## Agenda Item 7

## PLANNING APPLICATIONS COMMITTEE 27 MARCH 2014

## Item No:

UPRN
APPLICATION NO.
DATE VALID
13/P4034
02/12/2013

| Address/Site | Garages and car park rear of 6-9 Brockham Close, <br> Wimbledon, SW19 7EQ |
| :--- | :--- |
| (Ward) | Hillside |
| Proposal: | Proposed demolition of existing garages and erection <br> of single storey dwellinghouse with integral garage |
| Drawing Nos | Site Plan, 493 1, 493 2, 493 3B, 493 4B, 493 5A, 493 <br> 6, 493 7, 493 8, Design and Access Statement, <br> Arboricultural Impact Assessment, Transport <br> Statement, Code for Sustainable Homes Pre- <br> Assessment Report. |
| Contact Officer: | Sabah Halli (0208545 3297) |

## RECOMMENDATION

Grant Planning Permission subject to conditions and S106 Heads of Terms

## CHECKLIST INFORMATION

- Heads of Agreement: Financial contributions towards education and affordable housing within the borough, and the development being parking permit-free
- Is a screening opinion required: No
- Is an Environmental Statement required: No
- Has an Environmental Statement been submitted: No
- Press notice: Yes
- Site notice: Yes
- Design Review Panel consulted: No
- Number of neighbours consulted: 18
- External consultations: No
- Controlled Parking Zone: Yes (W2, 2F, P2(s))


## 1. INTRODUCTION

This application is being brought to the Planning Applications Committee for determination due to the number of objections received.
2. SITE AND SURROUNDINGS
2.1 The site comprises a parking area originally containing 26 garages up until a few years ago, but now containing 9 lock-up garages and demarcated surface parking spaces. The site is bounded by the gardens of 2 and 3 storey residential properties at 6-9 Brockham Close, 1-6 Westwood Court, Woodside, 1-32 Lake Close and 80 Woodside. The windows of these properties overlook the site. It is accessed from Brockham Close by a single lane private vehicular access.
2.2 The site is not located within a Conservation Area and there are no Tree Preservation Orders on the site, although some of the trees alongside the accessway within the curtilage of Lake Close are subject to Merton (No 84) Tree Preservation Order 1988. There are a number of mature trees on the southern site boundary.
3. CURRENT PROPOSAL
3.1 The proposal comprises the demolition of the remaining block of garages and the erection of a single storey detached five bedroom house with associated parking and landscaping.
3.2 The dwelling would be modern in design, flat roofed (including a 'green roof' and 'green walls'), and would include small front and rear amenity spaces in addition to a central courtyard garden. It is proposed to retain the existing boundary treatment and to ensure the dwelling is not significantly higher than the fencing, the site would be excavated so that it would be built 0.5-0.6m lower than existing ground level.
3.3 Access to the site would be from Brockham Close as existing, and three parking spaces would be provided (1 single garage and 2 within the front curtilage).
3.4 The property is intended to be built to Lifetime Homes standard and to achieve Code for Sustainable Homes Level 4.
3.5 Materials proposed are render, 'green' walling, zinc roofing, 'green' roofing, and metal frame aluminum windows, doors and louvres.. The
existing timber fencing boundary treatment would be retained.

## 4. PLANNING HISTORY

4.1 13/P2918/NEW - DEMOLITION OF EXISTING GARAGES AND ERECTION OF SINGLE DWELLINGHOUSE - Pre-application advice request.

## 4,2 06/P2116 - DEMOLITION OF EXISTING GARAGES AND THE ERECTION OF 2 X 3 BEDROOM DETACHED HOUSES - Refused, on the following grounds:

1. The proposed houses by reason of their design, size, height and siting would constitute an inappropriate form of development of this backland site which would be detrimental to the amenities of occupiers of neighbouring properties through visual intrusion, loss of privacy and loss of outlook contrary to policies BE. 15 (New Buildings and Extensions; Daylight Sunlight, Privacy, Visual Intrusion and Noise) and BE. 22 (Design of New Development) of the Adopted Merton Unitary Development Plan (October 2003).
2. The proposed access way from Brockham Close would be unsatisfactory in terms of access width, servicing of the proposed houses, vehicle manoeuvring into and out of the access way and safety and security considerations, and be likely to result in damage to neighbouring trees including those within Lake Close which are subject to the Merton (No.84) Tree Preservation Order 1988, contrary to Policy NE. 11 - (Trees Protection) of the Adopted Merton Unitary Development Plan (October 2006).

### 4.3 01/P2168 - DEMOLITION OF THE EXISTING GARAGES AND ERECTION OF A PAIR OF FOUR BEDROOM SEMI-DETACHED HOUSES (TWO-STOREYS PLUS ROOMS WITHIN THE ROOFSPACE) AND A BLOCK OF TWO PAIRS OF GARAGES IN A SINGLE-STOREY BUILDING - Refused, on the following grounds:

1. The proposed development would result in the loss of existing garages which would remove the option and ability of occupiers of neighbouring properties to obtain secure off street parking and result in increased parking pressures in the locality detrimental to the amenities of local residents contrary to Policy M. 29 of the Adopted Unitary Development Plan (April 1996), and Policy PK. 3 of the Second Deposit Draft Unitary Development Plan (October 2000).
2. The proposed houses by reason of their height size and siting would
constitute an inappropriate form of development of this backland site which would be detrimental to the amenities of occupiers of neighbouring properties through visual intrusion and overshadowing contrary to policies EB.17, EB.18, EB. 19 and EB. 23 of the Adopted Merton Unitary Development Plan (April 1996) and policies HS.1, BE.21, BE.22, and BE. 23 of the Second Deposit Draft Unitary Development Plan (October 2000).
3. The proposed access way from Brockham Close would be unsatisfactory in terms of access width, servicing of the proposed houses, vehicle manoeuvring into and out of the access way and safety and security considerations contrary to Policy EB. 26 of the Adopted Merton Unitary Development Plan (April 1996) and Policy BE. 33 of the Second Deposit Draft Unitary Development Plan (October 2000), and be likely to result in damage to neighbouring trees including those within Lake Close which are subject to the Merton (No84) Tree Preservation Order 1988, contrary to Policy EN. 12 of the Adopted Merton Unitary Development Plan (April 1996) and Policy NE. 13 of the Second Deposit Draft Unitary Development Plan (October 2000).

Appeal dismissed. The Inspector considered there to be three main issues:

1. The effect which it would have on neighbour's amenities in terms of privacy and outlook, overshadowing and disturbance
2. Whether the project would lead to local residents suffering inconvenience due to increased demand for on-street parking space
3. Whether the access is suitable to serve the proposed development

In terms of the first issue, the Inspector considered that the proximity of the proposed dwellings to the adjoining properties and boundaries of the site, and their massing, would result in a detrimental impact on privacy and outlook to the adjoining properties.

In terms of the second issue, the Inspector considered that there would be implications of the scheme for parking conditions in the locality. The removal of all of the garages eliminates the possibility of their being used in association with any of the new dwellings nearby and displacing current parking must affect demand for of-street parking spaces to some extent. However, in the absence of more substantial date about the effectiveness or otherwise of current management of parking locally, which includes use of parking permits, this might not in isolation justify withholding planning permission.

In terms of the third issue, the Inspector considered that there was no need for large refuse vehicles to enter the site however the waiting within Brockham Close and manoeuvring required to exit it would be of inconvenience to the local residents and that this was a further indicator that the scheme was not acceptable.

In other matters, the Inspector stated that they could see that domestic landscaping including new trees, could improve the outlook from a number of dwellings and remedy the sense of loss experienced locally following the recent felling of trees near 5 and 6 Brockham Close.

## 5. CONSULTATION

5.1 The application has been advertised by site notice, press notice, and letters of notification to the occupiers of neighbouring properties. 8 representations have been received:

- Loss of outlook as a result of the development
- Uncertainty as to how heavy goods vehicles or emergency vehicles would access the site
- More noise from the site as a result of a residential use
- Loss of privacy to adjoining properties
- The dwelling is an overdevelopment of the site
- Rear access to the properties at Brockham Close would be blocked off
- Concerns regarding the proposed trees adjoining 5A - 7 Brockham Close in terms of loss of light and damage to fencing from roots. Small to medium sized shrubs should be planted instead.
- Concerns regarding future additions/extensions to the dwelling. An additional storey for example would result in a loss of light and privacy to adjoining properties.
5.2 Transport Officer - No objections. The applicant has stated that the site is not used for residential parking. It is in a CPZ with good PTAL and is providing some off street parking off an existing access road.

It is recommended that this new unit is made permit free to protect existing resident parking. The informative INF12 (Works affecting the public
highway) should also be added to any approval.
5.3 Tree Officer - No objections, however requests that there is a scheme of soft landscaping which includes new trees within the site.
5.4 Climate Change Officer - Please note comments as follows for the above application:

- The Code for Sustainable Homes pre-assessment report provided by the applicant indicates that the development should achieve an overall score of $71.51 \%$, which exceeds the minimum requirements to achieve Code for Sustainable Homes Level 4.
- The site has achieved 4 credits under ENE1, equivalent to a $25 \%$ improvement over Part L of the Buildings Regulations 2010. This is accordance with requirements of Policy CS15 of the Core Planning Strategy and Policy 5.2 of the London Plan.
- The sustainability approach of the development is particularly pleasing as the design has demonstrated innovative approaches to minimising the use of resources, materials, water use and CO2 on site through demonstrating clear compliance with the fabric-first approach proscribed in the energy hierarchy (outlined in Policy CS15 of the Core Strategy) and seeking provision to incorporate green roofs and rainwater harvesting.
- The site is deemed to be at low flood risk, as located in Flood Zone 1. Furthermore, the site represents an overall reduction in hard-standing relative to the current use. I am therefore content that there are no associated flood risk issues for the site.

I am therefore happy that the development meets the minimum requirements of policy CS15 of the Core Planning Strategy and Policy 5.2 of the London Plan

## 6. POLICY CONTEXT

6.1 The relevant policies within the Adopted Unitary Development Plan (October 2003) are:

HS. 1 (Housing Layout and Amenity), BE. 3 (Development Adjacent to a Conservation Area), BE. 15 (New Buildings and Extensions; Daylight, Sunlight, Privacy, Visual Intrusion and Noise), BE. 16 (Urban Design), BE. 22 (Design of New Development), NE. 11 (Trees-Protection), and F. 2 (Planning Obligations)
6.2 The relevant policies within the Adopted Merton Core Strategy (July 2011) are:

CS 8 (Housing Choice), CS 9 (Housing Provision), CS 6 (Wimbledon Sub - Area), CS13 (Open Space, Nature Conservation, Leisure and Culture), CS 14 (Design), CS 15 (Climate Change), and CS 20 (Parking, Servicing, and Delivery)
6.3 New Residential Development - SPG

Design - SPG
Planning Obligations - SPD
6.4 The relevant policies in the London Plan (2011) are:
3.3 [Increasing housing supply];
3.4 [Optimising housing potential];
3.5 [Quality and design of housing developments;
3.8 [Housing choice]
3.11 [Affordable housing targets];
5.7 [Renewable energy]
8.2 [Planning obligations].
6.5 London Plan Housing - SPG
6.6 National Planning Policy Framework (2012)

## 7. PLANNING CONSIDERATIONS

7.1 The principal planning considerations in this case are the acceptability of the loss of the existing privately owned car park and garages and the principle of a new residential development on the site, the acceptability of the impact on adjoining properties, quality of accommodation, adequacy of means of access and turning facilities and impact on trees.

### 7.2 Loss of garages and surface parking area

7.3 The Inspector's decision in respect of refusal 01/P2168 states that the loss of the garages in isolation might not constitute reason enough to withhold planning permission for a redevelopment of the site. At the time of that refusal, and subsequently refused application 06/P2116, the site comprised 3 blocks with a total of 26 garages. There is now one block of 9 garages and the remainder of the site is used for open car parking.
7.4 The applicant has advised that the site is solely owned by them (i.e. it is not tied to any of the adjoining residential properties and the occupiers have no rights of use) and is mostly in use by themselves, their
employees, and a nearby estate agent. In view of this, the fact that the site is in separate ownership to any of the surrounding flats/dwellings, and that the site lies within a CPZ, it is not considered that the loss of the garages would result in a significant increase in on-street parking demand. The loss of the garages and parking area is therefore considered acceptable in principle.
7.5 The applicant also advised that the site is subject to vandalism, and fly tipping/littering, and redevelopment would prevent this occurring.

### 7.6 Design and Neighbour Amenity

7.5 The proposed new dwelling is considered acceptable in terms of its scale, siting, height, and design. The majority of the dwelling would be set in from the boundaries aside from a small section of rear walling that is to be retained and used from the existing block of garages. The dwelling would be sunk down and as such only $0.3-0.7 \mathrm{~m}$ would be visible above the existing boundary treatments and the height of the main dwelling would be the same height as the eaves of the existing garage block (3.2m). As such, it is not considered that it would appear imposing or excessively overbearing when viewed from the adjoining residential properties.
7.6 The proposed part of the dwelling to be located where the existing garages are and which would accommodate the proposed garage, refuse/bike storage, and hall way would be finished with a shallow pitched roof to allow the use of solar PV panels. The height of this part of the dwelling would be 3.2 m and because it would be sunk below the existing ground level, only $0.7-1.4 \mathrm{~m}$ of it would be visible above the existing boundary treatments and this would still be 1.2 m lower than the ridge height of the existing block of garages.
7.7 The flat roofed, modern, design is considered acceptable as is the proposal to include 'green' roofing and walls. This is encouraged from a sustainable point of view but would also result in a softer appearance than unrelieved plain white rendered walls.
7.8 The footprint of the building is not concentrated in one part of the site but wraps itself around a central courtyard garden, with additional garden space between the building and the eastern boundary with 80 Woodside and a further patio and garden area between the building and 7 Brockham Close. The ratio of built development to landscaped amenity space is considered to be acceptable for this single storey dwelling. In order to prevent any overdevelopment of the site, a condition would be attached removing permitted development rights for further extensions, alterations and outbuildings.
7.9 It is not considered that there would be a detrimental impact on the amenities of the occupiers of the adjoining properties as a result of this development. The dwelling would be unobtrusive due its sunken floor level and height, in addition to the 'green' roofs and walls. The retention of the existing boundary treatments would mean there would not be undue overlooking either from the site to adjoining properties, or vice versa. Any proposed roof lights within the dwelling could also be made to be obscure glazed if needed.

### 7.10 Standard of Accommodation

7.11 Table 3.3 of the London Plan (2011) advises a minimum of 99 m 2 gross in internal area (GIA) for a new 2 storey 4 bedroom/6 person dwelling with approximately 10 sq m per extra bedspace, creating a requirement of 139 sq m for a 5 bed/ 10 person house. The dwelling would be a single storey, 5 bedroom, up to 10 bed space property with a GIA of 384 m 2 which is well in excess of the London Plan minimum.
7.12 The proposed internal layout of the dwelling is considered acceptable and each habitable room is considered to have satisfactory light, outlook and circulation area.
7.13 Policy HS1 and the Council's New Residential Development SPG require a minimum of 50 m 2 private amenity space for new dwellings and this would be well exceeded in this instance though the provision of a total of 208 m 2 of amenity space.
7.14 Parking and Traffic Issues
7.15 Two off-street parking spaces and 1 single garage would be provided and storage for 4 cycles within the garage. A turning table would also be installed to allow vehicles to leave the site in a forward gear, in addition to the turning area to the front of the garage.
7.16 The car parking and lock-up garages are privately owned and not attached to any residential dwelling(s), and the site is surrounded by controlled parking zones. As such, there would not result a detrimental impact on parking conditions within the locality as a result of the loss of this parking area. The site also has a high PTAL rating (6a).
7.17 One of the reasons for refusal of previous applications 01/P2168 and 06/P2116 was that the access to the site was considered to not be of a sufficient width to allow the proposed 2 dwellings to be accessed by refuse vehicles and emergency services in particular. It is not intended to widen the access however it is considered that the servicing arrangements for
one, single storey, dwelling would be significantly less intensive than for 2 x 2 storey dwellings.
7.18 The site would be set approximately 32.8 m from the entrance and so it is proposed that the occupiers would bring refuse to the front entrance to be collected. The refuse/recycling storage would be within the garage/bike store area and the applicants advise in their Transport statement that the access to the site is of sufficient width to accommodate a 'wheelie' bin and car to pass. Refuse vehicles currently reverse into Brockham Close from Lake Road and service the properties from on-street.
7.19 It is envisaged that that other than postal deliveries the most regular deliveries to the site will be supermarket home deliveries, the vans for which are generally 2.5 m wide and 6.5 m in length. These types of deliveries would be typically once a week and servicing may be undertaken off-street with vehicles able to reverse into the access road.
7.20 In terms of emergency services, these would be provided a dry riser (or other water supply). The dwelling is also single storey and would be of level access, which would allow much easier/quicker allow access to all parts than for two a storey/dwelling(s).
7.21 The infrequent event of larger vehicles servicing the site, HGVs can temporarily park on-street for the duration of servicing in a similar manner to the neighbouring properties on Brockham Close.
7.22 The Council's Transport Officer has not objected to the proposed development subject to the units being 'permit free' by S106 agreement and conditions in respect of cycle parking details, a parking management strategy, and works affecting a public highway being added to any approval.
7.23 Trees/Landscaping
7.24 It is proposed to plant additional trees, and soft landscaping on parts of the site not used as hard-standing.
7.25 The Council's Tree Officer does not object to the principle of redeveloping the site however advises the a scheme of soft landscaping for the site should be required by conditions as part of any approval and that this should include provision of new trees within the site.

## 8 SUSTAINABILITY AND ENVIRONMENTAL IMPACT ASSESSMENT REQUIREMENTS

8.1 The proposal is for minor residential development and an Environmental

Impact Assessment is not required in this instance.
8.2 The application does not constitute Schedule 1 or Schedule 2 development. Accordingly, there are no requirements in terms an EIA submission.
8.3 The new dwelling would be required to the built to Lifetime Homes standards and to achieve Code 4 of the Code for Sustainable Homes.

## 9 MAYORAL COMMUNITY INFRASTRUCTURE LEVY

9.1 The proposed development is liable to pay the Mayoral Community Infrastructure Levy, the funds for which will be applied by the Mayor towards the Crossrail project. The CIL amount is non-negotiable and planning permission cannot be refused for failure to agree to pay CIL.

## 10 MERTON'S COMMUNITY INFRASTRUCTURE LEVY

10.1 Merton's Community Infrastructure Levy will be implemented on $1^{\text {st }}$ April 2014. This will enable the Council to 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 will replace Section 106 agreements as the principal means by which developer contributions towards providing the necessary infrastructure should be collected.
10.2 The application will be subject to either the completion of a Unilateral Undertaking covering the S106 heads terms listed in the next section, or if the Unilateral Undertaking is not completed and a final decision is not issued prior to $1^{\text {st }}$ April 2014, the application would be subject to a S106 on affordable housing and the dwelling being 'permit free' only and Merton's Community Infrastructure Levy.

## 11 S106 LEGAL AGREEMENT

11.1 Core Strategy policy CS 8 requires that all sites capable of providing between 1-9 units (net) will be required to make provision for affordable housing as an off-site financial contribution. In this instance there will be a net gain of 1 new unit on the site and so a financial contribution will be required (£156, 854).
11.2 In addition to the affordable housing financial contribution, and because the proposed dwelling would be 5 bedroom and suitable for family accommodation, the development would attract a financial contribution towards education ( $£ 10,499.68$ ). This is due to the documented
educational shortfall in the borough.
11.3 To ensure the development is 'permit free' in line with policy on sustainable transport, future occupants of the development would not be eligible for parking permits.

## 12 CONCLUSION

12.1 In conclusion, it is considered that the principle of the development is acceptable and the proposed works would preserve the character and appearance of the adjoining conservation area. The design, siting, size, height and materials of the proposed building are in keeping with the varied character of the surroundings. The residential amenities of the occupiers of the adjoining residential properties will not be adversely affected or implicated to a degree that would warrant a refusal of planning permission.

## RECOMMENDATION

## GRANT PLANNING PERMISSION

Subject to the completion of:
Either a Unilateral Undertaking covering the following heads of terms:

1. Financial contribution for affordable housing ( $£(£ 156,854)$
2. Financial contribution for education $(£ 10,499.68)$
3. Designation of the development as 'permit-free' and that on-street parking permits would not be issued for future residents of the proposed development.
4. The developer agreeing to meet the Councils costs of preparing, drafting, or checking the agreement
5. The developer agreeing to meet the Council's costs of monitoring the Unilateral Undertaking.

Or a S106 agreement covering the following heads of terms:

1. Financial contribution for affordable housing ( $£ 156,854$ )
2. Designation of the development as 'permit-free' and that on-street parking permits would not be issued for future residents of the proposed
development.
3. The developer agreeing to meet the Councils costs of preparing, drafting, or checking the agreement
4. The Council's costs for monitoring the Section 106 Obligations.

And the following conditions:

1. A. 1 Commencement of Development (full application)
2. A7 Plans
3. B1 External Facing Materials to be Approved (including details of the proposed 'green' walling and roofing)
4. B4 Details of Site/Surface Treatment
5. B5 Details of Walls/Fences
6. B6 Levels
7. C1 No Permitted Development (extensions)
8. C. 2 No Additional Windows
9. C7 Refuse \& Recycling (Implementation)
10. C8 No Use of Flat Roof
11. D9 No external Lighting
12. D. 11 Hours of Construction
13. F1 Landscaping/Planting Scheme (including new trees within the site)
14. F2 Landscaping (Implementation)
15. F9 Hardstandings
16. H7 Cycle Parking - Implementation
17. H9 Construction Vehicles
18. H. 10 Construction Vehicles and Washdown Facilities etc
19. J. 1 Lifetime homes

## 20. L2 Code for Sustainable Homes - Pre-Commencement (New build residential)

21. L3 Code for Sustainable Homes - Pre-Occupation (New Build Residential)

Informatives:
INF12 Works affecting the public highway
Note 1



| LOCATION PLAN | Land to rear of Brockham Close SW19 |
| :--- | :--- |
| Scale. 1:1250 | Site shown edged red |
| Reproduced from the Ordnance Survey Map with the permission of the Controller of Her Majesty's <br> Stationery Office, Crown Copyright © |  |
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NORTH WEST SIDE ELEVATION AS PROPOSED $\quad 1: 100$

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