

PLANNING APPLICATIONS COMMITTEE
11th February 2020

Item No:

UPRN **APPLICATION NO.** **DATE VALID**

20/P2841 04/09/2020

Address/Site Vista House & Prospect House, Chapter Way,
Colliers Wood SW19 2RE

(Ward) Colliers Wood

Proposal: APPLICATION TO DETERMINE WHETHER
PRIOR APPROVAL IS REQUIRED IN RESPECT
OF THE PROPOSED ERECTION OF SIXTH
FLOOR EXTENSIONS TO VISTA HOUSE AND
PROSPECT HOUSE, TO CREATE 5 x NEW
SELF-CONTAINED FLATS, PLUS THE
INSTALLATION OF A VERTICAL WALL CYCLE
STORAGE RACK FOR BOTH BUILDINGS AT
GROUND FLOOR LEVEL

**Drawing Nos and
Documents:**

WP-0730-A-VP-0150-P-00,
WP-0730-A-VP-0160-P-05,
WP-0730-A-VP-0162-P-06,
WP-0730-A-VP-0163-P-06,
WP-0730-A-VP-0164-P-07,
WP-0730-A-VP-0165-P-07,
WP-0730-A-VP-0250-E-00,
WP-0730-A-VP-0270-E-00,
Transport Technical Note from Vectos,
September 2020
Letter from EB7 on Daylight and Sunlight dated
2nd September 2020
Flood Risk Assessment from Ambiantal

Contact Officer: Tim Lipscomb (0208 545 3496)

RECOMMENDATION

Grant prior approval subject to conditions.

CHECKLIST INFORMATION

- Heads of Agreement: **Not required**
- Is a screening opinion required: No
- Is an Environmental Statement required: No
- Has an Environmental Statement been submitted: No
- Press notice: No
- Site notice: No
- Design Review Panel consulted: No
- Number of neighbours consulted: 268
- External consultations: Yes
- Conservation area: No (adjacent to Conservation Area)
- Listed building: Adjacent to Listed Buildings
- Flood Zone – 1/2
- Controlled Parking Zone: No
- Green corridor – Yes (bordering the site to the south)

1. INTRODUCTION

- 1.1 This application is being brought to the Planning Applications Committee for determination due to the number of objections received.
- 1.2 This is an application under The Town and Country Planning (Permitted Development and Miscellaneous Amendments) (England) (Coronavirus) Regulations 2020, Part 20, Class A: Development consisting of works for the construction of up to two additional storeys of new dwellinghouses immediately above the existing topmost residential storey on a building which is a purpose-built, detached block of flats. Therefore, the only issues that can form material considerations are as follows
- (a) transport and highways impacts of the development;
 - (b) air traffic and defence asset impacts of the development;
 - (c) contamination risks in relation to the building;
 - (d) flooding risks in relation to the building;
 - (e) the external appearance of the building;
 - (f) the provision of adequate natural light in all habitable rooms of the new dwellinghouses;
 - (g) impact on the amenity of the existing building and neighbouring premises including overlooking, privacy and the loss of light; and
 - (h) whether because of the siting of the building, the development will impact on a protected view identified in the Directions Relating to Protected Vistas dated 15 March 2012(3) issued by the Secretary of State.
- 1.3 The assessment against these criteria is set out later in this report.

2. **SITE AND SURROUNDINGS**

- 2.1 The site consists of two stand-alone, purpose built block of flats, known as Prospect House and Vista House, which contain 55 and 69 units respectively. The buildings have a maximum height of 21m (7 storeys), with the top floor being set back from those below.
- 2.2 The two blocks form part of a larger development, which includes a third block known as Independence House. No development is proposed to this third block.
- 2.3 The buildings were constructed under outline planning permission ref. 00/P1879 and reserved matters approval ref. 03/P2004.
- 2.4 The blocks are located to the east of Watermill Way and to the South of Chapter Way.
- 2.5 Residential accommodation is provided above undercroft parking. Parking is also provided at the ground level of the blocks.
- 2.6 Prospect House benefits from a communal amenity deck at first floor.
- 2.7 The buildings are red brick with grey metal windows, balconies and panels.
- 2.8 Existing bin stores are provided within the undercroft of each building.
- 2.9 The site lies approximately 550 meters to the south of Colliers Wood Underground Station, serviced by the Northern Line.
- 2.10 The site sits within a mixed-use area, with commercial and retail uses to the north and east, residential to the south and residential and industrial to the west.
- 2.11 The site is to the east and north of Wandle Valley Conservation Area and the buildings form a background to the historic core of buildings at Merton Abbey Mills.
- 2.12 The site has a PTAL of 2/3. The site is not within a CPZ.

3. **PROPOSAL**

- 3.1 The application proposes to provide a single storey upward extension on part of the roof of both buildings to provide five residential dwellings.

- 3.2 Vista House would provide a 47sqm 1b/2p flat and an 80sqm 2b/4p flat. Prospect House would provide 3 x 2b/4p, ranging in size from 69sqm to 75sqm.
- 3.3 All of the units would have private external amenity space ranging in size between 7sqm and 18.5sqm.
- 3.4 The exterior of the proposed rooftop flats would be largely glazed, as are the existing rooftop units.
- 3.5 24 additional cycle parking spaces are proposed (eight spaces at Vista House and 18 at Prospect House), to be used by the future occupants and to supplement the cycle parking provision for existing residents. The cycle stores would be located within the car parking areas, adjacent to the existing bin stores.
- 3.6 Pedestrian and vehicular access to the site will be maintained as per the existing arrangement with vehicular access provided from Chapter Way and pedestrian access provided from both Chapter Way and Watermill Way
- 3.7 No additional on-site car parking is proposed.
- 3.8 Refuse provision is also accommodated within the existing integral bin stores on the ground floor. The scheme proposes that the additional units utilise the existing bin storage locations for residents, with additional bins proposed. (Vista House and Independence House currently accommodate 124 residential units, served by 28 x 1100l Euro Bins). The proposed plans show an additional 2 x 660l refuse and 2 x 660l mixed recycling containers, to serve the additional units.

4. RELEVANT PLANNING HISTORY

- 4.1 00/P1879 - REDEVELOPMENT OF THE SITE FOR RESIDENTIAL PURPOSES TOGETHER WITH ANCILLARY CAR PARKING (OUTLINE PLANNING APPLICATION). Grant Outline Planning Permission 07-06-2002
- 4.2 03/P2004 – APPLICATION FOR APPROVAL OF RESERVED MATTERS (EXTERNAL APPEARANCE AND DESIGN) FOR THE REDEVELOPMENT OF THE SITE FOR RESIDENTIAL PURPOSES TOGETHER WITH ANCILLARY PARKING FOR WHICH OUTLINE PLANNING PERMISSION WAS APPROVED UNDER PLANNING PERMISSION REF 00/P1879.

5. Relevant policies.

- 5.1 The key policies of most relevance to this proposal are as follows:

5.2 **National Planning Policy Framework (2019)**

- 5. Delivering a sufficient supply of homes
- 8. Promoting healthy and safe communities
- 9. Promoting sustainable transport
- 11. Making effective use of land
- 12. Achieving well-designed places

5.3 **London Plan (2016)**

Relevant policies include:

- 2.6 Outer London: Vision and strategy
- 2.8 Outer London: Transport
- 3.3 Increasing housing supply
- 3.4 Optimising housing potential
- 3.5 Quality and design of housing developments
- 3.8 Housing choice
- 3.9 Mixed and balanced communities
- 5.10 Urban greening
- 5.11 Green roofs and development site environs
- 5.12 Flood risk management
- 5.13 Sustainable drainage
- 5.14 Water quality and wastewater infrastructure
- 5.15 Water use and supplies
- 5.17 Waste capacity
- 5.21 Contaminated land
- 6.3 Assessing the effects of development on transport capacity
- 6.9 Cycling
- 6.10 Walking
- 6.11 Smoothing traffic flow and easing congestion
- 6.13 Parking
- 7.2 An Inclusive environment
- 7.3 Designing out crime
- 7.4 Local character
- 7.5 Public realm
- 7.6 Architecture
- 7.14 Improving air quality
- 7.15 Reducing and managing noise, improving and enhancing the acoustic environment and promoting appropriate soundscapes
- 8.2 Planning obligations
- 8.3 Community Infrastructure Levy

5.4 **Merton Local Development Framework Core Strategy – 2011 (Core Strategy)**

Relevant policies include:

- CS 8 Housing choice
- CS 9 Housing provision
- CS 11 Infrastructure
- CS 14 Design
- CS 16 Flood risk management
- CS 17 Waste management
- CS 18 Transport

CS 19 Public transport
CS 20 Parking servicing and delivery

5.5 **Merton Sites and Policies Plan – 2014 (SPP)**

Relevant policies include:

DM D1 Urban Design
DM D2 Design considerations
DM D3 Alterations and extensions to existing buildings
DM D4 Managing heritage assets
DM EP2 Reducing and mitigating noise
DM EP3 Allowable solutions
DM EP4 Pollutants
DM F1 Support for flood risk management
DM F2 Sustainable urban drainage systems (SuDS) and;
Wastewater and Water Infrastructure
DM T2 Transport impacts of development
DM T3 Car parking and servicing standards
DM T4 Transport infrastructure

5.6 **Supplementary planning considerations**

London Housing SPG 2016
DCLG - Technical housing standards – nationally described space
standard 2015
London Character and Context SPG 2014
Draft London and Local Plans

6. CONSULTATION

6.1 Press Notice, 21-day site notice procedure and individual letters to neighbouring occupiers. Representations have been received from 30 address points (41 individuals), raising objection on the following grounds:

- Overlooking and loss of privacy
- Overshadowing – Daylight and Sunlight Analysis ignores the impact on the existing buildings on the site and only focuses on neighbouring houses to the south.
- Over Development
- Parking pressure and lack of car parking provision for the new units.
- Waste accumulation
- Security concerns
- Pressure on services
- During the building works, will the lifts be out of bounds?
What is the length taken to install new lifts?
- Noise and disturbance
- Access route into building does not comply with Council guidance

- Concerns regarding means of escape in the event of an emergency
- Loss of views for existing rooftop flats
- Adding to these already tall buildings results in an adverse impact on local character.
- No seamless join with existing rooftop units as the proposed units would be wider than the existing with a different external building line.
- Design and appearance will look out of synch and 'added on'.
- Concerns that vegetation would be removed and not replaced.
- Adverse impact on historic core of Merton Abbey Mills
- Building is already overcrowded.
- Land grabbing
- Congestion and environmental sustainability
- Anti-social behaviour is an increasing issue and adding more apartments will only make that worse.
- Safety of area, more flats attract more crime. The blocks already attract consistent theft of bikes and mopeds. This is evidence based with the local Police.
- Current problems include lack of parking, litter and general congestion, leading to an adverse impact on air quality.
- Disturbance throughout construction process – noise, damage to existing structure, inconvenience.
- Whilst construction impacts cannot usually be considered, in this case the residents affected would live on the site and therefore different considerations should apply.
- If the proposed construction works go ahead, we will effectively be forced out of our home and will be required to take action to recover financial losses from the Council.
- Concerns that Covid impacts may cause building works to be intermittent and occur for a longer time period.
- Additional Covid related concerns as many people are now working from home – dust, adverse impact on mental health, potential increase in exposure to Covid from contractors entering the building.
- Insufficient communal garden space to share amongst additional residential units.
- Residents were never informed that this could be a possibility and it is a "miss-selling of the original transaction".
- The surfacing of Chapter Way is in a very poor condition due to high usage – more usage will exacerbate this.
- Road access will be compounded with more cars, disabled access will be hindered further by an already congested area.
- Potential loss of value to existing properties.

- The current management company has been charging excessive charges – more flats may increase the service charge.
- Concerns that plans show discrepancies in terms of the number of units.
- Conservation will be negatively affected in terms of trees and wildlife by the adjacent river.
- Loss of open balconies, as they would now be covered by a balcony above.
- Renting out any properties in this building for the duration of the building works will be near impossible.
- The building of five new flats does not effectively help the Government or Council achieve their goal of increasing housing stock. The Council would be better to build new purpose built flats and houses on brown sites such as the one near Colliers Wood tube station rather than allowing the adaption of existing apartment blocks.
- Concern that proximity of substation would be detrimental to health.

6.2 **Internal consultees:**

6.3 LBM Environmental Health Officer:

Comments awaited.

6.4 LBM Highway Officer:

As this is off the public highway, and not considered a major site the only conditions that would apply are H9 (details of construction vehicles) and H12 (Delivery and Servicing Plan).

6.5 LBM Transport Officer:

Vista House and Prospect House fronts onto unadopted Private Street, Chapter Way and Watermill Way.

Parking is managed by a private management company and the Council have no remit for parking for the proposed development.

The proposal is unlikely to have a significant impact on the adjoining public highway.

6.6 LBM Flood Risk Engineer:

Advise reference to flood risk Standing Advice from the Environment Agency.

6.7 LBM Urban Design Officer:

The scheme has been presented at pre-application stage and raised no objections at the time for the additional units to the three existing blocks of flats. This remains the case.

6.8 **External consultees:**

6.9 Environment Agency:

No objection to the proposed development.

The proposed extension is within Flood Zone 1 at Vista House and Flood Zone 2 at Prospect house.

If the applicant wishes to temporarily store building materials and plant within 8m of the watercourse a Flood Risk Activity Permit will be required.

Informative: Flood Risk Activity Permit

Under the Environmental Permitting (England and Wales) Regulations 2016, you must submit plans to the Environment Agency and apply for a Flood Risk Activity Permit if you want to do work:

- In, over or under a main river
 - Within 8m of the bank of a main river, or 16m if it is a tidal main river (check the location of main rivers here)
 - Within 8m of any flood defence structure or culvert on a main river, or 16m on a tidal main river
- Flood risk activities can be classified as: Exclusions, Exemptions, Standard Rules or Bespoke. These are associated with the level of risk your proposed works may pose to people, property and the environment.

Further guidance on applying for flood risk activity permits can be found on the following link <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>. Flood risk activity permits are required irrespective of any planning permission and are not guaranteed.

7. **PLANNING CONSIDERATIONS**

7.1 Introduction

- 7.1.1 This is an application under The Town and Country Planning (Permitted Development and Miscellaneous Amendments) (England) (Coronavirus) Regulations 2020, Part 20, Class A: Development consisting of works for the construction of up to two additional storeys of new dwellinghouses immediately above the existing topmost residential storey on a building which is a purpose-built, detached block of flats.

7.1.2 Therefore, subject to various size/height restrictions, at the time of the application being submitted, the only issues that can form material considerations are as follows:

- (a) transport and highways impacts of the development;
- (b) air traffic and defence asset impacts of the development;
- (c) contamination risks in relation to the building;
- (d) flooding risks in relation to the building;
- (e) the external appearance of the building;
- (f) the provision of adequate natural light in all habitable rooms of the new dwellinghouses;
- (g) impact on the amenity of the existing building and neighbouring premises including overlooking, privacy and the loss of light; and
- (h) whether because of the siting of the building, the development will impact on a protected view identified in the Directions Relating to Protected Vistas dated 15 March 2012(3) issued by the Secretary of State.

7.2 Key Issues for consideration

7.2.1 Below is an assessment of the considerations against the qualifying criteria in A.1 of Class A, Part 20 of the regulations.

7.2.2 Development is not permitted by 0.1 of Class O if the site is or falls within, any of the following:

- (a) the permission to use any building as a dwellinghouse has been granted only by virtue of Class M, N, O, P, PA or Q of Part 3 of this Schedule;
- (b) above ground level, the building is less than 3 storeys in height;
- (c) the building was constructed before 1st July 1948, or after 5th March 2018;
- (d) the additional storeys are constructed other than on the principal part of the building;
- (e) the floor to ceiling height of any additional storey is—
 - (i) more than 3 metres in height; or
 - (ii) more than the floor to ceiling height of any of the existing storeys,whichever is the lesser, where such heights are measured internally;
- (f) the new dwellinghouses are not flats;
- (g) the overall height of the roof of the extended building would be greater than 7 metres higher than the highest part of the existing roof (not including existing plant);
- (h) the extended building (not including plant) would be greater than 30 metres in height;
- (i) development under Class A.(a) would include the provision of visible support structures on or attached to the exterior of the building upon completion of the development;

(j) development under Class A.(a) would consist of engineering operations other than works within the existing curtilage of the building to—

- (i) strengthen existing walls;
- (ii) strengthen existing foundations; or
- (iii) install or replace water, drainage, electricity, gas or other services;

(k) in the case of Class A.(b) development there is no existing plant on the building;

(l) in the case of Class A.(b) development the height of any replaced or additional plant as measured from the lowest surface of the new roof on the principal part of the new building would exceed the height of any existing plant as measured from the lowest surface of the existing roof on the principal part of the existing building;

(m) development under Class A.(c) would extend beyond the curtilage of the existing building;

(n) development under Class A.(d) would—

- (i) extend beyond the curtilage of the existing building;
- (ii) be situated on land forward of a wall forming the principal elevation of the existing building; or
- (iii) be situated on land forward of a wall fronting a highway and forming a side elevation of the existing building;

(o) the land or site on which the building is located, is or forms part of—

- (i) article 2(3) land;
- (ii) a site of special scientific interest;
- (iii) a listed building or land within its curtilage;
- (iv) a scheduled monument or land within its curtilage;
- (v) a safety hazard area;
- (vi) a military explosives storage area; or
- (vii) land within 3 kilometres of the perimeter of an aerodrome.

7.2.3 Officers can confirm that the site is not or does not fall within any of the criteria set out in part a) to o).

7.2.4 Section A.2 confirms that development is permitted subject to the condition that before beginning the development, the development must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to:

- (a) transport and highways impacts of the development;
- (b) air traffic and defence asset impacts of the development;
- (c) contamination risks in relation to the building;
- (d) flooding risks in relation to the building;
- (e) the external appearance of the building;
- (f) the provision of adequate natural light in all habitable rooms of the new dwellinghouses;

(g) impact on the amenity of the existing building and neighbouring premises including overlooking, privacy and the loss of light; and
(h) whether because of the siting of the building, the development will impact on a protected view identified in the Directions Relating to Protected Vistas dated 15 March 2012(3) issued by the Secretary of State,

7.2.5 Officers note that since the application was submitted further amendments have been made to the GPDO to ensure that this type of prior approval application includes an assessment in relation to fire safety: where the existing building is 18 metres or more in height. The Town and Country Planning (General Permitted Development) (England) (Amendment) (No. 4) Order 2020 requires a developer seeking prior approval under these classes in relation to an existing building that is 18 metres or more in height “to provide a report from a chartered engineer or other competent professional confirming that the external wall construction of the existing building complies with paragraph B4(1) of Schedule 1 to the Building Regulations 2010 (S.I. 2010/2214) to the local planning authority”. However, it is important to note that in decision-making terms, the Transition and Savings Provisions within the regulations at 3.(1) confirms that the additional requirement relating to fire safety only applies to applications received after 30th December 2020. Notwithstanding the above, the applicant is aware of this amendment to the GPDO and has had a report provided by the BRE to confirm that no part of the building includes Aluminium Composite Material cladding. Whilst not a factor that can be considered in this current assessment, the development would also be subject to Building Regulations relating to fire safety, as would be the case for any development of this type and scale.

7.3 Transport and Highways Impacts of the Development

7.3.1 Core Strategy Policy CS 20 considers matters of pedestrian movement, safety, servicing and loading facilities for local businesses and manoeuvring for emergency vehicles as well as refuse storage and collection. Core Strategy promotes active transport and encourages design that provides attractive, safe, covered cycle storage, cycle parking.

7.3.2 The application is accompanied by a Transport Technical Note from Vectos, which concludes:

“Overall, the proposed development will result in a minimal number of additional trips on the local transport network. In light of this information, the impact of the development proposals is not considered material or severe.”

- 7.3.3 The Council's Highway Officer and the Council's Transport Planner have considered the proposals and raise no objection as the proposal is unlikely to have a significant impact on the adjoining public highway.
- 7.3.4 Chapter Way and Watermill Way are no parking zones with double yellow lines along both sides of the road. Private residential parking areas are provided in relation to the existing buildings. A pay and display car park (operated and managed privately) is located to the north in relation to the existing food court. Unrestricted on-street car parking is located to the south of the site including on Runnymede.
- 7.3.5 It is noted that Chapter Way is a private road and therefore controlled by the management company on-site rather than the Council, as Highway Authority. Therefore, parking and access within the site is handled by the management company. A number of objections have focussed on the issues of car parking and access concerns as a result of additional parking pressure created by the additional units.
- 7.3.6 In planning policy terms, the London Plan sets out maximum parking standards up to 1.5 spaces per unit for this type of area (suburban/urban) with a PTAL of 2-4. The Publication Plan London Plan 2020 (not yet formally adopted) reduces this maximum provision and in Outer London PTAL 2 areas the maximum parking provision is one space per unit.
- 7.3.7 The existing site accommodates 124 residential units with 91 parking spaces (with additional motorcycle parking), this equates to a ratio of 0.73 spaces per unit. The submission sets out, within the Transport Note, that "anyone purchasing a property will be aware that they do not have an allocated parking space and the provision for off-site car parking is limited". In terms of borough-wide context the 2011 Census showed that car ownership in Merton is falling with 40% of households not owning a car. Data from Mosaic (national consumer segregation classification data) suggests that in within Merton's areas of good public transport, with good local amenities within walking distance, there is trend towards more 'car free' lifestyles. Mosaic suggests that there are higher concentrations of young 'urbanites' living in Wimbledon and Colliers Wood who have a tendency towards not owning a car on environmental grounds. By contrast, in areas such as Canon Hill, Lower Morden and parts of Mitcham, car ownership is seen as both aspirational and a necessity. In any event, officers conclude that the limited parking demand could be adequately managed on site and would not warrant a refusal in planning terms.

- 7.3.8 The level of additional units introduced by the proposal does not raise concerns in terms of highway safety or capacity and no objection is raised.
- 7.3.9 In terms of cycle parking, the scheme proposes 26 new cycle parking spaces, to serve the existing and additional residents. The cycle stores would be provided within the ground level car parking areas. This is a significant over-provision in policy terms and would provide adequate cycle parking for the additional residents and would also go some way in addressing the cycle parking needs of existing residents and therefore this element of the scheme is strongly supported by officers, as it would promote sustainable modes of transport.
- 7.3.10 In terms of waste collection, the provision of 28 x 1100l for the existing units, with the additional provision of 2 x 660l refuse and 2 x 660l mixed recycling containers for the proposed units would meet the Council's guidelines in terms of waste storage and collection. It is noted that a number of objections have been received in relation to concerns over waste generation, citing problems with the existing arrangements. This appears to be an on-site management issue and would not make the proposed scheme unacceptable in planning terms, given that the extent of bin storage provided would meet the Council's guidelines.
- 7.3.11 Whilst the concerns raised in representations are noted, there is no reasonable planning basis to refuse the application based on highway or servicing arrangements and the proposal is considered to comply with the relevant development plan policies.

7.4 Air Traffic and Defence Assets

- 7.4.1 The site is circa 17km from Heathrow, circa 27km from Gatwick and circa 16km from Biggin Hill Airport. There are no defence assets near to the site that would be impacted by the proposal, given the overall height of the buildings.

7.5 Contamination Risks

- 7.5.1 The site is already in residential use and the development does not propose to penetrate the ground. Furthermore, it is therefore not expected that the proposal raises any contamination issues or risks, given that the development is at rooftop level.

7.6 Flood Risk on the Site

- 7.6.1 London Plan policies 5.12 and 5.13, CS policy CS16 and SPP policies DM F1 and DM F2 seek to minimise the impact of flooding on residents and the environment and promote the use of sustainable drainage systems to reduce the overall amount of

rainfall being discharged into the drainage system and reduce the borough's susceptibility to surface water flooding.

7.6.2 The site falls partly within Flood Zone 1 and Flood Zone 2 as confirmed directly by the Environment Agency.

7.6.3 A Flood Risk Assessment accompanies the application, which concludes:

“Following the guidelines contained within the NPPF, the proposed development is considered to be suitable assuming appropriate mitigation (including adequate warning procedures) can be maintained for the lifetime of the development.”

7.6.4 The Environment Agency has reviewed the proposals and raises no objections.

7.6.5 In terms of emergency means of escape (whether it be flooding or fire) this would be via the same arrangements as currently exist in the building.

7.6.6 No objection is raised in relation to flood risk.

7.7 The External Appearance of the Building

7.7.1 The National Planning Policy Framework (NPPF) states that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. London-wide planning policy advice in relation to design is found in the London Plan (2016), in Policy 7.4 - Local Character and 7.6 - Architecture. These policies state that Local Authorities should seek to ensure that developments promote high quality inclusive design, enhance the public realm, and seek to ensure that development promotes world class architecture and design.

7.7.2 Policies DM D2 and DM D3 seek to ensure a high quality of design in all development, which relates 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. Policy DMD4 seeks to ensure that development does not result in harm to the setting of heritage assets. Core Planning Policy CS14 supports these SPP Policies.

7.7.3 The existing buildings have a recessed top floor, which extends over part of the roof area only. The visual impact on the historic core of buildings at Merton Abbey Mills was a driving factor in terms of the bulk, massing and form of buildings permitted on this

adjacent site. Therefore, it is important that the additional rooftop units proposed do not have an adverse impact on this historic core, as well as an adverse impact on the character and appearance of the area generally.

7.7.4 It is noted that the additional units would retain some of the existing flat roof area, with roof heights to match the existing rooftop flats, with matching roof overhangs and whilst the proposed units would be marginally wider than the existing, this is not considered to result in a significant visual impact, given that the units would be set back from the floors below.

7.7.5 The proposed units would largely replicate the existing built form and would not appear unduly prominent in their context.

7.7.6 Views of the rooftop units would be possible from various surrounding vantage points, including from the historic core of buildings at Merton Abbey Mills. However, officers consider that the marginal visual impact would not adversely affect the setting of the Listed Buildings or adjacent Conservation Area.

7.7.7 The proposal is considered to sufficiently safeguard the character and appearance of the area and would satisfactorily preserve the setting of the adjacent Wandle Valley Conservation Area.

7.8 Natural Light for Proposed Accommodation

7.8.1 In terms of standard of accommodation, this type of application is required to demonstrate that the proposed units would have adequate provision of natural light.

7.8.2 It is of note that a Statutory Instrument introduced by Parliament In November 2020, announced that from 6th April 2021, all new dwellings delivered through Permitted Development Rights will need to ensure they meet the minimum floor areas as set out in DCLG - Technical housing standards – nationally described space standard 2015. Whilst this requirement has not yet come into effect, it is noted that the majority of units proposed would meet or exceed this minimum GIA with just a shortfall of 1sqm and 3sqm to two of the five proposed units.

7.8.3 The regulations dealing with this type of prior approval application do not explicitly state how “adequate” light should be measured. However, it is considered reasonable to assume that judgements will be based on an existing Building Research Establishment (BRE) daylight standard

7.8.4 It is noted that the submission is accompanied by a letter from a Daylight and Sunlight consultant, which sets out:

“.....as the proposed units are situated at 6th floor level they will be wholly unobstructed in their outlook and will therefore enjoy good internal daylight / sunlight levels. There are no material ‘pinchpoints’ likely to lead to constrained internal amenity and the scheme is therefore considered to maximise daylight / sunlight levels for both existing neighbours and future occupiers of the units. No issues are therefore raised in this regard.”

7.8.5 The proposed units would benefit from large windows serving the individual rooms but it is noted that the proposed units are primarily single aspect, other than a corner return to proposed Flat 1 at Vista House. This is similar to the layout of existing units in the floors below and whilst dual aspect units would have been preferable, officers consider that the provision of natural light to the proposed units would be satisfactory.

7.9 Impact on the amenity of the existing building and neighbouring premises including overlooking, privacy and the loss of light

7.9.1 Policy DM D2 seeks to ensure that development does not adversely impact on the amenity of nearby residential properties.

7.9.2 The proposal adds residential accommodation onto the roof of an existing building, with the location of windows within the proposed units consistent with those on the floors below.

7.9.3 The units within the extension to Vista House are orientated to the south and south-east. The distance to the closest residential property is to the rear on Runnymede, which are approximately 35 metres away and above guidance on minimum overlooking distanced. Therefore, no concerns are raised in this regard.

7.9.4 The units within the extension to Prospect House have outlook to the west, east and south-east. The outlook to the west is to Vista House and to the east toward Independence House. This replicates an existing arrangement between the buildings and therefore no issues are raised in this regard.

7.9.5 The distance to Vista House to the west is approximately 24 metres. To the east, Independence House steps down to three storeys so there would not be any direct overlooking that would warrant a refusal.

7.9.6 In respect of the daylight impacts on neighbouring properties, the enclosed letter from EB7 states:

“....the proposed extension element is set within the existing roof articulation of Prospect House such that only the most limited elevation will be presented towards the neighbours.

In this location there is c.35m of separation between the neighbour and the proposal as well as a dense band of mature trees to the boundary such that there will be no material change to sky visibility or diffuse daylight levels. In respect of direct sunlight it is noted again that the neighbours along Runnymede are situated to the south such that they are not will be no material effect in terms of direct sunlight or shading as a result of the proposals.”

- 7.9.7 Officers consider that whilst the new flats would be visible from other flatted properties, the impact would not result in a materially harmful impact in terms of overlooking, privacy and daylight.
- 7.9.8 It is noted that some existing residents within top floor flats enjoy a relatively uninterrupted view which would be affected by the proposed rooftop flats. This impact has been carefully considered and whilst the loss of outlook can be a material planning consideration, the loss of a view is not a material planning consideration which can be awarded weight in this assessment (other than issues relating to protected views which is addressed elsewhere in this report).
- 7.9.9 Concerns raised also include the fact that under the proposals the currently open balconies on floors below would have a further balcony constructed above which would result in a loss of light and overshadowing. This concern is noted, however, the proposed arrangement would replicate the existing layout and is not uncommon in flatted development. The impact would not result in a materially harmful impact on residential amenity that would warrant a refusal in planning terms.
- 7.9.10 It is noted that a number of representations identify that they believe the proposal to be a breach of agreement between the tenants and the owners of the site. However, this is not a matter that can be considered in this assessment.
- 7.9.11 The proposed rooftop units would add marginally to the overall bulk and massing of the buildings. Whilst the rooftop units would be visible from surrounding flatted units and houses to the south, the separation distances and juxtaposition of the proposed units to existing flats is not considered to result in material harm to residential amenity that would warrant a refusal.
- 7.10 Directions Relating to Protected Vistas dated 15 March 2012(3) issued by the Secretary of State
- 7.10.1 These Directions relate protected vistas identified by the Mayor of London within the London View Management Framework SPG. The site does not fall within any of these views and therefore raises no concerns on this basis.

7.11 S.106 requirements/planning obligations

7.11.1 The proposed development would be subject to the Community Infrastructure Levy (CIL). This would require a contribution of £115 per additional square metre of floor space to be paid to Merton Council and an additional £60 per additional square metre to be paid to the Mayor. Further information on this can be found at: <http://www.merton.gov.uk/environment/planning/cil.htm>

7.12 Response to issues raised in objection letters

7.12.1 The majority of uses raised by objectors are addressed in the body of this report. However, in addition, the following comments are provided:

- The impact of the construction process itself cannot reasonably form a reason for refusal. However, the impacts can be minimised through the provision of a construction management plan which can be secured by way of condition.

8. Conclusion

8.1 This type of prior approval application has been introduced by the government as part of a raft of measures as a response to housing needs and is part of the government's reform of the planning system in a move to kick start the construction industry and speed up building.

8.2 The Council has a limited remit in terms of what elements can be considered in the decision making process. The proposal would provide additional housing units, for which there is an on-going need. The proposal is considered to be a modest and relatively discrete addition to the existing flatted blocks, which would replicate existing relationships with other nearby flats and houses and which would not result in a visually harmful impact on the surrounding area, including the adjacent Merton Abbey Mills. For the reasons set out above in this report, it is concluded that the proposal would be acceptable in planning terms and would not warrant a refusal.

RECOMMENDATION

Grant prior approval subject to the following conditions:

1. Time limit (completion within three years)
2. A7 Development in accordance with approved Plans
3. B2 Matching materials
4. C07 Refuse & Recycling (Implementation)
5. C08 No Use of Flat Roof

6. Balcony (Screening details to be provided)
7. Cycle Parking – to be implemented
8. H9 Construction Vehicles
9. H12 Delivery and Servicing Plan
10. Construction Management Plan, which sets out the proposed development hours of operation and how any adverse impact of noise, dust, vibration and traffic on occupiers of the building and adjoining owners or occupiers will be mitigated
11. A Non Standard Condition: Noise levels, (expressed as the equivalent continuous sound level) LAeq (10 minutes), from any fixed external new plant/machinery shall not exceed LA90-10dB at the boundary with any residential property or noise sensitive premises.
12. A Non Standard Condition: All Non-road Mobile Machinery (NRMM) used during the course of the development that is within the scope of the Greater London Authority 'Control of Dust and Emissions during Construction and Demolition' Supplementary Planning Guidance (SPG) dated July 2014, or any subsequent amendment or guidance, shall comply with the emission requirements therein.

Informatives:

1. Informative: Flood Risk Activity Permit
Under the Environmental Permitting (England and Wales) Regulations 2016, you must submit plans to the Environment Agency and apply for a Flood Risk Activity Permit if you want to do work:
 - In, over or under a main river
 - Within 8m of the bank of a main river, or 16m if it is a tidal main river (check the location of main rivers here)
 - Within 8m of any flood defence structure or culvert on a main river, or 16m on a tidal main riverFlood risk activities can be classified as: Exclusions, Exemptions, Standard Rules or Bespoke. These are associated with the level of risk your proposed works may pose to people, property and the environment.
Further guidance on applying for flood risk activity permits can be found on the following link <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>.