

## PLANNING APPLICATIONS COMMITTEE DECEMBER 2021

### APPLICATION NO.

21/P1851

### DATE VALID

29/05/2021

**Address/Site:** LAND TO THE REAR OF 274-320 CANNON HILL LANE (WITH ACCESS OFF CANNON HILL LANE BETWEEN NO.318 & 320 AND PROPERTIES 322 & 324 CANNON HILL LANE), RAYNES PARK, LONDON SW20 9HN

**Ward:** Lower Morden

**Proposal:** ERECTION OF A TWO STOREY-FOUR BEDROOM DWELLING, AND A TWO STOREY-TWO BEDROOM DWELLING, INSTALLATION OF DRIVEWAY WITH PARKING, LANDSCAPING, ALONG WITH ASSOCIATED WORKS.

**Drawing No.'s:** 001 Rev C; 002 Rev A; 003 Rev A; 004 Rev A; 005 Rev A; 006 Rev A; 007 Rev A; 19001\_008; Site Location Plan; Tree Constraints Plan

**Contact Officer:** Jourdan Alexander (020 8545 3122)

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### RECOMMENDATION

Refuse Permission

### CHECKLIST INFORMATION

- Is a screening opinion required: No
- Is an Environmental Statement required: No
- Has an Environmental Statement been submitted: No
- Press notice: Yes
- Site notice: Yes
- Design Review Panel consulted: No
- Number of neighbours consulted: 28
- External consultations: No
- Conservation area: No
- Listed building: No
- Designated Open Space – Yes- 'Raynes Park Playing Fields Open Space'
- Flood Zone – Site includes areas of Flood Zone 1 (low probability) and Flood Zone 2 (medium probability). The area defined as Flood Zone 2 is on the site's eastern part and away from the development

- Archaeological priority zone: No
- Tree protection orders: Yes
- Controlled Parking Zone: No
- Public Transport Accessibility Level - PTAL 1b (poor public transport accessibility).

## 1. INTRODUCTION

- 1.1 This application is being brought to the Planning Applications Committee for determination due to number of objections received, where concerns expressed run contrary to officer's reasons to refuse permission.

## 2. SITE AND SURROUNDINGS

- 2.1 The site is situated to the north of a row of two storey maisonettes who occupy the land at 274-320 Cannon Hill Lane. The Raynes Park Playing Fields, which have recently been redeveloped by the All England Tennis Club with newly built indoor and outdoor tennis courts are located approximately 20m from the site's northern boundary.
- 2.2 The site is accessed via a private lane (approx. 2.5m wide) between 318-320 and 322-324 Cannon Hill Lane.
- 2.3 There is a single storey building on the plot to the immediate west of the site, this building and site is in use as a nursery. Car parking for the nursery is provided at the end of the access lane and in use for associated drop-off / collection.
- 2.4 The applicant site is undeveloped with no buildings, it has a number of mature trees some of which are protected by Tree Protection Orders 'TPOs'(TPO ref: MER 303 and 316). The subject land is enclosed on all sides by boundary fencing.
- 2.5 Draft Local Plan document - 'Proposed Changes to the Merton Sites and Policies Environmental Maps – Raynes Park' (page 42) sets out (with illustrative map of Open Space omitted):

*Site 34: 274-312 Cannon Hill Lane, Raynes Park Open Space (P002)*

*This site is located at the rear of six residential properties along Cannon Hill Lane. It is privately owned and is accessible only via a shared and gated driveway in between 320 and 322 Cannon Hill Lane. The All England Community Sports Ground lies directly adjacent to the north and the land to the west is currently unused (formerly a Scout Hall). The site is approximately 0.2 hectares in size and contains overgrown vegetation and some larger trees.*

*The site does not form part of the adjacent site known as Raynes Park Playing Fields, however it has been give the same designation. Given that it is landlocked, the site does not offer any public accessibility or visual amenity and is not designated as a Green Corridor or SINC.*

*It is recommended that the Open Space designation be removed for this parcel of land as it does not meet the Open Space criteria.*

### **3. CURRENT PROPOSAL**

- 3.1 The proposal seeks planning permission to construct two detached houses on the western end of the site. The first house would be two-storey, four bedroom and the other being two-storey, two bedroom. Both houses would have window openings to all elevations, with living spaces at ground floor and bedrooms at first floor. The application proposes that the buildings would be constructed from modular timber frames with timber cladding and secondary panel cladding. The applicant states their intention it to create low-energy, sustainable homes.
- 3.2 A driveway access is proposed to the western corner of the site, this would connect to the end of the private lane between 318-320 and 322-324 Cannon Hill Lane. This driveway is shown to have space for 2-3 vehicles to park.
- 3.3 Also involved is landscaping works with some tree removal and new trees and planting established.
- 3.4 The new dwellings would have the following approximate dimensions:
- 4 bedroom house:
- Height (two storey) - 7m
  - Width (southern and northern elevation) – 11.6m (excluding porch)
  - Width (western and eastern elevation) – 8.3m
- 2 bedroom house:
- Height (two storey) - 7m
  - Width (southern and northern elevation) – 8.3m
  - Width (western and eastern elevation) – 5.7m

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

- 4.1 99/P2232 - REDEVELOPMENT OF SITE INVOLVING THE ERECTION OF 3 X 2 BED BUNGALOWS (OUTLINE PLANNING APPLICATION). Refused.
- Reasons for refusal:**
- 1. The proposed development would be harmful to an important ecological/natural habitat resulting in the loss of a protected woodland area and likely harm to the protected Oak tree to the detriment of the open character of the locality, contrary to Policies EN.2, EN.10, EN.11 and EB.20 of the Adopted Unitary Development Plan (April 1996) and Policies NE.8, NE.9 and NE.13 of the Deposit Draft Unitary Development Plan (September 1999).**
  - 2. The proposed development would provide inadequate servicing arrangements for the management of the development and an inadequate means of access to the site for emergency vehicles, likely to prejudice highway safety, contrary to Policy M.11 of the Adopted Unitary**

## **Development Plan (April 1996) and Policy RN.4 of the Deposit Draft Unitary Development Plan (September 1999)**

- 4.2 00/P1846- OUTLINE APPLICATION FOR REDEVELOPMENT OF SITE INVOLVING THE ERECTION OF 3 X 2 BED BUNGALOWS AND ALTERATIONS TO THE EXISTING ACCESS. **Refused.**
- 1. The proposed development would be harmful to an important ecological/natural habitat resulting in the loss of a protected woodland area and likely harm to the protected Oak tree to the detriment of the open character of the locality, contrary to Policies EN.2, EN.10, EN.11 and EB.20 of the Adopted Unitary Development Plan (April 1996) and Policies NE.8, NE.9 and NE.13 of the Deposit Draft Unitary Development Plan (September 1999).**
- 2. The proposed development would provide inadequate servicing arrangements for the management of the development and an inadequate means of access to the site for emergency vehicles, likely to prejudice highway safety, contrary to Policy M.11 of the Adopted Unitary Development Plan (April 1996) and Policy RN.4 of the Deposit Draft Unitary Development Plan (September 1999)**

Land To the Rear of 318-344 Cannon Hill Lane Raynes Park London SW20 9HL

- 4.3 20/P0773 - CHANGE OF USE FROM SCOUT HALL (D2) TO NURSERY (D1). CONSTRUCTION OF CAR PARKS TO REAR AND ACCESS LANE WITH BLOCK PAVING, ERECTION OF ACCESS RAMP TO BUILDING, AND LANDSCAPING. Grant Permission subject to Conditions

## **5. CONSULTATION**

- 5.1 Public consultation was undertaken by way of press notice, site notice and by post sent to neighbouring properties.
- 5.2 30 letters were received objecting to the proposal for the following reasons as summarised:
- There was no consultation on the change of status of the land.
  - The land provides health benefits to residents through being surrounded by trees, bird and wildlife.
  - The proposal would harm the value of the site in providing ecology and related biodiversity.
  - Climate Emergency - The proposal would impact carbon dioxide storage through impacts to trees and planting, which has an associated impact on climate change.
  - The site provides a storm water and drainage function.
  - There are restrictive covenants on the land preventing development.
  - The new houses would impact levels of privacy of adjacent houses.
  - The houses could be sold off separately.
  - The tree survey is 2.5 years old and needs updating.
  - There is a TPO'd tree on the site which needs to be clarified.
  - Development would compound drainage issues and flood risk for local residents.

- The proposal would result in noise disturbance both from the dwellings and from use of the access lane.
- The construction would cause significant disturbance.
- Construction vehicle cannot access the site.
- Emergency vehicles would be unable to access the site and limited details about access are provided.
- No details are provided about water, sewage or electricity.
- The proposal would impact the nursery, due to disturbance, in addition construction vehicles could endanger lives.
- The proposal would impact adjacent houses trees and hedges.
- There is inadequate community facilities to support the increased residents.
- The existing trees on the site help screen the Cannon Hill houses from the Tennis Club Facilities to the north. The screening would be reduced by the works.
- Local flooding would be exasperated by the proposal.
- The pre-app report notes that the release of the site for a single dwelling would contribute very little to the Council's housing targets.
- The proposal would include 2-3 car parking spaces, which would not encourage active transport.
- The applicant's open space assessment is weak, it does not persuade the reader that the land should be released for development. The land is not surplus to requirement, there is no provision of public or communal play space. In addition, the owner has a responsibility to up-keep the land regardless of development potential.
- The site is important for nature conservation due to its history and species diversity.
- The development would provide a luxury house that does not benefit the wider population.
- The existing land provides greater decarbonisation benefits than houses with solar panels and heat pumps.
- The proposal would reduce light into adjacent gardens
- The proposal would have a detrimental negative effect on the character of the local area.
- The proposal would negatively impact the value of my site.
- The proposal would create parking pressures on street.
- I believed the land was metropolitan open land.
- The site access includes land that the applicant does not own.
- There is uniform residential development pattern along Cannon Hill Lane. The development would not be consistent with this pattern and therefore would be out of keeping with the surrounding buildings.
- The application does not include a flood risk assessment.
- A procedural error in the application submission which means the address, ownership certificates and the redline boundary must be amended and the application would need to be re-consulted.
- The scheme would result in a loss of 2,315 sqm designated Open Space without any replacement
- The scheme would have significant conflict with the approved existing nursery use on adjoining site. The scheme is for 2 self-contained houses, not a family house with an annex. The shared use of access drive would prejudice the

carefully managed and safe use of the access by the nursery school children and parents.

- The submission fails to consider the proposal's impact on the TPO Oak tree on the nursery site and other trees on the application site.
- No Arboricultural Impact Assessment has been submitted.
- The site provides an important ecological route from the Pyl Brook/St Catherine's Field towards Cannon Hill Common. There is a potential for this open space to function as an enhanced corridor and network of ecological habitats and green infrastructure has grown as a result of the nursery school activities on the adjoining land.
- The planning application fails to demonstrate that the proposed car park and turning head can be provided on site.
- The proposal would provide inadequate serving arrangement.

5.3 1 letter of support was received as summarised:

- The modern eco housing is sympathetic in style to the green environment.
- New housing should be supported
- The land itself is not useable or enjoyable the proposal would be a great form of regeneration.

5.4 Tree Warden Group Merton (TWGM)

We oppose the removal of Open Space status from this land for the following reasons:

- a. Climate Emergency – loss of trees and planting would have a negative impact on the amount of carbon dioxide being stored in plants, trees and soil.
- b. Value of the land to residents - the land is "visually accessible" to the Cannon Hill Lane residents, providing a "positive impact on communities' mental and physical health".
- c. Ecological value of the land – the lane has biodiversity value with TPO trees, scrubland and animal habitats.
- d. The actual planning application - If the land were to lose Open Space status and the application were to be considered by the PAC, we are concerned by the discrepancy between the applicant's plans which seem to show just nine trees and the council's list of 11 trees on the site with TPOs (orders 303 and 316 (2000) NB woodland status removed in 2000, shown in Appendix 1.

Furthermore, the large A category oak tree labelled T03 on is, despite being outside the red line boundary of the Tree Constraints Plan, affected by the proposed development but not shown on the Site Plan.

5.5 Rayne's Park and West Barnes Residents Association

Open Space status of the land should be retained (see email dated 16 Jun, below) because of its biodiversity and natural beauty. The land, and its trees, screen residents from the noise and light from the AELTC domes and tennis courts.

- a) We are concerned that the applicant's plans show 9 trees protected by TPOs, whereas the Council's list shows 11 protected trees on the site.
- b) Trees in residents' gardens form part of the beauty of local landscape.
- c) It would have been better if the land was not cleared prior to the Preliminary Environmental Assessment, as this impact biodiversity

- d) The current proposals are for the 1-bed house to be a “granny annex” to the bigger house with the whole site under one ownership. Planning officers have raised concerns about the long-term future of having two houses under one ownership (para 6.10 of the Pre-App Report).
- e) Loss of privacy from the 4 bedroom house
- f) There are risks concerning emergency access
- g) Footway would be obstructed during bin collection.
- h) Residents say that a previous owner placed a restrictive covenant preventing any buildings being erected on the land to preserve it from development. Also, that there is a restrictive covenant preventing vehicles weighing over 30cwt from using the access way between 320 and 322, because the services are close to the surface.
- i) The proposal would negatively impact carbon dioxide being stored in plants and trees.

#### 5.6 Wimbledon Swift Group

Advising about the features that could be incorporated into the scheme to improve swift habitats.

#### 5.7 CLlr Nicholas Mclean

My objection is based on the following:

- A decision to change the land’s Open Space status without consulting neighbours would lack transparency and seems to be undemocratic.
- The applicant’s plans seem to show 9 tree protected by TPOs; the council’s list shows 11 trees with TPOs. This requires clarification
- Can the applicant demonstrate that there is no horticultural covenant on the land.

#### 5.8 Planning officer’s comments:

- The application proposes to build on open space, rather than remove the open space designation. The open space designation can only be removed through an updated Local Plan to change this designation.
- Property prices along with private covenants are not material planning considerations.
- The application has been fully re-consulted with the red line boundary adjusted and description of land amended.
- Two trees recorded on the Council’s TPO listing were no longer found present during the tree survey.

#### 5.10 LBM Transport Planner:

Access - The site is accessed via a 2.6m wide strip of land between 318-320 and 322-324 Cannon Hill Lane The access also serves the adjoining permitted nursery site, in the south-western corner of the site, with parking provided for 6 vehicles.

Car Parking - The proposal should provide 2 car parking spaces in accordance with London Plan standards.

Cycle parking - The proposal would require 2 cycle spaces per each dwelling in accordance with the London plan.

Traffic generation - Given the low volume of trips forecast for the Scheme it is not expected that trips associated with the Scheme will have a material impact upon the operation of the nursery or the adjoining highway network.

Refuse - Waste collection points should be located within 30 metres of residential units and within 20 metres of collection vehicles. The proposal fails to provide the location of the refuse storage within 20 metres of the adopted highway. Details of number of refuse storage bins, collection and recycling arrangements needed for the proposal should be submitted to the LPA approval.

Deliveries and Servicing - For larger vehicles the access is unsuitable and should seek to agree alternative delivery and servicing arrangements (e.g. use of smaller vehicles, off-peak delivery times) where practicable.

Emergency Access - The access serving the site, at 2.6m in width, falls short of the minimum requirements for access set out by the LFB. Mitigation in the form of the installation of a fire hydrant (or otherwise agreed fire management and safety plan) should be agreed with the London Fire Brigade.

#### 5.11 LBM Policy and Regeneration Officer:

Open Space - It is considered that the proposed development meets the exception set out in NPPF 97(a) as the land has been identified in the Green Infrastructure Study 2020 as surplus and the open space designation for this particular site is therefore proposed for removal.

Ecology- The applicant has submitted a Preliminary Ecological Appraisal (PEA) indicating the results of an Extended Phase 1 Habitat Survey, carried out in October 2020. The methodology and findings of the survey are appropriate for this site and proposed development. The report concludes that no evidence of protected species was found on site.

Should you recommend approval for the proposed development, the recommendations and enhancements outlined in Section 4 of the PEA report should be included as suitably worded conditions. This is to ensure the proposed development minimises any adverse effects on the population or conservation status of protected or priority species and protected habitats and provides net gains for biodiversity, in line with Local Plan policies CS13 and DM01 and NPPF para 170.

I note that the Landscape Plan indicates that more than half of the site will contain woodland features, plants and trees, which are welcomed.



5.12 LBM Arboricultural Officer:

The applicant has not provided an Arboricultural Impact Assessment. There is no plan that relates the existing trees to the proposed site layout. More accurate information is required. In the absence of such information, I would recommend a refusal of planning consent. In addition, there is a young oak tree shown on the site plan, but not on the arboricultural constraints plan behind 308 Cannon Hill Lane, which provides amenity value.

5.13 LBM Building Control Officer:

Fire brigade access would be required to within 45m of the rooms to the houses/flats. The width of the path/road needed is 3.7m between kerbs. Otherwise, sprinklers will need to be provided and possibly a new fire hydrant if the houses are 100m away from an existing hydrant.

**6. POLICY CONTEXT**

6.1 National Planning Policy Framework (2019)

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

6.2 London Plan (2021)

Relevant policies include:

- GG1 Building strong and inclusive communities
- GG2 Making the best use of land
- GG3 Creating a healthy city
- GG4 Delivering the homes Londoners need
- GG6 Increasing efficiency and resilience
- 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
- G4 Open Space
- G6 Biodiversity and access to nature
- G7 Trees and woodlands
- H1 Increasing housing supply
- H2 Small sites
- H5 Threshold approach to applications
- H10 Housing size mix
- SI 2 Minimising greenhouse gas emissions
- SI 3 Energy infrastructure
- SI 5 Water infrastructure
- SI 12 Flood risk management

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
DF1	Delivery of the Plan and Planning Obligations

### 6.3 Merton Local Development Framework Core Strategy – 2011 (Core Strategy)

Relevant policies include:

CS 8	Housing Choice
CS 9	Housing Provision
CS 13	Open Space, Nature Conservation, Leisure and Culture
CS 14	Design
CS 15	Climate Change
CS 16	Flood Risk Management
CS 17	Waste Management
CS 18	Active Transport
CS 19	Public Transport
CS 20	Parking, Servicing and Delivery

### 6.4 Merton Sites and Policies Plan – 2014 (SPP)

Relevant policies include:

DM O1	Open space
DM O2	Nature conservation, trees, hedges and landscape features
DM D1	Urban Design
DM D2	Design considerations
DM F1	Support for flood risk management
DM F2	Sustainable urban drainage systems (SuDS) and; Wastewater and Water Infrastructure
DM T2	Transport impacts of development
DM T3	Car parking and servicing standards
DM T5	Access to the Road Network

### 6.5 Supplementary planning considerations

London Plan Housing SPG - 2016

DCLG Technical Housing Standards - nationally described space standards 2015

Merton Borough Character Study SPD 2021

Merton Borough Small Sites Toolkit SPD 2021

## 7. **PLANNING CONSIDERATIONS**

### 7.1 Material Considerations

The key planning considerations of the proposal are as follows:

- Principle of development
- Design and impact upon the character and appearance of the area
- Impact upon neighbouring amenity
- Standard of accommodation

- Transport, parking and cycle storage
- Refuse and recycling
- Sustainability
- Flooding and drainage
- Trees and biodiversity

### **Principle of development**

- 7.2 Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The proposal to build residential houses within an unoccupied site designated as Open Space under the current Local Plan sets-up two competing Council objectives-
- 7.3 Firstly to build new housing. This objective is supported under Policy D3 of the London Plan 2021, 'Optimising site capacity through the design-led approach', which states that incremental densification should be actively encouraged by Boroughs to achieve a change in densities in the most appropriate way. Policy H1 'Increasing Housing Supply' and Policy GG4 'Delivering the homes Londoners need'.
- 7.4 At a local level, 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.
- 7.5 A central thread that runs through these policies and further engrained within wider policies including London Plan GG2 'Making the best use of land' and the NPPF . 11- 'Making the best use of land', is the notion that developments should make optimal use of the potential of each site.
- 7.6 A competing issue is that the Council seeks to protect and enhance the borough's public and private Open Space network, as per Core Strategy policy CS 13, Sites and Policies Plan 2011 policy DMO1, and London Plan policy G4. The site is presently designated as Open Space within the Sites and Policies Plan 2014.
- 7.7 It is acknowledged that the site's Open Space designation is earmarked for removal within the Council's draft Local Plan currently under consultation. This draft Plan is still at an early stage, which means that the proposed removal of the open space designation along with related policies can only be given limited weight at this time.

### **Building on Open Space**

- 7.8 Merton's Sites and Policies Plan policy DMO1 states that –  
*Existing designated open space should not be built on unless:*  
*i. an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or,*

*ii. the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or,*  
*iii. the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.*

- 7.9 *Development proposals within designated open spaces, which have met the conditions set in part above, will be required to meet all the following criteria:*  
*i. the proposals are of a high quality design and do not harm the character, appearance or function of the open space;*  
*ii. the proposals retain and/or improve public access between existing public areas and open spaces through the creation of new and more direct footpath and cycle path links; and,*  
*iii. the character and function of leisure walks and green chains are preserved or enhanced.*
- 7.10 As part of the Local Plan review, the Green Infrastructure Study was published in 2020. This assessment provides a borough wide review of open space, green infrastructure and biodiversity and contains a number of recommendations for changes to the Local Plan Environmental Policy Maps.
- 7.11 The Green Infrastructure Study identifies that the site does not form part of the larger adjacent site to the north known as the Raynes Park Playing Fields (now AELTC tennis courts). Nevertheless, it has been given the same designation as 'Outdoor Sports and Playing Fields'. This designation is understood to have been an error when the Sites and Policies Plan was originally mapped, rather than the land being rightfully designated as open space due to having high value ecological or amenity benefits. Notwithstanding whether there has been an error or not, the site does not offer any public accessibility and is not designated as part of a Green Corridor or SINC. The site on its own is therefore not considered to meet the open space criteria.
- 7.12 The applicant has submitted an Open Space Assessment to support the application, which makes reference to the Green Infrastructure Study, while also setting out a number of other considerations and reasons as to why the site does not meet open space criteria. Planning officer's agree with the conclusions.
- 7.13 For these reasons, it is considered that the proposed development meets the exception set out in NPPF paragraph 99, as the land has been identified in the Green Infrastructure Study 2020 as surplus and the open space designation for this particular site is therefore proposed for removal. The development supported by the Open Space assessment also meets the exceptions for building on open space as specified within DM01 i. of the Sites and Policies Plan 2014.
- 7.14 The proposal is considered of high quality design (with respect to building appearance). The site is not considered appropriate in terms of providing

footpath or cycle routes to other spaces given its back of land position, accessed from a private lane, in shared use with a nursery.

- 7.15 In conclusion, the principle of building on designated open space in this instance is acceptable.

#### Residential development

- 7.16 The London Plan and Merton Local Plans provide strong support for the delivery of new homes. Paragraph 1.4.5 of the London Plan states that to meet the growing need, London must seek to deliver new homes through a wide range of development options.
- 7.17 Policy H1 'Increasing housing supply' marks an increase to Merton's 10 year targets for net housing completions, with the new target set at 9,180 or 918 homes per year. Policy D3 – 'Optimising site capacity through the design-led approach', states that incremental densification should be actively encouraged by Boroughs to achieve a change in densities in the most appropriate way. 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.
- 7.18 Given the development seeks to build new houses which would add to the Council's housing stock the principle of a residential development could be supported. However, the acceptability of a residential development requires the applicant to make optimal use of the potential of the site, achieved through a design-led approach (refer D3 London plan – design led and NPPF para 125).

#### Making effective use of land

- 7.19 The NPPF paragraph 125 states that where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site. Policy D3 of the London Plan requires that development takes a design-led approach, stating – "it must 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".
- 7.20 Within this backdrop, the London Mayor has carried out a London-wide Strategic Housing Market Assessment (SHMA) and Strategic Housing Land Availability Assessment (SHLAA). The SHMA has identified need for 66,000 additional homes per year. To deliver this, London Plan Policy H1 (Increasing Housing Supply) sets the ten-year targets for net housing completions that each local planning authority should plan for. Merton's annual housing target is 918 – an increase from 411 in the London Plan 2016. For London to

accommodate the growth identified in the new Plan in an inclusive and responsible way, every new development is expected to make the most efficient use of land by optimising site capacity. This means ensuring the development's form is the most appropriate for the site.

- 7.21 In delivering these targets considerable emphasis is placed on housing delivery within small sites, this includes the applicant site. London Plan Policy H2 encourages boroughs to support well-designed new homes on small sites and recognises that local character evolves over time and will need to change in appropriate locations to accommodate additional housing on small sites. Thus, while the principle of residential development can be supported, redevelopment should be focused towards optimising housing output.
- 7.22 In this case, the proposal would deliver only one family sized home (4 bedroom), with provisions for the later erection of a small two bedroom house. Whilst it is appreciated that the site has certain constraints in which development must fit. Planning officer's position is that a generously proportioned site could reasonably be expected to accommodate a greater uplift in housing than shown. The application's exploration into the issue of optimising development potential is limited, and does not pragmatically investigate alternative layout and massing options where a greater number of homes could be accommodated.
- 7.23 A notable weakness to the applicant's development approach is that the two houses are positioned near the site's entrance (western area), in such a manner that the development of other areas of the site becomes closed. This is because the two houses would effectively block the formation of an access road or passageway to other areas of the site preventing later development. Further concern is expressed regarding the generous spacing between the two houses each with a bespoke size and orientation that prevents a more compact development evolving. While officer's note that the site does have certain amenity qualities for neighbouring residents such as open feel and greenery, it is considered that the applicant could provide a more cohesive (denser) development whilst still largely retaining much of the site existing qualities.
- 7.24 Furthermore, the perception of a site and the evolution of local character is important to take into consideration. This site has been earmarked for release as designated open space, supported by an assessment concluding the open space to be surplus. Therefore, it would be reasonable to expect the proposal to better embrace site development potential.
- 7.25 Overall, the application fails to take design lead approach. Whilst certain constraints are identified, genuine exploration towards how these could be overcome to facilitate and optimise housing has not been made. Nor does the applicant take a holistic approach to the placement of buildings and structures, which currently act to close off future development potential.

### **Character and Appearance**

- 7.26 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 Plan policy D3, form and layout, states that development proposals should enhance local context by delivering buildings and spaces that positively respond to local distinctiveness through their layout, orientation, scale, appearance and shape, with due regard to existing.
- 7.27 In terms of the Council's own policies, 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.
- 7.28 The plot where the proposed dwellings would be sited has a woodland character that provides an open feel, and a natural outlook for the existing houses along Cannon Hill Lane. The Council would therefore expect the development to strike a suitable balance between development and maintaining appropriate levels of visual permeability, embracing and working with existing trees and greenery to preserve amenity value.
- 7.29 The applicant's approach seeking to provide contemporary designed buildings that use high quality materials throughout the external (and internal envelope) is supported. The Design and Access Statements sets out that active areas of the dwellings would be treated with a contrasting material to break the surface of the main timber cladding. The buildings would present a base or a framed recess, with windows strategically located to frame views outwards and balance the areas of solid and void. The main timber cladding would have a natural finish that may become blackened to create a natural protective finish. The ground floor cladding to the building would contrast the timber cladding in texture and colour to emphasis the 'active' frontages of the homes.
- 7.30 The submitted elevation details and supporting documents do not include precise details of the external elevations including materials and finish. The visual success of the scheme is contingent on the built design offering differing materials, projection and proportions that have an effect of 'breaking up' the mass of the building into small elements, particularly at upper levels which would be most prominent from outside views.
- 7.31 The applicant's submitted visual illustrations of the houses demonstrates that the proposals could be a compatible form and design, and in harmony with the existing woodland character. Should planning permission have been granted conditions could have been imposed to require detailed drawings with respect to external features including openings so that a suitably interesting and varied development is delivered. Materials would also be conditioned to safeguard a high quality build.

- 7.32 The orientation of external parts of the buildings would effectively embrace the site entrance, whereby there would be obvious arrival points to the houses by way of a projecting porches. There are also sufficient levels of window openings that create activity and views between internal and external positions. The south elevation of the building's which are prominent from the rear gardens and windows of houses along Cannon Hill Lane, provides an adequate balance between glazed and solid parts with the level of glazing appropriately reducing at upper levels.
- 7.33 In terms of building heights, a two storey development setback from the rear boundaries of neighbours would not appear visually imposing or intrusive. The spaces between the buildings would provide high levels of visual permanence and not create an unduly built-up environment.
- 7.34 Notwithstanding comments made previously regarding the development's failure to make effective use of land through a design lead approach. Other elements of the proposal are acceptable on appearance grounds.

### **Neighbouring Amenity**

- 7.35 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.
- 7.36 A sufficient separation distance would exist (23m minimum) between the proposed houses and closest neighbouring homes along Cannon Hill Lane. This distance is greater than London Plan Housing Supplementary Planning Guidance where a benchmark of 18m minimum is recognized as having been a reliable guide in the past for separation between habitable rooms. There would be some closer views attained from first floor windows of the proposal towards neighbouring rear garden spaces, particularly near the ends of gardens. However, such garden spaces tend to already have some degree of mutual overlooking from existing rear facing windows of the houses along Cannon Hill Lane, and therefore the introduction of additional windows is unlikely to unduly impact existing privacy levels to justify refusal. It is further acknowledged that existing trees would provide a degree of screening between the development and neighbouring sites helping to further mitigate visual impacts.
- 7.37 No objections are raised concerning the proposal and the approved nursery to the east of the site. There would appear to be sufficient distances between the proposal and the neighbouring development to not create overlooking issues, or other amenity harm including noise and disturbance, either to nursery users or to future occupants of the houses.
- 7.38 Noise from the development is acceptable given that the proposal would create modest sized homes, adjacent to an established residential environment and nursery. The submitted transport assessment shows that trip



generation would be low, and therefore unlikely to result in undue noise disturbance from vehicles using the access lane.

### **Standard of accommodation: internal and external spaces**

- 7.39 London Plan policy D6 states that housing development should be of high quality design and provide adequately-sized rooms, with comfortable and functional layouts which are fit for purpose and meet the needs of Londoners without differentiating between tenures. Merton's Sites and Policies Plan policy DM D2 seeks to ensure good quality residential accommodation with adequate levels of privacy, daylight and sunlight for existing and future residents, the provision of adequate amenity space and the avoidance of noise, vibration or other forms of pollution.
- 7.40 The proposal would create two x two storey houses. The larger house would be 4 x bedroom, suitable for 6 person occupancy with a GIA of approx. 158sqm. The smaller house would be 2 x bedroom suitable for 3 person occupancy with a GIA of approx. 70sqm. Both houses would meet London Plan/National Space Standards that require a minimum GIA of 106sqm (larger house) and 70sqm (smaller house).
- 7.41 In terms of external amenity size, the Council's SPP policy DM D2, paragraph 6.17, requires new houses to have a minimum garden area of 50sqm. The London Plan standards are significantly lower and do not differentiate between houses and flats. Both houses would comfortably exceed Merton's adopted external amenity standards.
- 7.42 Overall the proposed houses would have adequately sized rooms and convenient and efficient room layouts which are functional and fit for purpose. Good outlook as well as adequate daylight / sunlight would be received into habitable rooms which would provide high quality standards of accommodation.

### **Transport, parking and cycle storage**

- 7.43 Core Strategy policy CS20 requires that development would not adversely affect pedestrian or cycle movements, safety, the convenience of local residents, on street parking or traffic management.
- 7.44 The proposal has been consulted with the Council's Transport Planner who did not anticipate that the scheme would have a material impact upon the operation of the nursery or the adjoining highway network due to the low volumes of trips forecast. Parking provision is in-line with London Plan standards with the access driveway between the site and public highway being satisfactory.
- 7.45 Large delivery vehicles would be unsuitable for accessing the site due to the narrowness of the driveway. However, this would not be a reason to withhold planning permission, and the occupiers of the development may need to seek alternative delivery arrangements.

- 7.46 In terms of emergency vehicle access, the access ways 2.6m width, falls short of the minimum requirements for access set out by the London Fire Brigade. The development may therefore require further mitigation to be installed, and a fire management and safety plan agreed with relevant external authorities. Planning officers note that similar issues have arisen in other recently approved backland schemes with Merton. In these cases it was considered reasonable to attach a condition requiring fire safety measures to be prepared and for these to be reviewed in consultation with the London Fire Brigade before occupation. Given a similar condition could be attached were permission to be granted, it would unreasonable for the Council to withhold planning permission on ground of fire safety.
- 7.47 In accordance with London Plan policy 6.9 and table 6.3, 4 cycle storage spaces would be required for the development. The applicant has demonstrated on the site plan that there is adequate space for cycle storage to be provided for both houses. Should planning permission have been granted precise details of the cycle storage units could be secured by planning condition.

#### **Refuse and recycling**

- 7.48 Merton Core Strategy Policy CS17 require new developments to show capacity to provide waste and recycling storage facilities. Waste storage facilities should be integrated, well-designed and include recycling facilities. London Plan policy D6, states that housing should be designed with adequate and easily accessible storage space that supports the separate collection of dry recyclables and food waste as well as residual waste. Further guidance concerning refuse and recycling storage is found in London Plan Table 3.2 (vi) whereby recycling and waste disposal, storage and any on site management facilities are expected to be convenient in their operation and location, appropriately integrated, and designed to work effectively for residents, management and collection services.
- 7.49 Building Regulations and Approved Documents refer. Approved Document H, states that storage areas for waste containers and chutes should be sited so that the distance householders are required to carry refuse does not usually exceed 30m.
- 7.50 The applicant's drawings show where dedicated refuse storage space would be positioned for each of the houses, the spaces allocated are adequate in terms of accommodating household waste requirements. The suggested collection method would involve the applicant moving the refuse containers to the public highway for collection then returning the containers to the site once emptied by Council collectors.
- 7.51 The walking distance between the site boundary and the public highway is identified by the applicant to be circa 45m. Whilst the applicant has taken a view that this drag distance is acceptable, the Council's Transport Planner has taken a contrary view, holding the position that the drag distance is

excessive and unreasonable. Such a view is supported by London Plan policy that requires recycling and waste disposal and storage to be convenient in their operation and location. 30m separation is accepted as best practice guidance with this distance further reflected in the Building Regulations. Therefore, the applicant has failed to demonstrate that a refuse and recycling strategy for the development is integrated, convenient and useable for future occupiers. An objection under this ground is therefore made.

### **Sustainability**

- 7.52 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). As a minor development proposal, the development is required to achieve a 19% improvement on Part L of the Building Regulations 2013 and water consumption should not exceed 105 litres/person/day.
- 7.53 The applicant sets out that the houses would be a low energy, with fabric performance values between the Part L notional build and PassivHaus standards. The applicant intends to include a number of sustainable technologies in the build including solar panels, electric car charging, smart technologies and water saving fittings.
- 7.54 The applicant's desire for the houses to make a significant improvement in environmental performance compared to Building Regulations is supported, and would complement Merton's Climate Strategy and Action Plan.
- 7.55 Should planning permission have been granted a condition would have been included requiring that further evidence is provided by the applicant, prior to occupation, to demonstrate that the new dwelling has meet Merton's sustainability policies in line with Policy CS 15.

### **Flooding and drainage**

- 7.56 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. All new developments must consider SUDS and demonstrate sustainable approaches to the management of surface water in line with the National SUDS standards.
- 7.57 The western part of the site where the proposed houses would be positioned is designated Flood Zone 1 (low probability). The applicant details the proposed homes would adopt the following Sustainable Urban Drainage measures to mitigate the impact of hard surfaces and roofs:
- Water permeable surfaces to drive and foot ways
  - Water-butts for rainwater collection;
  - Swales and soak-a-ways integrated within the garden
- 7.58 The proposed methods are acceptable and in-line with best practice, had permission been granted conditions would secure the installation of these

features. It is not considered that the proposal would contribute to local flooding.

### **Trees and biodiversity**

- 7.59 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.
- 7.60 A number of trees within the site are protected by TPOs. The applicant has submitted a tree survey that helps establish which trees are moderate and good quality; suitable for retention and justifying protection. As well as those trees are low or poor quality; either undesirable or unsuitable to retain and protect. Whilst the tree survey provides a starting point, the applicant has not produced other necessary information to fully assess tree impacts. An Arboricultural Impact Assessment including an arboricultural method statement is also necessary for officers to understand what trees would be lost through the development, as well as if other trees close to the proposed buildings would be impacted.
- 7.61 Officer's note that many part of the development including building foundations appear to overlap root protection areas of trees. Furthermore, a tree protection plan has not been provided to show how construction works would be completed whilst safeguarding existing trees nor has there been any consideration to whether the proposed landscaping would adequately mitigate the trees lost.
- 7.62 It is not considered reasonable to impose a condition that secures such investigation and exploratory works given that the Council needs to have this information upfront to fully understand the impacts of development which could later dictate the positioning and design of the scheme. In the absence of such information an objection to the proposal is raised.
- 7.63 In terms of wider ecology, the applicant has submitted a Preliminary Ecological Appraisal indicating the results of an Extended Phase 1 Habitat Survey, carried out in October 2020. The methodology and findings of the survey are appropriate for this site and proposed development. The report concludes that no evidence of protected species was found on site. Council officers have no conflicts with this view, and had permission been recommended, the recommendations and enhancements outlined in Section 4 of the Ecological Appraisal would be secured by condition.

## **8. CONCLUSION**

- 8.1 The principle of building residential units on designated Open Space in this instance is considered acceptable given that the land does not meet Open Space criteria. However, the proposal would provide only two houses on a large site, which planning officers consider runs contrary to broader policy

objectives that seek to optimise housing output, through a design lead approach. The applicant has therefore failed to demonstrate that the proposed development makes effective use of land by optimising housing output. The proposal is therefore contrary to London Plan 2021 policy D3, H1, H2, GG2 and GG4, Merton Core Strategy policy CS8 and CS9 along with the NPPF.

- 8.2 The proposal has other difficulties, which have not been overcome by the applicant. The refuse collection arrangements due to the excessive drag distance between storage and collection points would be inconvenient and impractical, contrary to Merton Core Strategy Policy CS17 and London Plan policy D6.
- 8.3 Finally, the applicant has failed to provide satisfactory information concerning the impacts of the development on trees along with necessary tree protection or mitigation measures, contrary to Sites and Policies Plan DMO2 and London Plan 2021 policy G7.

## **RECOMMENDATION**

### **Refuse Permission for the following reasons:**

1. The proposals, by reason of the number of dwellings proposed and the resultant site coverage, fails to demonstrate that the development would make effective use of the land or would optimise housing output and would therefore be contrary to London Plan 2021 policy D3, H1, H2, GG2 and GG4, Merton Core Strategy policy CS8 and CS9 along with Sections 5 and 11 of the NPPF 2021.
2. The proposed refuse collection arrangements by reason of the drag distance between storage and collection points would be excessive, inconvenient, impractical and would detract from the quality of environment for future occupiers, contrary to Merton Core Strategy Policy CS17 and London Plan policy D6.
3. The applicant has failed to demonstrate that adequate tree protection or mitigation measures would be delivered as part of any development contrary to Sites and Policies Plan DMO2 and London Plan 2021 policy G7.

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