

## PLANNING APPLICATIONS COMMITTEE – 14<sup>th</sup> MAY 2020

**APPLICATION NO.**

19/P2287

**DATE VALID**

02/07/2019

**Address/Site:** 87 Robinson Road,  
Tooting, SW17 9DN

**Ward:** Colliers Wood

**Proposal:** Demolition of existing building and outbuilding and erection of a two storey building plus lower ground floor level, to contain 8 x self-contained flats with off street parking spaces, cycle storage and refuse storage

**Drawing No.'s:** Site Location and Block Plan; SK/01; SK/02; SK/03 RevA; SK/04; SK/05-Refuse Storage and Holding Area; SK/05-Proposed Front Elevation; SK/06; SK/09; SK/10; SK/08; KP Acoustics report 18329.NVA.01 dated 20th November 2018; Flood Risk Assessment Rev 2 by ECO studio XV & Geotechnical Survey Report 1354; Preliminary Ecological Appraisal Survey Rev 4; Arboricultural Report by dpa Consultants dated June 2019.

**Contact Officer:** Jourdan Alexander (020 8545 3122)

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**RECOMMENDATION**

**Grant planning permission subject to conditions and a unilateral undertaking to restrict eligibility to parking permits.**

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**CHECKLIST INFORMATION**

- S106: Yes (restriction of parking within CPZ)
- 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: 16
- External consultations: 2
- Conservation area: No
- Listed building: No
- Archaeological priority zone: No
- Tree protection orders: No

- Controlled Parking Zone: Yes
- Flood Zone: Yes, the northern corner of the site is Flood Zone 2, comprising approximately 5% of the total site area
- Designated Open Space: No

## **1. INTRODUCTION**

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

## **2. SITE AND SURROUNDINGS**

- 2.1 The subject site is located to the rear of numbers 83-91a on the northern side of Robinson Road. The site is accessed via a 30m long driveway from Robinson Road. The existing property on the site comprises a two-storey family house with a single storey garage located toward the eastern boundary. The house features a combined kitchen and dining area to the front with a reception and conservatory to the rear and one bedroom. On the first floor there are four bedrooms of which one has an ensuite and two bathrooms. At loft level there is an additional bedroom.

- 2.2 The existing house has the following dimensions:
- 14.6m wide, an eaves height of 6.1m and a maximum height of 9m (western elevation).
  - 14.6m wide, an eaves height of 6.6m and a maximum height of 9m (eastern elevation).

- 2.3 The surrounding buildings to the south, Nos. 83-91A, are two storey dwellings that abut Robinson Road. The rear of these properties are setback at least 11m from the property boundary with 87 Robinson Road.

- 2.4 No. 93 Robinson Road is adjacent to the eastern property boundary of the application site. The application site abuts the rear portion of the property, which is currently undeveloped rear garden. The railway and River Graveney are to the rear of the site.

- 2.5 There are a number of unprotected trees along part of the boundary with 81 Robinson Road, 89-93 Robinson Road along with a mature tree located just within the site boundary beyond the far corner of the garden of 89 Robinson Road.

## **3. CURRENT PROPOSAL**

- 3.1 This application seeks planning permission for the demolition of the existing two-storey house and the erection of a two-storey building with lower ground floor level, to comprise 8 flats. The flats and their individual sizes are detailed in the table below:

Unit	No. of beds	No. of persons	No. of storey's	Proposed GIA
1	1	2	1	50.6m <sup>2</sup>
2	2	3	2 (ground and lower ground)	126m <sup>2</sup>
3	3	5	2 (ground and lower ground)	89.2 m <sup>2</sup>
4	3	5	2 (ground and lower ground)	126m <sup>2</sup>
5	1	2	1	50.6m <sup>2</sup>
6	2	4	1	84.7m <sup>2</sup>
7	2	4	1	80.0m <sup>2</sup>
8	2	4	1	84.7m <sup>2</sup>

3.2 The proposal would also include:

- 3 parking spaces, one of these spaces would be for disabled parking.
- Access driveway for vehicles and pedestrians.
- Refuse storage area which would house 5 x 660L bins (1 for food waste, 2 for refuse and 2 for recycling) and a bulk bin area. The refuse bins would be moved closer to the vehicle entrance on collection day.
- Cycle storage facility.

3.3 The proposed building would have the following dimensions: 14.6m deep, 24m wide, eaves height of 6m from natural ground level, lower ground floor height of 3m. Officers note the appealed scheme was 7.9m high from natural ground level

3.4 The proposed building would be located approximately:

- 1.4m from the shared eastern (side) boundary, reducing to 1m towards the rear of the site;
- 1.4m from the shared western (side) boundary, increasing to 1.8m towards the rear of the site;
- A minimum of 10.5m from the southern (rear) boundary, in which there is a railway line immediately beyond.
- 41.4m from Robinson Road.

3.5 The front elevation of the building would have both horizontal and vertical articulation, with the building ends set with a forward protrusion and a small step-up in height. Glazing would be evenly positioned across the front elevation. The main entrance to the building would be located centrally at ground floor level, and would provide access to the lobby, main stairwell, and all flat entrance doors.

3.6 The rear elevation would include a consistent pattern of glazed and solid parts. Two external balconies would be provided for the first floor flats (no. 6 &

8) at either building ends. The central first floor flat at the rear of the building would have access to a roof terrace. Each of the split-level, ground and lower ground floor flats, would have access to their own private lower ground floor rear garden.

- 3.7 Trees along the site boundaries are shown to be retained including the mature tree close to the boundary with 89 Robinson Road.
- 3.8 The application is submitted with a unilateral undertaking to restrict on-street parking permits.
- 3.9 The principal change to the scheme from that which was dismissed on appeal is that it is now two floors above ground (ground and first) and one floor (basement) below rather than three floors (ground first and second).

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

- 4.1 19/P0143 - DEMOLITION OF EXISTING BUILDING AND OUTBUILDING AND ERECTION OF A 3 STOREY BUILDING CONSISTING OF 9 X SELF CONTAINED RESIDENTIAL UNITS WITH PARKING, CYCLE STORAGE AND REFUSE STORAGE - Refused 27/06/2019. Appeal dismissed.

Reasons for refusal:

- 1. The proposed development, by reason of its siting, mass and design, would result in (a) an incongruous form of development, which is considered to be detrimental to the character and appearance of the area as a whole and (b) would appear unduly intrusive and visually overbearing when viewed from neighbouring properties including 81 Robinson Road to the detriment of the visual amenities of neighbouring occupiers. The proposals would be contrary to policy DM D2 of the Merton Sites and Policies Plan [2014] CS14 of the Merton LDF Core Planning Strategy [2011] and 7.6 of the London Plan (2016).**
- 2. In the absence of sufficient on-site parking to serve the residential units, the proposal would result in an increased demand for on street parking which would lead to increased kerbside parking, resulting in a detrimental impact on highway and pedestrian safety contrary to Policy 6.13 of the London Plan 2016, Policy DM T3 of the Sites and Policies Plan 2014 and Policy CS20 of the Core Planning Strategy 2011.**
- 3. The development does not include a waste management plan which outlines who is responsible for moving/collecting the refuse bins on collection day and is therefore not considered comply with policy 5.17 of the London Plan and policy CS 17 of the Core Strategy.**

- 4.2 03/P2670 - ERECTION OF A SINGLE STOREY CONSERVATORY TO REPLACE EXISTING - GRANTED.
- 4.3 00/P1934 - APPLICATION FOR A CERTIFICATE OF LAWFULNESS IN RESPECT OF A PROPOSED REAR ROOF EXTENSION - WITHDRAWN.

## **5. CONSULTATION**

- 5.1 Public consultation was undertaken by way of site notice and letters sent to 16 neighbouring properties. A second round of consultation was undertaken following amendments to the scheme, the outcome of the combined consultation is summarised as follows:
- 5.2 Representations were received from 4 individuals who raised the following concerns:
- Proposal is considered to be overdevelopment significantly increasing the number of people on the subject site. The proposed building would be overbearing and out of character for the area.
  - Width of existing Right of Way is too narrow, causing vehicles entering and exiting the property to block Robinson Road.
  - The limited car parking spaces onsite will cause the flats to park on the street.
  - Technical drawings of the building are inadequate.
  - Enforcement Officers are hardly seen in this area meaning parking restrictions are not enforced.
  - Japanese knotweed is prevalent in this area and needs to be considered.
  - The proposal is not essential to meet Merton's housing targets
  - The basement location along the property boundary will impact the property of No.93 Robinson Road.
  - Proposal would result in a loss of privacy of neighbouring occupants.
  - There would be adverse noise and dust effects.
  - Building hours should be restricted due to other potential development occurring in Robinson Road.
  - The driveway into the site is too narrow for emergency vehicles.
  - The proposal would be at risk from flooding
  - There is inadequate space for the bins to be stored on collection day on the driveway and for cars to pass.
  - Smell would emit from the refuse bins
- 5.3 A representation was received from the Wimbledon Swift Group, who has no objection to the development; however, they recommend that the building design incorporates habitat and nesting areas for swifts.
- 5.4 One letter of support was received by a representative of the property owner, the Clarion Housing Group for No.81 Robinson Road to state that they had no objections to the development.
- 5.5 In regards to the above representations the planning officer notes the following:
- Adverse impacts regarding construction/demolition are dealt with via conditions. The Council's Environmental Health team have further statutory powers to control noise and nuisance outside of planning legislation;
  - The letter of support for the development proposal from the owner of No.81 is noted;
  - An informative has been recommended to advise the applicant of swift population decline in the UK, and encourages that opportunities for the

installation of a swift nesting box/bricks on the site are considered during development;

- The remaining comments are discussed further within this report.

#### Internal consultees

- 5.6 LBM Climate Change Officer: raised no objection subject to pre-commencement and pre-occupation conditions.
- 5.7 LBM Environmental Policy Officer: The development is acceptable subject to the recommendations outlined in the Preliminary Ecological Appraisal Survey by Arbtech Consulting Ltd dated 24/02/2019 are adhered to.
- 5.8 LBM Transport and Highways Officers: Raise no objection subject to conditions. A limited numbers of onsite parking spaces are proposed. The subject site is located in a CPZ. A Section 106 agreement restricting the owners/occupiers of the development from accessing parking permits should be entered into between the relevant parties. A car club membership of 3 years is also recommended. The service access is considered substandard for Fire Engines and other emergency vehicles to negotiate. The applicant is advised to contact the relevant fire authority and ambulance services in order to conduct a fire and safety audit for the site. (Officers note that following similar issues being raised in respect of a recently approved backland scheme for two dwellings at Leafield Road officers have attached a suitable condition requiring fire safety measures to be prepared and for these to be reviewed in consultation with the London Fire Brigade before occupation).
- 5.9 LBM Flood Risk Management Engineer: The submitted Geotechnical Survey Report and associated Flood Risk Assessment is acceptable (subject to conditions) in accordance with policy DM F2 and London Plan policy 5.13. The scheme mitigation measures specified in the report and drawings reduce the risk of both internal flooding and reduce the risk of groundwater rising to the surrounding land.
- 5.10 LBM Environmental Health Officer: Acceptable subject to conditions and adhering to the recommendations stated in the Noise and Vibration Assessment by KP acoustics dated 20/11/2018.

#### External Consultees

- 5.11 Thames Water: No objection. Thames Water have requested that the applicant incorporate a positive pumped device to avoid backflow. The consultee also advised that if as part of the basement development there is a proposal to discharge ground water to the public network, they would require a permit from Thames Water. They also recommended other informatives to be included on any permission granted.
- 5.12 Environment Agency: No objection subject to conditions regarding procedures for encountering potential land contamination and development piling and penetrative methods of construction.

## **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
- 14. Meeting the challenge of climate change, flooding and coastal change

### **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
- 3.9 Mixed and balanced communities
- 5.1 Climate change mitigation
- 5.2 Minimising carbon dioxide emissions
- 5.3 Sustainable design and construction
- 5.13 Sustainable drainage
- 5.17 Waste Capacity
- 6.9 Cycling
- 6.13 Parking
- 7.4 Local character
- 7.6 Architecture
- 7.14 Improving air quality
- 7.15 Reducing and managing noise, improving and enhancing the acoustic environment and promoting appropriate soundscapes
- 7.19 Biodiversity and access to nature
- 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
- 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 D1 Urban Design
- DM D2 Design considerations
- DM EP2 Reducing and mitigating noise
- DM EP4 Pollutants

DM F2 Sustainable urban drainage systems and; wastewater and water infrastructure  
DM H2 Housing mix  
DM H3 Support for affordable housing  
DM T1 Support for sustainable transport  
DM T2 Transport impacts of development  
DM T3 Car parking and servicing standards  
DM T4 Transport infrastructure

- 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
- Design and impact upon the character and appearance of the area
- Impact upon neighbouring amenity
- Standard of accommodation
- Housing mix
- Transport and parking
- Flood risk and sustainable urban drainage
- Refuse storage and collection
- Basement construction
- Cycle storage
- Sustainable design and construction
- Developer contributions

#### 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.
- 7.3 The site currently contains a two-storey house with a single storey garage located toward the eastern boundary. The proposed development would result in the provision of 7 additional homes, which is generally supported by Core Strategy policies CS8 & CS9 which 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.
- 7.4 Therefore, notwithstanding the need to carefully consider design, transport and other technical aspects of the proposal in more detail, officers consider that a more intensive residential development could be supported in principle.



Design and impact upon the character and appearance of the area

- 7.5 London Plan policies 7.4 and 7.6, Core Strategy policy CS14 and SPP Policy DMD2 require well designed proposals that will respect the appearance, materials, scale, bulk, proportions and character of the original building and their surroundings.
- 7.6 The prevailing development in the area are two storey houses with rear gardens. The location of the proposed building is setback from Robinson Road on a backland area. Public views towards the building would be limited to vantages up the driveway access from Robinson Road, and across the rear garden of No. 81 Robinson Road from Daniel Close. The building would otherwise be obscured by the surrounding two storey semi-detached houses, with the massing positioned parallel with the existing railway to the north. The proposed residential block would not be excessive in size being no more than two storeys in height above ground level (with a lower ground floor level formed). The development would therefore not appear out of scale with surrounding buildings and the area.
- 7.7 The drawings show that the external walls would be brick and would incorporate different patterns, textures and finishes. Whilst the drawings submitted provide fairly basic details of the materials and finish, including, colours, textures, and bonding to be used. It is considered that the drawings are of a suitable quality for officers to be confident that a building of high quality can be delivered, with appropriate conditions in place. Conditions have therefore been recommended which require details of materials, as well as detailed drawings of elevations, and features. Subject to these conditions the development would integrate well with surrounding area.
- 7.8 The front elevation of the building would have both horizontal and vertical articulation, with the building ends set with a forward protrusion and a small step-up in height. Windows to the building are of a size to provide a sense of openness into the site whilst breaking up the mass of the building.
- 7.9 The applicant also proposes as part of their application to landscape the site. A condition has also been recommended for a plan of landscaping to be submitted to the Council for approval in order to compensate for the loss of trees and vegetation from the works. This includes details of the green wall to be installed against the retaining wall at lower ground floor level.
- 7.10 Subject to the recommended conditions, the proposal would respond well to the character of the surrounding area, and is considered acceptable in appearance, in compliance with London Plan policies 7.4 and 7.6, Core Strategy policy CS14 and SPP Policies DMD2 and DMD3.

Impact upon neighbouring amenity

- 7.11 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.

- 7.12 The proposed building would be located approximately 23.3m away from the adjacent dwellings at their closest point. Regarding No.93 Robinson Road's rear garden, the proposed building would be located 1.4m from the shared eastern (side) boundary, reducing to 1m towards over the entire 12.6m depth. Regarding No.81's rear garden to the west, the proposed building would be 1.4m from the shared western (side) boundary, increasing to 1.8m towards the rear of the site.
- 7.13 There are only two windows on each flank elevation at first floor level. Each of these windows is associated with a bathroom and would be obscure glazed to prevent overlooking. While it is acknowledged that there is potential for some overlooking due to the front facing windows of the proposed building towards neighbouring rear gardens. The 23m separation between the proposed building and the rear windows of adjacent neighbouring buildings along Robinson Road would be of a sufficient distance to ensure that there would be no material loss of privacy to neighbours. Overall, the impacts on existing levels of privacy is not considered to be harmful.
- 7.14 Regarding the positioning of the building in relation to No.93, the existing dwelling on the site is located in a similar position to the proposed building. Given the siting of the building, design, and layout, it is not considered that the proposal would unduly impact the amenity to No.93.
- 7.15 Regarding No.81 to the west, the proposal would introduce built form within closer proximity to this neighbour. The property owner of No.81 has provided a letter of support for the development. The introduction of the proposed building along this shared boundary is considered to have an acceptable impact to amenity of No.81's occupants, and would not appear unduly dominant or out of place.
- 7.16 The proposal includes windows along the rear elevation, two balconies, and a central rear roof terrace. The impacts of these features to neighbour's privacy would not be harmful given the origination of views which would project outwards across the railway lines. Neighbouring buildings to the rear are also of a sufficient distance away to ensure existing levels of privacy are retained.
- 7.17 In terms of noise, the site would continue to be used for residential use. The proposed building along with external amenity areas of the flats are located a sufficient distance from neighbouring habitable rooms to ensure that any noise as a result of the increased density on the site would not be unduly harmful. Only three car parks would be provided within the site, and therefore traffic entering and existing the site would be light and would not cause a harmful level of disturbance.
- 7.18 The reduction in the height of the building in contrast to the appealed scheme is welcomed and addresses a key aspect of the previous refusal and overall it is not considered that the proposal would unduly impact the amenity of adjoining occupiers, and is consistent with SPP policy DM D2.

#### Standard of accommodation

- 7.19 Policies 3.5 and 3.8 of the London Plan 2016 state that housing developments are to be suitably accessible and should be of the highest quality internally and externally and should ensure that new development reflects the minimum internal space standards (specified as Gross Internal Areas) as set out in table 3.3 of the London Plan (amended March 2016) and the DCLG - Technical Housing Standards 2015. The London Plan Housing SPG - 2016 states that homes should provide a place of retreat; factors to be considered include privacy, the importance of dual aspect development, noise mitigation, floor to ceiling heights and daylight and sunlight. Policy DM D2 of the Adopted Sites and Policies Plan (2014) states that developments should provide for suitable levels of privacy, sunlight and daylight and quality of living conditions for future occupants.
- 7.20 All of the flats would exceed Internal Space Standards, and all habitable rooms would be served by windows, which would provide suitable natural light, ventilation and outlook to prospective occupants.
- 7.21 In accordance with the London Housing SPG, policy DMD2 of the Council's Sites and Policies Plan states that there should be 5sqm of external space provided for 1 and 2 person flats with an extra square metre provided for each additional occupant. The lower floor flats would have rear gardens which would exceed minimum standards. All remaining flats would be provided with adequately sized balconies or terraces that meet housing standards.
- 7.22 Environmental Health officers were satisfied with the development, subject to conditions in place to mitigate external noise disturbance to future occupants of the development. The applicant has provided details of the acoustic noise mitigation to be installed by way of soundproof glazing. A condition has been recommended to ensure that this noise mitigation is installed prior to occupancy, and thus protect the amenity of future occupants.
- 7.23 Overall, the proposed development would have good-sized rooms and convenient and efficient room layouts, which are functional and fit for purpose. Good outlook as well as adequate daylight / sunlight would be received into habitable rooms. A high quality standard of accommodation would therefore be provided, compliant with relevant policies and standards.

#### Transport and parking

- 7.24 Core Strategy policy CS20 requires that development would not adversely affect pedestrian or cycle movements, safety, the convenience of local residents, on street parking or traffic management.
- 7.25 The site is accessed by a narrow driveway. Three parking spaces are proposed onsite with separate pedestrian and vehicle through markings. The LBM Transport Planner has concluded that given the low number of parking spaces and consequently low vehicles movements, alongside road markings and the long and straight proportions of the accessway, would ensure good sightlines for uses. The proposed accessway was considered acceptable.

- 7.26 The applicant has proposed 3 onsite parking spaces (one of which would be a dedicated disabled parking bay). This is acceptable at the subject site given the good PTAL rating of 4. The site is located within a Controlled Parking Zone. The applicant has provided a unilateral undertaking restricting future occupiers of the flats from obtaining on-street residential parking permits. This too address an earlier reason for refusal on the appealed scheme where no legal mechanism was in place to prevent overspill parking.
- 7.27 Requirements for membership into a car club, is not considered necessary in this case, given the small number of proposed flats, the good PTAL rating, 3 onsite parking spaces, cycle storage and the restriction to on-street parking permits. Overall, future occupiers will have sufficient travel choices.

#### Flooding and Drainage

- 7.28 The applicant has submitted a flood risk assessment to support their proposal. The assessment recommends a flood and drainage strategy to be installed, alongside methods to delay and control the rate of surface water discharged from the site. The recommendations provided within the assessment are acceptable in ensuring that the development appropriately mitigates flood and drainage risk. A condition has been recommended to secure the sustainable urban drainage system detailed within the assessment.

#### Refuse Storage and Collection

- 7.29 When considering the design of waste facilities, London Plan policy 5.17 and Core Strategy Policy CS 17 requires not simply examining capacity on site. It requires consideration towards the relationship of storage both during the week and at times of collection to the proposed dwellings, relationship to the highway, and the convenience and manageability of these arrangements for future occupiers.
- 7.30 Refuse storage has been indicated on the plans, and show that a sufficient level of refuse storage would be provided on site. The refuse would be stored in a cedar wood refuse storage structure, with openable roof and sides to place rubbish bags and to remove bins on collection day.
- 7.31 The applicant has proposed moving the refuse bins near to the vehicle entrance beside the public highway on collection day. Once the bins have been placed for collection, there would be limited room for vehicles to enter/exit and site. Although this situation is not ideal, given the constraints of the site and the limited off-street parking, resulting in infrequent car moments, this methodology is considered adequate in these circumstances. As above, officers consider the applicant has reasonably sought to address the third reason for refusal on the appealed scheme and consider that it may be unreasonable to withhold permission on this ground alone.

- 7.32 To ensure the storage and collection of refuse occurs successfully and in a coordinated manner. A condition has been recommended requiring that the developer submits a Waste Management Strategy that details the arrangements for the collection and disposal/recycling of refuse and recycling generated from the occupation of the development, and that the development is not be occupied until the agreed arrangement has been installed and in operation.
- 7.33 Subject to the above condition the proposed refuse storage and collection is considered acceptable.

#### Cycle Storage

- 7.34 Cycle storage is required for new development in accordance with London Plan policy 6.9 and table 6.3 and Core Strategy policy CS 18. Table 6.3 of the London Plan (2016) requires one cycle parking space per 1b/1p unit and 2 spaces for all other dwellings. The proposal would provide 19 cycle spaces (5 more than required). The proposal is considered to be in accordance with the London Plan policy 6.9 and table 6.3 and Core Strategy policy CS 18.
- 7.35 A condition has been recommended to secure the installation of the cycle parking prior to occupation of the flats.

#### Trees and biodiversity.

- 7.36 Core Planning Strategy policy CS.13 (e) requires that any proposals for new dwellings in back gardens must be justified against the:  
Local context and character of the site;  
Biodiversity value of the site;  
Value in terms of green corridors and green islands;  
Flood risk and climate change impacts.  
In addition Sites and Policies Plan policy DM.O2 requires that development which may destroy or impair the integrity of green corridors will not be permitted and proposals in and adjacent to these corridors will be expected to enhance their nature conservation value.
- 7.37 Impact on the character of the area, climate change and flood risk are considered elsewhere in this report. While the proposals increase the footprint of buildings on the site the retention of trees is welcomed and would soften the visual impact of the proposals on neighbouring properties..
- 7.38 To the rear of the site the course of the Graveney is designated as both a green corridor and site of importance for nature conservation. The flat roofed design offers opportunities for the proposals to reinforce the biodiversity quality of the adjoining corridor and a suitable condition requiring incorporation of a suitably designed “green roof” is recommended. A green roof would also assist in mitigating run off rates from the roof of the building which is also considered to be beneficial given the site’s proximity to the River Graveney and the associated flood risk on a small part of the site.

#### Sustainable design and construction

- 7.39 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.
- 7.40 The applicant has submitted Sustainability Statement (dated 30 May 2019), which indicates that the proposed development would achieve a 35.4% improvement in CO2 emissions on Part L 2013. This exceeds the minimum sustainability requirements of Merton's Core Planning Strategy Policy CS15 (2011).
- 7.41 The internal water consumption calculations submitted for the development indicate that internal water consumption would be less than 105 litres per person per day.
- 7.42 The proposal is therefore considered to meet sustainable design and construction policies, and conditions have been recommended to secure this.

#### Community Infrastructure Levy

- 7.43 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.

### **8. CONCLUSION**

- 8.1 The proposal would provide 8 new homes within the borough, in line with planning policy. The scale, form, design and positioning of the proposed two storey building (with lower ground floor) is considered to respond well with the suburban character of the area within a back of land site.
- 8.2 The proposed homes would provide a high standard of accommodation. Planning conditions and a unilateral agreement (for parking permit free) have been recommended to ensure that the impacts of the development are adequately addressed.
- 8.3 The proposal is considered to accord with the relevant National, Strategic and Local Planning policies and guidance and approval could reasonably be granted in this case. Officers consider the latest proposals reasonably address the earlier reasons for refusal on the appealed scheme. It is not considered that there are any other material considerations which would warrant a refusal of the application.

### **RECOMMENDATION**

Grant planning permission subject to conditions and a unilateral undertaking to secure:

1. 7 of the 8 new flats are to be parking permit free residential units

2. The developer agreeing to meet the Council's costs of reviewing and entering into [including legal fees] the unilateral agreement.
3. The developer agreeing to meet the Council's costs of monitoring the unilateral agreement.

**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) No development, other than 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 (notwithstanding any materials specified in the application form and/or the approved drawings), have been submitted to the Local Planning Authority for approval. The submitted details shall include detailed drawings (at Scale 1:20) of all fenestration, including surrounds, panelling, framing and glazing details, balustrades and balconies (including all roof terraces). No works which are the subject of this condition shall be carried out until the details are approved, and the development shall be carried out in full accordance with the approved details.

Reason: To ensure a satisfactory appearance of the development and to comply with the following Development Plan policies for Merton: policy 7.6 of the London Plan 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) Prior to the commencement of the development hereby permitted, a Construction Logistics Plan shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented prior to the first occupation of the development hereby permitted and shall be so maintained for the duration of the use.

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 6.3 and 6.14 of the London Plan, policy CS20 of the Merton Core Strategy and policy DMT2 of the Merton Sites and Policies Plan 2014.

- 5) No development, including demolition, shall take place until a Demolition and Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the demolition and construction period.

The Statement shall provide for:

- hours of operation
- the parking of vehicles of site operatives and visitors

- loading and unloading of plant and materials
- storage of plant and materials used in constructing the development
- the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- wheel washing facilities
- measures to control the emission of noise and vibration during construction.
- measures to control the emission of dust and dirt during construction/demolition
- a scheme for recycling/disposing of waste resulting from demolition and construction works
- emissions from Non Road Mobile Machinery during construction
- produced by the Contractor responsible for excavation, underpinning and construction of the basement retaining walls. This shall be reviewed and agreed by the Structural Engineer designing the temporary and permanent retaining structures.
- plan showing any temporary works, underpinning sequence and sections of the retaining walls produced by the relevant appointed Contractor.

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

- 6) No development, other than demolition of existing buildings, shall take place until full details of a landscaping and planting scheme has been submitted to and approved in writing by the Local Planning Authority, this includes the green wall to be grown up the retaining wall, 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.

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.

- 7) The development shall not be occupied until full details of a "green roof" have been submitted to and approved by the local planning authority and installed.  
Reason. To ensure the development enhances the biodiversity quality of the adjoining green corridor/site of importance for nature conservation and to comply with Core Planning Strategy policy CS13 and Sites and Policies Plan policy DM.D2.

- 8) 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 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) No development shall take place until the developer has provided a Waste Management Strategy that details the arrangements for the collection and disposal/recycling of refuse and recycling generated from the occupation of the development. Any arrangement shall be to the satisfaction of the Local Planning Authority. The development shall not be occupied until the arrangement has been approved and the development may only continue to be occupied while the approved arrangement is operation.

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

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

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

- 11) Prior to the occupation of the development a landscape management plan including long term design objectives, management responsibilities and maintenance schedules for all landscaped areas including green walls and green roofs, other than small, privately owned, domestic gardens, shall be submitted to and approved in writing by the Local Planning Authority. The landscape management plan shall be carried out in accordance with the approved scheme.

Reason: To ensure the appearance of the development is maintained in the interest of the amenities of the area, to ensure the maintenance of sustainable drainage surfaces and to comply with the following Development Plan policies for Merton: policies 5.12 and 5.13 of the London Plan 2016, policies CS13 and CS16 of Merton's Core Planning Strategy 2011 and policies DM D2, F2 and O2 of Merton's Sites and Policies Plan 2014.

- 12) The development shall be completed in accordance with the recommended glazing specification and ventilation system treatment detailed within KP Acoustics report 18329.NVA.01 dated 20th November 2018, and shall meet the recommended standard or higher. Post development assessment shall be undertaken to ensure that the internal noise standards are met prior to first occupation and shall be submitted to the Local Planning Authority.

Reason: To safeguard the amenities of the area and the occupiers of neighbouring properties and ensure compliance with the following Development Plan policies for Merton: policy 7.15 of the London Plan 2016 and policies DM D2, DM D3, DM EP2 and DM EP4 of Merton's Sites and Policies Plan 2014.

- 13) 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 future and neighbouring occupiers and to ensure compliance with the following Development Plan policies for Merton: policies DM D2 and DM EP4 of Merton's Sites and Policies Plan 2014.

- 14) The development hereby permitted shall be carried out in accordance with the recommended flood and drainage strategy described within the submitted Flood Risk Assessment Rev 2 by ECO studio XV & Geotechnical Survey Report 1354, unless otherwise agreed in writing by the Local Planning Authority.

Reason: to reduce the risk of surface and foul water flooding to the proposed development and future users, and ensure surface and foul flood risk does not increase offsite in accordance with Merton's policies CS16, DMF2 and the London Plan policy 5.13.

- 15) No dwelling shall be occupied until the application has provided written confirmation as to the installation of a fire hydrant (or otherwise agreed fire management and safety plan), and that such measures have been agreed by the London Fire Brigade.

Reason: To ensure the development delivers measures for use by emergency services or suitable alternative measures for the development and to comply with the objectives of Merton Core Planning Strategy policy CS20 and Merton Sites and Policies Plan policy DM.D2.

- 16) Not less than 1 and no more than 3 off street car parking spaces shall be permitted in total in the development hereby approved, and the spaces shall thereafter be permanently retained for the parking of vehicles in connection with the residential use of the dwellings and used for no other purpose, unless otherwise agreed in writing by the Local Planning Authority.

Reason - To safeguard the amenities of the surrounding area and to comply with policy DM D2 of the Sites and Policies Plan

- 17) The detailed recommendations, enhancements and conclusions made in section 4.2 of the submitted Preliminary Ecological Appraisal Survey Rev 4, shall be carried out in accordance with the time frames recommended.

Reason - To preserve the biodiversity of the site and surrounding area, and to comply with CS13 of Merton's Core Strategy 2011.

- 18) No other drainage systems for the infiltration of surface water drainage into the ground are permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to Controlled Waters. The development shall be carried out in accordance with the approval details.

Reason: To reduce the risk of surface and foul water flooding to the proposed development and future users, and ensure surface and foul flood risk does not increase offsite in accordance with Merton's policies CS16, DMF2 and the London Plan policy 5.13.

- 19) With the exception of the roof terrace area of 26sqm shown on drawing SK/04. No other part of the building's roof shall be used as a roof garden, terrace, patio or similar amenity area.

Reason: To safeguard the amenities and privacy of the occupiers of adjoining properties and to comply with the following Development Plan policies for Merton: policy 7.6 of the London Plan 2016, policy CS14 of Merton's Core Planning Strategy 2011 and policies DM D2 and D3 of Merton's Sites and Policies Plan 2014.

- 20) The details and measures for the protection of the existing trees as recommended in the submitted Arboricultural Report by dpa Consultants dated June 2019 - shall be fully complied with. The methods for the protection of the existing retained 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.

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

- 21) Before the development hereby permitted is first occupied, the windows in both side elevations at first floor level shall be glazed with obscure glass and fixed shut and shall permanently maintained as such thereafter.

Reason: To safeguard the amenities and privacy of the occupiers of adjoining properties and to comply with the following Development Plan policies for Merton: policy 7.6 of the London Plan 2016, policy CS14 of Merton's Core Planning Strategy 2011 and policies DM D2 and D3 of Merton's Sites and Policies Plan 2014.

- 22) Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the proposal has an acceptable impact on groundwater in accordance with Merton's policies CS16, DMF2 and the London Plan policy 5.13.

- 23) The development hereby permitted shall not be occupied until the cycle parking shown on the plans hereby approved has been provided and made available for use. These facilities shall be retained for the occupants of and visitors to the development at all times.

Reason: To ensure satisfactory facilities for cycle parking are provided and to comply with the following Development Plan policies for Merton: policy 6.13 of the London Plan 2016, policy CS18 of Merton's Core Planning Strategy 2011 and policy DM T1 of Merton's Sites and Policies Plan 2014.

- 24) 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.