

PLANNING APPLICATIONS COMMITTEE
22nd October 2020

<u>UPRN</u>	<u>APPLICATION NO.</u>	<u>Item No:</u> <u>DATE VALID</u>
	20/P2547	11/08/2020
Address/Site	101 Hamilton Road, South Wimbledon, SW19 1JG	
Ward	Abbey	
Proposal:	Erection of a two storey terrace building comprising 5 residential units (3 x 5 bedroom houses, 1 x 2 bedroom flat and 1 x 3 bedroom flat) with associated works, including outbuildings, landscaping, car parking and cycle/bin storage.	
Drawing Nos	2003-A0-010 Rev P1, 2003-A4-010 Rev P1, 2003-A4-020 Rev P1, 2003-A4-030 Rev P2, 2003-A4-040 Rev P2, 2003-A4-110 Rev P1, 2003-A4-120 Rev P1, 2003-A4-130 Rev P2, 2003-A-4-210 Rev P2, 2003-A-4-220 Rev P1 and 2003-A-4-230 Rev P1.	
Contact Officer:	Stuart Adams (0208 545 3147)	

RECOMMENDATION

GRANT Planning Permission subject to conditions and S106 agreement

CHECKLIST INFORMATION.

Heads of agreement: - Permit Free (both flats and 1 permit restriction to each of the houses), Highways works and Car Club

Is a screening opinion required: No

Is an Environmental Statement required: No

Has an Environmental Impact Assessment been submitted – No

Press notice – Yes

Site notice – Yes

Design Review Panel consulted – No

Number of neighbours consulted – 46

External consultations – No.

1. **INTRODUCTION**

- 1.1 The application has been brought before the Planning Applications Committee for consideration due to the nature and number of objections received.

2. **SITE AND SURROUNDINGS**

- 2.1 The application site has now been cleared and formally the site comprised a two storey detached property known as Rose Cottage and single storey light industrial units within the rear section of the site. Formally, some ad hoc car parking was provided on site, to the front and side of the former buildings.
- 2.2 To the north of the application site is a two storey Victorian detached property, known as 97 Hamilton Road, with a terrace of similar two storey properties beyond, characterised by two storey projecting bays and recessed porches. Number 97 has been split into two flats. The rear garden area has been subdivided into two, with the upper floor flats having direct access via an external rear staircase along the northern boundary of the application site. The blank flank wall of no.97 forms the northern boundary of the application site.
- 2.3 Directly to the south of the application site is the rear of a two storey building known as 206 – 212 Merton High Street. This building comprises commercial uses at ground floor and flats at the first floor level. A gated rear passageway separates the application site from the rear wall of this neighbouring building. Its main frontage is onto Merton High Street, one of the main thoroughfares within the Borough, characterised by two-/three storey buildings with commercial units at ground floor and residential units on the floors above.
- 2.4 The surrounding area comprises a mixture of residential and commercial properties. The application site is situated on one of the residential streets, at right angles to Merton High Street. These residential streets, are predominantly characterised by traditional two storey terraced housing.
- 2.5 The application site is not located within a Conservation Area.

3. **CURRENT PROPOSAL**

- 3.1 Erection of a two storey terrace building comprising 5 residential units (3 x 5 bedroom houses, 1 x 2 bedroom flat and 1 x 3 bedroom flat) with associated works, including outbuildings, landscaping, car parking and cycle/bin storage.
- 3.2 The proposed application seeks full planning permission for the redevelopment of the site to provide five new residential properties, extending to 2 storeys with accommodation in the roof. The scheme comprises three five-bedroom houses, one two-bedroom flat and one three-bedroom flat. Each unit will have access to private amenity space in the form of a garden or balcony/terrace.
- 3.3 The proposed materials include yellow brick and slate roof tiles to the building, which matches the neighbouring buildings and dark grey window frames, which will ensure it sits comfortably within its surrounding area.
- 3.4 The floor space (GIA) and amenity space standards of individual residential units are as follows compared to London Plan 2016 requirements and Merton planning policy DM D2 (Design considerations in all developments):

Proposal	Type(b)bed (p) person	Proposed GIA	London Plan	Amenity Space (sq m)	London Plan/ Merton requirement
Flat 1	2b4p	70.1	70	22	7
Flat 2	3b6p	109.1	102	11.5	9
House 1	5b10p	184.6	152	50	50
House 2	5b10p	184.6	152	50	50
House 3	5b10p	191.7	152	50	50

- 3.5 All residents will have access to private amenity space comprising of 50sqm private rear garden and front garden with landscaping, cycle storage and bin storage. The front gardens will be enclosed by a brick wall with railings above and pedestrian gates. For the flats, the ground floor flat will have access to a garden and the upper floor flat will have access to balcony and terrace. Both flats will have over 20 sqm private amenity space.
- 3.6 Cycle parking will be provided for each property. For the 3 houses, this will comprise a secure cycle store (2 cycle spaces) located in the front garden. The flats will also benefit from a secure cycle store in the front garden, with space for 4 cycles in total (2 spaces per flat).
- 3.7 The proposed scheme will remove the existing vehicle crossover on the site boundary with Hamilton Road and reinstate two on-street parking

bays for use by permitted local residents, including residents of the scheme who will be able to apply for parking permits (limitations outlined within committee report).

4. **PLANNING HISTORY**

- 4.1 19/P0883 - Erection of a two storey detached building with accommodation at roof and basement level comprising 13 flats (5 x 1, 6 x 2 and 2 x 3 bedroom flats) and associated works – Refused on 06/09/2019 for the following reasons:

The proposed development by reason of its design, height, massing and siting would be an overly bulky and dominant form of development, resulting in an overdevelopment of the site, failing to respect the Hamilton Road street scene and general pattern of development within the area, contrary to Policies DM D2 (Design Considerations in all developments) of Merton's Adopted Sites and Policies Plan (July 2014), CS14 (Design) of Merton's adopted Core Planning Strategy (July 2011) and Policy 7.4 (Local Character) of the London Plan (2016).

In the absence of a signed legal agreement, the applicant has failed to secure the agreed affordable housing contribution of £40,000 and details relating to early and late stage viability reviews contrary to policies DM H3 (support for affordable housing) of Merton's Adopted Sites and Policies Plan (July 2014), CS8 (Housing Choice) of Merton's Adopted Core Planning Strategy (July 2011), 3.12 (Negotiating Affordable Housing on Individual Private Residential and Mixed Use Schemes) of the London Plan (March 2016), Merton's Development Viability SPD 2018 and the Mayor of London Affordable Housing and Viability SPG 2017.

The proposed development, located in an area with a PTAL score of 5 (very good), would generate additional pressure on parking in the area, and in the absence of a signed legal agreement securing a 'car free' agreement (restriction on parking permits only relate to the 1 and 2 bedroom flats), the proposal would be contrary to contrary to Policies DM T1 (support for sustainable transport and active travel), DM T3 (Car parking and servicing standards) of Merton's Adopted Sites and Policies Plan (July 2014) and CS20 (Parking, Servicing and Delivery) of Merton's Adopted Core Planning Strategy (July 2011).

In the absence of a signed legal agreement, the applicant has failed to secure the free Car Club membership (3 years) for future occupiers of the development, contrary to Policies DM T1 (support

for sustainable transport and active travel), DM T2 (Transport impacts of development), DM T3 (Car parking and servicing standards) and DM T5 (Access to the Road Network) of Merton's Adopted Sites and Policies Plan (July 2014) and CS20 (Parking, Servicing and Delivery) of the Core Strategy 2011.

In the absence of a signed legal agreement, the applicant has failed to secure the agreed carbon off-set payment of £20,128, contrary to policies CS15 (Climate Change) of Merton's adopted Core Planning Strategy (2011) and policy 5.2 (Minimising Carbon Dioxide emissions) of the London Plan (2016).

In the absence of a signed legal agreement, the applicant has failed to secure the removal the existing crossovers and provision of 2 on-street car parking bays (including that the developer to meets the costs of implementation and requirement for separate S278 highway agreement), contrary to policies DM T2 (Transport impacts of development) and DM T3 (Car parking and servicing standards) of Merton's Adopted Sites and Policies Plan (July 2014) and CS20 (Parking, Servicing and Delivery) of the Core Strategy 2011.

- 4.2 17/P3242 - Redevelopment of the site (including demolition of existing buildings) and erection of a two storey terrace with accommodation at basement and roof level (6 x 2 bed flats & 2 x 3 bed flats) and 1 x two storey dwelling house at rear and associated landscaping and parking – Appealed non determination – Appeal dismissed on 6th June 2018 (Appeal ref - APP/T5720/W/17/3189000). The Council included the following reasons for refusal in the appeal application:

The proposal would result in the loss of an scattered employment site. The proposal would therefore be contrary to policies DM E3 (Protection of scattered employment sites) of Merton's Sites and Policies Plan and CS 12 (Economic Development) of the of Merton's Core Planning Strategy (July 2011).

The proposed residential units due to their design, form, layout, access and quantum of development would fail to achieve high quality design that relates positively and appropriately to surrounding buildings, urban layout and landscape features. The proposal would therefore be contrary to policies DM D2 (Design considerations in all developments) of Merton's Sites and Policies Plan and CS 14 (Design) of Merton's Core Planning Strategy (July 2011).

The proposed two storey house by reason of its design, height and siting would be an un-neighbourly form of development that would

result in a sense of enclosure and poor outlook, which would be detrimental to the residential amenities of flat 2, 101 Hamilton Road, contrary to policies DM D2 (Design Considerations in all developments) of Merton's Adopted Sites and Policies Plan (July 2014) and CS14 - Design of Merton's adopted Core Planning Strategy (July 2011).

The proposed terrace and two storey house by reason of its design, height and siting would be an un-neighbourly form of development that results in loss of privacy (from 1st floor terrace of flat 5), overly dominant structure and sense of enclosure to the rear amenity area of 97 b Hamilton Road, contrary to policies DM D2 (Design Considerations in all developments) of Merton's Adopted Sites and Policies Plan (July 2014), and CS14 – (Design) of Merton's adopted Core Planning Strategy (July 2011).

The proposed terraces flank wall by reason of its design, height, massing and siting would be an un-neighbourly form of development that would result in poor outlook and sense enclosure, which would be detrimental to the residential amenities of 208 – 210 Merton High Street, contrary to policies DM D2 Design Considerations in all developments of Merton's Adopted Sites and Policies Plan (July 2014), and CS14 - Design of Merton's adopted Core Planning Strategy (July 2011).

The proposed two storey house by reason of its design, height, massing and siting would be an un-neighbourly form of development that would result in poor outlook and sense enclosure, which would be detrimental to the residential amenities of 111 Hardy Road, contrary to policies DM D2 Design Considerations in all developments of Merton's Adopted Sites and Policies Plan (July 2014), and CS14 - Design of Merton's adopted Core Planning Strategy (July 2011).

The proposed development would generate additional pressure on parking in the area, and in the absence of a legal agreement securing a car free agreement, the proposal would be contrary to policy CS20 (Parking, Servicing and Delivery) of the Adopted Core Planning Strategy (July 2011).

The proposed terrace by reason of its design and layout would fail to achieve a high standard of residential accommodation with poor outlook from habitable rooms at basement and roof levels. The proposal would therefore be detrimental to the amenities of future occupiers contrary to policies DM D2 Design considerations in all

developments of Merton's Sites and Policies Plan and CS 14 (Design) of Merton's Core Planning Strategy (July 2011.)

The applicant has failed to demonstrate that the proposed development has suitable flood prevention/mitigation measures. The proposal would therefore be contrary to policies DM D2 Design considerations in all developments, DM F1 (Support for flood risk management), DM F2 (Sustainable Urban drainage system (SUDS) and; wastewater and water infrastructure) of Merton's Sites and Policies Plan and CS 16 (Flood Risk Management) of Merton's Core Planning Strategy (July 2011.)

- 4.3 16/P4444 - Prior notification for proposed demolition of a two storey detached residential building (rose cottage) – Approved - 13/12/2016
- 4.4 16/P3729 - Prior notification for proposed demolition of a two storey detached residential building (rose cottage) – Refused - 21/10/2016
- 4.5 15/P3573 - Renovation of existing rose cottage to create 4 self contained flats including erection of two storey rear extension, erection of new semi detached house (adjoining 97 Hamilton Road) and erection of new detached two storey house at rear of site – Grant - 05/12/2016
- 4.6 14/P2350 - Demolition of existing building and erection of a new two-storey building at front and part 1, part 2 storey building at rear comprising 9 self-contained flats – Withdrawn.
- 4.7 13/P0997 - Demolition of existing building and erection of a new two-storey building comprising 9 x 2 bed self-contained flats and a part single, part two storey building at rear for b1 office use - Withdrawn
- 4.8 12/P2520 - Application for a certificate of lawfulness in respect of the existing use of property as residential (Class C3) – Issued - 14/12/2012
- 4.9 MER791/70 - Established use certificate for light industrial use – Grant - 02/11/1970
- 4.10 MER471/69 - Vehicular access – Grant - 03/09/1969

5. **CONSULTATION**

- 5.1 The application has been advertised by major site notice procedure and letters of notification to the occupiers of neighbouring properties.
 - 5.1.1 In response to consultation, 11 objections received. The letters raise the following objections:

Highway

- Parking in Hamilton Rd is already under severe pressure for residents of Hamilton Road. Adding flats/housing to this end of the road (closest to the station and under even more pressure than the rest of the road for the limited parking spaces available) without adequate parking allocated for the additional properties is not acceptable.
- The developers should ensure that adequate parking is built into the site (i.e. off road) rather than on road. Residents living in these proposed properties should not be able to obtain parking permits for the area.
- Residents living in these properties should not be allowed to be able to obtain parking permits for the area. i.e. Merton Council must agree to an indefinite no parking order
- Additional parking needs created by 5 large residential units would be harmful to highway safety and result in an increase in parking stress and consequent illegal or unsafe parking. There is a lack of spaces presently so any additional would be detrimental to the current residents as well as any future.
- It is worth noting this end of the road is closed and is used by local businesses to park as well as a turning point all adding to the parking shortage
- The proposed development is large and could conceivably, without restrictions, lead to 6 to 10 parking permits being sought. Prior use of the site is not a relevant consideration given the change in car ownership generally since the site was last occupied and its previous business use.
- For the reasons given above, allowing resident permits for the development would lead to considerable pressure on parking. Given this is a no through road this would likely cause issues with road safety as cars would increasingly need to do 3 point turns to look for parking on other streets, often in the dark, as early evening is when there is most strain on parking.
- Whilst 2 new parking spaces are proposed outside the property, this is wholly inadequate

Design

- The road facing roof top dormers are not in keeping with the look and feel of the Victorian terraced housing on the road. I would urge a redesign of this aspect.
- This application represents over development of the site which would be detrimental to the surrounding area.

- The design of the terrace buildings and flats are not in keeping to the character and appearance of the road
- The large dormer windows will look completely out of place and harmful to the in keeping of the street, they will look out of place and not fit in with the surrounding houses (of which I live in one across the road). It is a far cry from the original Rose Cottage that previously occupied the site.

Other

- The noise of the works

5.2 Environmental Health – No objection subject to conditions

A deskstudy, then an investigation shall be undertaken to consider the potential for contaminated-land, and if necessary, a detailed remediation scheme to bring the site to a suitable state for the intended use by removing unacceptable risks to health and the built environment, and submitted to the approval of the LPA. Reason: To protect the health of future users of the site in accordance with policy 5.21 of the London Plan 2015 and policy DM EP4 of Merton's sites and policies plan 2014.

The approached remediation shall be completed prior to development. And a verification report, demonstrating the then effectiveness of the remediation, subject to the approval of the LPA. Reason: To protect the health of future users of the site in accordance with policy 5.21 of the London Plan 2015 and policy DM EP4 of Merton's sites and policies plan 2014.

5.3 Transport Planning Officer

Observations:

The site is currently vacant and comprises a combination of two plots; 99 Hamilton road and 101 Hamilton Road. The scheme proposes to deliver a residential development of 5 residential units comprising the following mix of units:

- 3 x 5 bed houses
- 1 x 2 bed unit
- 1 x 3 bed unit

Hamilton Road is a residential road operating at a 20-mph speed limit. Through the use of bollards, Hamilton Road does not permit vehicular access to / from the south towards Merton High Street.

The site is within a PTAL of 5 which is considered as representing a 'very good' level of accessibility to public transport services.

The local area forms part of Controlled Parking Zone S2. Restrictions are enforced from Monday to Saturday between 8.30am to 6.30pm.

Car Parking:

Due to restricted nature of the development, car parking cannot be accommodated within the site and none is proposed. Permit free option would be acceptable subject to the applicant enters into a Unilateral Undertaking which would restrict future occupiers of the development from obtaining an on-street residential parking permit to park in the surrounding controlled parking zones to be secured by via S106 legal agreement.

The existing dropped Kerb should be reinstated and introduce yellow lines in accordance with the requirements of the Highway Authority to facilitate servicing and turning of vehicles.

Cycle Parking

The London Plan and London Housing SPG Standard 20 (Policy 6.9) states all developments should provide dedicated storage space (secure and undercover) for cycles at the following level:

- 1 per studio and one bed dwellings;
- 2 per all other dwellings

The proposed ground floor layout shows cycle stores providing 2 cycle spaces each for the 3 houses and 4 spaces for the maisonette units. The number provided satisfies the 'London plan' standards however, it is not clear how the cycle stores can be accessed with the refuse blocking its path.

Recommendation: Refuse

The proposed development would generate additional pressure on parking in the area, and in the absence of a legal agreement securing a car free agreement, the proposal would be contrary to policy CS20 (Parking, Servicing and Delivery) of the Adopted Core Planning Strategy (July 2011).

5.4 Climate Change Officer – No objection subject to condition

6. **POLICY CONTEXT**

6.1 Merton Core Planning Strategy (July 2011)

CS8 – Housing Choice
CS9 – Housing Provision
CS12 – Economic Development
CS14 - Design
CS15 – Climate Change
CS18 – Active Transport
CS19 – Public Transport
CS20 - Parking, Servicing and Delivery

6.2 Adopted Merton Sites and Policies Plan (July 2014)

DM H2 Housing Mix
DM H3 Support for affordable housing
DM D2 Design Considerations in All Developments
DM D4 Managing Heritage Assets
DM EP2 Reducing and Mitigating Noise
DM E3 Protection of scattered employment sites
DM T1 Support for sustainable transport and active travel
DM T2 Transport impacts of development
DM T3 Car parking and servicing standards
DM F1 Support for flood risk management
DM F2 Sustainable urban drainage systems (SuDS) and; Wastewater and Water Infrastructure

6.3 London Plan (July 2016)

3.3 (Increasing Housing Supply),
3.4 (Optimising Housing Potential),
3.5 (Quality and Design of Housing Developments),
3.8 (Housing Choice),
5.1 (Climate Change Mitigation),
5.3 (Sustainable Design and Construction).
7.3 (Designing Out Crime)
7.4 (Local Character)
7.6 (Architecture)

Other

- National Planning Policy Framework 2019
- National Planning Practice Guidance 2014
- London Plan 2016 - Housing SPG 2016
- Draft London Plan 2018
- Draft Local Plan 2020

7. **PLANNING CONSIDERATIONS**

7.1 The principal planning considerations related to this application are the planning history, principle of development, loss of employment, the design/visual impact of the building, impact upon the Hamilton Road street scene, standard of accommodation provided, impact upon neighbouring amenity and parking/highways.

7.2 **Amendments**

7.2.1 Following discussions with officers and comments from the Council Transport Planner in regards to a permit free development, the applicant has put forward that the flats would be permit free and only one car parking permit can be obtained for each of the proposed houses.

7.2.2 A 1.8m high screen has been added to the second floor terrace for the upper floor flat in order to prevent views of the neighbouring garden directly to the rear.

7.3 **Planning History**

7.3.1 The application site has been subject of a long and complex planning history. The site has changed ownerships several times and unfortunately resulted in the demolition of Rose Cottage. The site has remained cleared and hoarded for some time, resulting in a blot in the street scene. The redevelopment of the site is therefore welcomed by officers given the long history and current condition of the site.

7.3.2 Members of the planning committee refused the previous scheme on the site (19/P0883 - erection of a two storey detached building with accommodation at roof and basement level comprising 13 flats (5 x 1, 6 x 2 and 2 x 3 bedroom flats) and associated works) mainly due to the size of the building and amount of development on the site.

Refusal reason:

The proposed development by reason of its design, height, massing and siting would be an overly bulky and dominant form of development, resulting in an overdevelopment of the site, failing to respect the Hamilton Road street scene and general pattern of development within the area, contrary to Policies DM D2 (Design Considerations in all developments) of Merton's Adopted Sites and Policies Plan (July 2014), CS14 (Design) of Merton's adopted Core Planning Strategy (July 2011) and Policy 7.4 (Local Character) of the London Plan (2016).

7.3.3 In response to the previous refusal on the site, the applicant (a different applicant compared to the previous scheme) has made material

improvements to the design of the building, including reductions in the size of building and a reduction in the number of units. The proposal is considered to be a vast improvement on the refused scheme, with a reduction in the number of dwellings, incorporation of family houses and reduced bulk and mass.

7.4 **Principle of Development**

7.4.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that when determining a planning application, regard is to be had to the development plan, and the determination shall be made in accordance with the development plan, unless material considerations indicate otherwise.

Loss of Employment

7.4.2 Planning approval, 15/P3573, permitted the loss of employment, on the condition that Rose Cottage would be restored and refurbished as part of the redevelopment of the site. Now that Rose Cottage has been demolished, this is no longer an option to mitigate the loss of employment. Given that the former buildings have been demolished, the site is still considered to be a scattered employment site. The proposal must therefore be considered against planning Policy E3 (Protection of scattered employment sites) of Merton's Sites and Policies Plan. The policy seeks to retain/support a range of employment opportunities towards creating balanced mixed use neighborhoods in Merton.

7.4.3 Planning policy E3 states that proposals that result in the loss of scattered employment sites will be resisted except where:

- i. The site is located in a predominantly residential area and it can be demonstrated that its operation has had a significant adverse effect on local residential amenity;
- ii. The size, configuration, access arrangements and other characteristics of the site makes it unsuitable and financially unviable for whole-site employment use; and,
- iii. It has been demonstrated to the council's satisfaction that there is no realistic prospect of employment or community use on this site in the future. This may be demonstrated by full and proper marketing of the site at reasonable prices for a period of 30 months (2½ years).

7.4.4 The previous planning application on the site, 19/P0883, stated that there was no marketing evidence for employment or community uses. The loss of employment will therefore need to be considered against parts i and ii of planning policy E3 above.

i. The site is located in a predominantly residential area and it can be demonstrated that its operation has had a significant adverse effect on local residential amenity;

7.4.5 As set in the planning committee report relating to 19/P0883, the application site is located at the end of a narrow no-through residential street. The surrounding area includes a mixture of both residential and commercial buildings, however for the sake of clarification the site is considered to be located in a predominantly residential area. There is no evidence that the former uses had a significant adverse effect on local residential amenity, however, the site does have a sensitive relationship with neighbouring residential uses due to the number of surrounding units and their close proximity to the site. For example, residential gardens adjoin the site to the north and east. Further, residential units overlook the site and adjoin it. Although the site is cleared, the former employment buildings on the site were at the rear, abutting neighbouring boundaries. The close proximity of surrounding residential would have made it difficult to expand/intensify the former employment operations.

ii. The size, configuration, access arrangements and other characteristics of the site makes it unsuitable and financially unviable for whole-site employment use;

Size

7.4.6 The former employment buildings on the site comprised light industrial units (Class B1c) with a floor area of approximately 200sqm. The amount of jobs the site could deliver is therefore limited given the use of the units and their modest floor area.

Configuration

7.4.7 The three former employment buildings were wedged into the rear/side of the site, directly to the rear of the former Rose Cottage (residential use) and within close proximity of neighbouring residential uses to the rear and side. The site is therefore constrained for employment purposes by the number and close proximity of residential uses.

Access arrangements

7.4.8 The site included onsite car parking; however, Hamilton Road is a narrow no through road, which is usually heavily parked on either side of the street. The existing access arrangements are therefore not considered ideal for commercial activity.

Unsuitable and financially unviable

- 7.4.9 It was acknowledged under the previous planning approval (15/P3573) the former buildings were in a poor condition and would have been difficult to let the premises in the open market in their condition. The prospect of continued employment in the former buildings in their condition were therefore limited for long-term occupation and would require significant financial outlay to bring up to modern standards.
- 7.4.10 Given the constraints of the site (surrounding residential properties) and limited sized employment floor space, it is considered that it would be unrealistic that the site would come forward for employment purposes only (same provision or increase in floor space).
- 7.4.11 further, in dismissing the appeal relating to LBM Ref 17/P3242 (Appeal Ref - APP/T5720/W/17/3189000), the planning inspector do not sight loss of employment as a reason to dismiss the appeal.

Conclusion on loss of employment

- 7.4.12 Whilst the site had previously been in employment use, the employment part of the site only comprised 200sqm of floor space and would therefore not generate a high number of jobs. The access requirements for the site are far from ideal and the site is constrained by adjoining residential units and gardens, making it generally less attractive for other employment or community uses. The loss of employment must also be balanced against other planning benefits. In this instance, the proposal would create 5 new residential units, which will make a modest contribution to meeting much needed housing targets, in a sustainable location. A wholly residential use would be in keeping with the immediate surroundings. The loss of employment is therefore considered to be acceptable in this instance.

Residential

- 7.4.13 The requirement for additional homes is a key priority of the London Plan which seeks to significantly increase the ten year minimum housing target across London from 322,100 to 423,887 (in the period from 2015 to 2025), and this equates to an associated increase in the annual monitoring target across London to 42,389. The minimum ten year target for Merton is 4,107, with a minimum annual monitoring target of 411 homes per year. Paragraph 58 of the 2018 NPPF emphasised the Governments objective to significantly boost the supply of homes.
- 7.4.14 The planning application seeks to provide 5 new residential units, which will make a modest contribution to meeting housing targets, and provides a mix of unit sizes that will assist in the delivery of a mixed and balanced

community in a sustainable location. The provision of new housing is considered to be in accordance with the objectives of the NPPF, London Plan targets, and LBM policies.

7.5 Design/Visual Amenity

- 7.5.1 The overarching principle of national and local planning policy is to promote high quality design. Planning policy DM D2 (Design considerations in all development) of Merton's Sites and Policies Plan states that amongst other considerations, that proposals will be expected 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.
- 7.5.2 The proposed design, height and massing of the proposed buildings are considered to respect the visual amenities of the street scene as required by planning policy DM D2. The proposed buildings would have a traditional form and modern detailing which respond positively and appropriately to the siting, rhythm, scale, density, proportions, height, materials and massing of surrounding buildings in the Hamilton Road street scene. The ridge height and eaves height would be similar to the existing traditional housing in the road, and combined with the provision of bay windows, facing brick and slate roof tiles, officers consider this to provide a good design approach for the streetscene.
- 7.5.3 Whilst some objections have been received in regards to the front dormers being out of keeping, the proposed dormers have been designed with a uniform design approach for the development. The slightly oversized front dormers add interest to the design, which are not uncommon for developments of this style where new modern developments respond to an existing traditional settings in London. Other dormers in the Hamilton Road street scene exist and have not been successfully introduced as often these are standalone additions which don't relate well to the original design of the building. In this instance the front dormer are considered to relate well to the design approach taken for this standalone development and would not cause any adverse impact upon the character of the street scene. In this regard, permitting front dormers at the applicant site is not considered to set a precedent for other roof extensions in the street for the reasons stated above. The rear elevation of the building would comprise typical rear additions commonly seen on existing properties, with rear roof sections and ground floor additions with glass doors.
- 7.5.4 Overall, the proposal is considered to respond positively to the surrounding area and streetscene of Hamilton Road.

7.6 **Housing Mix**

- 7.6.1 Planning policy DM D2 (Housing Mix) seeks to create socially mixed communities, catering for all sectors of the community by providing a choice of housing with respect to dwelling size and type in the borough. London Plan Policy 3.8, seeks to promote housing choice and seek a balance mix of unit sizes in new developments, with particular focus on affordable family homes. Family sized accommodation is taken in the London Plan and LBM policy to include any units of two bedrooms or more.
- 7.6.2 The borough level indicative proportions concerning housing mix (as set out below) will be applied having regard to relevant factors including individual site circumstances, site location, identified local needs, economics of provision such as financial viability and other planning contributions.

Table in Planning policy DM H2 (Housing Mix) of Merton's Sites and policies plan 2014

Number of Bedrooms	Percentage of units
One	33%
Two	32%
Three +	35%

Proposal – 3 x 5 bedroom houses, 1 x 2 bedroom flat and 1 x 3 bedroom flat.

Number of Bedrooms	Percentage of units
One	0%
Two	20%
Three +	80%

- 7.6.3 The proposed housing mix of the site, would not strictly meeting the Council percentage ratio set out in Policy DM H2 (Housing Mix), however, the proposal is considered to still offer a good range of housing choice with a good proportion of each unit type. The provision of 100% family type accommodation (2 bedroom or more), including three good sized family houses in this location is particularly welcomed given the difficulty of providing new houses on sites coming forward in built up locations.

7.7 **Density**

- 7.7.1 London Plan Policy 3.4 (Optimising Housing Potential) provides guidance of density ranges. Table 3.2 of the policy sets appropriate density ranges that relate to setting in terms of location, existing

building form and massing, and the index of public transport accessibility (PTAL).

- 7.7.2 Policy 3.4 and Table 3.2 are critical in assessing individual residential proposals but their inherent flexibility means that Table 3.2 in particular should be used as a starting point and guide rather than as an absolute rule so as to also take proper account of other objectives, especially for dwelling mix, environmental and social infrastructure, the need for other land uses (eg employment or commercial floorspace), local character and context, together with other local circumstances, such as improvements to public transport capacity and accessibility. The London Plan is clear that the SRQ density matrix should not be applied mechanistically, without being qualified by consideration of other factors and planning policy requirements.
- 7.7.3 The proposed development will provide 5 residential units and taking into account the site area of 0.069ha, the residential density of the proposed development equates to 414 habitable rooms per ha and 72 units per ha. The London Plan density matrix states that within an urban area with a PTAL score of 5, developments should have a habitable room per ha of between 200 – 700 hr/ha and unit per ha of between 70 – 260 u/ha. The proposed development would therefore fall within both ranges set out in the density matrix.

7.8 **Impact upon neighbouring amenity**

- 7.8.1 When assessing neighbouring impact, consideration must be given to the former building on the site (Rose Cottage), as this was a long-standing relationship.

Sun and Daylight

- 7.8.2 The applicant has commissioned an independent sun and daylight consultant who has confirmed that the amenity values of daylight and sunlight to the neighbouring residential properties would be retained to a level that would satisfy the BRE criteria.

206 – 212 Merton High Street

- 7.8.3 Properties in Merton High Street are commercial at ground floor level, therefore there would be no undue loss of amenity to the ground floor. It is noted that the ground floor of 206 Merton High Street has recently been granted prior approval for change of use from commercial to residential. However, it must be stressed that the prior approval process does not take into consideration the standard of residential accommodation proposed, standards of light and outlook etc. In that instance, the levels of light and

outlook serving the proposed flat were already restricted due to the close proximity of the ground floor to the site boundary and former buildings on the site. The proposed development is not considered to make the standard of residential development any poorer than the details permitted under the prior approval process.

- 7.8.4 At the upper levels, this neighbouring building contains flats, these have rearward facing windows towards the application site at first and second floor levels. These windows generally serve bedrooms for the flats, with the living areas fronting onto Merton High Street. The rear windows are however inset approximately between 3m and 3.6m and 4.8m and 5.2m at first and second floors respectively from the flank wall of the proposed building. It should also be noted that the proposed building at the upper levels would be inset 0.8m from the site boundary, unlike the previous refusal and Rose Cottage which were hard up against the boundary. Whilst the level of separation between these neighbours and the proposed building is not generous, this is a highly urban situation, the windows serve bedrooms and there would be a similar relationship to the former and long established buildings on the site. The sun and daylight report confirms that there would be no undue loss of light and there would still remain a suitable level of outlook from the first and second floor windows on the neighbouring properties. It is therefore considered that there would be no undue loss of amenity to warrant refusal of planning permission.

97 (97a & b) Hamilton Road

- 7.8.5 This neighbouring property is spilt into two flats. The proposed buildings would attach to this neighbouring building, however the proposed building at the upper levels would not project beyond the neighbours existing two storey rear wing. Likewise the proposed ground floors would not project beyond the neighbours existing ground floor rear extension or external rear staircase. A new party wall at ground and part first floor level would project along the boundary and beyond the neighbours two storey rear wing, however the proposed party wall would appear as a low level feature when from this neighbouring property. The proposed development would therefore have no undue impact upon the rear facing window or doors within this neighbouring property.
- 7.8.6 This neighbouring property as stated above is spilt into two flats, the arrangement of the rear garden has also been spilt into two, with one section of the garden being situated directly to the rear of the application site (location of proposed flats). The upper floor windows serving the proposed spilt level flat would be situated directly opposite the rear garden of this neighbouring property. Given the close proximity of the proposed windows to the neighbours garden, a planning condition relating the external terrace at first and second floor levels are required to be fitted

with a 1.8m high screen to prevent overlooking and loss of privacy.

111 & 113 Hardy Road

7.8.9 These neighbouring properties are located directly to the rear of the proposed development. There would be a separation distance of over 30m which would ensure that there is no undue overlooking of these neighbouring properties. It should be noted that the rear outbuildings serving the three houses has been designed to sit within the profile of the former industrial buildings abutting the rear boundary, therefore there would be no additional impact when compared to the long standing former situation.

7.9 **Standard of Accommodation**

7.9.1 London Plan policies 3.5, 3.6, 3.7 & 3.8, CS policy CS 14, and SPP policies DM D1 and DM D2 seek to ensure that new residential development is of a high standard of design both internally and externally and provides accommodation capable of adaptation for an ageing population and for those with disabilities, whilst offering a mix of unit size reflective of local need.

7.9.2 In terms of the quality of the accommodation, the proposed houses and flats would need to meet or exceed the London Plan Gross Internal Area minimum standards with each room being capable of accommodating furniture and fittings in a suitable manner. The GIA of all the units would meet London Plan standards. Each habitable room would have suitable levels of light and outlook and the indicative layout shows that rooms are capable of accommodating furniture and fittings in a suitable manner.

7.9.3 Planning policy DM D2 (Design considerations in all developments) states that for all new houses, the Council will seek a minimum garden area of 50 sqm as a single usable regular shaped amenity space. For flatted dwellings, a minimum of 5 sqm of private outdoor space should be proposed for 1-2 person flatted dwellings (as specified in the Mayors Housing Supplementary Planning Guidance) and an extra 1 sqm should be provided for each additional occupant. The proposed development would meet the private amenity space standards set out in planning policy DM D2.

8. **Traffic, Parking and Highways conditions**

8.1 The site has a Public Transport Accessibility Level (PTAL) of 5, which means it has very good accessibility on account of its proximity to South Wimbledon Tube Station and numerous bus services on Merton High Street. It is also within 20 minutes walking distance to Wimbledon Station

where National, District line and Tramlink services are available as well as extensive shopping and cultural facilities.

- 8.2 The local area forms part of Controlled Parking Zone S2. Restrictions are enforced from Monday to Saturday between 8.30am to 6.30pm. The development will be car-free with no provision for off-street parking. It is proposed to remove the existing crossover and introduce 2 marked parking bays along the site frontage for use of permit holders within the CPZ. These two additional parking bays would benefit existing residents in the surrounding area.

Car Parking

- 8.3 A number of objections have been received from neighbours relating to the already lack of parking in the local area. Their concern is that the provision of 5 extra units will cause harm to highway conditions.
- 8.4 Officers have noted the objection from the Councils Transport Planner. However, consideration must be given to the planning history of the site, the former situation of the site (and its permitted allocation of car parking permits) and what benefits the scheme would deliver for all residents (two new on-street parking bays).
- 8.5 The planning history of the site is a material planning consideration that needs to be taken into account when assessing the current application. There has been no change in adopted planning policy between the 2019 application and the current application for the Council to take a different approach. The level of car parking permits not disputed under the previous planning application (19/P0883) for 13 flats allowed permits for the 2 x 3 bedroom flat (no limit on numbers). The current application would result in a deduction of 8 units on the site (plus a reduction in bedrooms, from 20 bedrooms in total compared to 23 bedrooms under the previous application) and now only 3 permits in total are proposed.
- 8.6 In terms of context, the application site has now been cleared, however, previously the site included approximately 200sqm of light industrial units and a detached residential building used as a House of Multiple Occupation (HMO) (10 bedrooms). It is noted that the site did have some ad-hoc parking on the site (approx. 5 spaces), which would be removed as part of the redevelopment of the site, however this wouldn't restricted the issuing of car parking permits. In terms of the former established uses, it must be noted that it is usual practice that businesses can obtain 2 permits and there is no restriction of the number of permits a residential unit can obtain. In this instance, the former use had the ability of obtaining 2 business permits plus unlimited residential permits (residential building had 10 bedrooms).

- 8.7 The proposal seeks to introduce 2 new on street car parking bays for use of all qualifying residents in the CPZ. It must be noted that if the development were to be fully permit free (as suggested by the Councils Transport Planner), then the applicant would have no reason to offer introducing new bays within the street as the occupiers of the new development would be unable to use these bays. The inclusion of two new bays (funded by the applicant) would allow greater capacity for all users in the CPZ. Objections have been received in regards to lack of parking in the street so the two new bays would have wider public benefit as these can be used by all (not just the proposed family houses). The delivery of 2 on street car parking bays would be delivered under a S287 agreement with the Councils Highway Section.
- 8.8 In conclusion, officers have considered the planning history of the site, the context of the former uses (its buildings and the number of car parking permits that the site could have obtained originally) and what public benefits the scheme can deliver. The proposal in its amended form would only allow for the allocation of 3 car parking permits, one per house. These permits would be issued for each of the 5 bedroom houses and would understandably need at least one car parking space given their size. Despite the objection from the Councils Transport Planner, officers consider that the restriction of only 3 permits being issued within this context is reasonable and would not place any additional car parking pressure on the CPZ, particularly when compared to the previous arrangement.

Cycle Parking

- 8.9 The London Plan and London Housing SPG Standard 20 (Policy 6.9) states all developments should provide dedicated storage space (secure and undercover) for cycles at the following level (1 per studio and one bed dwellings and 2 per all other dwellings). The development will provide 2 spaces per 2bed+ dwelling within a secure cycle store in the front gardens of the respective units. A single shared cycle store will be provided for the maisonette units. Cycle parking is therefore considered acceptable.

Refuse

- 8.10 Refuse collections will continue to be taken from Hamilton Road as per the existing arrangement. Refuse collection vehicle will leave the site via Hamilton Road Mews which is an existing collection route. Undercover bin storage will be provided in the front gardens of each unit. The bin storage provision is considered to be acceptable.

Car Club

- 8.11 To further encourage sustainable modes of transport and help establish travel patterns for future occupiers, the development would also be subject to a free, three year car club membership. This can be controlled and secured via a S106 agreement.

9. **Sustainability**

- 9.1 Planning policy CS15 (climate Change) of Merton's adopted Core Planning Strategy (2011) seeks to tackle climate change, reduce pollution, develop low carbon economy, consume fewer resources and use them more effectively.

- 9.2 Planning Policy 5.2 of the London Plan (2016) states that development proposals should make the fullest contribution to minimising carbon dioxide emissions in accordance with the following energy hierarchy:

1. Be lean: use less energy
2. Be clean: supply energy efficiently
3. Be Green: use renewable energy

- 9.3 All new developments comprising the creation of new dwellings should demonstrate how the development will:
- i) 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).
 - ii) As a minor development proposal, outline how the development will achieve a 19% improvement on Buildings Regulations 2013 Part L and submit SAP output documentation to demonstrate this improvement.
 - iii) Achieve internal water usage rates not in excess of 105 litres per person per day.

- 9.4 The proposal would incorporate solar panels on the flat roof sections and the Councils Climate Officer has confirmed that the applicants updated energy report complies with planning policy.

10 **Contamination**

- 10.1 SPP Policy DM EP4 aims to reduce pollutants and reduce concentrations to levels that will have minimal adverse effects on people and the natural and physical environment. The Councils Environmental Health Officer has confirmed no objection subject to conditions.

11. **Flooding and site drainage**

- 11.1 The site is within Flood Zone 1 (low probability of flooding) and is not

within a critical drainage area. However, the applicant has submitted a Drainage Strategy based on the principles of the FRA using piped networks and a soakaway to convey, attenuate and treat flows prior to discharge into the ground. The Drainage Strategy follows the SuDS principles to provide amenity, quality and water treatment within the design.

12. **Local Financial Considerations**

12.1 The proposed development is liable to pay the Merton and Mayoral Community Infrastructure Levy (CIL). Merton's Community Infrastructure Levy was implemented on 1st April 2014. This will enable the Council to raise, and pool, contributions from developers to help pay for things such as transport, decentralised energy, healthcare, schools, leisure and public open spaces - local infrastructure that is necessary to support new development. Merton's CIL has replaced Section 106 agreements as the principal means by which pooled developer contributions towards providing the necessary infrastructure should be collected.

13. **SUSTAINABILITY AND ENVIRONMENTAL IMPACT ASSESSMENT REQUIREMENTS**

13.1 The proposal is for minor residential development and an Environmental Impact Assessment is not required in this instance.

13.2 The application does not constitute Schedule 1 or Schedule 2 development. Accordingly, there are no requirements in terms on EIA submission.

14. **CONCLUSION**

14.1 The redevelopment of the site is welcomed as the site has been cleared and provides an un-natural void in the street scene. The proposed new building would offer a high quality contemporary building that respects the existing pattern of development in the area. The proposal would provide good quality residential units with no undue impact upon neighbouring amenity or highway conditions. The application is therefore recommended for approval by planning officers subject to conditions and legal agreement.

RECOMMENDATION

GRANT PLANNING PERMISSION

Subject to the completion of a Section 106 Agreement covering the following heads of terms:-

1. Designation of the development as permit-free (apart from one permit for each of the 5 bedroom houses).
2. Remove existing crossovers and provision of 2 on-street car parking bays (developer to meet the costs of implementation and requirement for separate S278 agreement (highways)).
3. Car club membership (3 years)
4. The developer agreeing to meet the Councils costs of preparing, drafting and monitoring the Section 106 Obligations.

And the following conditions:

1. A.1 Commencement of Development
2. A7 Approved Plans
3. B.1 Materials to be approved
4. B.4 Details of Surface Treatment
5. Details of boundary treatment
6. Refuse implementation
7. Cycle Parking
8. Landscaping details
9. D11 Construction Times
10. Any external lighting shall be positioned and angled to prevent any light spillage or glare beyond the site boundary.
11. Balcony Screens (including roof top level)
12. No use of flat roofs (apart from designated outdoor terraces)
13. A deskstudy, then an investigation shall be undertaken to consider the potential for contaminated-land, and if necessary, a detailed remediation scheme to bring the site to a suitable state for the intended use by removing unacceptable risks to health and the built environment, and submitted to the approval of the LPA.

Reason: To protect the health of future users of the site in accordance with policy 5.21 of the London Plan 2015 and policy DM EP4 of Merton's sites and policies plan 2014.

14. The approached remediation shall be completed prior to development. And a verification report, demonstrating the then effectiveness of the remediation, subject to the approval of the LPA.

Reason: To protect the health of future users of the site in accordance with policy 5.21 of the London Plan 2015 and policy DM EP4 of Merton's sites and policies plan 2014.

15. 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 in accordance with those outlined in the approved Sustainability Statement (dated 8th October 2020), and internal water consumption rates of no greater than 105 litres per person per day.

16. No PD Rights (Extensions)

17. No PD Rights (Windows)

18. Obscured glazing (upper level side windows)

19 F09 Hardstanding

20 Construction and Environmental Management Plan

Planning informative:

1. Carbon emissions

Evidence requirements for domestic post construction stage assessments must provide:

- Detailed documentary evidence confirming the Target Emission Rate (TER), Dwelling Emission Rate (DER) and percentage improvement of DER over TER based on 'As Built' SAP outputs. The outputs must be dated and include the accredited energy assessor's name and registration number, the assessment status, plot number and development address.

OR, where applicable:

- A copy of revised/final calculations as detailed in the assessment methodology based on 'As Built' SAP outputs; AND
- Confirmation of Fabric Energy Efficiency (FEE) performance where SAP section 16 allowances (i.e. CO2 emissions associated with appliances and cooking, and site-wide electricity generation technologies) have been included in the calculation.

AND, where the applicant has used SAP 10 conversion factors:

- The completed Carbon Emissions Reporting Spreadsheet.

AND, where applicable:

- MCS certificates and photos of all installed renewable technologies.

Water efficiency

Evidence requirements for domestic post construction stage assessments must provide:

- Water Efficiency Calculator for New Dwellings, representing the dwellings 'As Built', demonstrating that the dwelling(s) has achieved internal water consumption rates of no greater than 105 litres per person per day; AND
- Detailed documentary evidence representing the dwellings 'As Built'; showing:
 - the location, details and type of appliances/ fittings that use water in the dwelling (including any specific water reduction equipment with the capacity / flow rate of equipment); AND
 - the location, size and details of any rainwater and grey-water collection systems provided for use in the dwelling.

2.Third party wall legislation guidance.

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