

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

	<u>APPLICATION NO.</u>	<u>DATE VALID</u>
	14/P2600	08/10/2014
<b>Address:</b>	<b>111 Coombe Lane, Raynes Park SW20 0QY</b>	
<b>Ward:</b>	Cannon Hill	
<b>Proposal:</b>	Demolition of the existing garage and the erection of a 5 bedroom detached house on land to the side of 111 Coombe Lane with accommodation at ground floor, first floor and in the building roof space and including the felling of seven of the existing trees on the site.	
<b>Drawing No's:</b>	D572/01A; D572/02B; D572/03B; D572/06A; Code for Sustainable Homes Assessment.	
<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;
  - Press notice: Yes – departure;
  - Design Review Panel consulted: No;
  - Archaeological Priority Zone: No;
  - Area at risk of flooding: No;
  - Controlled Parking Zone: No;
  - Conservation Area: No;
  - Trees: Six Ash trees site covered by Tree Preservation Orders MER (228);
  - Number of neighbours consulted: 57
  - Sites and Policies Plan: Metropolitan Open Land and Open Space
  - External consultations: Thames Water;
  - PTAL: 3 [TFL Planning Information Database];
  - Density: 166 habitable rooms per hectare [5 habitable rooms and 0.03 hectares]
  - 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 as it represents a departure from the adopted development plan.

### Departure from the adopted development plan

- 1.2 Section 38[6] of the Planning and Compulsory Purchase Act 2004 requires decisions on planning applications to be made in accordance with the development plan, unless material considerations indicate otherwise.
- 1.3 The National Planning Policy Framework [NPPF] published in March 2012 reaffirms the status of the development plan as the starting point for making decisions on planning applications. The NPPF advises “Proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise”. The adopted Local Plan in place for the borough includes the Sites and Policies Plan [July 2014], the Core Strategy [July 2011] and the London Plan [July 2011].
- 1.4 The current application proposes the introduction of a new house on land designated as Metropolitan Open Land and Open Space and therefore the proposal represents a ‘departure’ from the development plan. The planning considerations section of this report assesses the planning policy background and whether in line with Section 38[6] of the Planning and Compulsory Purchase Act 2004 there are ‘material considerations’ present in this case that would justify a departure from the adopted development plan.

## **2. SITE AND SURROUNDINGS**

- 2.1 The application site is located on the south west side of Coombe Lane on land between the properties at 109 and 111 Coombe Lane. The application site includes a metre wide section of the existing garden of 111 Coombe Lane and a separate adjacent six metre wide plot of vacant land. This second plot of land has double access gates to the front boundary facing Coombe Lane and is surrounded by two metre high timber fencing.
- 2.2 The side boundary of the application site is separated from the side wall of 109 Coombe Lane by a distance of six metres. This land provides a four metre wide landscaped area and a two metre wide public footpath that provides access from Coombe Lane to Camberley Avenue and Somerset Avenue.
- 2.3 The Playing fields at the rear of the site are used by The Old Wimbledonians Football Club and Donhead Preparatory School. The areas of the application site outside the garden of 111 Coombe Lane and the playing fields at the rear are designated in the development plan as ‘Green Corridor’, ‘Green Chain’, Metropolitan Open Land and Open Space. It has been confirmed by Thames Water that there is a non-trunk foul water sewer running under the application site. The sewer is 225 millimetres in diameter and is approximately 4 metres deep.
- 2.4 The application site is not located in a designated Archaeological Priority Zone, it is not in a flood zone, it is not in a Conservation Area, and not located within a Controlled Parking Zone. Coombe 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 application involves the demolition of the existing garage to the side of 111 Coombe Lane and includes the felling of seven of the existing trees on the application site. The proposal involves the erection of a four bedroom detached house. The building has living space at ground floor, first floor and in the roof space of the building. The new property is provided with two off street parking spaces accessed from Coombe Lane

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

- 4.1 Planning permission was approved in November 2010 [reference 10/T2791] for works to trees located on the application site.

### **5. CONSULTATION**

- 5.1 The submitted planning application was publicised by means of a site notice, press notice and individual consultation letters sent to 57 neighbouring properties. As a result of this consultation two letters have been received objecting to the proposal on the following grounds:

- There is a concern in relation to loss of sunlight;
- The proposed detached house will damage the 'architectural heritage of Southern Coombe Lane' which consists of semi-detached Edwardian properties
- The new house and loss of the trees will damage underground infrastructure;
- The proposal, replacing an area of trees with a new house, will damage visual amenity;
- The proposal will result in the loss of a green space;
- The removal of the trees would result in the loss of ecological habitat and a valuable wind break.

- 5.2 Raynes Park and West Barnes Residents Association There are concerns expressed relating to the impact of the development including the felling of trees on Thames Water underground infrastructure.

- 5.3 Thames Water There is a foul water sewer running through the site. The sewer in question would be required to be diverted around the new build location and give a clearance of minimum 3 metres to any structure. In order for this sewer to be diverted, a formal Section 185 diversion application would need to be made to Thames Water; detailing the proposals to divert the sewer [This application has now been made by the applicant to Thames Water].

- 5.4 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. It is considered this application will not have any adverse effects on highway function or safety. There are no transport objections to this proposal subject to the standard condition relating to vehicular access and an informative with regard to works on the public highway

## **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]; 7.17 [Metropolitan open land]; 7.18 [Protecting local open space and addressing local deficiency] 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.13 [Open space, nature conservation, leisure and culture]; 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 O1 [Open space]; 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 National Planning Policy Framework [NPPF] was published on the 27 March 2012 and replaces previous guidance contained in Planning Policy Guidance Notes and Planning Policy Statements. This document is a key part of central government reforms '...to make the planning system less complex and more accessible, and to promote sustainable growth'.
- 6.7 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.

- 6.8 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.
- 6.9 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.
- 6.10 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.
- 6.11 The National Planning Policy Framework states that the planning system should contribute to and enhance the natural and local environment. Distinctions should be made between the hierarchy of international, national and locally designated sites, so that protection is commensurate with their status and gives appropriate weight to their importance and the contribution that they make to wider ecological networks.

## **7. PLANNING CONSIDERATIONS**

- 7.1 The main planning considerations include assessing the principle of development in view of the designation of the application site as open space and Metropolitan Open Land in the adopted development plan [consisting of the Sites and Policies Plan, the LDF Core Planning Strategy and the London Plan] and whether there are material considerations present that would justify a departure from the development plan.
- 7.2 Other relevant planning considerations include assessing the loss of existing trees on the site, the layout, design, appearance of the proposal, the potential impact on the amenities of adjacent residential occupiers in terms of privacy, loss of sunlight and daylight; and assessing potential issues relating to traffic generation, transport and car parking.

### **Principle of development - Metropolitan Open Land and Open Space**

7.3 The application covers a total area of 308 square metres with an area of 264 square metres designated as Metropolitan Open Land and Open Space within the development plan. Adopted policy DM O1 of the sites and policies plan and 7.17 of the London Plan seek to protect this land from inappropriate development. Whilst the current proposal for a new house is contrary to these planning policies, it is considered that there are material considerations present that would justify a departure from the development plan.

7.4 Policy 7.17 of the London Plan states that Metropolitan Open Land should have at least one of the following three characteristics:

- It should contribute to the physical structure of London by being clearly distinguishable from the built up area;
- It should include open air facilities, especially for leisure, recreation, sport, the arts and cultural activities, which serve either the whole or significant parts of London;
- It should contain features or landscapes (historic, recreational, biodiversity) of either national or metropolitan value;

7.5 The following paragraphs consider the application site against the above characteristics of Metropolitan Open Land as set out in policy 7.17 of the London Plan.

It should contribute to the physical structure of London by being clearly distinguishable from the built up area;

7.6 The current proposal involves Metropolitan Open Land covering an area of 264 square metres. This land forms part of the larger 'Beverley Brook/A3' portion of Metropolitan Open Land covering 28,870 square metres. The planning application site is seven metres wide and located between the two existing two storey residential properties at 109 and 111 Coombe Lane. The main part of the application site is currently surrounded by two metre high fencing with the remaining land in use as part of the garden and a garage attached to the property at 111 Coombe Lane.

7.7 With these characteristics it is considered that the application site does not contribute to the physical structure of London as it is not clearly distinguishable from the surrounding built up area. The applicant has submitted evidence as part of the planning application to show that the entire application site has been in their ownership since 2002. The applicant has also stated that the land has always been fenced and that existing and previous owners of the property at 111 Coombe Lane have used the land as a private garden.

It should include open air facilities, especially for leisure, recreation, sport, the arts and cultural activities, which serve either the whole or significant parts of London;

7.8 The application site does not provide any leisure, recreation, or sport use and is not used for the arts or cultural activities and there is no public access. It is considered that the application site does not meet this characteristic of Metropolitan Open Land.



It should contain features or landscapes (historic, recreational, biodiversity) of either national or metropolitan value:

- 7.9 The application site does not include any features or landscapes of either national or metropolitan value. Whilst the presence of trees on the site is highlighted within this report, the site does not have any special biodiversity qualities. It is considered that the application site does not meet this characteristic of Metropolitan Open Land.

**Principle of development – Green Corridor and Green Chain**

- 7.10 The supporting text to policy DM01 of the Sites and Policies Plan states that it is important to protect the existing green chains and improve links that provide informal recreational opportunities for walking and cycling. Policy DM02 of the Sites and Policies Plan states that the Council will protect Green Corridors from inappropriate development and where possible secure measures that enhance their nature conservation value.

- 7.11 The application site includes garden land attached to 111 Coombe Lane and the adjacent plot of land that has also been used as private amenity space. The planning Inspector in the examination of the Sites and Policies Plan found that the protection of biodiversity within garden land was covered by policies CS13e and DM D2a8. With this finding the Inspector concluded that there was no reason to include private amenity space within the Green Corridor or Green Chain designations.

- 7.12 The current proposal will maintain a separation distance of seven metres between the side elevations of the proposed property and the existing property at 109 Coombe Lane. This land between the existing and proposed buildings would provide a four metre wide area of landscaping and a two metre wide footpath. Whilst the development will result in the loss of an area designated as Green Corridor or Green Chain, it is considered that the retained land between the properties will retain the existing wildlife corridor in this location.

- 7.13 The designation of Metropolitan Open Land, Green Corridor and Green Chain was carried out as part of the preparation of the Local Plan. This assessment was based in part on desk top analysis of open spaces rather than an in depth study of each and every relevant plot and parcel of land across the borough. This method has the potential for limited anomalies to arise in terms of boundary delineation. The relatively narrow strip of land that forms part of the current application site is considered to represent such an anomaly.

**Principle of development – biodiversity and trees**

- 7.14 Policy CS13 of the Core Strategy states that any proposals for new dwellings in back gardens must be justified against the local context and character of the site, the biodiversity value of the site, the value in terms of green corridors and green island. The application site is designated as a Green Corridor and a Green Chain however the Greenspace Information for Greater London (GiGL) records show that there are no reported sightings of any protected species on the application site. Whilst the presence of existing trees is acknowledged it is

considered that the site, which has been used as garden land, has little biodiversity value.

- 7.15 Policy DM O2 of the sites and policies plan states that development may be permitted when the removal of a tree is necessary in the interest of good arboricultural practice or the benefits of the development outweighs the tree's amenity value. In granting permission for a proposal that leads to the loss of a tree of amenity value, replacement planting will be secured through the use of conditions or planning obligations.
- 7.16 The arboricultural impact appraisal and method statement submitted with the planning application found that the development could potentially impact upon sixteen trees and these trees were subsequently surveyed. It was found that one of these trees was already dead, eleven trees were of low quality, four trees were of moderate quality and there were no trees of high quality. As part of the development it is intended to fell seven of these trees, including four low quality trees, two moderate trees and the dead tree. Two of the trees that are shown as being felled are outside the application site and an informative is recommended advising the applicant that separate approval will be required from the highways section for this work to take place.
- 7.17 Of the sixteen trees surveyed, six trees are covered by a Tree Preservation Order with five of the trees covered by the order to be felled as part of the current proposal. The five trees to be felled include three trees that are of low quality and two trees that are of moderate quality. The trees to be felled are in the position of the proposed new house and located between the existing properties at 109 and 111 Coombe Lane.
- 7.18 The largest existing tree that is of moderate quality is most prominently located at the front of the site and will be retained as part of the proposal. The trees on the application site are also seen in the context of several trees along Coombe Lane in this location. Whilst the loss of any tree is regrettable, in this instance it is considered that with the retention of the largest tree at the front of the site and the development providing a new house the benefits of the proposal outweighs the amenity value. A planning condition is recommended to seek replacement trees and or planting to mitigate against the loss of these trees and this could include trees and or planting on land outside the application site.

**Need for additional housing and housing mix**

- 7.19 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.
- 7.20 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.

- 7.21 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**

- 7.22 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 hectares and includes provision of habitable rooms; the residential density of the development is therefore calculated as 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.

- 7.23 Density on its own does not provide a reliable guide as to whether an infill development such as this is acceptable. Whether the proposed 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**

- 7.24 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.

- 7.25 The area surrounding the application site is residential in character with the housing on the south side of the road consisting of two storey semi-detached dwellings with generally regular plot widths and a defined building line. The area is not designated as a conservation area and building alterations include hip to gable roof extensions, and a two storey side and single storey rear extension to the adjacent property at 109 Coombe Lane.

- 7.26 The current application will infill part of the existing 12 metre wide space between 109 and 111 Coombe Lane. The scale of the proposed development providing a detached dwelling is considered appropriate for this location. The design of the proposed building reflects the height, width, scale and design of the adjoining semi-detached property and maintains the building line along Coombe Lane. The proposed building includes a dormer window to the front elevation that is similar in design to the dormer on 111 Coombe Lane. 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

- 7.27 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.

**Neighbour amenity - privacy and overlooking**

- 7.28 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. To minimise the impact of new development on the privacy of existing adjacent residential occupiers the Council's Supplementary Planning Guidance sets out minimum separation distances, recommending a minimum separation distance of 20 metres between directly opposing habitable room windows located on the upper floor levels of residential accommodation.

- 7.29 There is a secondary non-habitable room window located to the side elevation of the extension to 109 Coombe Lane; a planning condition attached to the planning permission for this extension required this window to be fitted with obscure glass. The buildings will be separated by a distance of 6 metres. The proposed building has windows at ground, first and second floor levels to the side elevation facing towards 109 Coombe Lane.

- 7.30 The windows at ground floor level are screened by boundary treatments and the window at second floor level does not directly face the neighbours existing window. In this context a planning condition is recommended to ensure that the windows at first floor level are fitted with obscure glass and fixed shut. With the position of existing and proposed windows the proposal is considered acceptable in terms of the impact on 111 Coombe Lane. The proposed building includes a single storey rear flat roof extension and a planning condition is recommended that will prevent the use of the flat roof as an external amenity area.

- 7.31 In conclusion, it is considered that the proposed development will have no significant impact on residential amenity in terms of loss of daylight, sunlight or privacy to adjacent properties.

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

- 7.32 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. With the location of the proposed new property between two existing buildings and a modest single storey rear extension it is considered that the proposal will not impact upon daylight, sunlight or result in visual intrusion.

**Neighbour amenity – noise disturbance**

- 7.33 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.

- 7.34 With the nature of the development proposed there is the potential for noise and disturbance to be caused through the construction process. 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 this disruption is minimised with these conditions controlling matters such as hours of operation.

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

- 7.35 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.
- 7.36 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.
- 7.37 The proposed three storey dwelling has a gross internal area of 193 square metres and this is in line with the minimum standard of 153 square metres set out in the London Plan. 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**

- 7.38 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. The Council's Sites and Policies Plan states that there should be at least 50 square metres of external space provided for family houses. The proposed dwelling is in line with this standard providing 138 square metres of space as part of the rear garden.

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

- 7.39 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.
- 7.40 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 and traffic - car parking**

- 7.41 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.
- 7.42 Car parking standards are set out within the London Plan at table 6.2 and require a 'maximum' of one of street space for dwellings with four or more bedrooms should have a 'maximum' of between 1.5 spaces and 2 spaces. The proposed development includes the provision of two off-street car parking spaces in the front garden in line with the 'maximum' car parking standards set out within the London Plan.
- 7.43 After consideration of issues relating to traffic and access the submitted proposal is considered acceptable with no objections to the development raised by the Council's Transport Planning team in relation to car parking.

### **Transport and traffic - trip generation and vehicle access**

- 7.44 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. The policy also requires developers to incorporate safe access to, and from the public highway.
- 7.45 The site has a public transport accessibility level [PTAL] of 3 [On a scale of 1a, 1b, and 2 to 6a, 6b where zone 6b has the greatest accessibility. This PTAL level indicates that the site has a moderate level of access to public transport services. The site is not located in a controlled parking zone.
- 7.46 The site is located on Coombe Lane which is a London distributor road. A dropped kerb in Coombe Lane currently provides vehicular access to 111 Coombe Lane and to the double access gates to the front of the application site. A planning condition is recommended seeking further details of the new vehicular access. The development has been assessed in terms of highway safety and transport impact and the proposal is considered acceptable.

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

- 7.47 Policy CS20 of the Core Strategy [July 2011] states that the Council will require developers to incorporate adequate facilities for servicing to ensure loading and unloading activities do not have an adverse impact on the public highway. 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.

### **Trees and landscaping**

- 7.48 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.
- 7.49 A planning condition is recommended to seek the submission of further details of new landscaping for approved and for this landscaping to be in place prior to the occupation of the proposed new dwelling 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.**

- 7.50 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.
- 7.51 Policy CS15 states that all new development comprising the creation of new dwellings will be expected to achieve Code 4 Level for Sustainable Homes. 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**

- 7.52 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:

#### **Underground infrastructure**

- 7.53 The presence of a sewer under the application site was highlighted in consultation comments and in response Thames Water have provided comments on the application. Thames water have raised no objection to the proposal on the basis that the underground sewer can be moved.

## **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 Lev**

- 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 provisionally be £5,600 This is based on the charge of £35 per square metre and information provided by the applicant that states that there will be net additional floor space of 160 square metres. This figure is also 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 would provisionally be £35,200. This is based on the charge of £220 per square metre and on the information provided by the applicant that states that there will be net additional floor space of 160 square metres. 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 The applicant has stated that the development will provide affordable housing 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.

Monitoring and legal fees

- 9.9 As set out in the Council's adopted Supplementary Planning Guidance the s106 monitoring fees would be calculated on the basis of 5% of the monetary contribution [to be agreed]. Legal fees for the preparation of the S106 agreement would need to be agreed at a later date.

**10. CONCLUSION**

- 10.1 The principle of development on land that might otherwise be afforded protection by reason of its Metropolitan Open Land designation is considered acceptable, the designation being considered an anomaly in the preparation of the Council's local plan and failing to fulfil the key planning principles that would otherwise be associated with Metropolitan Open Land. 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: D572/01A; D572/02B; D572/03B; D572/06A; Code for Sustainable Homes Assessment. 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. 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 Polices Plan 2014.

5. 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 Polices Plan 2014.
6. Standard condition [New Vehicle Access] No development shall commence until details of the proposed vehicular access to serve the development have been submitted in writing for approval to the Local Planning Authority. 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.
7. Amended standard condition [Construction phase impacts] Prior to the commencement of development [including demolition] 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 be 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.
8. Non-standard condition [Car parking spaces] Prior to first occupation of the proposed new dwellings off street car parking 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 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.

9. 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.
10. Standard condition (Removal of permitted development - extensions) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification), no extension, enlargement or other alteration of the dwelling house other than that expressly authorised by this permission shall be carried out without planning permission first obtained from the Local Planning Authority. Reason for condition: The Local Planning Authority considers that further development could cause detriment to the amenities of the occupiers of nearby properties and for this reason would wish to control any future development to comply with Sites and Policies Plan policies DM D1, DM D2 and policy CS14 of the Adopted Merton Core Planning Strategy 2011.
11. 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, replacement trees and/or planting to mitigate for the loss of trees outside the application site 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.
12. 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.

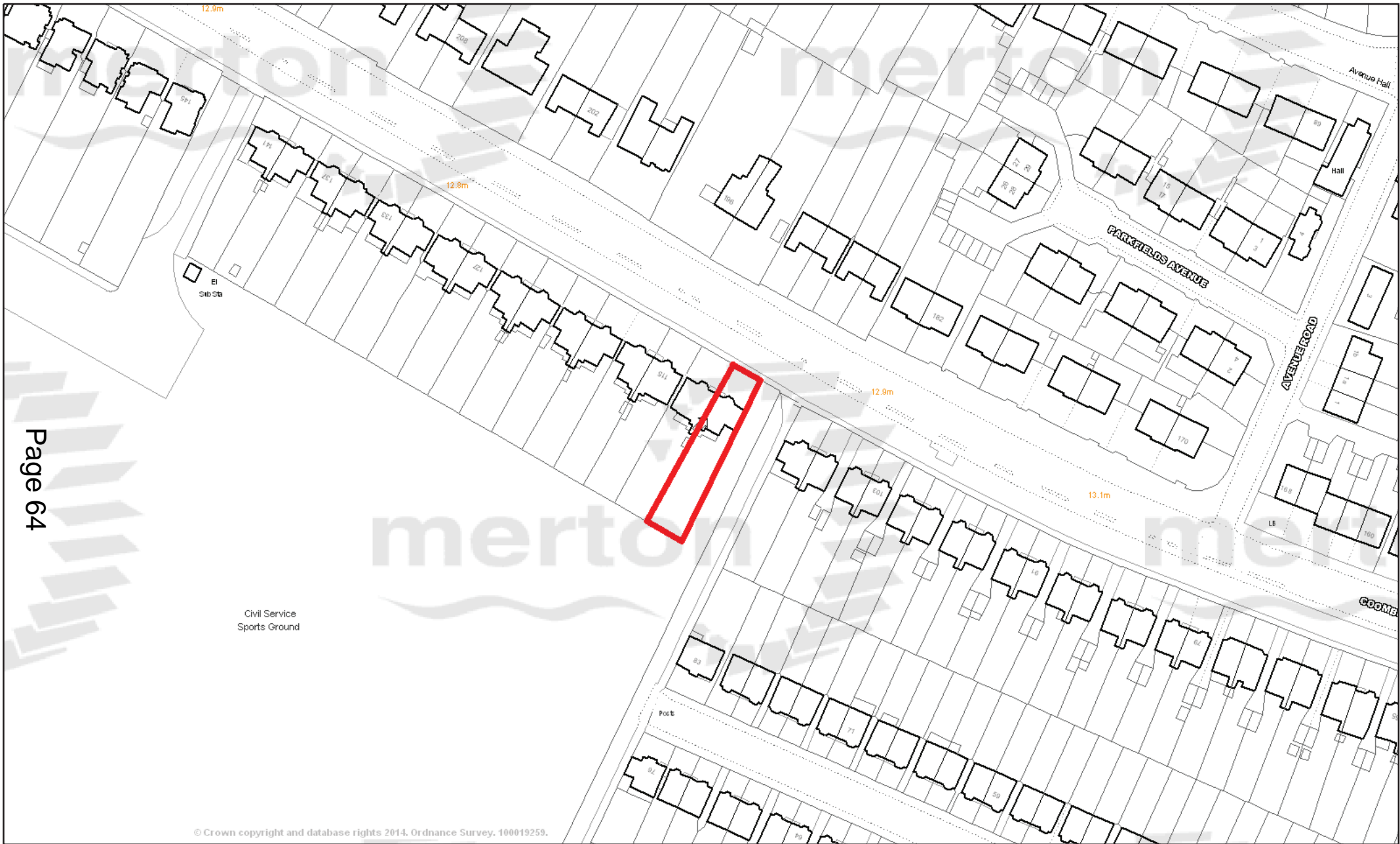
13. Amended standard condition [Code for Sustainable Homes Pre-Occupation-New build residential] Prior to first occupation of the proposed new dwellings a Building Research Establishment or other equivalent assessors Final Code Certificate shall be submitted to, and acknowledged in writing by the Local 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.
14. 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].
15. Non-standard condition [Refuse and recycling facilities] Prior to first occupation of the proposed new dwelling 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].
16. Non-standard condition [Tree protection] The details and measures contained in the approved document Arboricultural Impact Appraisal and Method Statement dated 3 October 2014 together with the approved drawing Tree Protection Plan ref 14286-BT2 shall be fully complied with. The approved details and measures shall be installed prior to the commencement of site works and retained until the completion of all site operations Reason for condition: To protect and safeguard the existing retained trees in accordance with the following Development Plan policies for Merton: policy 7.21 of the London Plan 2011, policy CS13 of Merton's Core Planning Strategy 2011 and policy O2 of Merton's Sites and Polices Plan 2014.
17. Amended standard condition [Tree works] An arboricultural expert shall be retained for the duration of the development to monitor and report to the Local Planning Authority not less than fortnightly the status of all tree works and tree

protection measures throughout the course of the demolition and site works. To protect and safeguard the existing retained trees in accordance with the following Development Plan policies for Merton: policy 7.21 of the London Plan 2011, policy CS13 of Merton's Core Planning Strategy 2011 and policy O2 of Merton's Sites and Polices Plan 2014.

**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 separate approval will be required from the Council's highways team for consent to fell the tree outside the boundary of the application site.
- 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.





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111 Coombe Lane

Scale 1/1250

Date 27/1/2015

London Borough of Merton  
 100 London Road  
 Morden  
 Surrey  
 SM4 5DX



DEVELOPMENT CONTROL