

**PLANNING APPLICATIONS COMMITTEE**  
**12 February 2015**

	<u>APPLICATION NO.</u>	<u>DATE VALID</u>
	14/P2373	14/08/2014
<b>Address:</b>	<b>27 Cannon Hill Lane Raynes Park SW20 9JY</b>	
<b>Ward:</b>	Cannon Hill	
<b>Proposal:</b>	Erection of part single, part double storey end of terrace building to the side of 27 Cannon Hill Lane with accommodation in the roof space and basement with a single storey rear extension and rear roof extension constructed to the existing dwelling house and provision within the existing and proposed floor space of five flats [a single three bedroom flat, a single one bedroom flat and 3 two bedroom flats] with five off street parking spaces accessed from Cannon Hill Lane.	
<b>Drawing No's:</b>	Site Location Plan; 001C; 002B; 003B; Assessment of effects of basement construction on Groundwater and Hydrology and Construction Method Statement.	
<b>Contact Officer:</b>	Tony Ryan [020 8545 3114]	

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**RECOMMENDATION GRANT PLANNING PERMISSION subject to planning conditions.**

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**CHECKLIST INFORMATION.**

- S106: N/A;
  - Has an Environmental Impact Assessment been submitted: No;
  - Site notice: Yes;
  - Design Review Panel consulted: No;
  - Archaeological Priority Zone: No;
  - Area at risk of flooding: No;
  - Controlled Parking Zone: No;
  - Conservation Area: No;
  - Trees: No protected trees;
  - Number of neighbours consulted: 19
  - Sites and Policies Plan: None
  - External consultations: None;
  - PTAL: 3 [TFL Planning Information Database];
  - Density: 200 habitable rooms per hectare;
  - Number of jobs created: N/A
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**1. INTRODUCTION**

- 1.1 This application is brought to the Planning Applications Committee for Members' consideration due the level of public interest shown in this proposal as a result of public consultation.

**2. SITE AND SURROUNDINGS**

- 2.1 The application site is an end-of-terrace dwelling house sited at the junction of Cannon Hill Lane and Springfield Avenue. It is a triangular plot with the majority of the garden space located to the side of the existing dwelling.
- 2.2 The existing property on the application site is at the end of a terrace of five properties. As a result of it's siting on the junction of Springfield Avenue the application property is on an irregular shaped plot. The site has vehicle access from Springfield Avenue that was used to access the garage that has now been demolished. The property has not been the subject of any extensions, retaining its hipped roof, and has bay windows to the front and an oriel window to the first floor side elevation
- 2.3 The site is not located in a designated Archaeological Priority Zone, is not in a flood zone, is not in a Conservation Area, and not located within a Controlled Parking Zone. Cannon Hill Lane is classified as a local access road serving as an emergency route. The site has a medium Public Transport Accessibility Level [PTAL] of 3 [where 1a represents the least accessible areas and 6b the most accessible].

**3. CURRENT PROPOSAL**

- 3.1 The current proposal is for the construction of an end of terrace building with accommodation on four levels including the roof and basement. The proposal includes a single storey ground floor extension and roof extension to the rear of the existing dwelling house and the conversion of the combined existing and proposed floor space to provide five flats. The flats include a single three bedroom flat, 3 two bedroom flats and 1 one bedroom flat with five off street parking spaces.

Table 1: Gross internal floor areas and amenity space provision

Unit	Bedrooms	Bedroom spaces	Floor area [Sq. M]	London Plan standard [Sq. M]	External amenity [Sq. M]	Sites and Policies standard
1	3	4	96	74	41	7
2	1	2	50	50	54 shared*	5
3	2	3	71	61	54 shared*	6
4	3	4	121	74	54	7
5	2	3	63	61	54 shared*	6

\* 54 square metres of amenity space is shared between flats 2, 3 and 5.

- 3.2 The application site benefits from an extant planning permission for a two storey, four bedroom end of terrace property. With the current proposal for five flats the external differences between the extant planning permission and the current proposal include the following:
- Addition of a basement and light wells to the new building;
  - Addition of a rear roof extension to the new building;
  - Addition of a rear roof extension to the existing building;
  - Addition of a single storey rear extension to the existing building;
  - A new roof light to the front elevation of the new building,
  - Changes to the window locations on the side and rear elevations of the new building.

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

- 4.1 Planning permission was refused in April 2012 [reference 11/p3172] for the erection of a two-storey end-of-terrace 4-bed dwelling house on land to the side of 27 Cannon Hill Lane incorporating 1 off-street parking space. The reasons for refusal were as follows:

**“1.The proposed single storey back addition to the new dwelling by reason of its design, size and siting would be visually intrusive and result in a loss of outlook to the detriment of the amenity of the occupiers of 27 Cannon Hill Lane and would be contrary to policy BE.15 of the Merton Unitary Development Plan (2003).**

**2) The proposed new dwelling, by reason of the proposed site layout plan, would fail to provide adequate private rear garden space to meet the likely needs of future occupiers to the detriment of their amenities and would be contrary to policy HS.1of the Merton Unitary Development Plan (2003).**

**3) The proposed dwelling by reason of its design, siting, height, bulk and massing would fail to respond to, or reinforce the locally distinctive pattern of development, resulting in a new dwelling with a frontage that would significantly exceed that of adjoining properties; the proposed building projecting significantly forward of neighbouring terraces in Springfield Avenue and resulting in the loss of a visual gap on the Springfield Road boundary would have a detrimental impact on the visual amenities of the Cannon Hill Lane street scene; on local suburban character and on the local distinctiveness of the adjoining townscape. The proposals would therefore be contrary to policies BE 16, BE.18 and BE 22 of the Unitary Development Plan (2003) and Core Strategy Policy CS.14 (2011)”**

- 4.2 Planning permission was refused in September 2012 [reference 12/p1430] for the erection of a two-storey end-of-terrace 4 bedroom dwelling house on land to the side of 27 Cannon Hill Lane incorporating alterations to the roof at no 27 and 1 off-street parking space. The reasons for the refusal of permission were as follows:

**“The proposed development by reason of its design, siting, scale, bulk and massing, would (a) fail to respond to and reinforce the locally distinctive patterns of development in the existing street scene; (b) fail to provide a high standard of design that will complement the character and local distinctiveness of the adjoining street scene; (c) result in an adverse impact on the suburban characteristics of the streetscape; and (d) fail to provide an adequate usable private garden space due to its shape; contrary to Policies BE.16, paragraph (i) and BE.22 , paragraph (ii), of the Adopted Merton Unitary Development Plan (October 2003), and contrary to Policy CS.14 (d) (iii) of the Merton LDF Core Planning Strategy (2011)”.**

- 4.3 A subsequent appeal to the Secretary of State against the Council’s decision was allowed and planning permission was granted for a two-storey end-of-terrace 4 bedroom dwelling house on the 20 March 2013. This permission expires on the 20 March 2016.

## **5. CONSULTATION**

- 5.1 The submitted planning application was publicised by means of a site notice, press notice and individual consultation letters sent to 19 neighbouring properties.

- 5.2 As a result of this consultation seven letters have been received objecting to the proposal on the following grounds:

- The proposed off street parking will ‘eradicate the gardens fronting Cannon Hill Lane’ and would have a negative impact on the visual appearance of the street;
- The development is not in keeping with the rhythm, scale and density of the surrounding buildings;
- The development would be contrary to Core Strategy policy CS14;
- The access to these parking spaces is unclear;
- The proximity of the access to the road junction will damage highway safety;
- The development is ‘not in keeping with the nature and density of living and would deprive the area of family housing’.
- The applicant’s claim about extended family occupying the units is irrelevant;
- The development will increase the pressure on limited local parking provision;
- The development will put a strain on infrastructure;
- The access to the off street parking will reduce on street parking capacity;
- The construction work will harm highway safety;
- There is insufficient parking provided for the residential accommodation;
- The proposal is an overdevelopment of the site;
- The proposed units are of a poor standard in terms of amenity space;
- The proposal does not meet the requirement for 50% of all new developments to be family accommodation;
- The development will set a precedent;
- The development will lead to a loss of privacy;

- Building works will generate noise and disturbance;
- The artificial light emitted from the development will cause disturbance to neighbours.

5.3 **LB Merton Transport Planning** The proposed site is located within an area with a medium Public Transport Accessibility level and outside a Controlled Parking Zone. On the basis that the original proposal is revised to include the removal of one off street car parking, the redesign of the crossover and the relocation of the existing telegraph pole it is considered this application will not have any adverse effects on highway function or safety. On the basis of these changes there are no transport objections to this proposal subject to the standard condition relating to vehicular access and informatives with regard to works on the public highway and the relocation of the telegraph pole

## 6. **POLICY CONTEXT**

### **The London Plan [July 2011].**

6.1 The relevant policies in the London Plan [July 2011] are 3.3 [Increasing housing supply]; 3.4 [Optimising housing potential]; 3.5 [Quality and design of housing developments]; 3.8 [Housing choice]; 3.9 [Mixed and balanced communities]; 3.11 [Affordable housing targets]; 5.1 [Climate change mitigation]; 5.2 [Minimising carbon dioxide emissions]; 5.3 [Sustainable design and construction]; 5.7 [Renewable energy]; 5.13 [Sustainable drainage]; 6.3 [Assessing effects of development on transport capacity]; 6.9 [Cycling]; 6.10 [Walking]; 6.11 [Smoothing traffic flow and tackling congestion]; 6.12 [Road network capacity]; 6.13 [Parking]; 7.2 [An inclusive environment]; 7.3 [Designing out crime]; 7.4 [Local character]; 7.5 [Public realm]; 7.6 [Architecture]; 7.14 [Improving air quality]; 7.15 [Reducing noise and enhancing soundscapes]; and 8.2 [Planning obligations].

### **Mayor of London Supplementary Planning Guidance**

6.2 The following supplementary planning guidance is considered relevant to the proposals: Supplementary Planning Guidance on Housing (2012).

### **Merton Supplementary Planning Guidance**

6.3 The key supplementary planning guidance relevant to the proposals includes New Residential Development [1999]; Design [2004] and Planning Obligations [2006].

### **Merton LDF Core Planning Strategy [adopted July 2011]**

6.4 The relevant policies within the Council's Adopted Core Strategy [July 2011] are; CS.8 [Housing choice]; CS.9 [Housing provision]; CS.14 [Design]; CS.15 [Climate change]; CS.18 [Active transport]; CS.19 [Public transport]; and CS.20 [Parking; servicing and delivery].

### **Merton Sites and Policies Plan [adopted July 2014]**

6.5 The London Borough of Merton 'Sites and Policies Plan' was formally adopted by the Council on the 9 July 2014. The relevant policies within the Sites and Policies Plan are as follows: DMD1 [Urban Design and the Public Realm]; DMD2 [Design Considerations and the Public Realm]; DM T1 [Support for

sustainable travel and active travel]; DM T2 [Transport impacts from development]; and DMT3 [Car parking and servicing standards].

### **National Planning Policy Framework [March 2012]**

- 6.6 The NPPF supports the plan led system stating that development that accords with an up to date plan should be approved and proposed development that conflicts should be refused. The framework also states that the primary objective of development management should be to foster the delivery of sustainable development, and not to hinder or prevent development.
- 6.7 To enable each local authority to proactively fulfil their planning role, and to actively promote sustainable development, the framework advises that local planning authorities need to approach development management decisions positively. Local planning authorities should look for solutions rather than problems so that applications can be approved wherever it is practical to do so. The framework attaches significant weight to the benefits of economic and housing growth, the need to influence development proposals to achieve quality outcomes; and enable the delivery of sustainable development proposals.
- 6.8 The National Planning Policy Framework [NPPF] urges local authorities to significantly boost the supply of housing. Local authorities should use their evidence base to ensure that their Local Plan meets the full, objectively assessed need for market and affordable housing in the housing market area, as far as is consistent with other policies set out in the NPPF. This process should include identifying key sites that are critical to the delivery of the housing strategy over the plan period.
- 6.9 The National Planning Policy Framework states that local authorities should identify and update annually a supply of specific deliverable sites sufficient to provide five years' worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land.

## **7. PLANNING CONSIDERATIONS**

- 7.1 The main planning considerations include assessing the siting, layout, design, appearance of the proposal, assessing the potential impact on the amenities of adjacent residential occupiers in terms of privacy, loss of sunlight and daylight; the potential impact of the basement and assessing potential issues from the development relating to traffic generation, transport and car parking.

### **Need for additional housing and housing mix**

- 7.2 The National Planning Policy Framework [March 2012] requires the Council 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 Policy CS. 9 within the Council's Adopted Core Strategy [July 2011] and policy 3.3 of the London Plan [July 2011] state that the Council will work with housing providers to provide a minimum of 4,800 additional homes [320 new

dwellings annually] between 2011 and 2026. There is a minimum target of 500 to 600 homes in the Raynes Park sub area where the proposal site is located with the expectation that the target is exceeded where possible.

- 7.4 Policy CS. 8 within the Council's Adopted Core Strategy [July 2011] states that the Council will seek the provision of a mix of housing types sizes and tenures at a local level to meet the needs of all sectors of the community. This includes the provision of family sized and smaller housing units. Policy CS 14 requires the provision of a family sized unit as part of a conversion proposal.
- 7.5 The application site involves the conversion of an existing residential property into flats with additional floor space provided by a new building on adjacent garden land. The principle of a new residential building on this adjacent garden land has been established by an earlier appeal decision to approve permission for a two storey; four bedroom end of terrace property [expires 20 March 2016].
- 7.6 The current application involves the loss of a four bedroom house and provision of a single three bedroom flat, a single one bedroom flat and 3 two bedroom flats. The current proposed redevelopment will improve the local mix of accommodation providing smaller units and help meet the housing target set out in policy CS.9. The new accommodation includes the provision of a three bedroom family unit in line with the requirement set out in policy CS14.
- 7.7 In response to comments made in a consultation response, whilst evidence on housing need identifies that nearly 50% of future housing delivery should take the form of 3 bedroom units, there is no requirement for 50% of units within conversion schemes to be 3 bedroom units.
- 7.8 In this context an increase in the development density on this site and the provision of residential development has 'in principle' support subject to consideration of other matters such as design, bulk, scale and layout, the standard of accommodation and the impact on amenity.

#### **Residential density**

- 7.9 The London Plan states that in urban areas such as the application site surrounding with a Public Transport Accessibility Level of 3 the residential density should be within a range of 150 to 250 habitable rooms per hectare. This residential development covers a site area of 0.08 hectares and includes provision of 16 habitable rooms; the residential density of the development is therefore calculated as 200 habitable rooms per hectare. The residential density of the proposed development is within the density range set out in the London Plan and is considered acceptable for this location.
- 7.10 Density on its own does not provide a reliable guide as to whether an infill development such as this is acceptable. Whether a more intensive form of development would be acceptable requires consideration of other matters such as design, bulk, scale and layout, the standard of accommodation and impact on amenity and parking which are addressed below.

### **Building scale, appearance, siting and layout**

- 7.11 The London Plan policy 7.4 requires buildings, streets and open spaces to provide a high quality design response that has regard to the pattern and grain of the existing spaces and streets in terms of orientation, scale, proportion and mass. Policy CS14 of the adopted Core Strategy states that all development needs to be designed to respect, reinforce and enhance local character and contribute to Merton's sense of place and identity. This will be achieved in various ways including by promoting high quality design and providing functional spaces and buildings.
- 7.12 The area surrounding the application site is residential in character with housing predominantly in the form of two storey terraced dwellings. The properties on the same side of Cannon Hill Lane as the application site generally have regular plot widths and well defined building lines with greater variety in building design on the opposite side of Cannon Hill Lane.
- 7.13 The scale and appearance of the proposed an end-of-terrace building is considered appropriate for this location. The design of the proposed building reflects the height, width, scale and design of properties in the adjoining terrace and maintains the building line along Cannon Hill Lane.
- 7.14 With regard to the building on garden land, this land has not been safeguarded for any other use and the size of the plot is considered sufficient for the purposes of the proposal. Notwithstanding the tapered shape of the dwelling, the layout and alignment of the development is considered to make good use of the land on this site and is in keeping with the overall character of the surrounding area.
- 7.15 The presence of an extant planning permission for a two storey four bedroom end of terrace property on the application site is also highlighted. The new building proposed as part of the current application is similar to the extant planning permission for a new house in terms of external appearance, building footprint, building width and notwithstanding the addition of a rear roof extension the overall building height.
- 7.16 In addition to the proposed rear roof extension, a new rear roof extension is also proposed to the existing property. There are existing roof extensions to the front and rear elevations of the property adjacent to the application site [29 Cannon Hill Lane] and other rear roof extensions found on properties nearby.
- 7.17 The scale and appearance of the proposed roof extensions are considered acceptable and in keeping with the appearance of the existing building, the proposed new building and the surrounding area. It is also highlighted that due to their relatively small size the roof extensions would normally be permitted development and not require the submission of an application for planning permission.
- 7.18 After consideration by the planning appeal Inspector, the extant planning permission includes a three metre long flat roof single storey extension to the new building. The current application involves four metre long flat roof



extensions to both the existing and proposed buildings. The design and appearance of these extensions are considered acceptable.

- 7.19 The extant planning permission included a single off street parking space to the front of the site. The submitted plans show an enlarged area of hardstanding providing five off street car parking spaces. With the majority of nearby properties in Springfield Avenue and Cannon Hill Lane currently provided with off street parking in their front gardens, a similar approach in this location would not appear out of character.
- 7.20 After assessment of the current proposal, the width of the crossover necessary to access the five spaces is considered detrimental to pedestrians using Cannon Hill Lane especially the visually impaired. The applicant has been requested to amend the proposal with the removal of one off street car parking space and the provision of two separate vehicular crossovers. A planning condition is recommended to seek the submission of details of amendments to the parking spaces. An informative is recommended advising of the requirement at the applicant's expense to relocate the existing telegraph pole in Cannon Hill Lane.
- 7.21 In conclusion the design, scale, layout and appearance of the proposed development complements the local context and respects the local pattern of development in accordance with policy CS14 of the Core Strategy and policy 7.4 of the London Plan.

**Proposed new basement, flooding and construction method.**

- 7.22 Policy DM D2 of the adopted Sites and Policies Plan states that proposals for basements should be wholly confined within the curtilage of the application property and be designed to maintain and safeguard the structural stability of the application building and nearby buildings. Basements should not harm heritage assets and should not exceed 50% of either the front, rear or side garden of the property.
- 7.23 Policy DM D2 states that basements should not cause loss, damage or a long term threat to trees of townscape or amenity value. Proposals for basements should ensure that any externally visible elements such as light wells, and roof lights are sensitively designed and sited to avoid any harmful visual impact on neighbour or visual amenity. Proposals should make the fullest contribution to mitigating the impact of climate change by meeting the carbon reduction requirements of the London Plan.
- 7.24 The current proposal includes the construction of a basement under the proposed new building. It is highlighted that the basement does not extend under the existing building or any garden area and is no larger than the footprint of the new building. The application property is not located in a conservation area, it is not on the local or national list of historically important buildings and the proposal will not harm any heritage assets.
- 7.25 There are no trees on the application site that will be affected by the proposed development and it is considered unlikely that the development will have any

impact on the small existing street tree in Springfield Avenue. The proposed basement includes the excavation of light wells to the front, side and rear of the new building. These light wells due to their location at ground level and boundary fencing will have no impact on residential amenity. A planning condition is recommended to ensure that the development will meet Code for Sustainable Homes Level 4 and the current carbon reduction requirements of the London Plan.

- 7.26 In support of the planning application the applicant has provided a statement in relation to the potential impact of the basement on groundwater and hydrology and a construction method statement. The application site is not in an area at risk from flooding or a Groundwater Source Protection Zone as defined by the Environment Agency. The statement reports that British Geological Survey data shows that the bedrock geology under the application site is London Clay, with small deposits of sands and gravels known as Kempton Park Gravel Formation.
- 7.27 The submitted assessment reports that hydrogeology maps show that the ground under the application site comprises rocks with essentially no groundwater. It is stated that it is likely that little or no groundwater is present due to the presence of underlying clays up to 140 metres thick that constrain the lower aquifers. The assessment concludes that it is "...highly unlikely that there will be any significant effects arising from the construction of a basement on the surrounding properties, particularly with respect to the water table and groundwater movement".
- 7.28 The submitted construction method statement sets out the phasing of the work to excavate the basement and it is considered that the method of construction outlined will minimise any impact on residential amenity.
- 7.29 It is considered that the proposed basement is acceptable and will maintain and safeguard the structural stability of the application building and nearby buildings. It is considered that the proposed development is acceptable in terms of the impact on groundwater and surface water movements. The basement is considered in line with policy DM D2 of the adopted Sites and Policies and acceptable in terms of sustainability and unlikely to harm the amenities of adjacent residential occupiers.

#### **Neighbour amenity - privacy and overlooking**

- 7.30 Policy DM D2 of the adopted Sites and Policies Plan states that proposals for development will be expected to ensure appropriate levels of privacy to adjoining gardens and quality of living conditions.
- 7.31 The extant planning permission includes windows to the side elevation of the new building and the current proposal includes changes to these windows. An objection has been raised to these windows due to the fact that they will directly overlook existing properties in Springfield Avenue.
- 7.32 A separation distance of 20 metres is generally recommended between opposing first floor habitable room windows in order to maintain privacy and

prevent overlooking. In this instance due to the angle of Springfield Avenue there are no properties located directly to the rear of the application site. The side elevation of the new building will face towards properties on the opposite side of Springfield Avenue.

- 7.33 Whilst the requirement for a 20 metre separation distance is not applied as rigidly in situations when windows overlook the public road, in this instance a distance of 21 metres separates the existing windows of properties in Springfield Avenue and the proposed new windows. In these circumstances it is not considered that the proposal will result in a loss of privacy.
- 7.34 The windows at first floor level to the side elevation are to a bathroom and a secondary bedroom window and if members of the committee consider it necessary a planning condition can be used to ensure that these first floor windows are fitted with obscured glass. A planning condition is also recommended to ensure that the flat roof areas are not used as external amenity space for future occupants.

**Neighbour amenity - daylight, sunlight and visual intrusion.**

- 7.35 Policy DM D2 of the adopted Sites and Policies Plan states that proposals for development will be expected to ensure appropriate levels of sunlight and daylight and the quality of living conditions.
- 7.36 The proposal includes four metre deep single storey extension to the existing and proposed residential properties. The neighbouring property at 29 Cannon Hill Lane is closest to the proposed extensions. This neighbouring property is located to the south of the application site and has an existing single storey rear extension of a comparable depth.
- 7.37 With the separation distances from nearby dwellings including those in Springfield Avenue, the nature of the development and the relatively small scale of the proposed extensions it is considered that the development will not harm amenity in terms of daylight, sunlight or result in visual intrusion.

**Neighbour amenity – noise, construction nuisance and artificial light**

- 7.38 Policy DM EP2 of the sites and policies plan states that development which would have a significant effect on existing or future occupiers or the local amenity due to noise or vibration will not be permitted, unless the potential noise problems can be overcome by suitable mitigation measures.
- 7.39 It is generally accepted that during the construction process there is likely to be unavoidable short term noise and disruption to adjoining occupiers. Planning conditions are recommended to ensure that any disruption during the construction process is minimised with these conditions controlling matters such as hours of operation and issues such as the storage of building materials.
- 7.40 An objection to the proposal raises concerns about the level of light that will be emitted from the windows of the proposed development. It is considered that the light generated by the development in terms of proposed windows will

be comparable to existing residential properties in the area and to the extant planning permission for a new house. A planning condition is recommended to ensure that any external security lighting to the development is angled to prevent nuisance to adjacent occupiers.

**Standard of residential accommodation - internal layout and room sizes**

- 7.41 Policy DM D2 states that proposals for development will be expected to ensure appropriate levels of sunlight and daylight, quality of living conditions, amenity space and privacy to adjoining gardens. Policies CS8, CS9 and CS14 within the Council's Adopted Core Strategy [2011] states that the Council will require proposals for new homes to be well designed.
- 7.42 Policy 3.5 of the London Plan [July 2011] states that housing developments should be of the highest quality internally and externally. The London Plan states that boroughs should ensure that new development reflects the minimum internal space standards as set out as gross internal areas in table 3.3 of the London Plan.
- 7.43 The table provided in section 3 of this report set out the gross internal areas for the proposed residential accommodation. The tables show that the proposed accommodation provides good levels of internal floor space that complies with the London Plan standards. All of the individual units are above minimum floor space requirements. The internal layout of the accommodation is considered to make good and efficient use of the space that is available with an appropriate internal layout and good provision of natural light to all habitable rooms.

**Standard of residential accommodation - external amenity space**

- 7.44 Sites and Policies Plan policy DM D2 states that developments will be expected to ensure appropriate provision of outdoor amenity space which accords appropriate minimum standards and is compatible with the character of the surrounding area.
- 7.45 In accordance with the London Housing Design Guide, the Council's Sites and Policies Plan states that there should be 5 square metres of external space provided for one and two bedroom flats with an extra square metre provided for each additional bed space. The table provided in section 3 of this report set out the areas of external space provided for each of the five residential units.
- 7.46 The total external amenity space requirement for the five units is 31 square metres and the proposed development will provide a total of 149 square of external space. The minimum requirement for Flat 2 is five square metres of private external space, for Flat 3 six square metres and Flat 5 six square metres. It is highlighted that due to the irregular shape of the site these three flats will share an area of 54 square metres. Whilst the external space will be shared it is considered that as a matter of planning judgment due to the large size of this area the amenity space for the proposed flats is considered acceptable.

**Standard of residential accommodation - Lifetime Homes standards.**

- 7.47 Policies in the London Plan and Core Strategy require all new residential properties to be built to Lifetime Home Standards. As part of the planning application the applicant has confirmed that the development aims to meet Lifetime Home Standards.
- 7.48 A planning condition is recommended to ensure prior to first occupation of the proposed new dwellings, the applicant shall provide written evidence to confirm the new dwelling units meet Lifetime Homes Standards based on the relevant criteria.

**Transport - car parking**

- 7.49 Policy 6.13 of the London Plan states that the Mayor wishes to see an appropriate balance between promoting new development and preventing excessive car parking that can undermine cycling walking and public transport use. Policy CS20 of the Core Strategy [July 2011] states car parking should be provided in accordance with current 'maximum' car parking standards, whilst assessing the impact of any additional on street parking on vehicle movements and road safety. Car parking standards are set out within the London Plan at table 6.2 and require a 'maximum' of one off street space for dwellings with one or two bedrooms a 'maximum' of 1.5 spaces for three bedroom dwellings.
- 7.50 The current proposal provides five car parking spaces that have direct access from Cannon Hill Lane. The development has been assessed in terms of the extant planning permission, the on-street parking capacity that is available locally. The level of parking provided is considered in line with the maximum standards set out in the London Plan and acceptable in principle subject to other considerations including sustainability and vehicle access that are set out below.

**Transport – sustainability**

- 7.51 In order to reduce carbon dioxide emissions and promote sustainable transport choices the Mayor of London's Electric Vehicle Delivery Plan and policy 6.13 of the adopted London Plan states that new car parking provision should include facilities to charge electric vehicles [a requirement of 20% of total spaces]. A planning condition is recommended to ensure that this facility is provided.
- 7.52 The proposal includes the formation of an area of hardstanding. In order to reduce the level of surface water runoff a planning condition is recommended to ensure that the new surface is porous or that any runoff drains into a porous surface on the property.

**Transport - vehicle access**

- 7.53 Policy CS 19 of the adopted Core Strategy [2011] states that the Council will support and enhance the public transport network by encouraging developers to demonstrate that the proposals do not have an adverse effect on transport Policy CS20 of the Core Strategy [July 2011] states that the Council will

require developers to incorporate safe access to, and from the public highway.

- 7.54 The site is located on Cannon Hill Lane which is a local distributor road and at the junction with Springfield Avenue. At the rear of the application site is an unmade private track providing access to the rear gardens of properties in Cannon Hill Lane and Springfield Avenue. A dropped kerb in Springfield Avenue currently provides vehicular access to land to the side of the existing property on the application site that is surrounded by a two metre high timber fence. A planning condition is recommended to seek the reinstatement of the kerb in Springfield Avenue in the location of the existing crossover.
- 7.55 The design and location of the parking spaces will require a length of dropped kerb within Cannon Hill Lane. It is considered that due to the length of crossover required, this access will be detrimental to the use of the pavement by pedestrians and especially the visually impaired. In order to allow safer access to off street car parking spaces in this location the nearby telegraph pole will also need to be relocated.
- 7.56 Following consultation with the Council' Transport Planning Officer planning conditions are recommended seeking the removal of one off street car parking space and the provision of two separate crossovers to two groups of two off street spaces and the relocation of the telegraph pole.

#### **Transport - refuse storage and collection.**

- 7.57 Policy CS20 of the Core Strategy [July 2011] states that the Council will seek to implement effective traffic management by requiring developers to demonstrate that their development will not adversely affect safety and traffic management; and to incorporate adequate facilities for servicing to ensure loading and unloading activities do not have an adverse impact on the public highway.
- 7.58 The submitted application drawings show refuse and recycling storage areas for the new flats. This storage location is considered acceptable in principle and a planning condition is recommended to seek further details of this storage and to ensure that these facilities are provided and retained for the benefit of future occupiers.

#### **Transport - cycling and pedestrian access**

- 7.59 Policy CS 18 of the adopted Core Strategy [July 2011] states that the Council will promote active transport by prioritising the safety of pedestrian, cycle and other active transport modes; by supporting schemes and infrastructure that will reduce conflict between pedestrians, cyclists and other transport modes; and encouraging design that provides, attractive, safe, covered cycle storage, cycle parking and other facilities. A planning condition is recommended to seek further information on cycle parking and to ensure that this cycle parking is provided and retained for the benefit of future residents.

### **Trees and landscaping**

- 7.60 Policy CS.13 within the Adopted Core Strategy [2011] states that development should seek to integrate new or enhanced habitat or design and landscaping that encourages biodiversity. Sites and Policies Plan policy DM O2 states that development will not be permitted if it will damage or destroy any tree which is protected by a tree preservation order; is within a conservation area; or has significant amenity value unless the benefits of the development outweighs the tree's amenity value.
- 7.61 A planning condition is recommended to seek the submission of further details of new landscaping for approval and for this landscaping to be in place prior to the occupation of the proposed new dwellings, or the first planting season following occupation. A second planning condition seeks the replacement of the planting should any of it be lost within a five year period.

### **Sustainable design and construction.**

- 7.62 The Council's Core Strategy reinforces the wider sustainability objectives of the London Plan with policy CS15 requiring all development to demonstrate how the development makes effective use of resources and materials and minimises water use and CO2 emissions. Policy CS15 states that all new development comprising the creation of new dwellings will be expected to achieve Code 4 Level for Sustainable Homes.
- 7.63 Planning conditions are recommended to seek the submission of a design stage assessment and post construction certification to show that that Code for Sustainable Homes Level 4 is achieved together with a minimum improvement in the dwelling emissions rate in accordance with current policy requirements.

### **Other issues raised in public consultation**

- 7.64 It is considered that the majority of the issues raised as a result of public consultation have been addressed in this report. The remaining issues are considered below.
- 7.65 It has been stated in consultation responses that the applicant's claim about extended family occupying the units is irrelevant. As it would be unreasonable to place restrictions on the occupation of the proposed accommodation the proposal has been assessed on the basis of the units being sold on the general market and not used by the applicant's family.
- 7.66 It has been stated in consultation responses that the development will set a precedent. The current application has been considered on its merits and planning permission cannot be refused on the grounds that a precedent would be set. The impact of new development on local property values whether this is positive or negative is not a valid planning consideration.
- 7.67 A concern has been expressed in relation to the strain that the development will put on infrastructure. It is highlighted that the current application is similar to the extant planning permission in terms of floor space and includes three additional bed spaces. The impact of development on infrastructure including

schools is mitigated through the Community Infrastructure Levy and details of this are set out below.

## **8. ENVIRONMENTAL IMPACT ASSESSMENT**

- 8.1 The application site is under 0.5 hectares in area the site falls outside the scope of Schedule 2 development under The Town and Country Planning (Environmental Impact Assessment) Regulations 2011 and in this context screening opinion is not required.

## **9. LOCAL FINANCIAL CONSIDERATIONS**

### **Mayor of London Community Infrastructure Levy**

- 9.1 The proposed development is liable to pay the Mayoral Community Infrastructure Levy [CIL], the funds for which will be used by the Mayor of London towards the 'CrossRail' project. The CIL amount is non-negotiable and planning permission cannot be refused for failure to pay the CIL.
- 9.2 The Mayor of London Community Infrastructure Levy charge that would be payable for the proposed development would be based on the charge of £35 per square metre of net additional space. The figure payable would be subject to future reassessment in terms of whether the floor space to be lost as part of this proposal has been in lawful use.

### **London Borough of Merton Community Infrastructure Levy**

- 9.3 After approval by the Council and independent examination by a Secretary of State appointed planning inspector, in addition to the Mayor of London levy the Council's Community Infrastructure Levy commenced on the 1 April 2014. The liability for this levy arises upon grant of planning permission with the charge becoming payable when construction work commences.
- 9.4 The Merton Community Infrastructure Levy will allow the Council to raise, and pool, contributions from developers to help fund local infrastructure that is necessary to support new development including transport, decentralised energy, healthcare, schools, leisure and public open spaces. The provision of financial contributions towards affordable housing and site specific obligations will continue to be sought through planning obligations a separate S106 legal agreement.
- 9.5 The London Borough of Merton Community Infrastructure Levy charge that would be payable for the proposed development is based on the charge of £115 per square metre. This figure is also subject to future reassessment in terms of whether the floor space to be lost has been in lawful use.

### **Planning Obligations**

- 9.6 Regulation 122(2) of the CIL Regulations 2010 (continued in the CIL Regulations 2011) introduced three tests for planning obligations into law, stating that obligations must be: necessary to make the development acceptable in planning terms; directly related to the development; fairly and reasonably related in scale and kind to the development.



- 9.7 If a planning obligation does not meet all of these tests it cannot legally be taken into account in granting planning permission and for the Local Planning Authority to take account of S106 in granting planning permission it needs to be convinced that, without the obligation, permission should be refused.

Provision of affordable housing.

- 9.8 On Friday 28 November 2014, the Government amended National Planning Policy Guidance to state that planning obligations (section 106 planning obligations) requiring a financial contribution towards affordable housing should not be sought from small scale and self-build development. Following this change, the council can no longer seek financial contributions towards affordable housing on schemes of 1-9 units with a gross area of no more than 1,000 square metres; consequently part of Section (d) of Merton's Core Planning Strategy policy CS8 housing choice, no longer applies.

**10. CONCLUSION**

- 10.1 The proposed development represents an effective and sustainable use of this site providing additional residential units and incorporates a design and layout sympathetic to the character of the surrounding area with a satisfactory standard of living space with no detriment to highway safety or loss of amenity to neighbouring occupiers. The quantum of the proposed development, including the height and scale of the building in relation to surrounding properties is considered to be appropriate and in keeping with the character of the area.

**RECOMMENDATION**

**GRANT PLANNING PERMISSION subject to planning conditions.**

**Planning conditions:**

1. Standard condition [Time period] The development to which this permission relates shall be commenced not later than the expiration of 3 years from the date of this permission. Reason for condition: To comply with Section 91 (as amended) of the Town and Country Planning Act 1990.
2. Amended standard condition [Approved plans] The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan; 001C; 002B; 003B; Assessment of effects of basement construction on Groundwater and Hydrology and Construction Method Statement. Reason for condition: For the avoidance of doubt and in the interests of proper planning.
3. Standard condition [Timing of construction work] No demolition or construction work or ancillary activities such as deliveries shall take place before 0800hrs or after 1800hrs Mondays to Fridays inclusive; before 0800hrs or after 1300hrs on Saturdays and not at any time on Sundays or Bank Holidays. Reason for condition: To safeguard the amenities of the area and occupiers of neighbouring properties and to ensure compliance with Sites and Policies policy DM D2.

4. Amended standard condition [Construction phase impacts] Prior to the commencement of development a working method statement shall be submitted to and approved in writing by the Local Planning Authority that shall include measures to accommodate: the parking of vehicles of site workers and visitors; loading and unloading of plant and materials; storage of construction plant and materials; wheel cleaning facilities; control of smell and other effluvia; control of surface water run-off. No development shall take place that is not in full accordance with the approved method statement. Reason for condition: In the interests of vehicle and pedestrian safety and the amenities of neighbouring occupiers and to comply with policy CS20 of the Adopted Merton Core Planning Strategy 2011.
5. Standard condition [Materials] No development shall take place until details of particulars and samples of the materials to be used on all external faces of the development hereby permitted, including window frames and doors (notwithstanding any materials specified in the application form and/or the approved drawings), have been submitted to the Local Planning Authority for approval. No works which are the subject of this condition shall be carried out until the details are approved, and the development shall be carried out in full accordance with the approved details. Reason for condition: To ensure a satisfactory appearance of the development and to comply with the following Development Plan policies for Merton: policy 7.6 of the London Plan 2011, policy CS14 of Merton's Core Planning Strategy 2011 and policies DM D2 and D3 of Merton's Sites and Policies Plan 2014.
6. Standard condition [Access to the flat roof] Access to the flat roof of the development hereby permitted shall be for maintenance or emergency purposes only, and the flat roof shall not be used as a roof garden, terrace, patio or similar amenity area. Reason for condition: To safeguard the amenities and privacy of the occupiers of adjoining properties and to comply with the following Development Plan policies for Merton: policy 7.6 of the London Plan 2011, policy CS14 of Merton's Core Planning Strategy 2011 and policies DM D2 and D3 of Merton's Sites and Policies Plan 2014.
7. Standard condition [Hardstandings] The hardstanding hereby permitted shall be made of porous materials, or provision made to direct surface water run-off to a permeable or porous area or surface within the application site before the development hereby permitted is first occupied or brought into use. Reason for condition: To reduce surface water run-off and to reduce pressure on the surrounding drainage system in accordance with the following Development Plan policies for Merton: policy 5.13 of the London Plan 2011, policy CS16 of Merton's Core Planning Strategy 2011 and policy F2 of Merton's Sites and Policies Plan 2014.
8. Standard condition [New Vehicle Access] No development shall commence until details of the proposed vehicular access to serve the proposed off street car parking spaces have been submitted in writing for approval to the Local Planning Authority including the relocation of the nearby telegraph pole. No works that are subject of this condition shall be carried out until those details have been approved, and the development shall not be occupied until those

details have been approved and completed in full. Reason for condition: In the interests of the safety of pedestrians and vehicles and to comply with the following Development Plan policies for Merton: policies CS18 and CS20 of Merton's Core Planning Strategy 2011 and policies DM T2, T3, T4 and T5 of Merton's Sites and Polices Plan 2014.

9. Standard condition [Redundant crossovers] The development shall not be occupied until the existing redundant crossover in Springfield Avenue has been removed by raising the kerb and reinstating the footway in accordance with the requirements of the Highway Authority. Reason for condition: In the interests of the safety of pedestrians and vehicles and to comply with the following Development Plan policies for Merton: policies CS18 and CS20 of Merton's Core Planning Strategy 2011 and policies DM T2, T3, T4 and T5 of Merton's Sites and Polices Plan 2014.
10. Non-standard condition [Car parking spaces] Notwithstanding the layout on the submitted plans prior to first occupation of the proposed new dwellings off street car parking, including an electric vehicle charging point, shall be in place that is in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority, with the car parking retained in accordance with the approved details permanently thereafter. Reason for condition: To ensure the provision of an appropriate level of car parking and comply with policy CS20 of the Adopted Merton Core Planning Strategy 2011, the Mayor of London's Electric Vehicle Delivery Plan and policy 6.13 of the adopted London Plan.
11. Amended standard condition [External Lighting] Any new external lighting shall be positioned and angled to prevent any light spillage or glare beyond the site boundary. Reason for condition In order to safeguard the amenities of the area and occupiers of neighbouring properties and to ensure compliance with policy DM D2 and policy CS14 of the Adopted Merton Core Planning Strategy 2011.
12. Amended standard condition [Landscaping] Prior to occupation of the proposed accommodation landscaping shall be in place that is in accordance with details that have been previously submitted to and approved in writing by the Local Planning Authority. Within a period of 5 years from planting if any trees that form of the approved landscape plan die, if they are removed, if they become seriously damaged or diseased or are dying, they shall be replaced in the next planting season with others of same approved specification, unless the Local Planning Authority gives written consent to any variation. Reason for condition: To enhance the appearance of the development in the interest of the amenities of the area, to ensure the provision sustainable drainage surfaces and to comply with the following Development Plan policies for Merton: policies 5.1, 7.5 and 7.21 of the London Plan 2011, policies CS13 and CS16 of Merton's Core Planning Strategy 2011 and policies DM D2, F2 and O2 of Merton's Sites and Polices Plan 2014.

13. Non-standard condition [Details of walls and fences] Prior to first occupation of the proposed new dwellings and notwithstanding what is shown on the submitted drawings details of boundary walls and fences or other means of enclosure shall be in place which are in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority, with the walls and fences or other means of enclosure retained in accordance with the approved details permanently thereafter. Reason for condition: To ensure a satisfactory and safe development in accordance with Sites and Policies Plan policies DM D1, DM D2 and policy CS14 of the Adopted Merton Core Planning Strategy 2011.
14. Amended standard condition [Landscaping implementation] Prior to first occupation of the proposed new dwellings or the first planting season following occupation landscaping shall be in place that is in accordance with a landscaping scheme that has previously been submitted to and approved in writing by the Local Planning Authority with the landscaping scheme to include on a plan, full details of the size, species, spacing, quantities and location of plants, and measures to increase biodiversity together with any hard surfacing. Reason for condition: To enhance the appearance of the development in the interest of the amenities of the area and to comply with policy CS13 of the Adopted Merton Core Planning Strategy 2011.
15. Amended standard condition [Code for Sustainable Homes Pre-Commencement - New build residential] Prior to the commencement of development [excluding demolition] a copy of a letter shall be submitted to and approved in writing by the Local Planning Authority from a person that is licensed with the Building Research Establishment (BRE) or other equivalent assessors as a Code for Sustainable Homes assessor confirming that the development is registered with BRE or other equivalent assessors under Code For Sustainable Homes and a Design Stage Assessment Report shall be submitted demonstrating that the development will achieve not less than Code for Sustainable Homes Level 4 together with a minimum improvement in the dwelling emissions rate in accordance with the most up to date London Plan policy. Reason for condition: To ensure the development achieves a high standard of sustainability and makes efficient use of resources and to comply with policies 5.2 of the Adopted London Plan 2011 and CS 15 of the Adopted Merton Core Planning Strategy 2011.
16. Amended standard condition [Code for Sustainable Homes Pre-Occupation-New build residential] Prior to first occupation of the proposed new dwellings a Building Research Establishment or other equivalent assessors Final Code Certificate shall be submitted to, and acknowledged in writing by the Local Planning Authority providing confirmation that the development has achieved not less than a Code 4 level for Sustainable Homes together with confirmation that a minimum improvement in the dwelling emissions rate has been achieved in accordance with the most up to date London Plan policy. Reason for condition: To ensure that the development achieves a high standard of sustainability and makes efficient use of resources and to comply with policies 5.2 of the Adopted London Plan 2011 and CS 15 of the Adopted Merton Core Planning Strategy 2011.

17. Amended standard condition [Lifetime homes] Prior to first occupation of the proposed new dwellings written evidence shall be submitted to and approved by the Local Planning Authority that confirms that the new dwelling units meet Lifetime Homes Standards based on the relevant criteria. Reason for condition: To meet the changing needs of households and comply with policy CS8 of the Adopted Core Strategy [July 2011].
18. Non-standard condition [Cycle storage] Prior to first occupation of the proposed new dwellings cycle storage for occupiers shall be in place that is accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority, with the cycle storage retained in accordance with the approved details permanently thereafter. Reason for condition: To ensure the provision of satisfactory facilities for the storage of cycles and to comply with policy CS18 of the Adopted Core Strategy [July 2011].
19. Non-standard condition [Refuse and recycling facilities] Prior to first occupation of the proposed new dwellings refuse and recycling facilities shall be in place that are in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority, with the refuse and recycling facilities retained in accordance with the approved details permanently thereafter. Reason for condition: To ensure the provision of satisfactory facilities for the storage of refuse and recycling material and to comply with policies CS13 and CS14 of the Adopted Core Strategy [July 2011].

**INFORMATIVES:**

- a) The applicant is advised that details of the Lifetime Homes standards can be found at [www.lifetimehomes.org.uk](http://www.lifetimehomes.org.uk).
- b) The applicant is advised that further details regarding the Code for Sustainable Homes are available at the following link:  
[http://www.planningportal.gov.uk/uploads/code\\_for\\_sust\\_homes.pdf](http://www.planningportal.gov.uk/uploads/code_for_sust_homes.pdf)
- c) The applicant is advised that it is Council policy for the Council's contractor to construct new vehicular accesses. The applicant should contact the Council's Highways Team on 020 8545 3829 prior to any work starting to arrange for this work to be done. If the applicant wishes to undertake this work the Council will require a deposit and the applicant will need to cover all the Council's costs (including supervision of the works). If the works are of a significant nature, a Section 278 Agreement (Highways Act 1980) will be required and the works must be carried out to the Council's specification.
- d) The applicant is advised that prior to implementation of the new vehicle crossover the applicant shall contact the Council's Highways Department and British Telecom regarding the removal and reinstatement of the telegraph pole.
- e) The applicant is advised that in accordance with paragraphs 186 and 187 of the National Planning Policy Framework, The London Borough of Merton takes a positive and proactive approach to development proposals focused on solutions. The London Borough of Merton works with applicants or agents in a positive and proactive manner by suggesting solutions to secure a successful

outcome; and updating applicants or agents of any issues that may arise in the processing of their application. . In this instance the Planning Committee considered the application where the applicant or agent had the opportunity to speak to the committee and promote the application.