

Merton Council

Planning Applications Committee

29 June 2021

Supplementary agenda

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Planning Applications Committee 29th June 2021

Supplementary Agenda

Modifications Sheet.

Item 5. 2A Amity Grove SW20 – 20/P3866 - Raynes Park Ward.

Consultations (page18)

LBM Transport planner - updated comments in relation to amended scheme.

PTAL

The site has a public transport accessibility level (PTAL) score of 5, which represents a 'very good' score as defined by Transport for London (TfL).

CPZ

The site is located in a Controlled Parking Zone (RPC) where parking and loading is controlled from Monday to Friday between 11am – Noon.

Car Parking

No off street parking is provided except for one on-site disabled bay. The existing dropped kerb to remain.

Permit free option would be acceptable subject to the applicant enters into a Unilateral Undertaking which would restrict future occupiers of the new units from obtaining an on-street residential parking permit to park in the surrounding controlled parking zones to be secured by via S106 legal agreement.

Cycle Parking

There will be 30 long stay spaces located in the basement and 2 short stay spaces on the Amity Grove site frontage. Two of the cycle spaces (6%) will be for larger cycles. All long stay spaces are to be secure and covered and the short stay spaces provided as a Sheffield stand in fully accessible location.

Servicing Strategy

The development will provide a refuse store at the ground floor level adjacent to the site frontage, it is anticipated that the refuse vehicle will stop on Amity Grove as undertaken as existing.

The proposed residential use is not expected to generate a significant number of servicing trips. Such trips may comprise package deliveries or home deliveries for food shopping which can be accommodated alongside the 6.0m dropped kerb fronting the site.

Informative: It is Council's policy for the Council's contractor to construct new vehicular access. The applicant should contact Council's Highway Team on: 0208 545 3829 prior to any work starting to arrange for this works to be done.

Highways must be contacted prior to any works commencing on site to agree relevant licences, and access arrangements – no vehicles are allowed to cross the public highway without agreement from the highways section.

Recommendation: Raise no objection, subject to:

- Disabled bay as shown maintained.
- Unilateral undertaking which would restrict future occupiers of new units from obtaining an on-street residential parking permit to park in the surrounding controlled parking zones to be secured by via S106 legal agreement.
- Cycle parking provision- 30 long stay spaces located in the basement and 2 short stay spaces on the Amity Grove site frontage. Two of the cycle spaces (6%) to be for larger cycles.
- Refuse: Condition
- Demolition/Construction Logistic Plan (including a Construction Management plan in accordance with TfL guidance) should be submitted to LPA for approval before commencement of work.

Officer comment:

The application has been amended and the concerns in relation to on street parking and servicing have been overcome, as indicated at paragraph 7.9.4 (page 35). This position has now been confirmed by the Council's Transport Planner.

An amendment to condition 19 is proposed to refer to a Demolition and Construction Logistics Plan, as opposed to a Construction Logistics Plan.

RECOMMENDATION: (page 38)

Council officers have now calculated the commuted sum towards off-site children's playspace to be £1,359.15

Amend recommendation to read:

RECOMMENDATION: Grant Permission Subject to Section 106 Obligation covering the following heads of term;

- 6 of the proposed flats are to be parking permit free residential units
- Carbon offset commuted sum of £24,225.00
- Late stage review for affordable housing contributions.
- Commuted sum towards off-site children's playspace (£1,359.15)
- The developer agreeing to meet the Council's costs of preparing [including legal fees] the Section 106 Obligations.

- The developer agreeing to meet the Council's costs of monitoring the Section 106 Obligations.

Amend condition 19 to state:

19. H13 (Demolition and Construction Logistics Plan)

Item 6. Chase Court, Bakers End, SW20 – 20/P3874 – Merton Park Ward.

CONSULTATION (Page 68-69)

Two additional representations have been received, objecting on the following new grounds:

- The proximity of the proposed bin store to the boundary fence and raising concerns in relation to smells and flies as a result of the proximity.
- Suggestion that the site be redeveloped as a community allotment or a green space.
- Concerns over position of proposed disabled parking space and query whether a legal agreement is being sought to restrict the issuing of future parking permits.

Officer response:

- *The proposed bin store would serve a single dwelling and would be enclosed. Therefore, there would not be a reasonable justification to resist the application on this basis.*
- *The site is in private ownership and the Council have a legal obligation to assess the proposal put before them. There would be no reasonable basis to insist that a privately owned site be retained as a community allotment or open space for existing residents, as set out in the report at paragraph .*
- *The car parking space is not in close proximity to the proposed dwelling. However, for a single dwelling there is no requirement to provide disabled parking, as set out in the report.*

Item 7.11 Blossom Square, SW20 – 21/P1108 – Raynes Park Ward.

No amendments.

Item 8. 7 Christchurch Close, SW19 – 21/P0943 – Colliers Wood ward

No amendments.

Item 9. AELTC Church Road, SW19 – 20/P3635 – Village Ward.

Consultation (pages 163-165)

7.9 Climate Change

As set out in the section 7.9 (Climate Change) of the committee report, the Council's Climate Change Officer has confirmed that the updated Energy Statement (Rev P05 - 24th June 2021) is acceptable and the carbon offset contribution is £4,045. The Climate Officer has confirmed the wording of condition 17 and requested an additional planning condition (19) and informative (4):

RECOMMENDATION (page 166)

Conditions to be amended as follows:

Condition 17 (Carbon reduction & BREEAM):

'Unless otherwise agreed in writing by the Local Planning Authority, no part of the development hereby approved shall be used or occupied until a Post-Construction Review Certificate issued by the Building Research Establishment or other equivalent assessors confirming that the non-residential development has achieved a BREEAM rating of not less than the standards equivalent to 'Very Good', and evidence demonstrating that the development has achieved CO2 reductions in accordance with those outlined in the approved Energy Statement dated 24th June 2021, has been submitted to and acknowledged in writing by the Local Planning Authority.'

Reason: To ensure that the development achieves a high standard of sustainability and makes efficient use of resources and to comply the following Development Plan policies for Merton: policy 5.2 of the London Plan 2016 and policy CS15 of Merton's Core Planning Strategy 2011.

Condition 19 (District Heating):

'No development shall commence until the applicant submits to, and has secured written approval from, the Local Planning Authority on evidence demonstrating that the development has been designed to enable connection of the site to an existing or future district heating network, in accordance with the Technical Standards of the London Heat Network Manual (2014).'

Reason: To demonstrate that the site heat network has been designed to link all building uses on site (domestic and non-domestic) and to demonstrate that sufficient

space has been allocated in the plant room for future connection to wider district heating in accordance with London Plan (2016) policies 5.5 and 5.6.

Informative 4:

Carbon emissions evidence requirements for Post Construction stage assessments must provide:

- Detailed documentary evidence confirming the Target Emission Rate (TER), Building Emission Rate (BER) and percentage improvement of BER over TER based on 'As Built' BRUKL outputs and bespoke model outputs; AND
- A copy of the Building Regulations Output Document from the approved software and the bespoke modelling outputs based on the agreed bespoke modelling methodology. The output documents must be based on the 'as built' stage of analysis and must account for any changes to the specification during construction.
- A BREEAM post-construction certificate demonstrating that the development has achieved a BREEAM rating of not less than the standards equivalent to 'Very Good'

Item 10. 13 Deepdale, SW19 – 20/P2368 - Village Ward

CONSULTATION (Page 206)

Insert the following:

Council's Structural Engineer:

No objection - The distance between the highway boundary and the light well retaining wall is greater than depth of the basement retaining wall, so I don't have to review this planning application to assess the impact of the basement construction on the highway.

Item 11. The Pavilions, Greenview Drive SW20 – 21/P0380 – West Barnes.

Consultation (pages 240-245)

Insert the following:

Representation from Councillor Bokhari and Councillor Bailey received on behalf of the West Barnes residents 23/06/2021:

"We have been contacted by many of the residents living in The Pavilions (flats 17-40) and in the houses opposite the flats and in surrounding streets. We are aware that the leaseholders of Greenview Drive have informed you that they intend to purchase the Freehold from Medina Pavilion Ltd.

The amendment, which reduces the number of extra flats from 12 to 10, makes little difference to the effect of adding the two extra storeys to the existing building.

In 2009, an application (09/P1391) for an extra storey was refused by Merton Council, and on appeal, for the following reason:

“The proposed development, by reason of its height, bulk, orientation and design would - (a) be too large for the site and would fail to respect the scale and height of (proposed) surrounding buildings; and (b) result in an unneighbourly development by reason of visual intrusion, overlooking and an adverse impact on the amenity of neighbours, especially the occupiers of the (proposed) nearby new town houses. The development would therefore be contrary to Policies BE.22 and BE.25 of the Adopted Merton Unitary Development Plan (October 2003).”

Since then, legislation has changed, with the Government introducing new permitted development rights in 2020

(https://www.legislation.gov.uk/ukxi/2020/755/pdfs/ukxiem_20200755_en.pdf).

However, we do not think that prior approval should be granted in this case, since paragraph 7.29 states:

*“These rights are subject to obtaining prior approval from the local planning authority, which will consider certain matters relating to the proposed construction of additional storeys. These matters are the potential transport and highways impacts; contamination and flood risk; the appearance of the proposed upward extension and the design and architectural features of the principal elevation of the house or building, and of any side elevation which fronts a highway; **the impact on the amenity of neighbouring premises, and those in the building being extended, in including overlooking, privacy and overshadowing**; the provision of adequate natural light in all habitable rooms of the new homes; impact of noise from existing commercial premises on the intended occupiers of the new homes; the impact on businesses or the use of land in the surrounding area of introducing, or increasing the number of, homes in the area; and the impacts a taller building may have on air traffic and defence assets and on protected vistas in London.”*

We wish to draw officers and members of the PAC especially to the section that we have highlighted [above].

We agree with residents that the loss of amenity green space used by the residents of all 50 properties in Greenview Drive, due to the construction of more parking spaces, would be detrimental to their enjoyment of their homes.

We also agree with those living in the neighbouring houses that that the extra 10 flats would make them feel even more hemmed in than at the moment, resulting in a loss of privacy.

Policy N3.4 Raynes Park of the draft New Local Plan states that Merton Council aims: *“To improve the quality of the environment and make it easier for people to move around Raynes Park Local Centre and around the wider neighbourhood...”*

k. Requiring development to respect local character and amenity in surrounding residential neighbourhoods.”

The current 4-storey building is already taller than the surrounding two storey houses on Fairway and Bushey Road. Adding an extra two storeys would produce buildings which were totally out of keeping with the character of the neighbourhood. The applicant's proposal to use metal cladding on the extra storeys would also be out of keeping with the current buildings in Greenview Drive.

Residents have told us their concerns about increased traffic movements in Greenview Drive resulting from the extra 10 flats. These extra movements would also affect those living in the cul-de-sac part of Fairway and Church Walk, which is already heavily congested due to commuter parking.

As ward councillors, we represent the residents of Greenview Drive and the surrounding streets. We have not received any comments in favour of adding the extra storeys. We realise that there is a need for more housing in London, but new developments should be sited sensitively so that they do not impact negatively on local residents and destroy the character of the neighbourhood.

We urge you not to grant prior approval at The Pavilions”.

One further late objection from a member of the public (an objector who has initially responded during the initial consultation), received 22/06/2021 raising the following concerns:

- Proposed development will not in keeping with the style or scale of the local area – no surrounding buildings are taller than 4 storeys and the reflective roof would not be in keeping with the aesthetic of the estate, visual blight;
- Increase overshadowing in the area;
- Impact on privacy in the area, particularly those with balconies in the adjacent block of flats;
- Previously rejected for a similar application in 2009;
- Application does not address how the metal rooflight might impact on the area, i.e. glare into neighbouring windows or blinding drivers on A3;
- Provision of additional parking will drastically reduce the green space in the estate;
- An increase in residents will lead to an increase in vehicles and congestion;
- Increase in traffic will increase air pollution levels. The current levels of nitrogen dioxide are already greater than WHO guidelines;
- Impact on community services, GPs, schools, dentists etc.

PLANNING HISTORY (page 238)

Amend para 4.3 to read:

“Refused 01/02/2010 by Planning Applications Committee contrary to officer recommendation. Appeal lodged and dismissed”.

Item 12. 131-135 Love Lane, CR4 – 21/P0380 – Cricket Green Ward.

No amendments.

Item 13. Former Fire station, Lower Green West CR4 – 20/P0801 – Cricket Green Ward.

No amendments.

Item 14. 63 Monkleigh Road SM4 – 20/P0824 – Cannon Hill Ward.

No amendments.

Item 15. 52 Parkway, SW20 – 20/P3898 – West Barnes Ward.

No amendments.

Item 16. 42 Raymond Road, SW19 – 21/P0084 – Hillside Ward.

No amendments.

Item 17. Bennetts Courtyard, Watermill Way, Colliers Wood Ward.

CONSULTATION (Page 413)

An additional letter of objection has been received (a total of 40) raising objection on grounds included in the summary of objections in the committee report.

PLANNING CONSIDERATIONS (PAGE 428)

7.5 Affordable Housing

Officers note that the applicant has made an offer of a commuted sum for affordable housing of £150K following the publication of the agenda.

The Council’s independent financial viability assessors have concluded that the scheme could deliver a commuted sum of £71,425 and remain viable. However, the applicant has set out that due to the nature of the development (a rooftop scheme as opposed to a more conventional build) and the current climate in terms of securing finance from funders, the imposition of a late stage review would make it very difficult to secure

lending for the proposed development. The applicant has made a 'without prejudice' offer of £150K on the basis that no late stage review mechanism is included in the s.106 agreement.

(The projected profit from the scheme would reduce in order to allow for this additional contribution over and above the level indicated as viable by the Council's advisors).

Officer response:

The provision of affordable housing is a key corporate priority.

The Mayor's SPG on Viability sets out that:

"A Late Stage Review will be required on all developments which follow the Viability Tested Route at the point at which 75 per cent of units are sold or let. This will result in a financial contribution for additional affordable housing provision in the event that viability has improved since the application stage..."

The benefit of this approach is that the review can be based on values achieved and costs incurred."

Whilst the review mechanism is an important tool for Local Planning Authorities when seeking to maximise affordable housing contributions from a scheme, Officers conclude that the offer put forward by the applicant would go above and beyond what could reasonably be levered from the scheme (on the basis of the conclusions of the Council's independent financial viability advisors).

Officers conclude that there are exceptional circumstances that would justify the approach suggested by the applicant and officers consider that this offer could be reasonably taken up by Members, as it would secure the provision of a greater commuted sum that could reasonably be expected from any uplift in profit at the Late Stage review, thereby ultimately increasing the funding for affordable housing in the borough.

Notwithstanding the above, the Viability Tested Route remains the starting point for all planning applications and this approach does not represent a precedent in terms of procedure, as any deviation from the Viability Tested Route would need to be fully justified.

RECOMMENDATION (Page 440)

Amend to read:

Grant planning permission subject to s106 agreement securing the following:

- Restrict parking permits.
- Affordable housing commuted sum £150,000.

- A suitable carbon off set contribution in the event that CO2 reductions fail to meet the zero emissions target.
- The developer agreeing to meet the Council's costs of preparing [including legal fees] the Section 106 Obligations.

Item 18. Planning Appeal Decisions.

No amendments.

Item 19. Planning Enforcement Summary.

No amendments.