m. And, between the rear building line of the proposed development and the rear of number 166, there would be separation distance of approximately 28m. Given the distance, concerns toward number 166's amenity are not considered of significant harm.
- 7.37 Both previously dismissed schemes were considered to represent an unneighbourly form of development resulting in a significant detrimental impact on the living conditions of the neighbouring residents, particularly in relation to light, privacy and outlook. The current proposal has considered those concerns, and revised the building form to address such issues. Notably, the reduction of the height of the building (around 0.3m), reduction in depth of the building with a setback at the first floor level and balconies and windows appropriately re-configured with screening/obscure glazing. Officers consider the proposed building would not result in an adverse impact toward the adjacent neighbours and has suitably addressed previous concerns.

#### Standard of accommodation

##### **Internal**

- 7.38 Policy 3.5 of the London Plan 2016 requires housing development to be of the highest quality internally and externally, and should satisfy the minimum internal space standards (specified as Gross Internal Areas –GIA) as set out in Table 3.3 of the London Plan. Table 3.3 provides comprehensive detail of minimum space standards for new development; which the proposal would be expected to comply with. Policy DMD2 of the Adopted Sites and Policies Plan (2014) also states that developments should provide suitable levels of sunlight and daylight and quality of living conditions for future occupants.

	Level	Type	Storeys	Proposed GIA (sqm)	Required GIA (sqm)	Compliant
Unit 1	Ground	3b4p	1	78	74	Yes
Unit 2	Ground	2b3p	1	62	61	Yes
Unit 3	Ground	1b2p	1	50	50	Yes
Unit 4	First	3b4p	1	77	74	Yes
Unit 5	First	1b2p	1	51	50	Yes
Unit 6	First	1b2p	1	53	50	Yes
Unit 7	Second	2b4p	1	79	70	Yes
Unit 8	Second	2b3p	1	61	61	Yes

7.39 As demonstrated by the table above, all the units would comply with the minimum space standards. Bedrooms and living room areas would have windows providing access to light and ventilation.

**External**

7.40 In accordance with the London Housing SPG and Policy DMD2 of the Council's Sites and Policies Plan, it states that there should be 5sqm of external space provided for private outdoor space for 1-2 person dwellings and an extra 1sqm provided for each additional occupant.

	Level	Type	Proposed Amenity area (sqm)	Required amenity area (sqm)	Compliant
Unit 1	Ground	3b4p	25	7	Yes
Unit 2	Ground	2b3p	44	6	Yes
Unit 3	Ground	1b2p	10	5	Yes
Unit 4	First	3b4p	12.5	7	Yes
Unit 5	First	1b2p	6.1	5	Yes
Unit 6	First	1b2p	6	5	Yes
Unit 7	Second	2b4p	6.5	7	No
Unit 8	Second	2b3p	6.5	6	Yes

7.41 Whilst Unit 7 falls below the minimum standards for external amenity area, it is noted the internal GIA would exceed the minimum requirement by 9sqm. Therefore, on balance, it is considered this unit would be acceptable and would not offer a sub-standard level of accommodation.

7.42 Both previously dismissed applications were considered to provide a substandard environment for future occupiers, 15/P3917 with external amenity less than recommended with noise disturbance from the proposed nursery, and lack of light into rooms; and 16/P0350 with substandard internal floor areas with poor light and outlook. With the removal of the nursery use, this has removed potential noise and disturbance (to future occupiers of the site, and surrounding). Furthermore, as presented above, the existing scheme would provide internal and external floor areas in line with the minimum standard set out in the London Plan 2016. All living areas and bedrooms are provided with windows allowing appropriate views and light, amenity areas (none at the front as previously proposed) would be suitably screened and orientated to ensure privacy toward neighbouring properties but also allowing a reasonable outlook for future occupiers.

Transport, parking and cycle storage

7.43 Core Strategy Policy CS20 requires that development would not adversely affect pedestrian or cycle movements, safety, the convenience of local residents, street parking or traffic management. Cycle storage is required for all new development in accordance with London Plan Policy 6.9 and Core Strategy Policy CS18. It should be secure, sheltered and adequately lit and Table 6.3 under Policy 6.13 of the London Plan stipulates that 1 cycle parking space should be provided for a studio/1 bedroom unit and 2 spaces for all other dwellings.

7.44 The site has a PTAL of 3 and is located in Controlled Parking Zone MP1.

- 7.45 The proposed development would provide 2 off street parking spaces at the front of the site, retaining the existing dropped kerb and vehicular access to the site. LBM's Transport officer has reviewed the scheme and considers the parking arrangement appropriate, the parking survey provided by the applicant indicates there would be sufficient car parking spaces during off peak periods. However, in order to minimise impact upon the surrounding streets, the applicant will be required to enter into a S106 agreement with the Council to ensure the development is permit free and no future resident within the development can apply for an on street parking permit in the surrounding parking zones. The applicant has agreed and a S106 agreement is in place to ensure this.
- 7.46 The proposal requires 13 cycle spaces to satisfy the proposed number of dwellings, the bike store at the front of the site would offer 14 storage racks so would satisfy policy requirement.
- 7.47 In the previously dismissed schemes at appeal, both were considered to provide a lack of cycle storage for the proposed dwelling size; and in particular for 15/P3917, the cycle spaces would be readily accessible relying on access via third party land. As currently proposed, given the removal of the non-residential use (15/P3917), the scheme provides adequate cycle storage for the 8 residential units. These are accessed in a convenient location toward the entrance of the site, and suitably screened with shrubs toward the streetscene.
- 7.48 Overcoming the concerns of the impact of the off-street parking spaces and refuse stores toward pedestrian, cycle and vehicular safety in application 16/P0350. The off-street car parking spaces are appropriately positioned up to 0.3-0.4m from the highway, refuse and cycle spaces are appropriately dedicated on the north (cycle) and south (refuse) boundaries, so provided with separate access paths from the car park spaces.
- Refuse
- 7.49 The London Plan Policy 5.17 and Merton Core Strategy Policy CS17 require new developments to show capacity to provide waste and recycling storage facilities.
- 7.50 The bins would be stored toward the front of the site, along the southern boundary of the plot. This store area would measure a depth 5.3m depth, 1.8m width, 2.1m eaves height and 2.7m maximum height.
- 7.51 This would be considered an appropriate and convenient location for access, and collection from the highway would be less than 20m.
- Sustainability
- 7.52 All new developments comprising the creation of new dwellings should demonstrate how the development will comply with Merton's Core Planning Strategy (2011) Policy CS15 Climate Change (parts a-d) and the policies outlined in Chapter 5 of the London Plan (2016). As a minor development proposal, the development is required to achieve a 19% improvement on Part L of the Building Regulations 2013 and water consumption should not exceed 105 litres/person/day.
- 7.53 The Council's Climate Change officer has reviewed the Energy statement and SAP worksheets submitted by the applicant and considers these are consistent with Merton's Climate policies, therefore, a standard pre-occupation condition has been recommended to be attached should the application be minded for approval. Furthermore, the SAP calculations provided by the applicant indicate an assumed COP (coefficient of performance) of 2.6 for the air source heat pumps (ASHP). The



ASHP provide the only form of heating to the building. The Climate Change officer considers the ASHP can achieve a performance of a higher target, at least 3 to ensure energy bills are not unreasonably high for future occupiers. Therefore, a further condition has been recommended to ensure the ASHP achieve a seasonal COP (coefficient of performance) of 3.

#### Other matters

##### **Trees**

- 7.54 Following review of the arboricultural report by LBM's Tree officer, no concerns were raised and conditions have been recommended should the application be minded for approval to ensure details in their submitted report are complied with, and an Arboricultural expert shall supervise and monitor the works, reporting to the LPA not less than monthly throughout the course of the construction period.
- 7.55 The Tree officer requested an Arboricultural Report as the site lies within a Conservation Area. This was provided by the applicant and reviewed, the Tree officer raises no Arboricultural objection provided that the trees are protected in line with the submitted report. Conditions have been recommended should the application be minded for approval.

##### Developer Contributions

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

## **8. CONCLUSION**

- 8.1 The scale, form, design, positioning and materials of the proposed new development have been carefully considered and would make a positive impact toward the character and appearance of the Church Lane streetscene and John Innes Conservation Area. The building appropriately takes architectural cues from the local buildings and would present an enhanced dwelling to the area making a positive contribution. Following further amendments to the scheme, reducing the height of the northern element, and with thoughtful consideration of the massing to the rear and window/balcony positionings, the proposal is not considered to have a harmful impact toward neighbouring amenity. As noted throughout the planning considerations section of this report, the current scheme has also addressed concerns raised by the Inspector on the previously dismissed schemes, and is now considered appropriate in all those areas.
- 8.2 Therefore, the proposal is considered to comply with the principles of policies referred to in Section 6 and it is recommended to grant planning permission subject to a section 106 legal undertaking.

### **RECOMMENDATION**

Grant planning permission subject to the completion of a S106 agreement to make the scheme "permit free" and the following conditions are recommended:

1. A1 Commencement of Development
2. A7 Approved Plans
3. B1 External Materials to be approved – No development, apart from demolition, 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.

4. B4 Details of surface treatment – Prior to occupation of development, 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 shall be submitted in writing for approval by the Local Planning Authority. The development shall not be occupied until the details have been approved and works to which this condition relates have been carried out in accordance with the approved details.
5. B5 Details of Walls/Fences – Prior to occupation of development, details of boundary walls or fences shall be submitted in writing for approval to the Local Planning Authority. No works which are the subject of this condition shall be occupied until the details are approved and carried out in accordance with the approved details. The walls and fencing shall be permanently retained thereafter.
6. C03 Obscure Glazing – before the development is first occupied, windows on the lower panel of the southern elevation windows (Flat 4) and the lower pane of the rear dormer window serving bedroom 2 of Flat 8 shall be obscure glazed, and permanently maintained as such thereafter.
7. C07 Refuse & Recycling (details to be submitted) – No development shall be occupied until a scheme for the storage of refuse and recycling has been submitted in writing for approval to the Local Planning Authority. No works which are the subject of this condition shall be occupied until the scheme has been approved and carried out in full. Those facilities and measures shall thereafter be retained for use at all times from the date of first occupation.
8. C09 Balcony/Terrace (screening) – The 1.7m obscure screening to the rear balconies/terrace areas of Flats 4, 6, 7 and 8 as shown on the approved plans shall be implemented before the development is first occupied and retained permanently thereafter.
9. D11 Construction hours – 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.
10. F02 Landscaping (Implementation) – All soft landscape works shall be carried out in accordance with the approved details as shown on drawing 738.1B 'Planting Proposals' dated 20.06.2019. The works shall be carried out in the first available planting season following the completion of the development or prior to the occupation of any part of the development, whichever is the sooner, and any trees which die within a period of 5 years from the completion of the development, are removed or become seriously damaged or diseased or are dying, shall be replaced in the next planting season with others of same approved specification, unless the Local Planning Authority gives written consent to any variation.
11. F05 Tree Protection – The details and measures for the protection of the existing trees as specified in the document 'BS 5837 Arboricultural Report' ref 'BS/241' dated '05.11.2019' shall be complied with. The methods for the

protection of the existing trees shall fully accord with all of the measures specified in the report and shall be installed prior to the commencement of any site works and shall remain in place until the conclusion of all site works.

12. F08 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.
13. H04 Provision of Vehicle Parking – The 2 vehicle parking spaces shown on the approved plans shall be provided before the occupation of the buildings or use hereby permitted and shall be retained for parking purposes for occupiers and users of the development and for no other purpose.
14. H06 Cycle Parking (Details to be submitted) – No development shall be occupied until details of secure cycle parking facilities for the occupants of, and visitors to, the development have been 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 thereafter retained for use at all times.
15. A Non-standard condition (sustainability) – No part of the development hereby approved shall be occupied until evidence has been submitted to, and approved in writing by, the Local Planning Authority confirming that the development has achieved CO2 reductions of not less than a 19% improvement on Part L regulations 2013, and internal water consumption rates of no greater than 105 litres per person per day.
16. A Non-standard condition (air source heat pumps) – No part of the development hereby approved shall be occupied until evidence has been submitted to, and approved in writing by, the Local Planning Authority confirming that the air source heat pumps provided for the development would achieve a seasonal coefficient of performance of at least 3.

#### Informatives

1. INF 01 Party Walls Act
2. INF 20 Street naming and numbering
3. INF Sustainability
4. Note to Applicant – approved schemes

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