

PLANNING APPLICATIONS COMMITTEE 18th June 2020

UPRN	APPLICATION NO. 19/P4208	Item No: DATE VALID 03.12.2019
Address/Site	1 Montana Road Raynes Park SW20 8TW	
(Ward) Proposal:	Raynes Park. INSTALLATION OF BASEMENT SWIMMING POOL	
Drawing Nos;	Site location plan and drawings 170.213 P4, 170.221 P4, 170.232 C9, 170.316 P4, 170.317 P4, 170.321 P4, 170.322 P4, 170.445 C9, 170.465 C9, 170.632 P4, 170.633 P4, 170.634 P4 & 170.918 P4, Arboricultural Impact Assessment April 2020 with drawing TT-CC/980 AR4005 Rev 1, Construction Management Plan and Method Statement April 2020 with drawing 170.221 C9, Basement Impact Assessment April 2020, Construction Strategy April 2020,	

Contact Officer: Leigh Harrington (020 8545 3836)

RECOMMENDATION

Grant Planning Permission subject to conditions.

CHECKLIST INFORMATION.

- Heads of agreement: No
- Is a screening opinion required: No
- Is an Environmental Statement required: No
- Has an Environmental Impact Assessment been submitted: No
- Design Review Panel consulted: No
- Number of neighbours consulted: 7
- Press notice – No
- Site notice – Yes
- External consultations: No
- Archaeological Priority Zone – No
- Flood risk zone - No
- Controlled Parking Zone – Yes
- Number of jobs created: N/A
- Adjoins the Dunmore Road Conservation Area
- Locally or statutorily listed buildings – No

1 INTRODUCTION

- 1.1 The application has been brought before the Committee due to the level of neighbour objection.

2. SITE AND SURROUNDINGS

- 2.1 The site is a large two storey detached house with accommodation in the roof space as well as within a full sized basement. The house is located on the south side of Montana Road and adjoins houses to the east in Arterberry Road and in the Dunmore Road Conservation Area to the south. The area is residential in nature and is characterised by an eclectic mix of large mostly detached properties.

3. CURRENT PROPOSAL

- 3.1 This application involves the provision of a basement swimming pool. Consent was granted by PAC for a basement swimming pool but this was not implemented. An identical scheme was approved in 2016 under delegated powers. Conditions attached to that consent required discharge prior to the commencement of the approved works. Application to discharge the conditions were submitted after the commencement of works and during an enforcement investigation it was discovered that the applicant had excavated (and enclosed with a large concrete retaining wall) a basement area larger than was approved.
- 3.2 The application now before members initially sought to retain the works which had been commenced. Following discussions with officers including flood risk engineers the applicant was advised that the larger scheme which included a sunken garden/lightwell area would not be supported. Consequently plans for a smaller scheme more in line with the previously approved scheme were submitted and are now for consideration by members.
- 3.3 The proposal involves the provision of a basement area to accommodate a 10m swimming pool, changing facilities and a pump room along with associated pumping and drainage systems. The basement would be covered with a 900mm layer of topsoil with light provided to the basement by two glazing panels located by the rear of the house and an L shaped walk on glazing panels along the west and south sides of the basement. Once completed only these walk on glazing panels would give any indication that there of what was under the lawn. The existing unauthorised retaining wall will be removed and the space infilled with soil.

3.4 The proposals also involve the provision of an air source heat pump and two ventilation extraction grills on the boundary with the Arterbury Road properties.

4. RELEVANT PLANNING HISTORY

4.1 06/P1594. In June 2006 a planning application was submitted for demolition of the existing dwelling house and the erection of a two storey, seven-bedroom house with accommodation at basement level and within the roof. The application was withdrawn by the applicant on 30/09/2006.

4.2 06/P2821 In March 2007 planning permission was granted by the Planning Applications Committee for the demolition of the existing hose and the erection of a two storey, seven-bedroom house with accommodation at basement level and within the roof space.

4.3 12/P3302 In June 2013 planning permission was granted by the Planning Applications Committee for the construction of a basement swimming pool.

4.4 16/P1693 Planning permission granted for CONSTRUCTION OF BASEMENT SWIMMING POOL

4.5 19/P2134 APPLICATION refused FOR DISCHARGE OF CONDITIONS 5 (Const. vehicles), 7 (Tree protection), 8 (Tree supervision), , 10 (Construction method), 12 (Landscaping) AND 13 (Tree species) ATTACHED TO LBM PLANNING PERMISSION 16/P1693

4.6 19/P3723 APPLICATION approved FOR DISCHARGE OF CONDITION 11 (Drainage) ATTACHED TO LBM PLANNING PERMISSION 16/P1693

5. CONSULTATION

5.1 The application was advertised by means of letters to local residents.

Letters of objection were received from six local residents whose primary concern was the risk of flooding but also raised concerns relating to;

- Noise and vibration likely to be generated by the plant room adjacent to boundary.
- Concerned to ensure the height of the current fence is not exceeded by any proposed fence. The existing fence was built by us when the present owner of No. 1, Montana Road pleaded poverty!
- Proposed trees which would not be able to develop the proper root system in the restricted space left around the basement tank.

- The soil cover under the lawn would be insufficient to retain water and sustain healthy growth.
- Light pollution and being overlooked
- Noise pollution
- Plans for planting trees of a type suitable for the space are welcomed. But trees were promised in a previous (successful) building application and were not forthcoming.
- Against Council Policy: The size of the proposed development is large, and against the policy of the Council in respect of basement level developments, given that there is already a basement flat in the property which we believe runs from relatively close to the pavement. This means there would be a basement development from the front of the house to the very end of the garden. Good drainage is therefore particularly important where there is heavy clay soil, where drainage is unpredictable.
- Environmental: The proposed soil cover on the top of the pool is much less than the 1 metre required to absorb rainfall and support a grass system properly. Local birds etc need all the help they can get. There would also be another surface water drainage problem.
- Trees: The hornbeams suggested would grow into tall trees, but with little possibility of growing any roots in the garden of 1 Montana Road, given the depth of their tanking. This would mean they would be in danger of falling into our garden, and in any event we would then be unable to grow any plants on our side of the fence. An attraction of our garden is that we see high across the gardens of all the houses in Dunmore and Montana Roads. The large trees at the end of 1 Montana Road garden might also be at risk of falling as looking at the revised plans it would seem their roots would also be cut.

The application was subsequently amended to include the provision of an air source heat pump and two ventilation grill and the affected neighbours re-consulted in response to which the neighbours from objected that;

- This extra change has been submitted so late, without our knowledge, or I understand the knowledge of the owners of other neighbours (eg no 9 Arterberry Road) and at this time of general disruption due to the pandemic.
- 14 days consultation is not long enough to make our views known.
- Vents really might be very unhygienic in terms of the spread of viruses and bacteria for example so close to our boundary - within 2 metres - particularly important at

this time, into our and neighbouring gardens! We are really not happy about this. I am well over 70, as is my husband, and we have young children and other vulnerable people visiting our garden. I for one get asthma on occasion, and do not want nasty chemical or other smells or chemical excretions which if chlorinated could also be carcinogenic, either being pumped into or near my garden. I am sure our neighbours feel the same.

- Noise is another issue. Sometimes a low frequency noise can be worse than a loud one - and a constant, or even intermittent humdrum pumps would be more than annoying.
- Are the windows openable
- Will there still be 1m of soil
- Has there been any resolution of the drainage system to take water away from the area so it does not filter into my and neighbouring gardens? I think the tank is below the level of drains? Is that right? So presumably something else has to be thought up? And not a pumped system which could be turned off.
- The sheer size of the deep re-inforced concrete tank now in the garden backing onto ours must be against the Council's own guidelines in terms of basement extensions, besides causing our garden to flood when it rains.
- We are concerned both for ourselves and our neighbours about the danger posed by what must have been the effect of roots being severed by the concrete tanking of the very large fir trees (Leylandei?) at our end of the garden of 1 Montana Road. These provide a useful privacy screen for our neighbours in Dunmore Road, but they are very dense and tall, and I would like to be reassured about the danger of their falling in high winds, which we increasingly seem to have. They are even more dense given the enormous vine which ties the branches together which has grown up into the tree over the years to the height I would estimate at least 40 feet..probably more.
- As to the fence: there is still concern at the height of the fence from our side which may be needed to maintain our privacy from people using the higher roof of the pool as a garden - and that relates to some neighbours too - which would throw deep shade onto our garden beds, be unsightly from our side, and possibly contravene the original covenants relating to fencing (I have not checked these, but they are frequently put into original plans to protect neighbours from prison-like fencing) ..

5.2 The Wimbledon Society. Objected to the original drawings that included a lightwell as this combined with the basement itself took the scheme beyond the 50% of the garden threshold.

- 5.3 The objecting neighbours were further notified of the changed proposals by email directly by the case officer.
- 5.4 Council flood risk engineer. Initially objected to the proposals. The officer subsequently assisted in liaising with planning officers and the applicants to develop a drainage scheme that would work without the need for mechanical/electrical drainage mechanisms to reduce local flood risk. The mechanical/electrical systems for this proposal are only to circulate and manage water for the pool, there is no need for them operate to manage the drainage of the site as the design allows for the site to drain without them and therefore the flood risk officer withdrew their objection.
- 5.5 Environmental Health. In terms of the impact of any chlorination of the water if it were to be so strong that neighbours could smell it then it would be too strong to actually swim in. In relation to the impact on sewers the water is only normally replaced in relatively small amounts in order to balance the chemical composition rather than wholesale emptying and the water that was released goes through the household system before entering the public main. A condition could be satisfactorily added to ensure the noise is not audible above a certain level on the boundary.
- 5.6 Climate Change officer. No objection following revision to design.
- 5.7 Council's Arboricultural officer. Satisfied with the proposals and the safety of the tree.

6. POLICY CONTEXT

- 6.1 Relevant policies in the London Plan 2016 are; 3.2 (Improving health), 7.4 (Local Character), 7.5 (Public realm), 7.6(Architecture) & 7.8 (Heritage assets)
- 6.2 Relevant policy in the Core Strategy 2011 are; CS 13 (Open space, nature conservation and leisure) & CS 14 (Design)
- 6.3 Relevant policies in the Sites and Policies Plan 2014 are; DM D1 (Urban Design and the public realm), DM D2 (Design considerations in all developments), DM D3 (Alterations and Extensions to Existing Buildings). DM D4 (Heritage assets), DM F1 (Support for Flood risk management) & DM 02 (Nature conservation & trees)

7. PLANNING CONSIDERATIONS

7.1 The main planning considerations in this case relate to the design, impact on neighbour amenity and flood risk.

7.2 Design and Appearance.

London Plan policies 7.4 and 7.6, SPP policies DM D1 and DM D2 and LBM Core Strategy Policy CS14 offer guidance on relevant policy requirements for the design, bulk and massing of new developments, intended to ensure that proposals are well designed. The proposals will be located underground and whilst the 108m² basement is an increase on the previously approved scheme for 83.3m², given it is located underground with the increased area being nearer the house and with only the walk on glazing panels being visible the design and appearance are considered acceptable and result in material harm to the appearance and character of the existing house, neighbouring properties or the adjacent conservation area.

7.3 Basement design

SPP policy DM D2 sets out criteria for basement development;

- i. Be wholly confined within the curtilage of the application property and be designed to maintain and safeguard the structural stability of the application building and nearby buildings;
- ii. Not harm heritage assets;
- iii. Not involve excavation under a listed building or any garden of a listed building or any nearby excavation that could affect the integrity of the listed building, except on sites where the basement would be substantially separate from the listed building and would not involve modification to the foundation of the listed building such as may result in any destabilisation of the listed structure;
- iv. Not exceed 50% of either the front, rear or side garden of the property and result in the unaffected garden being a usable single area;
- v. Include a sustainable urban drainage scheme, including 1.0 metre of permeable soil depth above any part of the basement beneath a garden;
- vi. Not cause loss, damage or long term threat to trees of townscape or amenity value;

- vii. Accord with the recommendations of BS 5837:2012 'Trees in relation to design, demolition and construction recommendations';
- viii. Ensure that any externally visible elements such as light wells, roof lights and fire escapes are sensitively designed and sited to avoid any harmful visual impact on neighbour or visual amenity;
- ix. Make the fullest contribution to mitigating the impact of climate change by meeting the carbon reduction requirements of the London Plan.

With the exception of having a top soil layer of only 0.9m in depth the proposals meet all these other criteria and a shortfall of 0.1m is not considered to warrant a refusal of consent given the council's flood risk engineer is satisfied with the proposals for drainage.

7.4 Neighbour Amenity.

An application would be assessed against adopted planning policies in particular London Plan policy 7.6 and SPP policy DM D2 in terms of possible impacts such as loss of light, privacy and visual intrusion on neighbour amenity. As with design and appearance consideration, the subterranean location of the proposals would mean that they had no impact on neighbour amenity, there would be no overlooking, loss of privacy, loss of light or visual intrusion and noise and disturbance.

7.5 Noise and disturbance.

In relation to the windows these are sealed double glazed un-openable units through which no noise is likely. The air source heat pump and ventilation system can be conditioned so as not be audible at the adjoining boundary as advised by Environmental Health.

7.6 Fumes

The vents are approximately halfway along the boundary with No 9 Arterberry Road. On the other side of the fence, in the garden of No 9, there is a substantial hedge. The closest anyone could get to the vents is 2m in plan because of the hedge and that does not take into account the location of the vents below the top of the close boarded fence dividing the properties which will direct any exhaust air into the garden of No 1 Montana Road rather than into the neighbours gardens. The distance from the exhaust vent to the nearest point in the gardens of No 7 is 8.5m and No 11 is 5.6m. The present configuration of the pool filtration system uses salt chlorination to avoid chlorine smells in the pool area, the house or the garden. The council's environmental

health officer has stated that if the chlorine was so strong that it could be smelt by neighbours it would be too dangerous for the applicant to use and this is a private and not a public swimming pool which would require greater levels of chlorination.

7.7 Overlooking

Concerns were raised by neighbours that the proposals would result in overlooking however the increased height of the lawn covering and the hard landscaping is minimal (varying between nil and 200mm = 1 step). Therefore there is no evidence that this would result in harm to neighbour amenity and it is worthy of note that decking of up to 300mm could be erected without the requirement for planning permission. The proposals do not include a change in the fence.

7.8 Flood risk.

SPP policy DM F1 seeks to ensure that development will minimise the impact of flooding in the borough. The unauthorised excavations that have been undertaken by the applicants were blamed by neighbours for gardens flooding in the vicinity and causing damage to trees. At the time of officer site visits it was very difficult to apportion a cause to the flooding in some neighbouring gardens because the weather had been unseasonably wet and most garden and park space was sodden. The neighbours yew tree that was alleged to have been damaged by flood water was inspected by the council's arboricultural officer and not considered to be a good specimen and it was not clear that the works had caused it any harm.

7.9 The proposals will require the removal of the unauthorised concrete retaining wall as soon as it is structurally safe to do so and before the use of the pool can commence. The drainage system has been assessed by the Council's flood risk officer and found to be satisfactory and the proposals will provide the soil covering above the basement to facilitate the drainage. It is worth noting that it is in the applicant's interest to ensure that the drainage works for his development because otherwise the works would become unstable and unsafe and result in an expensive unusable basement area.

7.10 Trees

The accompanying amended Arboricultural Method Statement sets out measures for the protection of trees, the planting of new specimens along sections of the boundary, measures to prevent the compaction of the Root Protection Areas and the prevention of root damage from cementitious products. These measures have been assessed by the Council's arboricultural officer and found to be acceptable. The trees mentioned in the objections will be removed as soon as planning consent is granted and will thus not present any danger. They will be replaced with new trees as shown on the approved drawings

8. SUSTAINABILITY AND ENVIRONMENTAL IMPACT ASSESSMENT REQUIREMENTS.

- 8.1 The proposal does not constitute Schedule 1 or Schedule 2 development. Accordingly there is no requirement for an EIA submission.

9. CONCLUSION

- 9.1 The proposed basement will provide a swimming pool but being below ground only the walk on glazing panels, the air source heat pumps and ventilation will allude to its existence (but these are set behind a fence). In terms of appearance it is considered to have less impact than the previously approved scheme with its glazed pyramid arrangement. The technical design of the scheme has been considered by the council's flood risk engineer and found to be acceptable and not result in additional flood risk for the area. The council's environmental health officer also had no objections to the proposal subject to the imposition of conditions to protect neighbour amenity. Consequently it is considered that subject to the imposition of suitable conditions the proposals are recommended for approval.

RECOMMENDATION.

Grant planning permission subject to the following conditions.

- 1) A1 Commencement of works
- 2) A7 Site location plan and drawings 170.213 P4, 170.221 P4, 170.232 C9, 170.316 P4, 170.317 P4, 170.321 P4, 170.322 P4, 170.632 P4, 170.633 P4, 170.634 P4 & 170.918 P4, Arboricultural Impact Assessment April 2020 with drawing TT-CC/980 AR4005 Rev 1, Construction Management Plan and Method Statement April 2020 with drawing 170.221 C9, Basement Impact Assessment April 2020, Construction Strategy April 2020.
- 3) Standard condition Materials as specified
- 4) Standard condition Construction hours
- 5) Non standard condition

Prior to the commencement of the use of the development hereby approved the unauthorised concrete reinforcing wall shall be removed from the site.

Reason. To reduce the risk of flooding in accordance with policy DM F1 of the Merton Sites and Policies Plan 2014

- 6) Noise levels, (expressed as the equivalent continuous sound level) LAeq (15 minutes), from any plant/machinery operated together shall not exceed LA90-10dB at the boundary with any noise sensitive property not associated with the development. A post completion noise survey shall be submitted and approved by the LPA to demonstrate compliance with the noise criteria, thereafter the above noise criteria shall not be exceeded.

Reason: To protect the amenities of the occupiers in the local vicinity in accordance with Policy DM EP2 of the Merton Sites and policies Plan 2014 .

- 7) The trees and landscaping shown on the approved plans shall be implemented in the next planting season following the completion of the works hereby approved. Reason, to enhance the appearance of the development in the interests of the amenities of the area and to comply with Policy CS1 of the core strategy and Policy DM O1 of the Merton Sites and policies Plan 2014

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