

**PLANNING APPLICATIONS COMMITTEE**  
**18<sup>th</sup> March 2021**

**Item No:**

**UPRN**

**APPLICATION NO.**

**DATE VALID**

20/P1091

05/05/2020

**Address/Site**

Land at rear of 2 to 16 Woodville Road Morden SM4 5AF

**(Ward)**

Merton Park

**Proposal:**

ERECTION OF A TWO STOREY BUILDING TO PROVIDE 9 x SELF CONTAINED FLATS ON GROUND FLOOR, FIRST FLOOR AND WITHIN ROOFSPACE

**Drawing Nos:**

P6-01, P6-02 Rev H, P6-03 Rev D, P6-04 Rev C, 'Massing Proposed Amendments drawing', P6-05 Rev B, P6-06 Rev C, P6-07 Rev D, P6-08 Rev D, P6-09 Rev C, P6-10 Rev B, JG01 & JG02.

**Contact Officer:**

Tim Lipscomb (0208 545 3496)

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**RECOMMENDATION**

**Grant Permission subject to conditions and s.106 legal agreement.**

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**CHECKLIST INFORMATION**

- Heads of Agreement: Yes, restrict parking permits.
- Is a screening opinion required: No
- Is an Environmental Statement required: No
- Has an Environmental Statement been submitted: No
- Press notice: Not required
- Site notice: Not required
- Design Review Panel consulted: No
- Number of neighbours consulted: 37
- External consultations: Yes
- Conservation area: No
- Listed building: No
- Tree protection orders: No
- Controlled Parking Zone: Yes (M1)
- Green corridor – Yes (bordering the site to the west)
- Site of importance for nature conservation (SINC) – Yes (bordering the site to the west)

1. **INTRODUCTION**

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

## 2. **SITE AND SURROUNDINGS**

- 2.1 The application site comprises an open area of land, adjacent to a railway line (Thameslink Streatham/Wimbledon/Sutton), to the rear of houses along Links Avenue and Woodville Road, along with a vehicular access way onto Links Avenue.
- 2.2 The site has an area of 857sqm, including the access track.
- 2.3 The site is currently undeveloped but there are the remnants of a previous brick and breeze block garage structure on the land.
- 2.4 The site is currently enclosed by timber hoarding and is overgrown with low value vegetation. There are mature trees on the railway embankment to the western side of the site. The railway line is on an embankment approximately 3m higher than the ground level of the site.
- 2.5 The single width vehicular access leading from Woodville Road to the site is not laid to hardstanding (approx. 4m in width). This access way provides vehicular access to garages to the rear of properties along Links Avenue.
- 2.6 Whilst not forming part of the site, there is also a vehicular access to the site from further towards the end of Woodville Road, to the immediate north of No.22. This access way also provides access to garages.
- 2.7 The surrounding area is largely made up of 1930s two-storey, terraced housing, with mature rear gardens. A number of nearby properties having roof extensions looking towards the site.
- 2.4 The site has the following designations and restrictions:
- Controlled parking zone (CPZ) – Yes (M1)
  - Conservation area – No
  - Building listed – No
  - Tree Protection Orders – No
  - Flood Zone – 1 (low probability of flooding).
  - PTAL – 4
  - The railway embankment to the west of the site is a Green Corridor and a Site of Importance for Nature Conservation.

## 3. **PROPOSAL**

- 3.1 The proposal is for the erection of a two-storey building (chalet bungalow form) to provide 9 residential units (8 flats and one single storey dwellinghouse), private amenity space, with 22 cycle parking spaces. No-off street car parking is proposed.
- 3.2 The building would occupy the majority of the site, with a turning area for refuse collection and emergency vehicle access, located to the eastern part of the site.
- 3.3 The building would have an irregular shaped footprint, with a staggered building line. The building would be formed of a series of pitched roofs, with an eaves height of 4.1m and a maximum ridge height of 7.6m to the southern part of the site, the building would reduce in height to a single storey scale (with green roof) towards the northern part of the site (flat roof height of 2.7m).

- 3.4 The main outlook would be to the west (rear) and east (front), with doors at ground and first floor level and also windows at second floor level within the roofslopes.
- 3.5 The development would be 'car free' and no on-site parking spaces are proposed. There would be a vehicular access to the site from Woodville Road, along the existing single width, access way, to provide for refuse collection and emergency access. This access way would be resurfaced as part of the application proposals, with a minimum width of 4.3m.
- 3.6 A communal refuse and recycling store would be provided adjacent to the turning head created on the site, to accommodate 2 Euro Bins. (The agent has confirmed that the intention is that the site is serviced by a private refuse collector as opposed to a Council refuse service).
- 3.7 Each flat would have its own access from the frontage of the building with integral staircases providing access to the first floor flats.
- 3.8 Each flat would have access to a private external amenity space by way of a garden, to the western part of the site and/or a balcony.
- 3.9 Construction materials would be buff facing brickwork to the walls with slate roofs. Windows would be in charcoal grey, powder coated aluminium. Front doors would be stained timber.
- 3.10 1.8m high close board fences would run delineate the individual gardens.
- 3.11 Low level bollard lighting is proposed.
- 3.12 The hard landscaped areas of the site would be permeable paving.
- 3.13 Five new trees would be planted as part of the proposal.
- 3.14 The accommodation schedule and housing mix would be as follows:

<b>Unit</b>	<b>Type</b>	<b>Habitable rooms</b>	<b>GIA</b>	<b>External amenity space</b>
<b>1</b>	2b/4p	3	70.6	33.2
<b>2</b>	3b/6p	4	102.6	18.1
<b>3</b>	2b/4p	3	70.6	28.7
<b>4</b>	3b/6p	1	102.6	18.1
<b>5</b>	2b/4p	3	70.6	28.7
<b>6</b>	3b/6p	2	102.6	18.1
<b>7</b>	1b/2p	2	50.8	9.4
<b>8</b>	1b/2p	2	50.4	28.7
<b>9</b>	1b/2p	2	64.3	38.1

**Housing mix:**

1b 2p	3
2b 4p	3
3b 6p	3

The proportional housing mix is: **Page 253**

- 1 bedroom - 33%
- 2 bedroom - 33%
- 3 bedroom – 33%

- 3.15 The density of the proposed development is:
- 105 units/ha and 268.4hr/ha based on the site's developable area alone and;
  - 95.8 units/ha and 244.9hr/ha based on the site's developable area plus half the width of the roadway
- 3.16 The application states that surface water run-off on-site will be drained using a network of SuDS including permeable paving and green roofs, where possible, to convey, treat, and temporarily store run-off before discharging into the local public sewer network at no greater than 2l/s for all storm events up to and including the 1 in 100 year storm event plus a 40% allowance for climate change.
- 3.17 The application states that a photovoltaic system would be installed on the roof of the building. However, this is not detailed in the application drawings.
- 3.18 The key differences between this proposal and the previous refused scheme (17/P2836) are as follows:
- The current scheme is for 9 units whereas the refused scheme was for 10 units.
  - The current scheme features a pitched roof design, with timber cladding to the northeast elevation and the remainder rendered with a white finish, whereas the previous scheme was flat roofs, with fully rendered walls and timber slats to staircases.
  - The current scheme has integral staircases whereas the previous scheme included partially external staircases.
  - The current proposal includes the planting of 5 trees, the previous scheme proposed 3.
  - The housing mix has been altered to allow for more 3 bed units.
  - The current scheme includes an external area for cycle parking to the north of the site, whereas in the previous scheme the cycle parking was closer to the proposed parking area.
  - The current scheme is for a car free development whereas the previous scheme included on-site parking.
  - The current scheme includes re-surfacing the un-made access track, whereas the previous scheme did not.

N.B. The scheme occupies a similar (but not identical) footprint to the previous scheme.

- 3.19 The application is accompanied by the following documents:
- Design and Access Statement
  - Energy Statement Inc. Sustainable Design and Construction Statement
  - Sustainable Urban Drainage Statement

#### 4. **CONSULTATION**

4.1 Press Notice, Standard 21-day site notice procedure and individual letters to neighbouring occupiers. Three households objected on the following grounds:

- Insufficient parking.
- Access over the land is restricted by way of deeds and permission is not given for its use.
- Access road is unmade and not suitable for traffic of any volume.
- Insufficient space to turn within the site.
- Access road to the site is too narrow to accommodate refuse vehicles (or fire engines)
- Access road would be unlit and would increase opportunities for crime.
- The secondary pedestrian access is pointless.
- The proposal is not in keeping with the character of the area – a block of flats is not in keeping with the 1930s terraced housing.
- Overdevelopment.
- The plot is small and the building is overly large on this back-land area.
- Security risk to existing houses.
- Adverse impact on wildlife.
- Overlooking to neighbouring properties.
- Loss of sunlight to rear gardens of neighbouring properties.
- Loss of daylight.
- Noise disturbance
- Smell and odour from combined bin store to the immediate rear of adjoining properties.
- Suggestion that the Council should not allow developers to continuously make applications.

4.2 Following amendments to the plans to reduce the size of the proposed dwellings and to remove the on-site parking area, additional objections were received (a total of six households objecting – eight individual objectors), objecting on the following grounds:

- Query raised as to whether the applicant has the unfettered right to use this access way. Suggestion that fences may have to be erected to protect neighbouring land.
- Indication from neighbouring land owners that permission will not be given for the re-surfacing of the access track.
- Concern that turning area would be used for parking, which will lead to neighbour conflicts.
- Concern that occupiers of the site and visitors would park on the access road and block access to existing garages.

4.3 In addition, a letter has been received from the Wimbledon Swift Group highlighting the importance of swift friendly features in the construction process.

4.4 Internal consultation responses:

4.5 LBM Highway Authority:

No objection subject to conditions relating to parking of construction vehicles and informatives.

Additional comments are that a S171 licence shall be in place with the highways section to cover the construction access to the site from Woodville Road.

4.6 Council's Transport Planner (comments in relation to original scheme with 4 on-site car parking spaces):

Vehicular and pedestrian access to the proposed development would be from two existing tracks off Woodville Road. Vehicular access would be from the south eastern access with pedestrians only being able use the other.

It is highly unlikely the pedestrian would use the north-west access which is sited further away from the junction with Links Way.

The vehicular access is severely constrained by the concrete dropped kerbs fronting of garages which are part of properties in Links Avenue.

Any vehicle parked alongside the garage entrances will obstruct the vehicular access for the proposed development. The applicant only has a right of access over the track to the south-east.

Swept path analyses have not been provided to demonstrate delivery vehicles and Refuse Vehicles can turn within the site and approach the Woodville Road in forward manner.

In the absence of a passing bay large vehicles would need to reverse back along the access and into Woodville Road, avoiding any other parked vehicles pedestrians and cyclists along the way. The need for such manoeuvres serves to demonstrate an overall unsatisfactory access arrangement that would in result in vehicular and pedestrian conflict.

Recommendation: Refuse

Any increased use made of the existing sub-standard access generated by the proposed development would be prejudicial to road safety.

Officer comment:

*Following concerns raised in regards to the use of the site access for cars entering and exiting the site the applicant has amended the application to be 'car free', meaning there would be no car parking on site and the only access required would be for refuse and emergency vehicles. In addition, the applicant also provided swept path analyses to demonstrate that refuse and emergency vehicle access to the site is feasible.*

4.7 Council's Transport Planner (comments in relation to amended 'car free' scheme):

Permit free option with no car parking spaces for the proposal would be acceptable.

As you can see the swept path is tight, however, the applicant can use a private refuse vehicle, which would be smaller than a standard Council refuse vehicle.

But we need to be aware refuse does not stack on the footway to be collected by refuse vehicles that cannot be negotiated along the service track.

Need a robust condition to avoid such an occurrence.

4.8 Council's Tree and Landscape Officer:

No response to the current application but the previous response to 17/P2836 raised no objection to the scheme subject to a condition to secure a landscaping scheme along with the planting of trees.

4.9 LBM Environmental Health (noise):

Should you be minded to approve the application then I would recommend the following planning conditions relating to Environmental Health Noise and Nuisance:-

Due to the potential impact of the surrounding locality on the residential development, a scheme for protecting residents from noise shall be submitted to and approved in writing by the Local Planning Authority prior to the development commencing. The scheme is to include acoustic data for the glazing/ventilation system. The internal noise levels shall meet those within BS8233:2014 Guidance on Sound Insulation and Noise Reduction for Buildings and ProPG: Planning and Noise – Professional Practice Guide, Publ: (ANC, IOA, CIEH) May 2017 as a minimum. The approved scheme shall be implemented in accordance with the agreed details.

Any external lighting shall be positioned and angled to prevent any light spillage or glare beyond the site boundary.

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

The Statement shall provide for:

- hours of operation
- the parking of vehicles of site operatives and visitors
- loading and unloading of plant and materials
- storage of plant and materials used in constructing the development
- the erection and maintenance of security hoarding including decorative - displays and facilities for public viewing, where appropriate
- wheel washing facilities
- measures to control the emission of noise and vibration during construction.
- measures to control the emission of dust and dirt during construction/demolition
- a scheme for recycling/disposing of waste resulting from demolition and construction works

Reason: To protect the amenities of future occupiers and those in the local vicinity.

4.10 LBM Environmental Health (Potentially contaminated land):

No objection subject to conditions to secure the submission and approval of a preliminary risk assessment with details of a site investigation strategy, an intrusive site investigation, a risk assessment for sensitive receptors together with a detailed remediation strategy and verification report.

4.11 LBM Environmental Health (air quality):

No objection subject to the following condition:

Condition – Non-Road Mobile Machinery (NRMM)

All Non-Road Mobile Machinery (NRMM) of net power of 37kW and up to and including 560kW used during the course of the demolition, site preparation and construction phases shall comply with the emission standards set out in chapter 7 of the GLA's supplementary planning guidance "Control of Dust and Emissions During Construction and Demolition" dated July 2014 (SPG), or subsequent guidance. Unless it complies with the standards set out in the SPG, no NRMM shall be on site, at any time, whether in use or not, without the prior written consent of the local planning authority. The developer shall keep an up to date list of all NRMM used during the demolition, site preparation and construction phases of the development on the online register at <https://nrmm.london/>

Reason: To ensure that the development would not result in a deterioration of air quality.

4.12 LBM Waste Management:

Access and tightness of the side road to the proposed bin area is significantly restricted.

If developments of residential units are located on new access roads, these must be designed to allow safe use by waste collection vehicles - Appropriate access for collection crews.

Waste Collection Vehicular Access:

It is always advised to allow sufficient room for access, to manoeuvre and load a collection vehicle weighing approximately 26 tonnes with the following dimensions:

- Length = 11 metres
- Width = 2.5 metres
- Height = 3.5 metres
- Turning circle = 18.0 metres

Although we acknowledge the developers proposal of using a private contractor to manage waste if required, we are unable to accept this as it's an unsustainable option especially with emanating complaints in future years once the development has been handed over to a managing agent.

Officer comment:

*The scheme has been amended to a 'car-free' layout with refuse collection handled by a private waste management company. The concerns raised by the waste services section have been carefully considered. However, if it is clear from the out-set that this is an obligation of the development then there is no indication that this is 'unsustainable' in planning terms and is a common element of many development schemes which have been deemed acceptable in planning terms. The matter can be captured through the s.106 agreement and there are suitable and forceful planning devices in place to ensure that any breach of the s.106 agreement is dealt with through the Planning Enforcement section of the planning department. Therefore, how a site is managed by a management company should in itself not be a brake to allowing a development to proceed.*

Further comments received (in relation to use of a private waste management company):



For new developments located on access roads, these must be designed to allow safe use by waste collection vehicles.

Architects and developers of sites where the above is not satisfied may consider the use of private contractors as in the proposed arrangement with this application. We tend to frown at this option as it is not sustainable. We try to avoid situations where arrangements are later challenged by the occupiers who tend to bear the cost of the private collection.

We may have to discharge the proposed arrangement as a condition. Developers may have to demonstrate consultation with different private waste collection contractors to establish an arrangement in principle.

4.13 LBM Council's Flood Risk Officer:

Limited information provided regarding Suds strategy for site. Recommend that a more detailed strategy according to our requirements is submitted.

4.14 External consultation responses:

4.15 TfL:

No comments, as this planning application does not raise any strategic transport issues.

4.16 Designing Out Crime Officer (in relation to originally submitted scheme with on-site car parking):

The width of the driveway is single lane with no apparent possibility of a separate pedestrian footpath being created, this may cause conflict between pedestrian and vehicular traffic especially those walking with prams or buggies. A clear designated pedestrian path should be clearly marked.

Concerns regarding the secondary pedestrian entrance, at the rear of the site allowing access to another rear of dwellings driveway. The driveway appears to be unlit, uneven, dog-legged, and not overlooked by surrounding buildings. The driveway would not feel safe to walk through so should be avoided.

The blank elevation of unit 9 in the rear driveway would commonly tend to attract graffiti, ball games against the wall and inappropriate loitering. A buffer zone of 1.2 - 1.4 metre railing with access or a 1 metre mature height hedge with high thorn content should be provided. If there is insufficient room a non-destructive climbing plant should be planted adjacent to the wall, or a finish applied to the wall that will allow easy removal of graffiti.

There are no details regarding the cycle storage apart from 'secure lockable bike storage'.

Recommend that landscaping and planting allows for natural surveillance.

Lighting across the site should have good uniformity – bollard lighting is not appropriate as it does not enable face recognition.

4.17 London Fire Brigade:

An undertaking should be given that access for fire appliances as required by Part B5 of the Approved Document (see GN29) and adequate water supplies for fire fighting purposes will be provided.

Additional response following case officer request for confirmation that the above Building Regs guidance is met:

I acknowledge your comments in relation to providing access to the above mentioned premises. The London Commissioners does not normally comment under the Town and Country Planning Act other than access to the site and adequate water supply is provided because once full planning approval is given Building Control will consult formally with the London Commissioner under the Building Act. They will provide a full set of plans including a fire strategy and their comments on whether it meets the requirements of Approved Document B1 means of escape and B5 access.

4.18 Network Rail:

The developer must ensure that their proposal, both during construction and after completion does not:

- encroach onto Network Rail land
- affect the safety, operation or integrity of the company's railway and its infrastructure
- undermine its support zone
- damage the company's infrastructure
- place additional load on cuttings
- adversely affect any railway land or structure
- over-sail or encroach upon the air-space of any Network Rail land
- cause to obstruct or interfere with any works or proposed works or Network Rail development both now and in the future

Further specific advice on future maintenance, drainage, plant & materials, scaffolding, piling, fencing, lighting, noise & vibration, vehicle incursion and landscaping.

5. RELEVANT PLANNING HISTORY

- 5.1 05/P1851 - REDEVELOPMENT OF SITE INVOLVING THE ERECTION OF A DETACHED 3 BEDROOM DWELLING AND 2 X 2 BEDROOM SEMI DETACHED DWELLING HOUSES, INVOLVING THE DEMOLITION OF EXISTING GARAGES (APPLICATION FOR OUTLINE PLANNING PERMISSION WITH SITING AND MEANS OF ACCESS ONLY TO BE DETERMINED AT THIS STAGE). Grant Outline Planning Permission subject to conditions. 15-02-2006.
- 5.2 07/P0120 - REDEVELOPMENT OF SITE INVOLVING THE ERECTION OF A DETACHED TWO STOREY 3 BEDROOM DWELLING AND 2 X 3 BEDROOM TWO STOREY SEMI DETACHED DWELLING HOUSES WITH ACCOMMODATION IN THE ROOFSPACE , WITH ASSOCIATED PARKING (3 SPACES) A PAIR OF GARAGES (2 SPACES) AND INVOLVING THE DEMOLITION OF EXISTING GARAGES. Grant Permission subject to Conditions 20-06-2007.
- 5.3 10/P1463 - APPLICATION TO RENEW EXTANT PLANNING PERMISSION UNDER REFERENCE 07/P0120 FOR THE REDEVELOPMENT OF SITE INVOLVING THE ERECTION OF A DETACHED TWO STOREY 3 BEDROOM DWELLING AND 2 X 3 BEDROOM TWO STOREY SEMI

DETACHED DWELLING HOUSES WITH ACCOMMODATION IN THE ROOFSPACE , WITH ASSOCIATED PARKING (3 SPACES) A PAIR OF GARAGES (2 SPACES) AND INVOLVING THE DEMOLITION OF EXISTING GARAGES. Grant Renewal of planning permission 09-07-2010.

- 5.4 11/P2947 - APPLICATION FOR DISCHARGE OF CONDITIONS 2 [SURFACE TREATMENT], 3 [REFUSE & RECYCLING], 5 [SLAB LEVELS], 7 [CYCLE PARKING], 9 [CONSTRUCTION VEHICLES], 11 [CO2 REDUCTION], 12 [CODE FOR SUSTAINABLE HOMES], 14 [CONTAMINATION INVESTIGATION], 17 [LANDSCAPE MANAGEMENT PLAN], 18 [SURFACE DRAINAGE] AND 19 [NOISE SURVEY] ATTACHED TO LBM PLANNING PERMISSION 10/P1463 (DATED 09/07/2010) RELATING TO THE REDEVELOPMENT OF SITE INVOLVING THE ERECTION OF A DETACHED TWO STOREY 3 BEDROOM DWELLING AND 2 X 3 BEDROOM TWO STOREY SEMI DETACHED DWELLING HOUSES WITH ACCOMMODATION IN THE ROOFSPACE , WITH ASSOCIATED PARKING (3 SPACES) A PAIR OF GARAGES (2 SPACES) AND INVOLVING THE DEMOLITION OF EXISTING GARAGES. Grant Discharge of Conditions 14-12-2011.
- 5.5 17/P2836 - ERECTION OF A TWO STOREY BUILDING TO PROVIDE 10 X SELF CONTAINED FLATS WITH 4 PARKING SPACES & ASSOCIATED LANDSCAPING. Refuse Permission 30-01-2018. Appeal Dismissed 07-05-2019.

The key findings of the Inspector in the dismissed appeal were as follows:

*Housing mix:*

- No substantive evidence that a scheme could not come forward on the site in accordance with SaPP policy DM H2 and the lower density level provided for within the LonP.
- The proposal would result in harm by failing to provide a satisfactory housing mix, thereby conflicting with policy DM H2.

*Character and appearance:*

- Very intensive level of built form in comparison to its surroundings.
- The stepped layout of the flats would also contrast with the existing straight building lines in the surrounding streets.
- The proposal would be at odds with the characteristic pattern of surrounding development.
- Whilst it would not be widely seen from public viewpoints, that does not diminish the serious harm that would result to the character of the area. In any case, the development would be clearly noticeable from trains passing along the neighbouring elevated railway.

*Local highway network:*

- Drivers and pedestrians would be very likely to share the one access.
- The width of the access would allow for cars to travel to and from the site, even with the additional constraint of other cars parked to the rear of garages.
- The access would not result in material harm to highway safety.
- A previous permission on the site also allowed for vehicular access along this track and was found to be acceptable.
- Concerns that the length and width of the access would be prohibitive for refuse and emergency vehicles and given the lack of swept path

analyses it has not been demonstrated that servicing or emergency vehicles could turn around within the site.

- The scheme would result in an overall unsatisfactory access arrangement that would result in vehicular and pedestrian conflict.

#### *Safe and secure living environment*

- No indication that anti-social behaviour would increase as a result of the proposed development.
- The access could be satisfactorily surfaced and lit.

## 6. POLICY CONTEXT

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

### 6.1 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
- 14. Meeting the challenge of climate change, flooding and coastal change

### 6.2 London Plan 2021:

- D1 London's form, character and capacity for growth
- D2 Infrastructure requirements for sustainable densities
- D3 Optimising site capacity through the design-led approach
- D4 Delivering good design
- D5 Inclusive design
- D6 Housing quality and standards
- D7 Accessible housing
- D8 Public realm
- D11 Safety, security and resilience to emergency
- D12 Fire safety
- D14 Noise
- H1 Increasing housing supply
- H2 Small sites
- H10 Housing size mix
- G6 Biodiversity and access to nature
- G7 Trees and woodlands
- SI 1 Improving air quality
- SI 2 Minimising greenhouse gas emissions
- SI 3 Energy infrastructure
- SI 4 Managing heat risk
- SI 5 Water infrastructure
- SI 7 Reducing waste and supporting the circular economy
- SI 8 Waste capacity and net waste self-sufficiency
- SI 13 Sustainable drainage
- T4 Assessing and mitigating transport impacts
- T5 Cycling
- T6 Car parking
- T6.1 Residential parking
- T7 Deliveries, servicing and construction

### 6.3 LDF Core Planning Strategy (July 2011)

- CS8 Housing Choice

CS9	Housing Provision
CS11	Infrastructure
CS13	Open space, nature conservation, leisure and culture
CS14	Design
CS15	Climate Change
CS16	Flood Risk Management
CS17	Waste Management
CS18	Active Transport
CS20	Parking, Servicing and Delivery

#### 6.4 Sites and Policies Plan and Policies Map (July 2014)

DM H2	Housing mix
DM O2	Nature Conservation, Trees, hedges and landscape features
DM D2	Design considerations in all developments
DM EP2	Reducing and mitigating noise
DM EP3	Allowable solutions
DM F1	Support for flood risk management
DM F2	Sustainable urban drainage systems (SuDS) and; Wastewater and Water Infrastructure
DM T1	Support for sustainable transport and active travel
DM T2	Transport impacts of development
DM T3	Car parking and servicing standards
DM T5	Access to the Road Network

#### 6.5 Other guidance:

The National Planning Policy Guidance 2019  
DCLG Technical Housing Standards - Nationally Described Space Standard 2016  
London Housing SPG – 2016  
London Sustainable Design and Construction - SPG 2014  
London Character and Context SPG - 2014  
GLA Guidance on preparing energy assessments - 2018  
Merton's Design SPG 2004  
LB Merton - Draft Sustainable Drainage (SUDS) Design and Evaluation Supplementary Planning Document (SPD) 2018

## 7. **PLANNING CONSIDERATIONS**

### 7.1 Key Issues for consideration

#### 7.1.1 The key issues in the assessment of this planning application are:

- Principle of development
- Need for additional housing, residential density
- Housing mix
- Design and impact upon the character and appearance of the area
- Impact on trees
- Impact on neighbouring amenity
- Standard of accommodation
- Transport, highway network, parking and sustainable travel
- Sustainability
- Air quality
- Potentially contaminated land
- Biodiversity
- Site drainage

- Security and Safety
- S.106 requirements/planning obligations
- Response to issues raised in objection letters

## 7.2 Principle of development

7.2.1 The main planning considerations concern the principle development, the impact on the character of the area, the impact on neighbouring amenity, parking and highway considerations, together with the impact on trees, standard of accommodation, safety and security considerations, drainage considerations and sustainability issues.

7.2.2 A key factor in the assessment will be whether the proposal has overcome the concerns raised by the Inspector in relation to the dismissed appeal under application ref. 17/P2836.

7.2.4 Officers consider that the principle of development is acceptable, subject to the suitable resolution of design and technical considerations, as outlined below in this report.

## 7.3 Need for additional housing and residential density

7.3.1 The National Planning Policy Framework requires Councils to identify a supply of specific 'deliverable' sites sufficient to provide five years' worth of housing with an additional buffer of 5% to provide choice and competition.

7.3.2 Policy H1 of the new London Plan sets the ten-year targets for net housing completions that each local planning authority should plan for. The ten year target for the London borough of Merton is 9,180 (i.e. 918 per year)

7.3.3 Against the requirement of 918 units per year, which equates to 4083 over 5 years (the year 20/21 would remain as per the previous London Plan target), the London Borough of Merton can demonstrate a supply of 4369 units, a provision of 107% of the required five year land supply.

7.3.4 Notwithstanding the above the scheme would make a valuable contribution towards the Council's housing stock.

7.3.5 Policy D3 of the new London Plan requires all development to make the best use of land by following a design-led approach that optimises the capacity of sites, including site allocations. Optimising site capacity means ensuring that development is of the most appropriate form and land use for the site.

7.3.6 New London Plan, Policy D6 sets out that:

"Development proposals must make the most efficient use of land and be developed at the optimum density. The optimum density of a development should result from a design-led approach to determine the capacity of the site. Particular consideration should be given to:

1. the site context
2. its connectivity and accessibility by walking and cycling, and existing and planned public transport (including PTAL)
3. the capacity of surrounding infrastructure"

7.3.7 The new London Plan does not include a density matrix as it does not necessarily provide a consistent means of assessing proposals. Density has

been measured and monitored in London over recent years in units per hectare (u/ha). Average density across London of new housing approvals in the monitoring year 2015/16 was 154 u/ha with the highest average density being recorded in Tower Hamlets at 488 u/ha. However, comparing density between schemes using a single measure can be misleading as it is heavily dependent on the area included in the planning application site boundary as well as the size of residential units. Planning application boundaries are determined by the applicant. These boundaries may be drawn very close to the proposed buildings, missing out adjacent areas of open space, which results in a density which belies the real character of a scheme. Alternatively, the application boundary may include a large site area so that a tall building appears to be a relatively low-density scheme while its physical form is more akin to schemes with a much higher density.

7.3.8 Therefore, whilst density is a material consideration, it is not the overriding factor as to whether a development is acceptable. The potential for additional residential development is better considered in the context of its bulk, scale, design, sustainability, the impact upon neighbouring amenity, living standards for prospective occupants and the desirability of protecting and enhancing the character of the area and the relationship with surrounding development.

7.3.9 The proposed development would have a density of 105 dwellings per hectare and 268 habitable rooms per hectare. Whilst no longer part of the Development Plan, Officers note that the proposed density would have fallen comfortably within the relevant density range of the previous London Plan (London Plan 2016) (200-350 habitable rooms per hectare 70-130 dwellings per hectare) as set out in Table 3.2 for the setting (Suburban) and PTAL 4-6.

#### 7.4 Housing mix

7.4.1 New London Plan Policy H12 and associated planning guidance promotes housing choice and seeks a balance of unit sizes in new developments.

7.4.2 Policy DM H2 sets out that residential development proposals will be considered favourably where they contribute to meeting the needs of different householders such as families with children, single person households and older people by providing a mix of dwelling sizes, taking account of the borough level indicative proportions concerning housing mix.

7.4.3 The supporting text to the policy explains that there has been a disproportionate provision of smaller homes compared to larger homes: 84% of dwellings completed in the borough between April 2000 and March 2011 consisted of 1 or 2 bedroom units.

7.4.4 The supporting text to the policy sets out borough level indicative proportions which are as follows:

<b>Number of bedrooms</b>	<b>Percentage of units</b>
One	33%
Two	32%
Three+	35%

7.4.5 The mix is informed by a number of factors, including Merton's Strategic Housing Market Assessment 201

7.4.6 The new London Plan advises that boroughs should not set prescriptive dwelling size mix requirement but that the housing mix should be informed by the local housing need.

7.4.7 Policy H12 Housing size mix of the new London Plan sets out all the issues that applicants and boroughs should take into account when considering the mix of homes on a site. Boroughs should not set policies or guidance that require set proportions of different-sized (in terms of number of bedrooms) market or intermediate units to be delivered. The supporting text to Policy H12 sets out that such policies are inflexible, often not implemented effectively and generally do not reflect the optimum mix for a site taking account of all the factors set out in part A of Policy H12. Moreover, they do not necessarily meet the identified need for which they are being required; for example, larger units are often required by boroughs in order to meet the needs of families but many such units are instead occupied by sharers.

7.4.8 The current scheme proposes the following mix:

<b>Number of bedrooms</b>	<b>Percentage of units</b>
One	33.3%
Two	33.3%
Three+	33.3%

7.4.9 The proposal provides family sized housing and meets the requirements of policy H3 (Sites and Policies Plan 2014). The proposal is considered to have overcome the previous concerns raised by the Inspector in relation to Housing Mix.

## 7.5 Design and impact upon the character and appearance of the area

7.5.1 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 new London Plan in Policies D3 (Optimising site capacity through the design-led approach) and D4 (Delivering Good Design). 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.

7.5.2 Policy DM D2 seeks 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. Core Planning Policy CS14 supports this SPP Policy.

7.5.3 The site is on a backland plot wherein the principle of a subordinate form of development can be acceptable. The proposed buildings would be lower than the main frontage buildings and so can be argued to be subordinate to the main frontage buildings in terms of height.

7.5.4 Officers acknowledge that the development could be considered intensive, with the majority of the site built upon and little relief or breakages in the built form. The proposed development has a similar footprint (albeit reduced in size), with a similar staggered building to the previously refused scheme.



- 7.5.5 The Inspector previously raised concern regarding the substantial number of dwellings set within a modestly-sized triangular plot. The appeal scheme could be considered to result in a very intensive level of built form in comparison to its surroundings. The stepped layout of the flats would also contrast with the existing straight building lines in the surrounding streets. Whilst development schemes should make good use of land, this should not come at the expense of design quality and good place making and this is clearly reflected in other development plan policies.
- 7.5.6 The application has been amended since its previous format and now includes pitched roof forms and a reduction in the overall footprint across the site (to the northern part of the site). The form and pallet of materials now proposed is considered to better reflect the character of the surrounding area.
- 7.5.7 The site is in a backland position whereby it is important that the development does not compete for dominance with the main frontage buildings. The height of the buildings, in a chalet bungalow format, with a suitable pallet of materials is considered to sufficiently safeguard the character of the area, whilst optimising the potential of the site.
- 7.5.8 The proposed dwellings would not be visually prominent from surrounding public vantage points, other than the railway line, and the main visual impact would be residents' views to the rear of their properties. It is noted that this view would change but the proposed built form is considered to better respect the suburban character of the area and due to the limited height of the proposed units, it is considered that the visual impact of the proposed dwellings would be acceptable.
- 7.5.9 The provision of additional trees would enhance the appearance of the site when viewed from both within and beyond the site boundary and, in the longer term, contribute to biodiversity.
- 7.5.10 The previous planning permission granted on site (ref. 07/P0120) for three hipped roof dwellings, included taller buildings than the current scheme. However, notwithstanding that, the development of the site with three dwellings is not a particularly efficient use of the land and a more intensive development would likely be considered acceptable.
- 7.5.11 The proposal is considered to have overcome the concerns of the Inspector in the appeal and officers consider that the proposal would comply with policy CS14 of the Core Planning Strategy 2011 and Policy DM D2 of the Sites and Policies Plan 2014.

## 7.6 Impact on trees

- 7.6.1 There are mature trees towards the western boundary of the site. The site is not within a Conservation Area but nonetheless the trees contribute to the character of the area.
- 7.6.2 The Council's Tree and Landscape Officer has reviewed the previous proposal and raised no objection as the proposed development would not adversely affect these off-site trees.
- 7.6.3 The impact on existing trees would be acceptable and no objection is raised on this basis.

## 7.6 Impact on neighbouring amenity

- 7.6.1 Policy DM D2 seeks to ensure that development does not adversely impact on the amenity of nearby residential properties.
- 7.6.2 It is of note that the Inspector was silent on the matter of neighbouring amenity in the recent appeal decision. Therefore, it is not clear whether this matter was deemed to be acceptable or not. In the absence of specific comments, officers have assessed the impact on neighbouring amenity below.
- 7.6.3 The proposed flatted building would be situated to the rear of the gardens of houses along Woodville Road and Links Avenue. The closest proposed first floor windows, facing towards the rear of properties on Woodville Road are separated from the boundary by 11.5m, which is sufficient to ensure that areas of the rear gardens are not unreasonably overlooked (this is a significant improvement over the 7m separation distance of the previous scheme). The proposed window to window separation distance would be over 30m. Therefore, it is considered that the proposal has overcome the concerns previously raised in relation to overlooking to the gardens of Nos. 6 and 8 Woodville Road.
- 7.6.4 Side facing first floor windows are proposed, which would be separated from the site rear gardens of properties along Links Avenue by approximately 9m, with a window to window separation of 27m+. Only one secondary window to a bedroom would be within this proximity to the boundary and this separation distance is considered sufficient to avoid a material loss of privacy. (It is noted that the London Housing Design SPG identifies 18m to 20m as having been a benchmark in many boroughs for avoiding loss of privacy in the past).
- 7.6.5 Whilst there is some reservation over the arrangement of balconies and private amenity space, with the first floor units looking over the gardens of ground floor units, it is noted that the units are flatted units and it is not an unusual situation to have properties at first floor level having some oblique views over the garden space of properties at ground floor level. Whilst there would be some inter-visibility, it is considered that this would not result in unacceptable overlooking to future occupiers. A condition to secure suitable screening to the sides of balconies is recommended.
- 7.6.6 Due to the separation distance to neighbouring properties it is considered that there would not be a harmful impact in terms of loss of daylight or sunlight.
- 7.6.7 The scheme proposes that the rear gardens, opening and balconies face towards the adjacent railway line, within close proximity to the adjacent railway. The application is accompanied by a noise assessment which has been assessed by the Council's Environmental Health service which concludes that the impact would be acceptable subject to conditions.
- 7.6.8 The scheme no longer includes on-site parking, so the adverse impact on No.2 Woodville Road, in terms of noise disturbance, would be minimised to the extent that no objection could reasonably be raised.
- 7.6.9 The proposal is considered to have overcome the concerns previously raised and would comply with policies DM EP2 and DM D2 of Sites and Policies Plan 2014.

- 7.7.1 The detailed design of the proposed development should have regard to the requirements of the new London Plan in terms of unit and room sizes and provision of external amenity space. The requirements of SPP Policy DM D2 will also be relevant in relation to the provision of amenity space (see paragraph 6.17 of the supporting text).
- 7.7.2 The internal floor areas proposed would meet the requirements of the new London Plan, including the provision of internal storage.
- 7.7.3 Each unit would have access to private external amenity space in accordance with the new London Plan requirements.
- 7.7.4 The proposal would provide an adequate standard of accommodation and no objection is raised on this basis.
- 7.8 Transport, highway network, parking and sustainable travel
- 7.8.1 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.
- 7.8.2 Core Strategy Policy CS 18 promotes active means of transport and the gardens of the houses provide sufficient space for the storage of cycles without the need to clutter up the front of the development with further cycle stores.
- 7.8.3 The site has a PTAL rating of 4. The new London Plan expresses residential car parking standards as a maximum and states that all developments in areas of good public transport accessibility should aim for up to 0.5 - 0.75 spaces per dwelling. Policies GG2 (Making the best use of land) and T6 (Car Parking) of the new London Plan set out that in locations of high public transport accessibility, car-free developments should be promoted (whilst still providing for disabled people).
- 7.8.4 The scheme proposes a car free development, with the provision of 22 cycle parking spaces.
- 7.8.5 The level of cycle parking is in line with new London Plan standards and no objection is raised on this basis. However, as currently shown there is no enclosure for the cycle parking. However, ample space exists on site to provide for cycle parking for the units and this matter can be reasonably addressed by way of condition.
- 7.8.6 The provision of a car free development, within this PTAL 4 area, would be in line with local and national policy aims. Officers raise no objection to a car free development subject to the applicant entering a legal agreement to ensure that future occupants are not eligible to obtain parking permits within the local CPZ.
- 7.8.7 Having regard to the fact that Woodville Road is a cul-de-sac with low levels of traffic, it is considered that an objection based on the impact on the junction with Woodville Road at peak times could not be reasonably substantiated, particularly given that the development is now proposed as car-free.
- 7.8.8 In the recent appeal decision the Inspector did not raise concern regarding access to the site for cars. However, the Inspector did have concerns that the

length and width of the access would be prohibitive for refuse and emergency vehicles. Given the distances involved, it would be impractical for refuse vehicles to park in Woodville Road to collect from the proposed flats. In all likelihood, they would need to be able to get much closer to the site which would require driving along the access.

- 7.8.9 The proposal seeks to use a private waste management company to service the site and the current application is accompanied by swept path analyses to demonstrate that refuse (or emergency) vehicles could turn around within the site. The agent has clarified that the swept path analysis drawings show the largest type of refuse collection vehicle that could be required to enter the site, whereas the vehicle used would likely be smaller than that shown.
- 7.8.10 In terms of refuse collection, the scheme proposes two Euro bins to serve the development, to be situated adjacent to the turning area. Officers advise that in order to secure a private refuse collector this would need to be controlled by way of a legal agreement. A number of residential developments granted planning permission in the borough have utilised private waste management companies and therefore, whilst the comments of the waste services team have been carefully considered it is concluded that provided this matter is controlled by way of legal agreement, it could not reasonably form a reason for refusal.
- 7.8.11 The Council's Transport planner has reviewed the swept path analysis drawings and raises no objection in terms of the site access.
- 7.8.12 In terms of fire safety, the new London Plan sets out, in the supporting text to Policy D12, that "fire safety compliance is covered by Part B of the Building Regulations. However, to ensure that development proposals achieve the highest standards of fire safety, reducing risk to life, minimising the risk of fire spread, and providing suitable and convenient means of escape which all building users can have confidence in, applicants should consider issues of fire safety before building control application stage, taking into account the diversity of and likely behaviour of the population as a whole."
- 7.8.13 As set out above, fire safety matters are primarily addressed at the Building Control stage of a development. However, as the site has a long and narrow access it is considered prudent to have some regard to the layout in terms of fire safety. The London Fire Brigade has been consulted and have commented on the application and set out that access must be possible for emergency vehicles in addition to the provision of adequate water supplies for firefighting purposes. The document referred to by the London Fire Brigade (FIRE SAFETY GUIDANCE NOTE Number: Access for Fire Appliances GN29) sets out that a minimum width of 4.0m should be provided for emergency vehicle access. The access road would be 4.3m (but it is noted that this dimension indicates 4.3m separation 'from rear gardens' and does not refer to a dimension between the kerbs). This document sets out that vehicles should not be required to reverse more than 20m. In this case, the access road is in excess of 20m and therefore, vehicles would be required to turn on site. The proposed turning head has a width of 16.4m by 12m.
- 7.8.14 The London Fire Brigade has not confirmed that the layout would meet this guidance, as this is a matter that is addressed at the Building Regulations stage. Officers conclude that emergency access to the site could likely be achieved with the access arrangements as proposed (subject to the re-surfacing of the access track prior to occupation). However, notwithstanding that above, the agent has confirmed that a fire hydrant will be installed on the

site, in any event. Officers recommend the imposition of a planning condition to secure the submission of a fire safety strategy, to secure a fire hydrant on site, or other suitable fire safety measures.

7.8.15 As set out above, officers advise that the issue of fire safety is a consideration under the Building Regulations. However, given the length of the site access, officers have investigated this matter as far as is reasonable under a planning assessment. The proposed development will be subject to Building Regulations relating to fire safety and therefore, this matter would be considered in its entirety, at that stage.

7.8.16 The existing access track to the site is unmade and would not be suitable for any increased level of vehicular movement, although it is noted that it currently provides vehicular access to garages. The application proposes to re-surface this access track to ensure that refuse collection and emergency vehicular access is possible. Officers consider that the resurfacing of the track is necessary to make the development acceptable in planning terms and this matter is addressed by way of condition to ensure that the access track is resurfaced prior to the first occupation of the units. Subject to this condition, the proposal would provide a suitable means of access and would not result in harm to the safe and efficient operation of the local highway network. Adequate cycle parking provision is provided and it is concluded that the proposal would comply with Policies T4, T5, T6 and T6.1 of the new London Plan, Policies CS18 and CS20 of the Core Planning Strategy and Policies DMD2, DMT2, DMT3 and DMT5 of the Sites and Policies Plan 2014.

7.8.17 The site is adjacent to a Network Rail operated railway. No part of the development would impinge on the railway land. It is noted that Network Rail have commented on the application and an informative is recommended in this regard.

## 7.9 Sustainability

7.9.1 All new developments comprising the creation of new dwellings should demonstrate how the development will comply with Merton's Core Planning Strategy (2011) Policy CS15 Climate Change (parts a-d) and the policies outlined in Chapter 9 (Sustainable infrastructure) of the new London Plan.

7.9.2 The development will need to achieve internal water usage rates not in excess of 105 litres per person per day and to demonstrate a 19% reduction in CO2 levels over and above the 2013 Building regulations.

7.9.3 The application is accompanied by a brief energy statement which identifies the previous policy requirements but does not provide specific details on the measures to be used. However, this matter can be addressed by way of pre-occupation condition to ensure the relevant targets are met.

7.9.4 Therefore, subject to condition, the proposal would comply with the policies within Chapter 9 of the new London Plan and Policy CS15 of the Core Planning Strategy 2011.

## 7.10 Air quality

7.10.1 Planning Policy DM EP4 of Merton's Adopted Sites and Policies plan (2104) seeks to minimise pollutants and to reduce concentrations to levels that have minimal adverse effects on people, the natural and physical environment in Merton. The policy states that to minimise pollutants, development: a) Should

be designed to mitigate against its impact on air, land, light, noise and water both during the construction process and lifetime of the completed development. b) Individually or cumulatively, should not result in an adverse impact against human or natural environment. New London Plan policy SI 1 (Improving Air Quality) recognises the importance of tackling air pollution and improving air quality to London's development and the health and wellbeing of its people. In accordance with the aims of the National Air Quality Strategy, the Mayor's Air Quality Strategy seeks to minimise the emissions of key pollutants and to reduce concentration to levels at which no, or minimal, effects on human health are likely to occur. To meet the aims of the National Air Quality Objectives, the Council has designated the entire borough of Merton as an Air Quality Management Area (AQMA).

7.10.2 The Council's Environmental Health Service has revised the proposals and raise no objection subject to a condition to ensure that dust and emissions are controlled throughout the construction process. Subject to this condition, officers raise no objection.

#### 7.11 Potentially contaminated land

7.11.1 Merton's Sites and Policies Plan Policy DM EP4 (Pollutants) aims to reduce pollutants and reduce concentrations to levels that will have minimal adverse effects on people and the natural and physical environment.

7.10.2 The Council's Environmental Health Service has revised the proposals and raise no objection subject to a condition to ensure that a risk assessment and site investigation is carried out prior to the commencement of development. Subject to these conditions, officers raise no objection.

#### 7.10 Biodiversity

7.10.1 There is no indication that the existing site has a significant bio-diversity value and as such no objection is raised to its redevelopment. It is noted that the site is adjacent to a Green Corridor and Site of Importance for Nature Conservation. The proposed development would not encroach into this adjacent area and therefore, subject to a condition to ensure that boundary fencing or other suitable screening is in place throughout the construction process, no objection is raised on this basis. It is noted that the scheme includes some tree planting, which would also contribute to the biodiversity value of the site.

#### 7.11 Site drainage

7.11.1 New London Plan policies SI 12 (Flood risk management) and SI 13 (Sustainable drainage), Core Planning Strategy 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.

7.11.2 The site is within Flood Zone 1 (low probability of flooding) and is not within a critical drainage area.

7.11.2 Notwithstanding that, policy DM F2 sets out that all development should have to consider SUDS and demonstrate sustainable approaches to the

management of surface water and seek mitigation measures through the inclusion of SUDS.

7.11.3 The application refers to permeable surfaces to all communal pedestrian and parking areas but does not provide further detail to demonstrate compliance with Policy DM F2.

7.11.4 However, this matter can reasonably be addressed by way of condition to secure a Drainage/SuDS scheme.

## 7.12 Security and safety

7.12.1 Policy DM D2 requires developments to provide layouts that are safe, secure and take account of crime prevention and are developed in accordance with Secured by Design principles.

7.12.2 It is noted that the Inspector was satisfied that the previous proposal would not create a living environment that was unsafe or unsecure. Therefore, whilst officers had previously raised concern in this regard it would be unreasonable to take this forward into a reason for refusal, given the clear and unambiguous comments of the Inspector.

7.12.3 It is noted that the current proposal is car-free and therefore the potential conflict of cars meeting other vehicles and/or pedestrians on the access road is reduced, so the current scheme is an improvement over the previous appeal scheme.

7.12.4 In addition, officers recommend a condition to secure an on-site lighting scheme is imposed in order to ensure that the pedestrian approaches to the site are adequately lit.

7.12.5 The proposal would comply with policy D11 of the new London Plan, Policy CS 14 of the Core Planning Strategy and policy DM D2 of the Sites and Policies Plan in relation to a safe and secure living environment.

## 7.13 S.106 requirements/planning obligations

7.13.1 It will be necessary for the development to be parking permit free by way of legal agreement. It is also necessary to control the private waste management arrangements proposed by way of legal agreement.

7.13.2 The proposed development would be subject to the Community Infrastructure Levy (CIL). This would require a contribution of £220 per additional square metre of floor space to be paid to Merton Council and an additional £60 per additional square meter to be paid to the Mayor. Further information on this can be found at:

<http://www.merton.gov.uk/environment/planning/cil.htm>

## 7.14 Response to issues raised in objection letters

7.14.1 The majority of issues raised in the objection letters have been addressed in the body of the report. However, in addition, the following response is offered:

- Whilst there are some concerns with the layout of the development in terms of safety, there would not be a security risk to neighbouring houses to the extent that a reason for refusal on this matter would be justified. The access ways are currently accessible on foot and the

proposed development would not worsen this situation – if anything, there would be more footfall and therefore a lower chance of opportunistic crime.

- The bin store would be enclosed and would be separated from the neighbouring residential properties. Therefore, officers do not consider that a reason for refusal based on odour nuisance or vermin problems could be reasonably substantiated.
- Whilst there would be some additional minor disturbance from light as a result of the proposal, it is considered that this would be limited and would not warrant a reason for refusal.
- In terms of access and rights of access – this is a private civil matter between landowners and it is possible that if permission were granted the proposal could not be implemented due to the issues surrounding the access. However, planning permission does not convey an ultimate right to develop and there may be other legal obstacles that the applicant would need to address.

## **8. Conclusion**

8.1 The National Planning Policy Framework has at its heart a planning system that is geared towards delivering sustainable development. This is achieved through pursuing three overarching objectives economic, social and environmental. The proposals:

- Support the economy by facilitating construction activity,
- Support social objectives by providing much needed housing and
- Support environmental objectives by delivering arguably well designed housing in an accessible location with a good PTAL score, where reliance on car use can be relaxed and where the fabric and functioning of the new dwellings is such that it reduces its carbon footprint and does not place an unnecessary burden on other resources including water usage.

8.2 The Framework has an underlying presumption of supporting sustainable development and, given that the principle of residential development has previously been accepted on the site, it may reasonably be asserted that subject to meeting other planning policy requirements, the application delivers this.

8.3 The current application is considered to have overcome the concerns raised by the Inspector and would optimise the site whilst sufficiently safeguarding the character of the area and the amenity of neighbouring occupiers.

8.4 The proposal is considered to be acceptable for the reasons set out in this report and therefore the recommendation is for approval subject to conditions and a legal agreement.

## **RECOMMENDATION**

Grant planning permission subject to s106 agreement securing the following:

- Restrict parking permits.
- Provision of private waste management company for private waste collection
- and cost to Council of all work in drafting S106 and monitoring the obligations.

And the following conditions: **Page 274**



1. A1 Time limit
2. A2 Approved Plans
3. B1 External Materials to be Approved
4. B4 Details of surface treatment
5. B6 Levels
6. C06 Waste Management Plan (Details to be Submitted)
7. C08 No Use of Flat Roof
8. C10 Balcony (Screening details to be provided)
9. F01 Landscaping/Planting Scheme
10. F02 Landscaping (Implementation)
11. H06 Cycle Parking - Details to be Submitted
12. Non Standard Condition: Submission of a Lighting scheme

Reason: To ensure a safe and secure environment for the users, and to ensure compliance with the following Development Plan policies for Merton: policies DM D2 of Merton's Sites and Policies Plan 2014.

13. C01 No permitted development (Extensions)
14. C02 No Permitted development (Windows & Doors)
15. Non Standard Condition: No Permitted Development (outbuildings)

Reason: The Local Planning Authority considers that further development could cause detriment to the amenities of the occupiers of nearby properties or to the character of the area and for this reason would wish to control any future Development plan policies for Merton: policy D3 of the London Plan 2021, policy CS14 of Merton's Core Planning Strategy 2011 and policies DM D2 and D3 of Merton's Sites and Policies Plan 2014.

16. Non Standard Condition: No part of the development hereby approved shall be occupied until evidence has been submitted to, and approved in writing by, the Local Planning Authority confirming that the development has achieved CO2 reductions of not less than a 19% improvement on Part L regulations 2013, and internal water usage rates of not more than 105 litres per person per day.

Reason: To ensure that the development achieves a high standard of sustainability and makes efficient use of resources and to comply with the following Development Plan policies for Merton: Policy SI 5 of the London Plan 2021 and Policy CS15 of Merton's Core Planning Strategy 2011.

17. Non Standard Condition: Due to the potential impact of the surrounding locality on the residential development, a scheme for protecting residents from noise shall be submitted to and approved in writing by the Local Planning Authority prior to the development commencing. The scheme is to include acoustic data for the glazing/ventilation system. The internal noise levels shall meet those within BS8233:2014 Guidance on Sound Insulation and Noise Reduction for Buildings and ProPG: Planning and Noise – Professional Practice Guide, Publ: (ANC, IOA, CIEH) May 2017 as a minimum. The approved scheme shall be implemented in accordance with the agreed details.

Reason: To protect the amenities of future occupiers and those in the local vicinity.

18. Non Standard Condition: All Non-Road Mobile Machinery (NRMM) of net power of 37kW and up to and including 560kW used during the course of the demolition, site preparation and construction phases shall comply with the emission standards set out in chapter 7 of the GLA's supplementary planning guidance "Control of Dust and Emissions During Construction and Demolition" dated July 2014 (SPG), or subsequent guidance. Unless it complies with the standards set out in the SPG, no NRMM shall be on site, at any time, whether in use or not, without the prior written consent of the local planning authority. The developer shall keep an up to date list of all NRMM used during the demolition, site preparation and construction phases of the development on the online register at <https://nrmm.london/>

Reason: To ensure that the development would not result in a deterioration of air quality.

19. Non Standard Condition: No development approved by this permission shall be commenced until a detailed scheme for the provision of surface and foul water drainage has been implemented in accordance with details that have been submitted to and approved in writing by the local planning authority. The drainage scheme will dispose of surface water by means of a sustainable drainage system (SuDS) via infiltration or at the agreed runoff rate (no more than 4.02l/s), in accordance with drainage hierarchy contained within the London Plan Policy (5.12, 5.13 and SPG) and the advice contained within the National SuDS Standards.

Reason: To reduce the risk of surface and foul water flooding to the proposed development and future users, and ensure surface water and foul flood risk does not increase offsite in accordance with Merton's policies CS16, DMF2 and London Plan policy SI 13.

18. Non Standard Condition: Prior to occupation, the detailed design, specification and planting scheme for any green roof forming part of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The design and planting shall be carried out as approved prior to occupation of the relevant part of the development, retained and maintained in perpetuity thereafter.

Reason: To reduce the risk of surface and foul water flooding to the proposed development and future users, and ensure surface water

and foul flood risk does not increase offsite in accordance with Merton's policies CS16, DMF2 and London Plan policy SI 13.

19. Non Standard Condition: No development shall take place until a Demolition/Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the demolition and construction period.

The Statement shall provide for:

- hours of operation
- the parking of vehicles of site operatives and visitors
- loading and unloading of plant and materials
- storage of plant and materials used in constructing the development
- the erection and maintenance of security hoarding including decorative -displays and facilities for public viewing, where appropriate
- wheel washing facilities
- measures to control the emission of noise and vibration during construction.
- measures to control the emission of dust and dirt during construction/demolition
- a scheme for recycling/disposing of waste resulting from demolition and construction works

Reason: To protect the amenities of future occupiers and those in the local vicinity.

20. Non Standard Condition: No development shall take place until:

a) a preliminary risk assessment with details of a site investigation strategy based on the information revealed in the PRA has been submitted to and approved in writing by the Local Planning Authority;

b) an intrusive site investigation has been conducted comprising: sampling of soil, soil vapour, ground gas, surface water and groundwater to the satisfaction of the local planning authority. Such a study to be conducted according to current U.K. requirements for sampling and testing.

c) written reports of:

i) the findings of the above site-investigation and

ii) a risk assessment for sensitive receptors together with a detailed remediation strategy designed to mitigate the risk posed by the identified contamination to sensitive receptors have been submitted to and approved in writing by the Local Planning Authority.

Note: some demolition work, if required could be allowed beforehand for enabling the above requirement (1b) subject to the agreement of the Local Planning Authority.

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

21. The building hereby permitted shall not be occupied until:

a) any remediation works approved as part of the remediation strategy have been conducted in full and in compliance with the approved strategy. If during the remediation or development work new areas of contamination are encountered, which have not been expected, then the additional contamination should be fully assessed in accordance with part 1 (b, c) above of this condition and an adequate remediation scheme shall be submitted to and approved in writing by the Local Planning Authority and fully implemented thereafter;

b) a verification report, produced on completion of the remediation, has been submitted to and approved in writing by the Local Planning Authority. Such report shall include

- i) details of the remediation conducted and
- ii) results of verification sampling, testing and monitoring and
- iii) all waste management documentation showing the classification of waste, its treatment, movement and disposal to demonstrate compliance with the approved remediation strategy.

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

22. Non Standard Condition: Prior to the commencement of development, a plan detailing how the adjacent green corridor and Site of Importance for Nature Conservation will be protected throughout the construction process. The agreed measures shall be adhered to throughout the entirety of the construction process.

Reason: Having regard to the bio-diversity value of adjoining land and to comply with Policy DM O2 of the sites and policies plan 2014

23. Prior to the first occupation of the residential dwellings hereby approved, a scheme shall be submitted and approved in writing by the Local Planning Authority detailing the resurfacing of the access track, a lighting scheme for the access track and drainage arrangements for the access track. The development shall not be occupied until the measures in the agreed scheme have been carried out in full and these measures shall be retained and maintained as such thereafter.

Reason: To protect the amenities of future occupiers and those in the local vicinity.

24. No development that would prejudice the provision of a fire hydrant system, or other suitable fire safety measures, shall take place until details for the provision of a fire hydrant system, or other suitable fire safety measures, for the development have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details before occupation and retained and maintained thereafter.

Reason, to ensure the safety of occupiers and neighbours in accordance with policy DM D2 of the Adopted Merton Sites and Policies Plan 2014.

## Informatives:

1. Carbon emissions evidence requirements for post construction stage assessments must provide: 'As Built' SAP Compliance Reports and detailed DER and TER worksheets for the as built development. The output documents must be based on the 'as built' stage of analysis and must account for any changes to the specification during construction. 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 developer has used SAP 10 conversion factors: The completed Carbon Emissions Reporting Spreadsheet based on the 'As Built' SAP outputs. AND, where applicable: MCS certificates and photos of all installed renewable technologies.
2. Water efficiency evidence requirements for Post Construction Stage assessments must provide:
  - Documentary evidence representing the dwellings 'As Built'; detailing:
  - the type of appliances/ fittings that use water in the dwelling (including any specific water reduction equipment with the capacity / flow rate of equipment);
  - the size and details of any rainwater and grey-water collection systems provided for use in the dwelling; AND:
  - Water Efficiency Calculator for New Dwellings; OR
  - Where different from design stage, provide revised Water Efficiency Calculator for New Dwellings and detailed documentary evidence (as listed above) representing the dwellings 'As Built'
3. The applicant should be aware that the site may provide a useful habitat for swifts. Swifts are currently in decline in the UK and in order to encourage and improve the conservation of swifts the applicant is advised to consider the installation of a swift nesting box/bricks on the site.
4. INF9 Works on the Public Highway
5. INF12 Works Affecting the Public Highway
6. A S171 licence must be in place with the highways section of the Council to cover the construction access to the site from Woodville Road.
7. INF 15 Discharge conditions prior to commencement of work
8. INF 20 Street naming and numbering
9. INFORMATIVE: No surface water runoff should discharge onto the public highway including the public footway or highway. When it is

proposed to connect to a public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required (contact no. 0845 850 2777).

10. NPPF Note to Applicant – approved schemes
11. The developer must ensure that their proposal, both during construction and after completion does not:
  - encroach onto Network Rail land
  - affect the safety, operation or integrity of the company's railway and its infrastructure
  - undermine its support zone
  - damage the company's infrastructure
  - place additional load on cuttings
  - adversely affect any railway land or structure
  - over-sail or encroach upon the air-space of any Network Rail land
  - cause to obstruct or interfere with any works or proposed works or Network Rail development both now and in the future