

**PLANNING APPLICATIONS COMMITTEE**  
**29<sup>th</sup> June 2021**

**Item No: 6**

<b><u>UPRN</u></b>	<b><u>APPLICATION NO.</u></b>	<b><u>DATE VALID</u></b>
	20/P3874	17/02/2021
<b>Address/Site</b>	Chase Court, 8A Bakers End, Wimbledon Chase, SW20 9ER	
<b>(Ward)</b>	Merton Park	
<b>Proposal:</b>	ERECTION OF A BUNGALOW WITH AMENITY SPACE AND ASSOCIATED PARKING.	
<b>Drawing Nos</b>	2009-1D, 2009-2A, 2009-3A and 181127/DS/01/A.	
<b>Contact Officer:</b>	Tim Lipscomb	

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**RECOMMENDATION**

**Grant Planning Permission subject to conditions.**

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**CHECKLIST INFORMATION**

- Heads of s.106 Agreement: Restrict parking permits
- Is a screening opinion required: No
- Is an Environmental Statement required: No
- Has an Environmental Statement been submitted: No
- DRP: No
- Press notice: No
- Site notice: No
- Number of neighbours consulted: 49
- External consultations: Yes
- Conservation area: No
- Listed building: No
- Tree protection orders: No
- Controlled Parking Zone: Yes (MP2)
- Flood Zone 1
- PTAL: 2

1. **INTRODUCTION**

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

2. **SITE AND SURROUNDINGS**

- 2.1 The application site comprises an area of land, occupied by two flatted buildings (accommodating 12 x 1 bed flats), on a private road (Chase Court), to the west of Bakers End, a residential cul-de-sac, characterised by short rows of terraced dwellings and semi-detached dwellings.
- 2.2 To the immediate east of the site is a railway line embankment and tracks beyond.
- 2.3 To the immediate north of the site is a warehouse building, part single storey with a gabled roof and part two-storey with a flat roof.
- 2.4 The site is occupied by two flatted blocks, Nos.1-6 and Nos.7-12. These buildings are identical in terms of architectural form, both being three storeys in height with angled Oriel bay windows and a gambrel roof with an area of flat roof at ridge level. Construction materials are brick and tiles.
- 2.5 The site is accessed via Chase Court, leading off Bakers End. The vehicular access leads to a parking area for the two blocks of flats.
- 2.6 Each building is set within a grassed area with an area of grasscrete to the northern part of the site.
- 2.7 A line of conifer trees previously stood to the northern part of the site but has recently been removed.
- 2.8 The surrounding area is predominantly residential and suburban in character.
- 2.9 The site has the following designations and restrictions:
  - Controlled Parking Zone (CPZ) – MP2
  - Archaeological Priority Zone
  - Flood Zone 1 (low probability)

### **3. PROPOSAL**

- 3.1 The proposal is for the erection of a two bedroom bungalow, with private garden space, to the northern end of Chase Court, on an area of open grassed land, adjacent to the one of the existing three storey flatted buildings on Chase Court.
- 3.2 The building would have an L-shaped footprint with a fully hipped roof to a height of 3.9m, with an eaves height of 2.6m. The bungalow would have a GIA of approximately 78sqm.
- 3.3 The bungalow would not be set up hard against the site boundary but would leave a space of approximately 2m to the northeast and northwest sides (providing a space of approximately 37sqm). In addition, a rectangular garden of 36sqm would be positioned to the side of the proposed bungalow (southwest side).
- 3.4 The building would be constructed from facing brickwork, with red pantiles.

- 3.5 Cycle parking for two bikes would be provided adjacent to the dwelling, along with an enclosed bin store.
- 3.6 The bungalow and garden would be enclosed by a combination of low level picket fencing and 1.8m close board fencing.
- 3.7 A single car parking space is proposed, outside of the red line site area, but within Chase Court.
- 3.8 In addition, the application proposes a new secure bike shelter to serve the existing flatted blocks on site, along with new bin store enclosures for the existing flatted units on Chase Court (units 1-6 and 7-12). The proposed development would be serviced in a similar manner to the existing flats on Chase Court, with a Council refuse vehicle entering Chase Court.
- 3.9 The scheme originally included electronic security gates to the entrance to Chase Court but due to concerns raised throughout the representation process, the agent has now omitted these gates from the scheme.
- 3.10 The application was amended on 21/05/2021 following concerns raised by officers. The amendments are summarised as follows:
- Reduction in size of garden to allow for more communal space for existing residents.
  - Omission of proposed electronic security gates to Chase Court.
- 3.11 The application is accompanied by the following supporting documents:
- Design & Access Statement
  - Drainage Strategy

#### **4. PLANNING HISTORY**

- 4.1 86/P1095 - OUTLINE APPLICATION FOR THE ERECTION OF TWO 2 STOREY BLOCKS OF 8 ONE-BEDROOM FLATS WITH CAR PARKING AND ACCESS ROAD OFF BAKERS END. Deemed Consent 27-11-1986.
- 4.2 88/P0566 - ERECTION OF 8 ONE BEDROOM FLATS IN TWO TWO STOREY BLOCKS WITH 8 CAR PARKING SPACES. Grant Permission (subject to conditions) 30-06-1988.
- 4.3 89/P0492 - ALTERATIONS TO AND CONVERSION OF ROOF AREA OF APPROVED BLOCKS OF FLATS NOW UNDER CONSTRUCTION TO FORM FOUR ADDITIONAL STUDIO FLATS AT SECOND FLOOR LEVEL INCLUDING PROVISION OF ADDITIONAL CAR PARKING. Grant Permission (subject to conditions) 16-05-1989.
- 4.4 18/P4212 - ERECTION OF A TWO STOREY RESIDENTIAL BUILDING COMPRISING 3 x SELF-CONTAINED FLATS WITH

AMENITY SPACE AND ASSOCIATED PARKING. Refused Permission 08-05-2019 for the following reasons:

1. The proposals by reason of the lack of outlook to the bedroom to Unit C, would result in a substandard quality of environment for future occupiers. The proposals would be contrary to Policy 3.5 of the London Plan 2016, and Policy DMD2 of the Sites and Policies Plan 2014.
2. The proposed development, by reason of its siting, proximity to existing buildings and site boundaries, bulk, massing and design, would appear overly dominant and unduly prominent contributing to a sense of enclosure to the detriment of the visual amenities of neighbouring occupiers and the wider area, and result in overlooking and loss of privacy, perception of overlooking, and a loss of daylight and sunlight to the detriment of the visual amenities of neighbouring occupiers. The proposals would be contrary to Policies 7.4 and 7.6 of the London Plan 2016, policy CS14 of the Core Planning Strategy 2011 and Policy DM D2 of the Sites and Policies Plan 2014.
3. The proposed development, by reason of the proposed parking layout, fails to provide suitable designated car parking for disabled people. The proposals would be contrary to Policies 3.5, 6.9 and 6.13 of the London Plan 2016, Policies CS18 and CS20 of the Core Planning Strategy 2011 and Policy DMT3 of the Sites and Policies Plan 2014.
4. The proposed development fails to demonstrate that adequate refuse/recycling facilities can be provided for the increased number of dwellings without detriment to the amenities of existing and future occupiers. The proposals would be contrary to Policy 5.17 of the London Plan 2016 and Policies CS17 and CS20 of the Core Planning Strategy 2011.
5. The proposed development, by reason of the absence of a planning undertaking to ensure that the future occupiers of the development are ineligible for parking permits for the surrounding Controlled Parking Zone, and the loss of car parking spaces for the existing residential dwellings on site, would contribute to congestion within Chase Court and the displacement of parking giving rise to increased pressure on kerbside parking on the neighbouring street, to the detriment of the amenities of existing residents and the detriment of highway and pedestrian safety. The proposals would be contrary to policy 6.13 of the London Plan 2016, Policy DMT1, DMT2 and DM T3 of the Sites and Policies Plan 2014 and Policy CS20 of the Core Planning Strategy 2011.

5.1 Site notice posted, neighbouring properties notified. 8 representations were received, objecting on the following grounds/raising the following comments:

- A very similar proposal (but for a two-storey flat) was previously refused and this application should be refused for the same reasons.
- Concern regarding loss of main communal green space for residents.
- Restriction of views, overshadowing.
- Loss of privacy.
- The space showing 4 cars currently only accommodates 3 cars and therefore concern is raised as to whether this will be cramped.
- There is a tree that will need to be removed, despite the assertion in the application form that there is not.
- No mention of how this proposal will affect service charge and ground rent.
- Disruption. Noise and mess.
- Overcrowding.
- Query the purpose of the building.
- Adverse impact on parking.
- Plans create the impression that there is already a building on site.
- The proposal would not perform well against Lifetime Homes Standards (parking space is too far away, the dwelling should have three bedrooms and there is no dropped kerb from the existing footways).
- Proposed development would be overlooked by the railway line.
- Overlooking to the proposed development from existing flats.
- The front facing bedroom will be at the same height as the headlights of approaching cars.
- Poor outlook for the dwelling.
- The proposed bin store is not accessible for refuse collection.
- Concerns regarding access for emergency services vehicles.
- Infrastructure is not suitable for any additional dwellings.
- Concerns over drainage implications – the area is already declared as a very high flood risk due to insufficient surface and foul sewer drainage.
- Query whether allocated parking spaces for existing residents would be lost.
- Residents have not requested new bike stores or new bin stores.
- The future occupants will may not be obliged to contribute towards maintenance of Chase Court but would benefit from its use.
- Query whether site notice is a legal requirement as one does not appear to have been posted.
- Trees were previously cleared from the site.

- The bike shelter for existing residents is a positive of the development.
- Object to bike shed as it could be a magnet for thieves as indicated by the Designing out Crime Officer.
- Objection to further footfall along the road and impact on road surface.
- Concerns raised on ecological grounds.
- Concerns regarding increase in vermin due to increased building work in the area.
- Objections to provision of electronic security gates.

## 5.2 LBM Transport Planning:

The proposed site is located at the end of Chase Court which is a private road off the adopted Bakers End. (approx: 107metres from Bakers End)

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

There is adequate turning area within Chase Court for cars to approach Bakers End in forward Manner.

Car Parking: The proposal identifies one car parking space which satisfies the London Plan Standards.

Cycle Parking: The proposal provides 2 cycle parking spaces which satisfies the London plan standards.

Recommendation: The proposal is within a private road maintained by a private company. Parking management and other services is the responsibility of the management company and the Council highways bears no responsibility

## 5.3 LBM Drainage Officer:

No objection. Recommend a condition to ensure that the measures detailed in the submitted Drainage Strategy, including on-site storage of 1.6 cubic metres, are implemented.

## 5.4 Metropolitan Police Designing Out Crime Officer:

Summary of comments:

- The proposed amendment to the site plan appears to create an area lacking natural surveillance which would provide potential hiding places for those with criminal intent. The creation of this area should be avoided.
- Concern that people may be able to access the rear of the bungalow.
- The garden needs to be clearly distinguished from the communal area.
- Cycle parking should be located in front of the residential blocks to maximise natural surveillance.

- Conclude that the proposal is unlikely to have a significant effect on heritage assets of archaeological interest.
- Although the site is located within an archaeological priority area, it is on the periphery, and its small size means there is likely to be minimal archaeological impact.
- No further assessment or conditions are therefore necessary.

5.6 Thames Water:

*Awaiting response...*

6. **POLICY CONTEXT**

6.1 National Planning Policy Framework (2019):

- 2. Achieving sustainable development
- 4. Decision-making
- 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
- 15. Conserving and enhancing the natural environment
- 16. Conserving and enhancing the historic environment

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
- D11 Safety, security and resilience to emergency
- D13 Agent of Change
- D14 Noise
- H1 Increasing housing supply
- G5 Urban greening
- 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 10 Aggregates
- SI 13 Sustainable drainage
- T1 Strategic approach to transport
- T2 Healthy Streets
- T3 Transport capacity, connectivity and safeguarding
- T4 Assessing and mitigating transport impacts

T5 Cycling  
T6 Car parking  
T6.1 Residential parking  
T6.3 Retail parking  
T7 Deliveries, servicing and construction  
T9 Funding transport infrastructure through planning

6.3 Merton adopted Core Strategy (July 2011):

CS 8 Housing choice  
CS 9 Housing provision  
CS 11 Infrastructure  
CS 13 Open space, leisure and nature conservation  
CS 14 Design  
CS 15 Climate change  
CS 17 Waste management  
CS 18 Active Transport  
CS 20 Parking servicing and delivery

6.4 Merton adopted Sites and Policies document (July 2014):

DM O2 Nature conservation, Trees, hedges and landscape features  
DM D2 Design considerations  
DM EP2 Reducing and mitigating noise  
DM EP3 Allowable solutions  
DM EP4 Pollutants  
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 T4 Transport infrastructure

6.5 Other guidance:

National Design Guide – October 2019  
Draft Merton Local Plan  
DCLG: Technical housing standards - nationally described space standard March 2015  
Merton's Design SPG 2004  
GLA Guidance on preparing energy assessments – 2018  
Mayor's Air Quality Strategy - 2010  
Mayor's SPG - Housing 2016  
Mayor's SPG – Sustainable Design and Construction 2014  
Mayor's SPG – Character and Context 2014  
LB Merton – Air quality action plan - 2018-2023.  
LB Merton - Draft Sustainable Drainage (SUDS) Design and Evaluation Supplementary Planning Document (SPD) 2018

7. **PLANNING CONSIDERATIONS**

Material Considerations

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

- Principle of development
- Planning history
- Need for additional housing
- Design and impact upon the character and appearance of the area



- Impact upon neighbouring amenity
- Standard of accommodation
- Transport, parking and cycle storage
- Safety and Security considerations
- Refuse storage and collection
- Sustainable design and construction
- Biodiversity
- Drainage and runoff
- Archaeological considerations

## 7.1 Principle of development

- 7.1.1 Policy H1 of the London Plan 2021 states that development plan policies should seek to identify new sources of land for residential development including intensification of housing provision through development at higher densities. Core Strategy policies CS8 & CS9 seek to encourage proposals for well-designed and conveniently located new housing that will create socially mixed and sustainable neighbourhoods through physical regeneration and effective use of space. The National Planning Policy Framework 2019 and the London Plan promote sustainable development that encourages the development of additional dwellings at locations with good public transport accessibility.
- 7.1.2 The proposed development would result in a net increase of 1 residential unit in the borough. Intensification of land is generally encouraged in the Local and London Plan, therefore the provision of an additional residential unit would be in line with policy. The proposal will make a useful contribution to meeting Merton's strategic housing target (918 homes annually) and Merton's 5-year housing land supply requirement.
- 7.1.3 The proposed development would be on land in a built up area which has not been previously developed. The London Plan sets out that undeveloped land in built-up areas, such as the grassed communal area on the application site, is not categorised as previously developed land. The NPPF also states, at paragraph 70 that Local Planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area.
- 7.1.4 Policy CS13 of the Core Planning Strategy states that any proposals for new dwellings in back gardens must be justified against the:
- local context and character of the site
  - biodiversity value of the site
  - value in terms of green corridors and green islands
  - flood risk and climate change impacts
- 7.1.5 The Core Planning Strategy goes on to states that back gardens provide a significant resource for biodiversity and amenity space and contribute to mitigating against the impacts of climate change and flood risk.
- 7.1.6 Therefore, whilst there is not a presumption in favour of development, the proposal would be acceptable in principle subject to compliance with Development Plan policies.

## 7.2 Planning history

7.2.1 Officers note that permission was refused under application ref. 18/P4212 for the development of a two-storey block of flats on the site. The previous decision is a material planning consideration in the current assessment. However, officers note that the proposal has been altered significantly since the previous refusal. The key differences between the two proposals are set out below:

	<b>18/P4212</b>	<b>20/P3874</b>
<b>Proposal</b>	3 flats (2b/4p and 2x1b/2p units)	1 bungalow (2b/4p)
<b>Height – Ridge Eaves</b>	6.7m 5.7m	3.9m 2.6m
<b>Parking</b>	4 spaces utilising existing residents' spaces	1 new parking space
<b>Cycle parking</b>	To the northeast corner of the site.	Adjacent to proposed bungalow
<b>Bin storage</b>	Bins for the proposed and existing dwellings on site to be stored externally with no form of enclosure	Bin storage enclosure adjacent to bungalow and replacement bin storage facilities for existing residents proposed.

7.2.2 In order for the current proposal to be acceptable in planning terms, it will be necessary to overcome the previous reasons for refusal and to be acceptable in its own right.

### 7.3 Need for additional housing

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 2021 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. The London Plan 2021, paragraph 4.1.10 states "The increase in housing delivery required by these targets may be achieved gradually and boroughs are encouraged to set out a realistic and, where appropriate, stepped housing delivery target over a ten-year period. This should be supported by a clear articulation of how these homes will be delivered and any actions the boroughs will take in the event of under delivery".

7.3.3 In accordance with para 4.1.10 of the new London Plan Merton will submit a stepped target for the ten year period to the Secretary of State in Merton's new Local Plan later in 2021. This stepped approach is set out in Merton's AMR (link to website: <https://www.merton.gov.uk/planning-and-buildings/planning/local-plan#titleCol20>) and demonstrates that Merton can meet its 10 year housing target by taking the stepped approach.

7.3.4 As at June 2021, Merton's Local Plan production is between Reg 18 and Reg 19 and the stepped trajectory approach has not been considered at examination, which is required to confirm a five year land supply in

7.3.5 Therefore:

- Merton's housing target is 918 homes per annum until 2028/29;
- the five year cumulative target is 4,590 homes (918 homes x 5 years);
- the London Borough of Merton can demonstrate a supply of 4,981 homes to be built within the next five years;
- Overall, Merton has 109% of the five-year supply.

7.3.6 The proposal would make a valuable contribution towards housing stock.

7.3 Design and impact upon the character and appearance of the area

7.4.1 The NPPF, London Plan policies D3 and D4, Core Strategy policy CS 14 and SPP Policy DM D2 require well designed proposals which make a positive contribution to the public realm, are of the highest quality materials and design and which are appropriate in their context. Thus, development proposals must respect the appearance, materials, scale, bulk, proportions and character of their surroundings.

7.4.2 Paragraph 130 of the NPPF advises that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development.

7.4.3 Massing and heights

7.4.4 The proposed building would be modest in height and would not be visually intrusive in its context.

7.4.5 The building would be suitably separated from neighbouring buildings so as not to substantially disturb the pattern and grain of surrounding established development and would not adversely affect the suburban character of the area.

7.4.6 Whilst the proposal would result in a building sited on currently open land, the reduction in the bulk, massing and height of the proposed building since the refused scheme is such that the current proposal is not considered to result in a cramped appearance on site.

7.4.7 Layout

7.4.8 The proposed bungalow would be located to the northeast corner of Chase Court with sufficient space to the boundaries and neighbouring buildings, to avoid a visually harmful impact.

7.4.9 The building itself would have a regular residential layout and the layout of the proposed development is not considered to be objectionable.

7.4.10 Officers note that concerns have been raised in relation to the 'take up' of existing communal amenity space for the existing flatted blocks on site – this matter is discussed below under the 'Standard of Accommodation' heading.

#### 7.4.11 Design and appearance

7.4.12 The proposed bungalow would have a modest impact in terms of the character of the area.

7.4.13 The design of the proposed bungalow could be described as traditional and the form and appearance of the bungalow would be neutral in terms of its impact on the character of the area.

7.4.14 The materials proposed are considered to adequately reflect the surrounding area.

7.4.15 The proposed fencing would be suitable for the residential setting.

7.4.16 The site offers an opportunity to provide a high quality, innovative design and whilst the proposed bungalow is not particularly inspiring in terms of its architecture, officers conclude that the form and design of the proposed building would not result in material harm to the character and appearance of the area.

7.4.17 The reduction in bulk and massing since the previous refusal is such that the current proposal is considered to have overcome the previous reason for refusal in this regard.

#### 7.5 Impact upon neighbouring amenity

7.5.1 SPP policy DM D2 states that proposals must be designed to ensure that they would not have an undue negative impact upon the amenity of neighbouring properties in terms of loss of light, quality of living conditions, privacy, visual intrusion and noise.

7.5.2 The building is single storey only, with a modest hipped roof. Therefore, no objection based on loss of light or overshadowing could reasonably be substantiated. In addition, officers note that the proposed building would be to the north of the existing flatted blocks on site and as such any opportunity for overshadowing is significantly limited.

7.5.3 The proposed building would be positioned at an oblique angle to the existing flatted block (Nos.7-12) and would be separated from the existing flatted block by a minimum of 5.4m. Whilst the new unit would be visible from the existing flatted block, and other neighbouring properties, the proposed siting, to the northeast corner of the site, sufficiently separated from neighbouring buildings, is such that the proposed building would not result in material harm to neighbouring amenity by way of visual intrusion, loss of outlook or overbearing form.

7.5.4 Due to the juxtaposition with Nos.7-12, at an oblique angle, there would not be direct overlooking to existing neighbouring windows. In addition, the proposed boundary screening would limit overlooking at ground floor level.

7.5.5 It is noted that there would be some marginal overlooking of the proposed bungalow from the side facing windows of the existing flatted block (nos.7-

12) but this relationship is not particularly unusual in a suburban area and would not warrant a refusal of planning permission.

7.5.6 The proposal is not considered to have an adverse impact on the operation or amenities of the warehouse building to the north, due to the lack of south facing windows to this building.

7.5.7 The separation distances to properties along Bakers End is considered to be sufficient to avoid a materially harmful impact on neighbouring amenity.

7.5.8 In conclusion and following assessment of the development including the site context, the building heights, the nature of the existing residential accommodation and the separation distances between buildings, it is considered that the proposed development will not give rise to materially harmful visual intrusion, loss of daylight or sunlight, or loss of privacy to adjacent residential occupiers. The development is considered in accordance with Sites and Policies Plan policy DM D2.

## 7.6 Standard of accommodation

7.6.1 Policy D6 of the London Plan states that housing developments should be of the highest quality internally and externally. New residential development should ensure that it reflects the minimum internal space standards (specified as Gross Internal Areas).

7.6.2 The proposed unit would exceed the minimum GIA and private external amenity space requirements of the London Plan. The Merton Sites and Policies Plan requires a garden space of 50sqm – the current proposal has a garden of 36sqm but an additional space of 37sqm around the building, which is approximately 2m wide, and officers conclude that this is a reasonable provision of external amenity space for the proposed dwelling.

7.6.3 Policy DMD2 of the Adopted Sites and Policies Plan (2014) states that developments should provide for suitable levels of sunlight and daylight and quality of living conditions for future occupants. The proposed dwelling would have a reasonably good outlook with adequate levels of natural light.

7.6.4 The separation distance from the adjacent railway is considered to be sufficient to avoid the need for additional sound proofing measures to the windows to the southwest elevation.

7.6.5 Officers note the concerns raised by neighbours that the proposal would take up existing communal amenity space. This is primarily a matter between the leaseholders and the freeholders as opposed to a planning matter, as the London Plan would require an area of just 13.5sqm for external amenity space for 12 x 1 bed units and the retained amenity space would be well in excess of this figure (288sqm retained around Nos.7-12, along with the existing 142sqm around Nos.1-6). Therefore, whilst this matter is noted, it cannot reasonably form a reason for refusal of this planning application. However, notwithstanding this, officers have sought to allay the concerns of neighbours and have sought amendments to allow part of the communal amenity space which would have been lost, to be retained by existing residents (by reducing the size of the garden for the proposed bungalow).

7.6.6 The standard of accommodation is considered to be acceptable and the previous reason for refusal, in this regard, is overcome.

## 7.7 Transport, parking and cycle storage

7.7.1 Policy T6 of the London Plan states that car-free development should be the starting point for all development proposals in places that are (or are planned to be) well-connected by public transport. At a local level Policy CS20 requires developers to demonstrate that their development will not adversely affect on-street parking or traffic management. Policies DMT1-T3 seek to ensure that developments do not result in congestion, have a minimal impact on existing transport infrastructure and provide suitable levels of parking.

7.7.2 The increase in traffic generated by the proposal would not be so significant as to have a significant effect on the local highway network.

7.7.3 The level of cycle parking provided by the proposed development would accord with London Plan standards and the provision of additional enclosed cycle parking for existing residents is a planning benefit above and beyond the policy requirement.

7.7.4 The proposal is for a single dwelling and therefore no on-site car parking is required under planning policies. In addition, the application would be subject to a s.106 legal agreement to restrict parking permits for future occupiers, which would sufficiently limit the impact on the surrounding highway network. In addition, as the proposal is for a single dwelling, there is no requirement for on-site Blue Badge holder parking. Therefore, whilst the proposed additional single car parking space is not in close proximity to the proposed bungalow, it is not required in planning terms in any event and therefore no objection could reasonably be raised regarding the distance to the proposed parking space.

## 7.8 Safety and Security considerations

7.8.1 Policy DMD2 sets out that all developments must provide layouts that are safe, secure and take account of crime prevention and are developed in accordance with Secured by Design principles.

7.8.2 The proposed bungalow would be adequately fenced and this matter can be addressed by way of condition.

7.8.3 The proposed development would result in an area of communal garden which would be partially obscured from view by the proposed fencing, as noted by the Designing Out Crime officer. However, it is not considered to be a viable concern that could warrant a refusal of planning permission.

7.8.4 The proposal is considered to provide a layout that would be safe and secure and no objection is raised on this basis.

## 7.9 Refuse storage and collection

7.9.1 Policy SI 7 of the London Plan and policy CS 17 of the Core Strategy requires details of refuse storage and collection arrangements.

7.9.2 The proposed development provides an enclosed, accessible bin store for the proposed development and the proposal is considered to be acceptable in terms of servicing arrangements.

7.9.3 In addition, the scheme proposes replacement bin storage for existing residents. Whilst it is noted that residents have not specifically requested this,

it is a planning gain, over and above policy requirements, as the existing bin storage enclosures are not tall enough to accommodate the Council's refuse and recycling wheelie bins, which has resulted in a proliferation of unenclosed bins.

7.9.4 The refuse and recycling collection arrangements are not considered to be objectionable.

#### 7.10 Sustainable design and construction

7.10.1 London Plan policies SI 2 to SI 5 and CS policy CS15 seek to ensure the highest standards of sustainability are achieved for developments which includes minimising carbon dioxide emissions, maximising recycling, sourcing materials with a low carbon footprint, ensuring urban greening and minimising the usage of resources such as water.

7.10.2 As per CS policy CS15, minor residential developments are required to achieve a 19% improvement on Part L of the Building Regulations 2013 and water consumption should not exceed 105 litres/person/day. Officers are satisfied that the proposal could meet such standards and therefore a pre-occupation condition will be included to ensure these standards are achieved.

#### 7.11 Biodiversity

7.11.1 Policy DMO2 seeks, amongst other things, to protect land of ecological value. The NPPF has a presumption in favour of sustainable development, seeking positive improvements in the quality of the built, natural and historic environment including moving from a net loss of biodiversity to achieving net gains for nature.

7.11.2 There is no indication that the existing site has a significant bio-diversity value and as such it is not necessary to submit an ecology report. The proposal is considered to be acceptable in terms of the impact on bio-diversity.

#### 7.12 Drainage and Runoff

7.12.1 Policies DM F1 and DM F2 of Merton's Sites and Policies Plan and policy CS.16 of the Core Strategy seeks to ensure that development will not have an adverse impact on flooding and that there would be no adverse impacts on essential community infrastructure. The site is located within Flood Zone 1 and is not located within a critical drainage area.

7.12.2 The existing site is laid to grass and permeable. The proposal would increase the area of hardstanding on the site.

7.12.3 The application is accompanied by details of a Sustainable Urban Drainage System, which has been reviewed by the Council's Drainage Officer who concludes that the proposal would be acceptable subject to a condition to ensure the measures proposed in the drainage strategy, such as on-site attenuation storage, are implemented.

7.12.4 Officers note the concerns raised by neighbouring occupiers in relation to existing drainage issues. However, this is a matter that would be primarily addressed at the Building Control stage rather than through this planning application.

#### 7.13 Archaeological Considerations

7.13.1 The site is within an Archaeological Priority Zone. However Historic England GLAAS has confirmed that the proposal is unlikely to have a significant effect on heritage assets of archaeological interest and that no further assessment or conditions are therefore necessary. Therefore, no objection is raised in relation to this matter.

#### 7.14 Community Infrastructure Levy

7.14.1 The proposed development would be subject to payment of the Merton Community Infrastructure Levy and the Mayor of London's Community Infrastructure Levy (CIL).

#### 7.15 Response to issues raised by objectors:

7.15.1 The issues raised by objectors are mainly addressed in the body of this report. However, in addition, the following response is provided:

- Whilst there would be some limited and transient disturbance throughout the construction process, this could not reasonably form a reasonable reason for refusal. However, safeguarding conditions to minimise the impact of the construction works are recommended.
- Issues of sewerage would be addressed under Building Regulations legislation and not through the assessment of the planning permission. Thames Water has been consulted on the proposal nonetheless but no response has been received.
- The use of the site would remain as residential and any minor increase in noise or light is not considered to result in material harm to amenity.
- Issues of the service charge are not a material planning consideration.
- The maintenance of the access road would be a private matter between the leaseholders and the freeholder.
- The statutory requirement for neighbour notification is either a site notice or letters to adjoining occupiers. Merton has consulted all nearby neighbours by post and therefore the failure to display a site notice would not invalidate the application.

### 8. **SUSTAINABILITY AND ENVIRONMENTAL IMPACT ASSESSMENT REQUIREMENTS**

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

#### 9. Conclusion

9.1 Officers consider the proposal is acceptable in principle, providing a residential development at an increased density, in line with planning policy. The proposal is considered to be reasonably well designed, appropriately responding to the surrounding context in terms of massing, heights, layout and materials and would not have a harmful impact on the visual amenities of the area. The proposal would not unduly impact upon neighbouring amenity. The proposal would not unduly impact upon the highway network, including parking provisions (subject to Section 106 Obligations). The proposal would achieve suitable refuse and cycle storage provisions.

9.2 Officers consider that the proposal has overcome the previous reasons for refusal.



- 9.3 The proposal is considered to accord with the relevant National, Strategic and Local Planning policies and guidance and officers consider that an approval could reasonably be granted in this case. It is not considered that there are any other material considerations which would warrant a refusal of the application.
- 9.4 It is therefore recommended to grant permission subject to conditions and a Section 106 Agreement.
10. **RECOMMENDATION:** Grant Permission Subject to Section 106 Obligation, covering the following heads of term:
1. The proposed dwelling is to be a permit free residential unit
  2. The developer agreeing to meet the Council's costs of preparing [including legal fees] the Section 106 Obligations.
  3. The developer agreeing to meet the Council's costs of monitoring the Section 106 Obligations.

And the following conditions:

1. A1 Commencement of development (full application)
2. A7 Approved Plans: 2009-1D, 2009-2A, 2009-3A and 181127/DS/01/A.
3. B3 External Materials as Specified
4. Refuse & Recycling (Details to be submitted)
5. D11 Construction Times
6. H07 Cycle Parking (Details to be submitted)
7. L3 Sustainability Standard Pre-Occupation
8. Non Standard Condition: The drainage strategy shall be implemented in accordance with the approved submitted details contained within the Drainage Strategy (ref no. 181127/DS/JR/RS/01 by Lanmor Consulting) which incorporates a management strategy and onsite storage of 1.6m<sup>3</sup>. The drainage scheme will dispose of surface water at the agreed rate of 2l/s in accordance with drainage hierarchy contained within the London Plan 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 the London Plan policy SI 13.
9. Boundary Fencing (Implementation)

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. INF 15 Discharge conditions prior to commencement of work
4. INF 20 Street naming and numbering
5. 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).
6. NPPF Note to Applicant – approved schemes