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Merton Council

Planning Applications Committee

Membership

Councillors

Linda Kirby (Chair)
Najeeb Latif (Vice-Chair)
David Dean
Russell Makin
Simon McGrath
Peter Southgate
Billy Christie
Rebecca Lanning
Joan Henry
Dave Ward

Substitute Members:

David Chung
Edward Foley
Stephen Crowe
Daniel Holden
Carl Quilliam
John Dehaney

A meeting of the Planning Applications Committee will be held on:

Date: 18 July 2019

Time: 7.15 pm

Venue: Council chamber - Merton Civic Centre, London Road, Morden
SM4 5DX

This is a public meeting and attendance by the public is encouraged and welcomed. If you wish to speak please see notes after the list of agenda items. For more information about the agenda and the decision making process contact scrutiny@merton.gov.uk or telephone 020 8545 3356

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Planning Applications Committee

18 July 2019

- 1 Apologies for absence
- 2 Declarations of Pecuniary Interest
- 3 Minutes of the previous meeting 1 - 12
- 4 Town Planning Applications
The Chair will announce the order of Items at the beginning of the Meeting.
A Supplementary Agenda with any modifications will be published on the day of the meeting.
Note: there is no written report for this item
- 5 141 The Broadway, Wimbledon SW19 1NE 13 - 52
Application Number: 17/P0296 Ward: Abbey

Officer Recommendation: GRANT Planning permission subject to S106 agreements and conditions
- 6 Foster's Auto Centre, 96 Church Road, Mitcham CR4 3BW 53 - 76
Application Number: 19/P0191 Ward: Cricket Green

Officer Recommendation: GRANT outline planning permission subject to the completion of a S106 agreement and conditions.
- 7 59 Colwood Gardens, Colliers Wood SW19 2DS 77 - 90
Application Number: 18/P4288 Ward: Colliers Wood

Officer Recommendation: GRANT planning permission subject to a section 106 agreement to secure a "permit free development" and relevant conditions.
- 8 110 Gladstone Road, Wimbledon, SW19 1QW 91 - 98
Application Number: 19/P1772 Ward: Dundonald

Officer Recommendation: GRANT Planning permission subject to conditions
- 9 43 Lancaster Road, Wimbledon SW19 5DF 99 - 110
Application Number: 19/P1743 Ward: Village

Officer Recommendation: GRANT Planning permission subject to conditions

10	34-40 Links Avenue, Morden SM4 5AA Application Number: 19/P0635 Ward: Merton Park	111 - 124
	Officer Recommendation: GRANT Planning permission subject to conditions and S106 Agreement	
11	Willington School, 18 Worcester Road, Wimbledon SW19 7QQ Application Number: 19/P0375 Ward: Hillside	125 - 138
	Officer Recommendation: GRANT Planning permission subject to conditions	
12	Planning Appeal Decisions	139 - 142
13	Planning Enforcement - Summary of Current Cases	143 - 146

Declarations of Pecuniary Interests

Members are reminded of the need to have regard to the items published with this agenda and, where necessary to declare at this meeting any Disclosable Pecuniary Interest (as defined in the The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012) in any matter to be considered at the meeting. If a pecuniary interest is declared they should withdraw from the meeting room during the whole of the consideration of that matter and must not participate in any vote on that matter. If members consider they should not participate because of a non pecuniary interest which may give rise to a perception of bias, they should declare this, withdraw and not participate in consideration of the item. For further advice please speak with the Council's Assistant Director of Corporate Governance.

Declarations of Pecuniary Interests – Members of the Design and Review Panel (DRP)

Members of the Planning Applications Committee (PAC), who are also members of the DRP, are advised that they should not participate in an item which has previously been to DRP where they have voted or associated themselves with a conclusion reached or recommendation made. Any member of the PAC who has also sat on DRP in relation to items on this PAC agenda must indicate whether or not they voted in such a matter. If the member has so voted they should withdraw from the meeting.

Human Rights Implications:

The applications in this Agenda have been considered in the light of the Human Rights Act 1998 and in particular, the First Protocol of Article 1 (Protection of Property); Article 6 (Rights to a Fair Trial) and Article 8 (Private and Family Life).

Consideration has been given to the impact of each application on the people living and working in the vicinity of that particular application site and to the impact of the proposals on the persons who have made written representations on the planning merits of the case. A full assessment of material planning considerations has been included in each Committee report.

Third party representations and details of the application proposals are summarised in each Committee report. It may be that the policies and proposals contained within the Development Plan and/or other material planning considerations will outweigh the views of third parties and/or those of the applicant.

Order of items: Applications on this agenda are ordered alphabetically. At the meeting the Chair may change this order to bring forward items with the greatest number of public speakers. The new order will be announced by the Chair at the start of the meeting.

Speaking at Planning Committee: All public speaking at Planning Committee is at the discretion of the Chair. The following people may register to speak:

Members of the Public who have submitted a written representation objecting to an application. A maximum of 6 minutes is allowed for objectors. If only one person registers they will get 3 minutes to speak, a second person will also get 3 minutes. If further people want to speak then the 6 minutes may be shared between them

Agents/Applicants will be able to speak but only if members of the public have registered to speak in opposition to the application. Applicants/agents will get an equal amount of time. If an application is brought to Committee with an Officer recommendation for Refusal then the Applicant/Agent will get 3 minutes to speak.

All Speakers MUST register in advance, by contacting The Planning Department no later than 12 noon on the day before the meeting.

PHONE: 020-8545-3445/3448

e-mail: planning@merton.gov.uk)

Ward Councillors/Other Councillors who are not members of the Planning Committee may also register to speak and will be allocated 3 minutes each. Please register with Development Control Administration or Democratic Services no later than 12 noon on the day before the meeting

Submission of additional information before the meeting: Any additional information relating to an item on this Agenda should be sent to the Planning Department before 12 noon on the day before the meeting (using email above).

Please note:

There is no opportunity to make a visual presentation when speaking at Planning Committee

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Agenda Item 3

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PLANNING APPLICATIONS COMMITTEE

19 JUNE 2019

(7.15 pm - 10.25 pm)

PRESENT Councillors Councillor Linda Kirby (in the Chair),
Councillor Stephen Crowe, Councillor David Dean, Councillor
John Dehaney, Councillor Russell Makin,
Councillor Rebecca Lanning, Councillor Joan Henry and
Councillor Dennis Pearce

ALSO PRESENT

Neil Milligan – Building and Development Control Manager
Tim Bryson – Planning North Team Leader
Sarath Attanayake – Transport Planning Officer
Lisa Jewell - Democratic Services Officer

1 APOLOGIES FOR ABSENCE (Agenda Item 1)

Apologies for absence were received from Councillors: Najeeb Latif, Simon McGrath, Peter Southgate, Billy Christie and Dave Ward.

The Chair thanked the Councillors attending as substitutes

2 DECLARATIONS OF PECUNIARY INTEREST (Agenda Item 2)

There were no declarations of pecuniary interest.

However Councillor David Dean declared, in the interest of openness and transparency that his son attended sporting events at the application site of Item 12. He choose to leave the Chamber for the duration of the item, taking no part in the discussion or vote.

Councillor Russell Makin declared, in the interest of openness and transparency, that he may attend a sporting event at the application site of Item 12 in the future. However this did not prevent him from taking part in the decision.

3 MINUTES OF THE PREVIOUS MEETING (Agenda Item 3)

RESOLVED: That the minutes of the meeting held on 25 April 2019 were agreed as an accurate record.

4 TOWN PLANNING APPLICATIONS (Agenda Item 4)

Supplementary Agenda: Amendments and modifications to the Officer's report were published in a Supplementary Agenda. This applied to items 6, 8, 9, 10, 11, and 12.

Order of the meeting – The Chair announced that the items would be taken in the following order 10, 8, 12, 5, 15, 6, 7, 9, 11, 13, 14, 16 and 17.

5 13-24 ALWYNE MANSIONS, ALWYNE ROAD, WIMBLEDON SW19 7AD
(Agenda Item 5)

Proposal: Variation of condition 2 (approved plans) attached to LBM Planning Permission 17/P2397 relating to the conversion of roofspace into 4 x self-contained flats, involving the erection of rear dormer roof extensions and front facing rooflights (Scheme 2)

The Committee noted the officer's report and presentation

The Committee received a verbal representation from Ward Councillor Daniel Holden who raised residents' concerns including:

- Application is using elements of the two previous schemes, and this combination of raising the roof and extending the dormers is overdevelopment
- There are inconsistencies in the application
- The application does not consider loss of daylight and sunlight to local residents
- Compton Road residents will be most affected by this proposal

Members asked officers about the applications allowed on Appeal and how this application relates and noted that this application is to amend the approved plans associated to 17/P2397 (Scheme 2) and therefore the main consideration relates to the increased depth of the rear dormers by 0.51m. Scheme 2 has a 0.4m higher ridge height than Scheme 1 (17/17/2396)

RESOLVED

The Committee voted to GRANT Variation of Condition subject to conditions

6 LAND TO THE REAR OF 2A AMITY GROVE, RAYNES PARK, SW20 0LJ
(Agenda Item 6)

Proposal: Erection of a two storey building comprising of 3 x residential units with associated landscaping and cycle parking.

The Committee noted the officer's report and presentation and additional information in the Supplementary Agenda.

In reply to Members' questions, officers made points including:

- The site is not on contaminated land, it is many years since it was a petrol station
- Concerns regarding daylight and sunlight informed the design, hence the sloping roof and set back. There will be very little impact on daylight or sunlight. There are already tall buildings in the vicinity
- small gardens and small patios are proposed – these meet policy requirements
- Condition 6 requires the refuse storage to be implemented and available for use prior to occupation of the development

Members made comments including:

- Proposal is too big, is overdevelopment and will have problems with waste

RESOLVED

The Committee voted to GRANT Planning Permission subject to conditions and a Section 106 agreement.

7 36 GRENFELL ROAD, MITCHAM, CR4 2BY (Agenda Item 7)

Proposal: Demolition of residential block and erection of a replacement building comprising 3 x self-contained flats across two floors, roofspace and basement level.

The Committee noted the officer's report and presentation.

In reply to Members' questions, Officers made points including:

- The development is policy compliant
- The lower floor not quite a basement, it creates a light-well that is open to the elements and so is a sunken garden.
- The conditions cover issues of groundwater
- The Council's engineers have assessed the site and are content with the application. Building Control will cover issues related to the construction process and neighbouring properties. Party Wall agreements are not a Planning matter
- The proposed development matches its neighbours in terms of bulk and scale.

Members made comments including:

- Understand that it is policy compliant but don't like the bulk, scale or sunken garden.
- It is a very complicated construction on a small site

RESOLVED

The Committee voted to GRANT Planning Permission subject to conditions and legal agreement

8 14 Highbury Road, WIMBLEDON, SW19 7PR (Agenda Item 8)

Proposal: Removal of existing garage extension, erection of a single storey rear extension; alterations to existing first floor balcony and balustrade; replacement of existing rear dormer window with two dormer windows, associated internal alterations and construction of a basement beneath part of rear garden.

The Committee noted the officer's report and presentation and additional information in the Supplementary agenda

The Committee Received verbal representations from two objectors to the application who made points including:

- This application is in a Conservation Area and it is still too large and unneighbourly
- Nothing has changed - this is a huge underground development
- The Planning Inspectors report incorrectly states that the basement was size was reduced to address the concerns of neighbours
- This is a very un-green application, consider the thousands of tons of cement to construct it and the ongoing water and heating requirements of the pool
- The garden will be decimated and trees lost, including a magnificent magnolia tree.
- The Officers report does not consider the large number of underground streams in the area. There are warnings that the development will act as a dam, re-routing large amounts of water to neighbouring properties
- The Councils Flood Risk Officer has concerns
- The development will cause ecological damage, no ecological appraisal has been carried out contrary to CS13
- The basement construction method statement warns that the vast excavation will create so much waste water that it will need to be removed in a tanker
- This report also says that Ground conditions may be unstable during excavation which is terrifying for close neighbours

The Committee Received verbal representations from the Applicant and their Agent who made points including:

- Applicants want to restore this locally listed building
- The Planning Inspector had concerns with the first floor extension on the previous application
- With all the information available to him, The Planning Inspector did not refuse the appeal for the previous application on the basement
- The basement in this application is 39% of the garden size and is therefore policy compliant
- The application is supported by the Council's Tree Officer
- The Environment Agency classify the area as low flood risk
- Thames Water say that the waste water can be discharged into the foul water mains
- No development can take place until the Flood Risk survey is approved?
- Only one tree will be removed – the Magnolia tree. All trees are set within the boundaries
- The Applicant said that her son was a very promising swimmer and having a 25m pool would enable him to train twice a day and help him reach his potential.

The Committee Received verbal representations from Ward Councillor Andrew Howard who made points including:

- This application is still unacceptable – it has not changed from last time
- Residents' concerns are still not given due respect

- Residents have raised the same objections as for the previous application

In reply to Members' Questions, Officers made points including:

- The Planning Inspectors report on the previous application can be challenged regarding statements of fact. Planning Officers have to take this report as a material consideration. Expert views are that this application is acceptable and policy compliant
- The Environment Agency classify this area as Flood Risk 1 – which is low risk
- Officers have checked, and the basement will cover 39% of the garden. This is below the allowed coverage of 50%. The garden area includes the land down the side and at the back.
- It is a large basement but it is in a large plot. The definition of how the 50% take up is judged is it is based on which garden space the basement would extend under (i.e. rear basement you only take into account the rear garden space in the calculations).
- The basement size has been reduced from 42% of the garden area to 39%. Although this is a small change it is material, and Members should note that the basements in both schemes are policy compliant.
- The distance between next door fence and the basement wall is 2.6m
- The Planning Inspector does not pass comment on the basement in his report. Officers interpret this as meaning that the Inspector was content with the basement. If he had an issue with the basement it would have been mentioned in his report. Paragraph 18 of the Inspectors report outlines that the scheme would 'overall' not be harmful to the character and appearance of the Conservation Area.

Members made comments including:

- This application is a dilemma for members as it was previously refused for the rear extension and the basement, but the Inspector only commented on the single story extension.
- We need to consider the environmental impact of this construction, both in building and filling the pool with water that will require topping up and changing
- Residents are very concerned about flooding
- Do not accept that the Planning Inspector was content with the basement. The fact is that the appeal on the previous application was dismissed, including the basement.
- Members are uncomfortable with the size of the swimming pool and basement, but noted that it is policy compliant

RESOLVED

The Committee agreed to:

1. REFUSE Planning Permission for the following reasons:
 - The size of the proposed basement is disproportionate to the size of the house
 - The proposal represents overdevelopment in a Conservation Area
 - The size of the proposed basement too large and is unneighbourly.

2. DELEGATE to the Director of Environment & Regeneration the authority to make any appropriate amendments in the context of the above to the wording of the grounds of refusal including references to appropriate policies

9 GARAGES R/O 38 INGLEMERE ROAD, MITCHAM, CR4 2BT (Agenda Item 9)

Proposal: Demolition of garages and erection of 4 x 3 bed dwellinghouses with associated parking and landscaping.

The Committee noted the officer's report and presentation

In reply to Members' questions officers said:

- It is not known if the garages ever belonged to the existing houses. The parking survey showed that there are 48 spaces in the area, so even if the garages are currently used for parking cars, the loss of the garages would not create a parking issue.
- An 'Angled Privacy Screen' is a mechanism to prevent direct overlooking of neighbours whilst still allowing light into the property

RESOLVED

The Committee voted unanimously to GRANT Planning Permission subject to a S106 agreement and relevant conditions

10 3 LINCOLN AVENUE, WIMBLEDON PARK, SW19 5JT (Agenda Item 11)

Proposal: Erection of 3 x six bedroom detached houses with basements

The Committee noted the officer's report and presentation and additional information in the Supplementary Agenda including corrections to the number of bedrooms of each proposed unit.

Members noted that there was already an approved scheme for this site, and that this new scheme proposed a more modern design.

RESOLVED

The Committee voted to GRANT Planning Permission subject to conditions and Section 106 Agreement

11 MERTON HALL, KINGSTON ROAD, WIMBLEDON, SW19 1LA (Agenda Item 10)

Proposal: Application To Vary Condition 8 (Hours Of Operation) In LBM Planning Permission 17/P2668, Relating to alterations and extensions to existing Merton Hall building including partial demolition of the single storey hall, and alterations and

refurbishment to the retained main two storey building and erection of a new worship hall, cafe, foyer and meeting/group rooms for use of by Elim Pentecostal Church.

Variation proposed To Condition 8: To (Extend use of Church beyond 10pm to 10.30pm Monday to Sunday and beyond that time on no more than 10 separate occasions a year. No Church service or similar activity shall take place after 10pm Mondays To Sundays. These restrictions would not apply to administrative use including small meetings of no more than 15 Persons)

The Committee noted the officer's report and presentation and additional information in the Supplementary agenda.

The Committee received verbal presentations from two objectors who made points including:

- The current opening hours are a vital safeguard to residents
- Merton Hall is surrounded by family homes, it is 15m away from children's bedrooms.
- The roof ventilation system will generate noise.
- Elim Church has been gifted the freehold of Merton Hall
- It is unreasonable that Elim Church have made this application before they have even taken possession of the new building. The extra noise levels, sound protection, disturbance and pollution have not been tested.
- Police have been called 18 times in a year to Elim Church at the current site in High Path
- If Elim had any respect for local residents they would stick to a 9pm finish time

The Committee received a verbal presentation from the Applicant's representative who made points including:

- I am a Church Elder, I am responsible for the music in the Church and I live very close to Merton Hall. I would not be happy to think that children were having their sleep disturbed.
- It is common practice to turn off mechanical plant so that it does not cause a disturbance
- This application is about the Logistics of living in London. The Church needs to open at times suitable for us to attend after work, and to fit in the additional use of the building by other the Sri Lankan and Brazilian congregations we host. The building will also be used by the Pelham School Community Choir, and Merton's food bank
- The building will be available for the use of other community groups – its value as an asset is only limited by what people ask for.
- The building cannot brought into operation without sensible functioning arrangements that allow for sensible practical logistics

The Committee received a verbal presentation from Ward Councillor Nigel Benbow who made points including:

- I am calling for this application to be rejected
- The Voices of Abbey Ward residents must be heard. Over 200 objections have been made to this application

- The local police are opposed to this application
- This is a quiet residential area, there are no other noisy buildings on this part of Kingston Road that are open seven nights a week
- Elim Church have had noise issues, and the police called, to their current location on High Path
- Elim Church were re located to High Path, from a building close to Kingston Road, because of parking problems.

The Building and Development Control Manager reminded the Committee that this application was about extending the opening hours and the procurement and history of the site was not relevant.

In reply to Members Questions, the Building and Development Control Manager made points including:

- Hours can be adjusted as an application progresses through the planning system. The application before you tonight is for an extra ½ hour opening until 10.30pm each night.
- The original application, granted in September 2017, allowed for opening until 10pm. The application before you tonight is an amendment to an amendment, the original amendment was for an extra hours opening until 11pm each night. The Police were concerned about the 11pm extension but are not concerned about the 10.30 extension.
- The Application before you tonight also contains additional late opening on up to 10 separate events per year. This application is a mechanism to do away with the Church having to apply separately for a change of hours for each of these events.
- Conditions 9,10 and 11 of the original application cover noise control Music will be played at the back of the hall. It is the noise level at the boundaries that is important, not the noise level in the hall. The Church will have to design and operate suitable sound proofing and noise management to prevent noise disturbances to neighbours.

Members made comments including:

- Other Elim Churches do not open this late
- Lots of assumptions have been made about the policing of this amendment; that activities will stop at 10pm, that meetings will have less than 15 people attending, that the soundproofing will be adequate, that people will disperse quietly at the right time. But we are not able to police this, and this is a quiet residential area. This application is too vague about these assumptions.
- The potential for noise disturbance is not just the music in the hall, it is also from people leaving the Church, having conversations in the street and returning to their cars
- Don't understand the logistical need for late meetings, we started at 7.15 tonight and many of us work in London
- The Church needs to respect its neighbours

RESOLVED

The Committee voted unanimously to

1. REFUSE the variation to conditions for the following reasons:
 - The additional operating hours will cause a Disturbance to Neighbours in terms of noise and amenity
 - The application was contrary to policies DMD2 and DMEP2
2. DELEGATE to the Director of Environment & Regeneration the authority to make any appropriate amendments in the context of the above to the wording of the grounds of refusal including references to appropriate policies

12 OLD RUTLISHIANS ASSOCIATION SPORTS GROUND, POPLAR ROAD, MERTON PARK (Agenda Item 12)

Proposal: Installation of new cricket nets to replace existing, erection of new storage shed & erection of mesh-wire fencing along western and eastern boundaries to height of 1.8m.

The Committee noted the officer's report and presentation and additional information in the Supplementary agenda

The Committee received a verbal representation from one objector who made points including:

- Nets have already been erected, and the planning application is incomplete
- These nets are only 6.5m from houses, they used to be 30m away
- The nets are used up until 9.30pm in the evenings and every weekend from 8.30am to 9pm. Residents are woken up every weekend at 8.30am. In the Summer holidays there will be Summer camps in addition
- Even when not in use the nets attract children
- The bowling machines make even more noise, and the whole application has a huge impact on local residents quality of life

The Committee received a verbal representation from a representative of the Applicant who made points including:

- I am a volunteer on this site where 1000 people play sport
- This application is exactly the same size as the previously allowed scheme, but it is in a different location to allow us to make better economical use of the Land
- We have not seen any complaints
- Since the build we recognise that
 - there needs to changes to the curtains.
 - That early morning use must stop – we have already changed the start time to 9am
 - We recognise that the bowling machines are noisy and we will listen to the neighbours and make changes
- We want the hedge to grow to help prevent vandalism

In reply to Members Questions, The Development and Planning Manager made points including:

- The structure is not permanent so we cannot put hours of use restrictions on it
- The hours of use are restricted by daylight
- The nets have been positioned to accommodate other sports pitches on site

RESOLVED

The Committee voted to GRANT Planning Permission subject to conditions

13 72 SOUTHDOWN ROAD, RAYNES PARK, SW20 8PX (Agenda Item 13)

Proposal: Conversion of single storey dwellinghouse to create 1 x three bedroom flat and 1 x two bedroom flat

The Committee noted the officer's report and presentation

Officer replied to members' questions:

- Permit Parking is allowed for the current house. This application does not increase this; so there is a condition limiting permit parking to one of the new properties.

RESOLVED

The Committee voted unanimously to GRANT Planning Permission subject to conditions and Section 106 Agreement

14 7 SUNNYSIDE PLACE, WIMBLEDON SW19 4SJ (Agenda Item 14)

Proposal: Erection of a three storey rear extension and installation of new balustrade to existing front roof terrace and alterations to façade.

The Committee noted the officer's report and presentation

RESOLVED

The Committee voted unanimously to GRANT Planning Permission subject to conditions

15 TREE PRESERVATION ORDER (NO.738) AT 5 Highbury Road, WIMBLEDON, SW19 7PR (Agenda Item 15)

The Committee noted the officers report and presentation.

The Ward Councillor, Thomas Barlow, spoke and raised points including:

- Speaking on behalf of the residents of 5 Highbury Road
- They have had technical surveys done, to industry standards by structural engineers and arboricultural experts, that recommend the removal of the trees

- The trees are causing lifting and cracking to drives and pavements
- The trees cause shadowing all day
- The residents would plant younger trees in slightly different location if they could remove the application trees

The Planning development Manager informed the Committee that:

- The Council's tree officer says that these trees are worthy of protection, and should not be removed
- Tree Officers do allow trees to be removed if the evidence suggests that it is necessary. If the applicant has further evidence this should be resubmitted for reconsideration
- A minor crack in the pavement does not mean that a tree has to be removed
- If the TPO is not confirmed then the trees can be removed

RESOLVED

That the Merton (No.738) Tree Preservation Order 2019 be confirmed, without modification.

16 PLANNING APPEAL DECISIONS (Agenda Item 16)

RESOLVED: The Committee noted the report on Planning Appeal Decisions

17 PLANNING ENFORCEMENT - SUMMARY OF CURRENT CASES (Agenda Item 17)

The Chair reminded Members that they should talk to Officers if they have any enforcement issues in their ward.

RESOLVED: The Committee noted the report on Current Enforcement Cases.

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PLANNING APPLICATIONS COMMITTEE 18 July 2019

<u>APPLICATION NO.</u>	<u>DATE VALID</u>
17/P0296	17/03/2017
Address/Site	141 The Broadway, Wimbledon, SW19 1NE
Ward	Abbey
Proposal:	Redevelopment of site to create 20 x self-contained flats within a six storey residential block with new frontage to ground floor commercial unit
Drawing Nos	20-00, 20-01, 20-02, 20-03, 20-04, 20-05, 20-06, 20-RF, 21-01, 21-03, 21-04, 21-07 and 29-01.
Contact Officer:	Stuart Adams (0208 545 3147)

RECOMMENDATION

GRANT Planning Permission subject S106 agreements and conditions.

CHECKLIST INFORMATION.

Heads of agreement: - Affordable Housing (no provision, but an early and late stage viability review required), Permit Free & Carbon Off-set shortfall
Is a screening opinion required: No
Is an Environmental Statement required: No
Has an Environmental Impact Assessment been submitted – No
Press notice – Yes
Site notice – Yes
Design Review Panel consulted – Yes (at pre-application stage)
Number of neighbours consulted – 103
External consultations – No.
PTAL score – 6a
CPZ – VOs

1. INTRODUCTION

- 1.1 The application has been brought before the Planning Application Committee for consideration in light of the number of objections received against the application and officer recommendation of grant permission subject to conditions and S106 agreement. The application had also been

called in by former Councillor, Councillor Chirico.

- 1.2 The application was deferred by the planning committee on 25th April for officers to seek clarification on whether the proposal had gone before the Design and Review Panel

2. **SITE AND SURROUNDINGS**

- 2.1 The application site comprises a three storey period building with a hipped roof on the south side of The Broadway, Wimbledon. The ground floor has been in use as a bar/restaurant (Class A3/A4) for a number of years with residential accommodation above. The building has a single storey rear extension with plant equipment accommodated on top and with an external seating area behind. The property is gated to the front with a low wall and metal railings to the public footpath and main road. Vehicular access is possible to a service area to the west flank of the building.
- 2.2 The immediate surrounding area is mixed both in use and townscape terms. Immediately to the west of the site is Ashville House (Nos 131-139 Broadway), a 1980's four storey mixed use red brick building. To the east is 151 The Broadway (CIPD building), a relatively recent 5/6 storey office development with a contemporary appearance and a distinctive curved glazed frontage with a buff brick surround. Opposite the site is Broadway House, a recent 6/7 storey residential led mixed-use development with retail at ground floor constructed in a mixture of brick, white and grey cladding and timber. To the west of the site are houses in Palmerston Road.
- 2.3 The site is not in a Conservation Area nor is the building included on the statutory or non-statutory listing.

3. **CURRENT PROPOSAL**

- 3.1 Refurbishment of existing ground floor commercial unit, demolition of the two existing residential upper floors and replacement with 6 new floors providing 20 self-contained flats (10 x 1 bedroom and 10 x 2 bedroom flats).

Amended Plans

- 3.2 Following advice from the Councils Design Officer, the treatment of the frontage and sides of the building has been amended. The winter gardens and balconies have been replaced with smaller external balconies and introduction of more brickwork.

- 3.3 The proposed ground floor would retain its existing use and seek to refurbish the exterior of the ground floor with a modern design approach. This would include full height glazing to the front and side and an aluminium framing and banding above.
- 3.4 The upper level would also incorporate a modern design approach with the predominate use of a yellow stock brick, full height windows with aluminium framing, glazed balconies and a large flank certain wall.
- 3.5 In terms of the height of the proposed building, the main building frontage (floors 1 to 5) would sit below the top of the curved frontage of the adjoining CIPD building. The recessed top floor whilst projecting above the curved glass frontage of CIPD would sit below the corresponding roof level of CIPD. The recessed top floor would be of lightweight construction and have a subordinate design approach, being set back from the building frontage and flank.
- 3.6 The proposed flat sizes in relation to the London Plan GIA standards are as follows:

	Dwelling type (bedroom (b)/ bedspaces (p))	London Plan (sqm)	GIA (sqm)	Amenity Space (Lon Plan)	Amenity Space (Proposed)
Flat 1	1b2p	50	55	5	4.5
Flat 2	2b4p	70	75	7	9
Flat 3	2b4p	70	74	7	10
Flat 4	1b2p	50	54	5	5
Flat 5	1b2p	50	55	5	4.5
Flat 6	2b4p	70	75	7	9
Flat 7	2b4p	70	74	7	10
Flat 8	1b2p	50	54	5	5
Flat 9	1b2p	50	55	5	4.5
Flat 10	2b4p	70	75	7	9
Flat 11	2b4p	70	74	7	10
Flat 12	1b2p	50	54	5	5
Flat 13	1b2p	50	54	5	4.5
Flat 14	2b4p	70	75	7	9
Flat 15	1b2p	50	50	5	9
Flat 16	1b2p	50	60	5	5
Flat 17	1b2p	50	55	5	4.5
Flat 18	2b4p	70	75	7	9
Flat 19	2b3p	61	63	6	12
Flat 20	2b4p	70	74	7	29

4. **PLANNING HISTORY**

- 4.1 16/P2585 - Redevelopment of site with demolition of 1st & 2nd floors levels, remodeling of retained ground floor restaurant (class a3) and

erection of 6 storey building consisting of 16 residential units (7x 1 and 9 x 2 bedroom flats). (identical to previous application 14/P1008 dismissed at appeal for lack of legal agreement relating to affordable housing) – Agreed by members of the planning committee at the September 2018 meeting. To date, the application is pending the completion of the S106 agreement.

- 4.2 14/P1008 - Demolition of first and second floors of existing building, retention of ground floor within use class A3 and erection of six storey building to provide 16 residential units – Refused at Planning Application Committee on 13/10/2015 for the following reason:

The proposed building due to its design, detailing, materials and proportions would fail to appropriately relate to the architectural forms, language, detailing and materials which complement and enhance the character of the wider setting and would therefore fail to achieve a high quality design that relates positively and appropriately to the rhythm, proportions and materials of surrounding buildings. The proposal would therefore be contrary to policies DM D2 Design considerations in all developments & DM D3 Alterations to existing buildings of Merton's Sites and Policies Plan and CS 14 (Design) of Merton's Core Planning Strategy (July 2011).

An appeal was lodged against the refusal, (Appeal Ref – APP/T5720/W/16/31430), which was dismissed by the Planning Inspector in May 2016. In reaching his decision to dismiss the appeal, the planning inspector considered that the two main issues were the effect of the proposed development on the character and appearance of the street scene and whether the proposed development makes adequate provision in respect of local infrastructure. The planning inspector considered that the proposed development would not have an unacceptable impact on the character and appearance of the street scene. However, he found that although the appellant had indicated their willingness to enter into a legal agreement, the lack of a signed and completed agreement meant the appeal proposal failed to secure appropriate financial or other contribution towards the provision of affordable housing. The scheme was therefore contrary to Policy DM H3 of the Sites and Policies Plan and Policy CS8 of the Core Strategy.

- 4.3 07/P0817 - Display of various internally illuminated signs to the building and a freestanding double sided internally illuminated sign in the forecourt – Grant - 04/05/2007.
- 4.4 02/P2477 - display of various externally illuminated signs to the building and forecourt – Grant - 09/01/2003

- 4.5 98/P1619 - Display of non-illuminated fascia signs and an externally illuminated pole sign – Grant - 23/03/1999 23/03/1999
- 4.6 98/P1072 - Erection of single storey front extension in conjunction with use of ground floor of property as restaurant/bar with alterations to roof of existing rear conservatory, provision of covered dining area with a canopy within existing rear beer garden and erection of 2.4m high gates across side passage – Grant - 20/11/1998
- 4.7 94/P0404 - Erection of a canopy above front entrance – Grant - 13/07/1994
- 4.8 94/P0403 - Installation of no.1 externally illuminated fascia sign on front elevation of premises – Grant - 13/07/1994
- 4.9 89/P0469 - Display of a double sided internally illuminated projecting box sign – Grant - 20/06/1989
- 4.10 87/P1598 - Erection of a single storey conservatory at rear of existing public house – Grant - 11/02/1988
- 4.11 MER7/70 - Single sided illuminated box sign – Grant - 19/03/1970
- 4.12 MER855/69 - Double sided illuminated sign – Grant - 27/10/1969

5. **CONSULTATION**

- 5.1 The application has been advertised by major site notice procedure and letters of notification to the occupiers of neighbouring properties.
- 5.1.1 In response to the consultation, 11 letters of objection, including one from Wimbledon E Hillside Residents Association (WEHRA) and The Wimbledon Society have been received. The letters raise the following objections (based on the original set of plans, before they were amended):
- 5.1.2 Objection letters

Neighbour Impact

- Severely affect natural lighting to the adjoining CIPD building and atrium which is a major design feature.
- Overlooking. Made worse by the very large floor to ceiling windows and fully glazed roof terraces. The glass to the balustrades should be frosted.
- Overshadowing
- Solar panels on the roof will harm the vista from the other side of

the street.

- The ground floor use should be restricted to A1 to prevent nuisance to surrounding residents. Hours of opening should be restricted to prevent late night activity
- Construction hours should be limited to Monday to Fridays (not weekends) to prevent nuisance to surrounding residents.
- The plans have 12 balconies facing towards Palmerston Road as well as other windows doing the same. This would be a significant intrusion into gardens which at present is barely overlooked. The balconies would no doubt lead to significant increases in the level of noise in an area that is currently very quiet.
- Obscure views

Design

- The quality of the materials and overall design are inappropriate and out of keeping.
- High quality design (compared to refused scheme) is welcomed but some concerns remain.
- The height of the building risks turning this section of The Broadway into an urban corridor comprising featureless tall buildings.
- Balconies in apartment blocks often become cluttered as they are used for storage of bicycles, BBQ's etc. A condition should be imposed in the leases which prevents owners/occupiers from doing this.
- No plant or machinery should be allowed to be installed on the roof so as to protect the vista from the other side of the street.
- There is no requirement for the site to be re-developed, especially in a way that is so out of character with the current building.
- Contribute to the further erosion of the character of The Broadway and Wimbledon, which runs the risk of becoming another corridor to concrete, steel and glass high-rise buildings, dwarfing traditional and long-standing brick built terraced houses.
- The design is too massed, coloured and bulky
- It detracts from the architectural merit of the CIPD building next door, which in turn completely loses its context and just looks ugly and dominant
- A main feature of the CIPD is the lovely glass atrium and this building would obviously steal the light necessary to make this an attractive feature.
- The 3 buildings together, The Premier Inn, CIPD and this, look awful alongside each other, too much use of green coloured panels and similar design features (grids, see below), whilst the same (ish) heights and different shapes, they need breaking up and differing, especially regarding height.

- The bulky boxes on the front are ugly and dominant with no grace at all
- The brick side of the building actually fits the frontage better than the actual frontage design as it echoes the CWD building opposite.
- The entrance level looks like a cheap domestic temporary greenhouse and has no architectural or aesthetic merit whatsoever.

Use

- Where possible planning conditions should be imposed to seek to retain the Made in Italy restaurant at this location in the town centre
- No family accommodation proposed
- Do we really need more commercial space?

Affordable Housing

- Proposal does not secure appropriate financial or other contributions towards the provision of affordable housing

Highways

- High parking issue in the area. Development should be permit free

Other

- Impact on already strained services, including trains
- Loss of property value

5.1.3 Wimbledon East Hillside Residents Association

WEHRA represents over 800 households just to the north of the town centre, and as the area grows, our community has been suffering many negative impacts. This is not acceptable to Wimbledon's Primary Stakeholders: its Residents. It is wrong to encourage developments lead ultimately to the deterioration of our neighbourhoods.

Overall, the proposed building is a big disappointment. Why doesn't Applicant doesn't heed the advice already given, as the site is an important one not just to them, but to every one of us in Wimbledon. It is next to the refreshingly delightful, award-winning CIPD building. The building works. The occupants are happy to work there. Premier Inn will be built on the western side of the CIPD, and we need something equally or even more respectful and sympathetic to the 'Building of Merit' that is the CIPD. Our concerns are:

Excessive Height

It appears the proposed building is a full storey taller than the CIPD next door. Concern has been raised about what real height is being proposed, and until that is resolved, the Application should be withdrawn from consideration. Why should such an ordinary proposal be allowed excessive height? We are urging the Council to build a memorable, pleasant Street Scene for future generations, and this tall building does not fit the bill.

Glass and Terraces

The Broadway frontage is about 80% glass, without justification for such heavy-handedness. The terraces overlooking the Broadway will - within a few months - be full of rubbish, old furniture, clothes hanging over the balcony drying, etc. We know because this design error has been approved in the past in our area, and we now all have to live with the consequences. Drying racks hanging out front all day long, broken toys and old bikes rusting, etc. It is wrong to allow flats to have clear glass terraces visible to all.

Further, it is likely these will be buy-to-let investments. Tenants are generally not bothered about dirty glass windows, cheap, badly hung curtains, and how all that looks from the footpath. We as local residents DO CARE what our community looks like, and we don't want to see this view, when we are on the Broadway. Please remove the terraces and design a building with smaller apertures, including a distinctive design feature (see attached) that contributes POSITIVELY to Brand Wimbledon.

Situation on Plot

The existing restaurant projects too far forward as it stands. Any new build needs to be stepped back, and not so prominent on the footpath. Instead trees and shrubs in deep planting beds need to be added, not a bigger building. The Number One 'want' from the Wimbledon Workshops was to 'green up' the town. This is important and indeed essential. We recommend the entire building be set back, allowing room for a copse of silver birch fronting the Broadway, to mitigate the effects of heavy air pollution.

Car Free

Car-Free is appreciated; a Section 106 Condition is required to ensure no business, resident or visitor parking permits are ever issued to Landlord, tenants or their visitors. The bikes stores appear poorly planned and located. Other developers are doing ground or ramps, with basement locked areas for bicycles. It would deter use, if cyclists must carry their bikes upstairs, to store.

Sustainable Design

Where is the Applicant's commitment to build a BREEAM Excellent or Very Good building? We need buildings to last 100 years or more, not 20 years or so, like most others in WTC. Where are PV panels, rainwater collection, storage and re-use plans to wash the many glass windows (they will be filthy within days ...), free water to wash down the footpaths, and water trees Where are the street and frontage trees, needed to counter the serious pollution that the Broadway suffers? Where is the green screen to the rear of the property? We urge the Applicant to include swift boxes on the roof, as other developers are doing throughout the area

Offices vs Residential

We've heard *ad nauseum* that this area is for OFFICES. We are surprised then to see this proposal for residential, situated in between two office blocks. We understand the Masterplan is nearly drafted, and surely the need for offices outweighs the need for small flats in this area. If any residences are needed, they would be smaller, more affordable family homes, not flats.

In any case, the visuals for this proposal suggest it is an office block. Can the Applicant reconsider, and return with an appropriate building for this important, Future Wimbledon site?

In sum, Wimbledon Residents are looking for Buildings of Merit. This proposal falls short on so many levels, we urge you to REFUSE PERMISSION and ask the Applicant to return with a sensitively considered proposal, or sell it on to somebody who can do it right.

5.1.4 The Wimbledon Society

Over prominent:

The size and massing of the proposed building is too large for the site. It is not in keeping with the size and scale of the area. The proposal is too high and would create overshadowing. It is the Society's view that it should finish at level 5 i.e. the roof should be at 15800

Loss of privacy:

The windows and balconies and glazing in the proposed building would detrimentally affect the use of adjoining buildings and gardens.

Balconies:

Residential balconies overlooking the main road are inconsistent with the character of that side of The Broadway.

Parking: there is existing pressure on parking in the area and no parking provision in the proposal will increase this.

Lack of affordable housing:

Applications 14/P1008 was rejected by the Council on the basis that it failed to secure affordable housing. There appears to be no mention of affordable housing in this application so it fails to make adequate provision in terms of local infrastructure.

Inadequate residential entrance:

The entrance to the residential block is at the side is not a visually defensible' area as it is hidden from the public highway; there is a connection between the retail unit and the access to the residential block at ground level which is a security weakness.

Policy DMD2A (Sites and Policies Plan of 7/2/14) concerning design considerations in all developments, says in (a) (l) "Proposals for all development will be expected to... relate positively and appropriately to the rhythm... proportions... materials ... or surrounding buildings". The Wimbledon Society does not believe that the development relates positively to its neighbours. This application does not follow the Council's policies and so the Wimbledon Society opposes the application.

Re-consultation

5.1.5 In response to concerns from neighbours that the proposed elevations did not accurately show the height of the adjoining CIPD buildings, the applicant has provided updated surveyed elevations showing the heights of adjoining buildings. Neighbours were re-consulted on the additional information on the 24th June 19.

5.1.6 In response to re-consultation, 2 letters of objection received. The letters raise the following points:

- Development is far too large for the site. Not in keeping with the size and scale of the area. Does not relate positively to its neighbours
- Height and the footprint are overbearing.
- Loss of privacy, light and sunlight
- Balconies facing directly south will be able to see into gardens and properties.
- Balconies overlooking the main road are inconsistent with the character of that side of The Broadway.
- The building should be stepped back further so not to be so overbearing to the existing neighbours.
- There is existing pressure on parking in the area and no parking provision in the proposal will increase this.
- Lack of affordable housing
- Inadequate residential entrance, the entrance is located at the side

and is not a visually defensible area. There is a connection between the retail unit and the access to the residential block at ground level, which is a security weakness.

5.2 Transport Planning

5.2.1 No objection subject to condition and S106 agreement (permit free development)

5.3 Climate Officer

5.3.1 No objection subject to conditions and S106 agreement.

5.4 Design Officer

5.4.1 No objection (based on amended plans) subject to conditions

Original Design Officers comments (9th May 2017)

Overview

5.4.2 This is a proposal for the intensification of a site that contains one of the original buildings from the development of Wimbledon following arrival of the railway. The aim is to retain the existing ground floor and use, and this in itself presents some difficulties with developing the site. The existing building has been much altered and is not considered a heritage asset and redevelopment and intensification is supported in principle.

5.4.3 The chosen land use of residential, in an area of predominantly commercial uses, even at the upper floors, presents challenges regarding overlooking, privacy, daylight, amenity and the ability to successfully intensify the adjacent site. As a result many of the windows in the west elevation are opaque for the majority of their height. However, in all cases there are clear windows facing north and south as well. The land use is considered appropriate to the location and supports the mix of uses expected in town centres to contribute to their vitality.

Urban design principles

5.4.4 Wider scale urban design principles of permeability, legibility etc. are not directly relevant to this single site proposal.

Siting, density, scale, height

5.4.5 The main part of the building is sited to occupy almost the full width of the site facing the street, allowing access to the side into a courtyard. The rear of the building is separated from the front by the access core and a lightwell. This enables all the units to be dual aspect and is considered an important part of the design that enables the site to be successfully intensified. The building steps back at the rear to reduce visual impact on properties to the rear and side.

- 5.4.6 The layout breaks up the mass of the building on this rather small site. The building also aligns itself slightly forward of the brick elevation of the adjacent CIPD building, but not so far as to obscure or compete with views from the west of this building's distinctive cantilevered glazing. The ground floor extends out further, beyond which there is an outdoor seating area. Getting this arrangement right is key to developing the site and the applicant, after a number of attempts, seems to have got this right, with a good justification and imagery to show this.
- 5.4.7 The density of the building is 20 units on 0.084ha, which is a density of approx. 245u/ha. Wimbledon is considered an urban area and the units are at the lower end of the range. This gives an appropriate density range of 70-260u/ha. The density is therefore considered appropriate.
- 5.4.8 The scale of the building is also appropriate. It is broken up into a number of constituent elements that work well together in a sensible and proportioned way. The building is similar in height to the CIPD and slightly lower than the consented scheme on the opposite side of CIPD. Therefore the proposal accords well with the Council's policy for tall buildings in Wimbledon.

Massing, rhythm, proportions, materials

- 5.4.9 The massing, rhythm and proportions of the building stem from the strong vertical feel given by the projecting glass bay windows. This is a strong theme that runs through all the elevations. It does not however, make the building seem too tall. The ground floor has a more human scale and horizontal emphasis for the different use. This works well, relating the building clearly to the street and giving the building a clear base.
- 5.4.10 The only discordant element, and a change from the previous pre-application design, is the fragmentation of the bays between different levels. This currently does not work well visually. The tight gap between the bottom and middle bay is the main discordant feature, and it would be better if the second level of the residential had an open balcony as with the ones above it. They would sit together more comfortably. Alternatively, if this doesn't work well, reverting to the original single bay could be more suitable.

The local urban context and historic context

- 5.4.11 The building draws on the use of brick as a key material that relates to the immediate context of the CIPD and that of Wimbledon in general and gives a solid feel from which to display the more contemporary elements of the façade. It is also clearly a modern building in a town centre and the balance between modernity and local context is considered appropriate.

Architecture

5.4.12 The architecture is modern and attempting to be contextual, whilst not competing with nearby buildings, particularly the CIPD. A number of key elements of the details will be vital to develop further for the discharge of conditions if this building is to have a high quality feel. This includes the detailing of balconies, how the sliding louvres work, the recess of the windows in the bays and how the windows fit within them, the detailing of the glazing in general and the frames for the glass and how the transition is made from opaque to clear glass on the western elevation. All of these details need to be conditioned.

Landscape

5.4.13 It is important that the entrance courtyard for the flats is well landscaped and welcoming. Further details on the design of this space are needed as this space currently looks spartan. The entrance to this space is recessed from the footway and could present a poorly surveyed part of the public realm that could attract anti-social behaviour. Bringing the gate forward would address this. It is also unclear how the rear yard of the building will be used and accessed. It is important that there is no spill-out of the restaurant (or any different retail) use into the residential courtyard. More detail on how this space is to be used and managed is needed.

The public realm

5.4.14 The space in front of the ground floor projection is given over to a slightly raised outdoor seating area. Whilst this is appropriate for the use, it gives little back to the public realm as the footway here remains very narrow. The balance of space here is poor for the public realm and promotion of walking and a quality and comfortable environment for pedestrians. It is recommended that the footway is widened and that if possible there are no stepped level changes. If this means the ground floor projection is set back a little more this should not be a problem.

Summary

5.4.15 This is a building in a challenging location with a challenging use for this location. The composition of the building is good and distinctive. It will be critical to get the details right to ensure this building fulfils its promise. It has come a long way since the original pre-application and is also a considerably better building in all respects compared to the recently refused application.

Updated Design Comments (9th May 2017)

5.4.16 There is only one significant alteration to the design as far as I can see. This is that the balconies now project further than before. Previously they projected approx. 1.2m from the elevation. Now they project 1.7m from the elevation. This is evident in the plans, which show this change. However, the 3D CGI images have not been changed to reflect this.

There are also plans in the same document as the CGIs (Design Narrative) which show the smaller balconies. The CGIs need to be changed to show the larger balconies.

5.4.17 My view is that this change will significantly alter the appearance of the front of the building. I had previously raised some concerns regarding the visual impact of the balconies, and this change makes them more relevant. The balconies and their glazed nature, will over-dominate the frontage to the detriment of the brick elevation, which will become significantly diluted. The introduction of more brick into the elevation was something that was welcomed and encouraged earlier in the development of the design of this building since its original refusal at committee. It is an important feature of the façade of the building.

5.4.18 I would recommend that the design of the balconies is re-visited. The balconies look tacked-on and need to look and feel like an integral part of the building façade. One of the key impediments to this is the desire to create enclosed 'winter gardens'. Removing this idea would free-up the ability to dramatically alter the frontage and make the balconies feel lighter and less cramped.

5.4.19 Although the applicant has issues with achieving sufficient floorspace for the balconies, they only need to project 1.5m to comply with policy. It is suggested that the applicant consider introducing a more 'designed' feel, perhaps by introducing a curve to the front of each balcony (could this be this building's nod to the CIPD curved frontage?). This is just one suggestion - there may be many other ways to integrate the balconies better into the façade.

5.4.20 The only further comment I would make is that the top floor would sit better if it were placed centrally in the building. Internally this unit is poorly designed and laid out and the balcony very large. This whole unit could be reworked so that it can include an en-suite and a more defined kitchen space. The applicant seems to be missing a trick here.

Updated Design Comments (27th September 2017)

5.4.21 The architect appears to have done what he was asked to do some time ago now. I am generally happy with the result. Please note that careful discharge of the conditions will be key to ensuring this building meets the quality of its neighbour. Please consult Future Merton on the discharge of materials conditions.

5.5 Design & Review Panel

5.5.1 The Design and Review Panel (DRP) reviewed at pre-application stage only. The pre-application proposal was subject to revised plans and

therefore went to DRP on 3 occasions. The following provides their comments:

5.5.2 21st July 2015 (meeting notes)

The Panel noted the recent planning history of the site and welcomed the applicant's willingness to look afresh at the building design. With this in mind the Panel were keen that the architect looked first at the wider setting, particularly at the long views from both directions along The Broadway and included drawings that showed the appeal design (or current one) for 153-161 the Broadway.

Whilst stepping out from the line of the CIPD was in principle supported, the exact distance of this needed to be carefully considered and justified in terms of enhancement of the public realm, producing a wider footway to improve the building setting and easing pedestrian flow and supporting Core Strategy policies. For example, a view needed to be taken on whether it was important to retain the view of the CIPD building in the view from the west. How the building related to the CIPD was considered particularly important and needed further consideration. The applicant needed to demonstrate that its design is of a high quality and how this quality will manifest itself in the building design.

The issue of the building line was felt to be very important in terms of creating a successful public realm. It is very important to get this right. This was because the site was highly visible from both directions along The Broadway as well as a terminating the view along Stanley Road. It was important that the setting of the building was high quality and an important factor in this was ensuring the pavement was sufficiently wide to create more space and an enhanced setting.

The building also needed to make its design relevant to Wimbledon, and its sense of place in terms of its relationship to the site, its form and in its choice and use of materials. This needed to be clearly articulated in the DAS. The Panel encouraged the architect to be bold in the development of a design but that it must be convincing and fully justified in the DAS. The Panel noted the addition of an extra storey, but felt that this needs to be justified, and created a difficult relationship with the CIPD building given that the proposed building stepped forward from it already. It was recommended this was set back and shown how it related to the appeal design for 153-161 The Broadway.

The Panel had some concerns regarding the residential layout. They noted that there were single aspect flats, which they do not support. Whilst the lightwell could work well, they felt a better solution would be to remove the single aspect flats and split the building into two elements. This was simply an example of how one improvement could be made and

the architect was encouraged to explore a range of possibilities. It was also noted that some internal arrangements needed further consideration as some rooms appeared long and narrow.

Overall the Panel did not have any fundamental objections they felt that considerably more work was needed to arrive at a good quality proposal that was fully justified on this important and prominent site. They welcomed the applicant's willingness to enter into this process.

VERDICT: **AMBER**

5.5.3 24th September 2015 (meeting notes)

The Panel noted that a previous design for this site had been recently reviewed by the DRP and that the current proposal has moderated the height and introduced a fully dual-aspect scheme – as suggested previously by the Panel – and this was welcomed. However, the Panel felt that a number of key elements of the proposal had not been well resolved and parts of the design did not relate well to the surrounding context. These were its relationship to the CIPD building and to the three views – east and west along The Broadway, and south from Stanley Road.

As with all other buildings along The Broadway, the proposed building needed to transition sensitively to the adjacent residential areas to the rear. The proposal did not do this well and should therefore step down in height at the rear. The Panel felt that despite the dual aspect flats, the site felt over-developed, internally confused, wasted space on corridors and did not know which way it faced. Despite the enlargement of the internal lightwell, it was felt that the facing balconies were far too close to each other.

Despite assurances from the applicant's architect, the Panel seriously doubted whether the flats met the London Plan minimum space standards. The quality of the outlook of the flats was also questioned, notably to the south-east to the office windows of the CIPD (the building not being shown in the 3D plans) and to the west to the rear of the adjacent site (which was considered a future potential development site) and rear of houses on Palmerston Road, which required a large amount of obscured glazing on the bay windows.

The Panel felt that the ground level design was difficult and unclear. The main entrance to the flats is on the side so this area is essentially public domain and needed to be considered in relation to the front of the building as well. The Panel suggested that the entrance to the flats could be from the front of the building, whilst retaining the stair core position. The ground floor could have a different appearance to reflect the different use.

It was noted that the CIPD gave a very generous pavement width and that perhaps the proposal had not got the position of its front elevation correct. It was suggested that the ground floor could project as shown, but that perhaps the upper floors needed to be recessed back from this (the proposed hotel on the opposite side of the CIPD does this in part). This would allow for clearer views of the CIPD along The Broadway from the west.

This west view was also compromised by the design choice of splitting the front elevation architecturally into two parts. It was felt that this did not work well and there was no clear rationale given for this. The wisdom of floor to ceiling glazing to living spaces facing a busy street was questioned. This did not create a strong façade to the view and also obscured the CIPD.

The view from the east worked a bit better, but still needed further work. The architecture of building did not relate well to the CIPD and an analysis of the architecture and form of the CIPD needed to be done to inform a design for the proposed building. The view from Stanley Road did not work well at all. There seemed no reason or rationale for a building that had been split into two different halves and there was no focal point to a view that clearly required one (a bay could achieve this). Essentially the Panel felt that the building did not know which way it faced, but that it had to work from three different directions – east, west and north.

The Panel strongly contested the practicality of retaining a working restaurant use on the ground floor whilst the proposed flats were built above. It was acknowledged by the Panel that this was a difficult site but that the architect need to get to grips with these issues and own and fully justify the design they were proposing. Overall the Panel were disappointed that the design had not evolved in a way that responded well to its context.

VERDICT: **RED**

5.5.4 19th April 2016 (meeting notes)

The Panel welcomed the further analysis of the CIPD and that there was more clarity on the desired relationship of the new building with it. The Panel did not feel that it was necessary that the new building should step back to expose the flank of the CIPD, as they considered it a notable, rather than great building. The Panel also noted that the proposal had been developed much further since the previous review in September 2015.

The Panel felt that the residential part of the building had more of the character of an office. This could be addressed by altering the

appearance of the bays the higher up they went, expressing the scale of the residential units and by making the projecting ground floor more of a base to the residential building above, and by using a more restrained palette of materials.

The building needed to be legible in its form and materials – it needed a ‘final tweak’ to quieten it down – it essentially being ‘two blocks of flats with a glazed link and a base. It was described as possibly being ‘bottom light’ rather than ‘top heavy’ in the way it recedes so much at first floor level on the Broadway frontage. Careful attention to detail was required on materials to ensure quality. It was noted that although the CIPD was simple in appearance, there was good attention to detail in the frameless glazing and the floor to glass junctions. The glazing on the new building will be seen side by side with, and be compared to that of the CIPD.

Landscaping needed further thought in two areas. Firstly, the public realm had the potential to become softer and more human friendly and there was good opportunity to do this and improve on the sterile frontage to the CIPD. Secondly the residential entrance needed further development to ensure it was a welcoming entrance. This included making the entrance more obvious in the elevation, ensuring it was secure and offered no spaces for anti-social behaviour, and ensuring it was landscaped to a high standard to be welcoming and screen nearby air conditioning units.

The Panel also felt that there needed to be further analysis on issues of privacy, particularly relating to views into gardens of houses on Palmerston Road (and to a lesser extent Griffiths Road) and the adjacent flats. A cross section needed to be shown to aid this. Privacy for new residents on the fully glazed frontage was also important as the effect of the façade could be spoiled if residents had to erect ad-hoc internal measures to protect their privacy from the public realm.

Overall the Panel were pleased with the progress in the design and liked the 3-bay frontage and larger internal courtyard. Further work was needed in a number of areas to make the building work well.

VERDICT: **AMBER**

5.6 MET Police

Having given due consideration to the details of the security and safety features from the information provided, I have a few comments and recommendations.

I strongly recommend the architects contact the Designing out crime office – South West to discuss Secured by Design, ideally at an early stage in design process.

Some of these comments may appear similar to those submitted in previous letters dated 5th June 2014, 29th March 2017 and 11th April 2019.

- The entrance to the residential units appears to be located along the side elevation approximately 13m from the front building line, not within an apparent pedestrian traffic flow area as mentioned in the Design and Access statement; this entrance should be relocated flush to the front elevation.
- The orientation of the door should be to the front to enhance natural surveillance.
- The entrance gates leading towards the rear of the site should be capable of being locked and limited by access control to residents only. The design of any fencing and gates should offer surveillance throughout, be non-climbable, robust, and the hinge system must not allow the gate to be 'lifted off'.
- There appears to be several links between the ground floor commercial unit and the residential areas. There should be **no** links between these uses, so to prevent anonymity and unauthorised access by persons with possible criminal intent.
- A local issue is bored young persons congregating in the evenings in stairwells, especially during inclement weather. They cause anti-social behaviour and criminal offences; the residential entrance lobby should be 'airlocked' by a second set of access controlled doors to prevent unauthorised access by tailgating.
- The residential communal entrances should be video access controlled security approved entries, tested with the appropriate locking mechanisms in situ. The video access should preferably be linked to a dedicated monitor/screen within the residence.
- A zoned encrypted fob controlled system should be installed to control access throughout the building including any gates. This can assist with the management of the development and allow access to residents to specific designated areas only. Any trades persons buttons must be disconnected.
- The design of the balconies and the single storey bicycle storage should eliminate ease of climbing.
- Some bicycle storage is located at the rear of the site. Its door design is double leaf therefore twice the amount of security is needed, the door should be changed to a single design. The door should have access control and a locking system operable from the inner face by use of a thumb turn to ensure that residents are not accidentally locked in by another person.
- As bicycles and their parts are extremely attractive to thieves the bicycle stores should have appropriate CCTV coverage to provide identity images of those who enter and activity images within the

space. The bicycle storage should incorporate stands or racks secured into concrete foundations, which should enable cyclists to use at least two locking points so that the wheels and crossbar are locked to the stand rather than just the crossbar.

- The rear area should have lighting that avoids the various forms of light pollution (vertical and horizontal glare). It should be as sustainable as possible with good uniformity. Bollard lights, under bench and architectural up lighting are not considered as good lighting sources. White light aids good CCTV colour rendition and gives a feeling of security to residents and visitors. Any public space lighting should also meet the current council requirements.
- As the proposed site is within Wimbledon Town Centre a CCTV system should be installed with a simple Operational Requirement (OR) detailed to ensure that the equipment fitted meets that standard, without an OR it is hard to assess a system as being effective or proportionate as its targeted purpose has not been defined. The OR will also set out a minimum performance specification for the system. The system should be capable of generating evidential quality images day or night 24/7. For SBD CCTV systems there is a requirement that the system is operated in accordance with the best practice guidelines of the Surveillance and Data Protection Commissioners and the Human Rights Act.

Crime Prevention and community safety are material considerations. If London Borough of Merton are to consider granting consent, I would seek that the following conditions details below be attached. This is to mitigate the impact and deliver a safer development in line with Merton Core Strategy, London Plan, Section 17 Crime and Disorder Act 1988 and National Planning Policy Framework (NPPF)

Suggested two part condition wording:-

A. The development hereby permitted shall incorporate security measures to minimise the risk of crime and to meet the specific security needs of the development in accordance with the principles and objectives of Secured by Design. Details of these measures shall be submitted to and approved in writing by the local planning authority prior to commencement of the development and shall be implemented in accordance with the approved details prior to occupation.

Reason: In order to achieve the principles and objectives of Secured by Design to improve community safety and crime prevention in accordance with Policy 14 (22.17) of Merton Core

Strategy: Design, and Strategic Objectives 2 (b) and 5 (f); and Policy 7.3 Designing out Crime of the London Plan.

B. Prior to occupation a Secured by Design final certificate shall be submitted to and approved by the Local Planning Authority.

Reason: In order to achieve the principles and objectives of Secured by Design to improve community safety and crime prevention in accordance with Policy 14 (22.17) of Merton Core Strategy: Design, and Strategic Objectives 2 (b) and 5 (f); and Policy 7.3 Designing out Crime of the London Plan.

The appropriate Secured by Design (SBD) requirements can be found in the design guides on the SBD web site (www.SecuredbyDesign.com).

6. **POLICY CONTEXT**

6.1 Adopted Sites and Policies Plan (July 2014)

DM R1 Location and scale of development in Merton's town centres and neighbourhood parades

DM R5 Food and drink/leisure and entertainment uses

DM H2 Housing Mix

DM H3 Support for affordable housing

DM R5 Food and drink/leisure and entertainment uses

DM R6 Culture, arts and tourism development

DM E1 Employment areas in Merton

DM E4 Local employment opportunities

DM D1 Urban design and the public realm

DM D2 Design considerations in all developments

DM D3 Alterations and extensions to existing buildings

DM EP2 Reducing and mitigating noise

DM EP3 Allowable Solutions

DM EP4 Pollutants

DM F1 Support for flood risk management

DM F2 Sustainable urban drainage systems (SUDS) and; wastewater and water infrastructure

DM T1 Support for sustainable transport and active travel

DM T2 Transport impacts of development

DM T3 Car parking and servicing standards

DM T4 Transport infrastructure

DM T5 Access to the Road Network

6.2 Adopted Core Planning Strategy (July 2011)

CS8 Housing Choice

CS9 Housing Provision

CS11 Infrastructure

CS12 Economic Development
CS13 Open space, nature conservation, leisure and culture
CS14 Design
CS15 Climate Change
CS16 Flood Risk management
CS17 Waste Management
CS18 Active Transport
CS19 Public Transport
CS20 Parking, Servicing and Delivery

6.3 London Plan (2016):

2.15 (Town Centres)

3.3 (Increasing Housing Supply),

3.4 (Optimising Housing Potential),

3.5 (Quality and Design of Housing Developments),

3.6 (Children and young people's play and informal; recreational facilities)

3.8 (Housing Choice),

3.9 (Mixed and balanced communities)

3.10 (Definition of affordable housing)

3.11 (Affordable housing targets)

3.12 (Negotiating affordable housing on individual private residential and mixed use schemes)

3.13 (Affordable housing thresholds)

4.1 (Developing London's economy)

4.12 (Improving opportunities for all)

5.1 (Climate Change Mitigation),

5.2 (Minimising carbon dioxide emissions)

5.3 (Sustainable Design and Construction)

5.5 (Decentralised Energy Networks)

5.6 (Decentralised Energy in development proposals)

5.7 (Renewable energy)

5.8 (Innovative energy technologies)

5.9 (Overheating and cooling)

5.10 (Urban greening)

5.12 (Flood risk management)

5.13 (Sustainable drainage)

5.18 (Construction, excavation and demolition waste)

5.19 (Hazardous waste)

6.5 (Funding crossrail and other strategically important transport infrastructure)

6.9 (Cycling)

6.10 (Walking)

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 and managing noise, improving and enhancing the acoustic environment and promoting appropriate soundscapes)
- 8.2 (Planning obligations)
- 8.3 (Community infrastructure Levy)
- 8.4 (Monitoring and review)

6.4 Other

- National Planning Policy Framework 2019
- National Planning Practice Guidance 2014
- London Plan 2016 - Housing SPG 2016
- Draft London Plan 2017
- Draft Local Plan 2020
- Merton's Viability SPD 2018
- Homes for Londoners - Affordable Housing and Viability SPG 2017

7. **PLANNING CONSIDERATIONS**

7.1 The principal planning considerations relate to the principle of development, previous appeal decision and planning history, design (impact on Wimbledon Town Centre and The Broadway street scenes), standard of residential accommodation, impact upon neighbouring amenity, trees, traffic and highway considerations, affordable housing provision and sustainability.

7.2 **Amendments**

7.2.1 Following advice from Officers (including the Councils Urban Design Officer), the design of the scheme has been amended as follows:

- The winter gardens and balconies have been replaced with smaller external balconies
- Introduction of more brickwork in the elevations, including recessed brickwork detail on front elevation.
- Soft landscaping added (including two trees at front)
- Balcony balustrade improved with frameless glass
- Clarification on building heights in relation to adjoining buildings

7.3 **Principle of Development**

7.3.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that when determining a planning application, regard is to be had to the development plan, and the determination shall be made in accordance

with the development plan, unless material considerations indicate otherwise.

Residential

- 7.3.2 The requirement for additional homes is a key priority of the London Plan which seeks to significantly increase the ten year minimum housing target across London from 322,100 to 423,887 (in the period from 2015 to 2025), and this equates to an associated increase in the annual monitoring target across London to 42,389. The minimum ten year target for Merton is 4,107, with a minimum annual monitoring target of 411 homes per year. Paragraph 58 of the 2018 NPPF emphasised the Governments objective to significantly boost the supply of homes.
- 7.3.3 The planning application seeks to create 20 new residential units which will make a modest contribution to meeting housing targets and provides a mix of unit sizes that will assist in the delivery of a mixed and balanced community in a sustainable location. New housing is considered to be in accordance with the objectives of the NPPF, London Plan targets, and LBM policies. The principle of residential development of the site has been agreed by the Committee in determination of the previous scheme (16/P2585) for 16 units.

Commercial

- 7.3.4 The application site is located within Wimbledon Town Centre. Planning Policy (DM R1 Location and scale of development in Merton's town centres and neighbourhood parades) states that Wimbledon is Merton's major centre and is the principal shopping destination in the borough. Attractive to residents, tourists, businesses and their staff, Wimbledon has a large variety of shops, services, cafes, restaurants, cinemas, theatres and offices. By capitalising on the Wimbledon 'brand', the Council hopes to further enhance the character and vibrancy of the area to create a sense of place and ensure that there is continual activity throughout the day and at the weekend for residents, workers and visitors whilst protecting its heritage assets. The proposal seeks to retain and enhance the ground floor restaurant, therefore creating jobs and contributing towards employment strategies and variety of choice in Wimbledon Town Centre. New housing provided above the ground floor unit is considered to be in accordance with the objectives of the NPPF, London Plan and LBM policy.

7.4 Appeal Decision & Planning History

- 7.4.1 The previous appeal decision and previous scheme are a material planning consideration which should be taken into consideration when assessing the current proposal. The previous planning application (14/P1008) was refused by committee in May 2015 on matters relating to

the design, failing to achieve a high quality design. At the appeal, the planning inspector did not share this view on design. The appeal was only dismissed on the fact that the applicant failed to provide a legal agreement with the appeal to secure affordable housing. Following the appeal decision, the applicant submitted planning application 16/P2585, an identical scheme (but with enhancements to materials). In light of the appeal decision, committee members approved the application at the September 2018 meeting. To date, the S106 agreement relating to 16/P2585 has yet to be completed.

7.5 Design

7.5.1 The overarching principle of national and local planning policy is to promote high quality design. Planning policy DM D2 (Design considerations in all development) of Merton's Sites and Policies Plan states that amongst other considerations, that proposals will be expected to relate positively and appropriately to the siting, rhythm, scale, density, proportions, height, materials and massing of surrounding buildings and existing street patterns, historic context, urban layout and landscape features of the surrounding area.

Appeal decision

7.5.2 As stated above the previous appeal decision is considered to be a material planning consideration. As set out below, it is considered that the design of the proposed building is a significant improvement when compared to the appeal scheme. Officers therefore welcomes the improvements made by the applicant.

Design and Review Panel (DRP)

7.5.3 The Councils Design Review Panel is made up of a group of independent professionals working in the built environment field. It advises the Council on design issues relating to new development schemes and proposals for public spaces, including major planning applications and pre-application development proposals. It must be noted that DRP simply seeks to provide guidance to applicants, they are not a statutory consultee and their decisions do not constitute a formal design decision for the Council. Members of the planning committee are reminded that whilst DRP can be a useful design tool in the design process, there is no requirement for an application to receive a green verdict in order for officers to support a scheme or for planning permission to be granted.

7.5.4 The applicant has presented three different schemes to DRP from July 2015 to April 2016 during the pre-application process. Full DRP comments can be located in section 5.5 of this committee report. The applicant has gone from an initial amber verdict, to red, then back to an amber verdict. Whilst there was a backward step in the design approach with a red

verdict, the applicants latter design approach has revisited the design principles of the first scheme (amber verdict).

- 7.5.5 Since the amber verdict in April 2016, the applicant has been in contact with the Councils Urban Design Officer. During the planning application process, the applicant has made a number of design changes that respond to the Urban Design Officer comments (see section 5.4 of this committee report). The design of the proposed building is now considered acceptable, taking into consideration feedback from DRP and no objection from the Councils Urban Design Officer.

Aesthetics, height, massing, siting and materials

- 7.5.6 The proposed building would see a predominate use of brickwork, rather than render (members of the planning committee raised concerns previously about the lack of brickwork under the previous scheme (14/P1008)). Other materials would give the building a modern and high quality finish. Better detailing to the facades is achieved through recessed brickwork detailing, glazed balconies, full height fenestration, glazed curtain walls and the creation of three well defined vertical elements to the frontage.
- 7.5.7 Planning conditions requiring final details of materials and key detailing can ensure that these elements are high quality. The proposed ground floor treatment is also considered to be an improvement, the ground floor has been designed as an integral part of the building design, rather than as an afterthought. The proposed ground floor would satisfactorily respond with the street scene and design rationale of the floors above.
- 7.5.8 In addition to the improvements made to the aesthetics of the building, the proposed form, massing and height are considered to satisfactorily respond to the town centre location. Whilst the building would 2.5m higher and 1.1m deeper than the previous scheme, the building would still sit below the height of adjoining CIPD building. Importantly the main section of the building, floors 1 to 6 would sit below the height of the curved frontage of CIPD and the lightweight recessed top floor would sit below the corresponding height of CIPD. The applicant has updated the elevations to include survived height levels of the adjoining CIPD. This ensures that building will be built as shown in the street scene elevations. A planning condition relating to levels can be added to any permission to further secure this detail.
- 7.5.9 Following advice from the Councils Design Officer, the frontage of the proposed building has been brought forward, slightly forward of the curved frontage of CIPD. In this instance, the forward building line would not adversely compete with CIPD as it would still retain views of the distinctive frontage from both eastern and western directions. Due to the bend in the

street, this building line approach would create partial views of each building from both eastern and western directions along The Broadway. The Council took this building line approach on the recent redevelopment of the Premier Inn site to the east. The Council are keen to reinforce this approach if adjoining sites come forward for redevelopment.

- 7.5.10 In conclusion, the proposed development is considered to be a significant improvement when compared to the previous scheme and enhancements have been sought through amended plans by officers. The proposed development responds positively and appropriately to the siting, rhythm, scale, density, proportions, height, materials and massing of surrounding buildings.

Levels

- 7.5.11 Concerns from neighbours have previously been made in regards to the elevations not correctly showing the height of the adjoining CIPD building. In response, the applicant has updated the elevations to include surveyed elevations, which clearly include height reference points on the CIPD front elevation. As part of any planning approval, a levels planning condition can be imposed; this would ensure that the development is built in accordance with the approved elevations (which show the corresponding heights of CIPD).

7.6 Standard of Accommodation

- 7.6.1 London Plan policies 3.5, 3.6, 3.7 & 3.8, CS policy CS 14, and SPP policies DM D1 and DM D2 seek to ensure that new residential development is of a high standard of design both internally and externally and provides accommodation capable of adaptation for an ageing population and for those with disabilities, whilst offering a mix of unit size reflective of local need.
- 7.6.2 In terms of the quality of the accommodation, the proposed flats would meet or exceed the London Plan Gross Internal Area minimum standards; each room would be capable of accommodating furniture and fittings in a suitable manner. All flats would have direct access to private amenity space (3 flats under the previous scheme had no access to private amenity space), 5 flats (all one bedroom, 2 person flats) would have a 4.5m sqm balcony, failing to meet the minimum space standards of 5 sqm. However, it must be noted that all the flats are one bedroom flats, the shortfall is minimal (only 0.5sqm) and the applicant took the advice from the Councils Design Officer to reduce the depth of the balconies on the frontage to prevent them being dominate in elevation. On balance, given the town centre location, overall quality of the accommodation and the design rationale for less deep balconies, it is not considered sufficient grounds to refuse planning permission.

7.6.3 Adequate refuse storage is provided within close proximity of the highway at ground floor level. The store, located to the flank of the building close to the flat entrances would be convenient and practical for future occupiers of the proposed development. Planning condition requiring more details of the store can be imposed to ensure that the store is suitable and provides sufficient provision for the flats. Each flat will have an appropriate outlook and a lift would provide disabled access for each floor.

Housing Mix

7.6.4 Planning policy DM D2 (Housing Mix) seeks to create socially mixed communities, catering for all sectors of the community by providing a choice of housing with respect to dwelling size and type in the borough. London Plan Policy 3.8, seeks to promote housing choice and seek a balance mix of unit sizes in new developments, with particular focus on affordable family homes. Family sized accommodation is taken in the London Plan and LBM policy to include any units of two bedrooms or more.

7.6.5 The borough level indicative proportions concerning housing mix (as set out below) will be applied having regard to relevant factors including individual site circumstances, site location, identified local needs, economics of provision such as financial viability and other planning contributions.

Table in Planning policy DM D2 (Housing Mix) of Merton's Sites and policies plan 2014

Number of Bedrooms	Percentage of units
One	33%
Two	32%
Three +	35%

Proposal – 10 x 1 bedroom and 10 x 2 bedroom flats

Number of Bedrooms	Percentage of units
One	50%
Two	50%
Three +	0%

7.6.6 The proposed housing mix of the site, whilst not strictly meeting the Council percentage ratio set out in Policy DM H2 (Housing Mix), are only indicative targets. The proposed housing mix is considered to still offer a good range of housing choice with a good proportion of each unit type, including (50%) of the total offering family type accommodation (2 bedroom or more) which is welcomed. Further, the site is in a town centre

location where smaller flats would likely be occupied by couples or independent people, who want good access to the town centre amenities and public transport.

7.7 Neighbouring Amenity

Ashville House, 131 – 139 The Broadway

- 7.7.1 The ground and first floor levels of this neighbouring building are in use as office accommodation. Therefore given the non-residential use of these floors there would be no undue loss of amenity.
- 7.7.2 The second and third floor levels of the building are used for residential purposes with four flats on each floor. The proposed building would not project beyond the frontage of this neighbouring property therefore there would be no undue loss of amenity to the front rooms of the flats. The four flank windows at second and third floor level serve the small kitchen areas for four of the flats. These are not the main habitable rooms and in this urban context, the relationship is considered to be acceptable.
- 7.7.3 At the rear, the proposed building would be inset away from the western side boundary which would create a buffer between the neighbouring sites to the west. In addition, massing and bulk would be reduced due to the reduction in height towards the rear, large section of lightweight curtain wall on the flank and the two top floors (top floor of lightweight materials) being pushed further away from the flank and side boundary. It is considered that due to the town centre location, elevated position of these neighbouring flats (on second and third floors), setting away of the proposed flank wall from the site boundary, part lightweight materials and the reduction in height towards the rear of the site, it is considered that there would be no undue loss of amenity.

143 – 154 The Broadway (CIPD building)

- 7.7.4 The proposed building would project parallel with the flank of this building. In addition, the CIPD building is as a wholly commercial building and therefore, there would be no undue loss of amenity. Further, the flank east elevation is broken up with a large void in the middle to allow for natural light to the ground floor garden/planting area. This reduces the visual impact of the building from side facing windows on the CIPD building.

2 – 8 Palmerston Road

- 7.7.5 These neighbouring houses are located to the west and are orientated at a right angle to the application. The proposed houses are distanced at least 20.6m from the flank wall of the proposed building. The proposed building is also inset away from the site boundary. A rear car park to the rear of 2 & 4 Palmerston Road also provides a visual barrier between the application site and these neighbours. Towards the rear of the building,

massing is reduced by stepping back floors 4, 5 and 6. The use of alternative materials (brick, glass and powder coating grey aluminium) on the flank elevation, combined with flank window treatment would also assist in reducing the mass of the building when viewed from these neighbouring properties.

- 7.7.6 It is acknowledged that the flank elevation does include a number of side facing windows and external rear balconies. Therefore, in order to mitigate overlooking and the sense of being overlooked, planning conditions requiring obscure glazing to the side windows serving the flats (rear part of the building) and 1,7m high side screens to the rear balconies would ensure that there would be no undue loss of the amenity.
- 7.7.7 It is considered that the proposed building would have no undue impact upon these neighbours' amenity. The proposed building would be seen in context to the larger CIPD building behind. There would be no undue loss of light or overshadowing given the siting and degree of separation.
- 7.7.8 Overall, in comparison to the previous scheme, the overall bulk and mass would not be dissimilar and would not cause material harm.

10 – 26 Palmerston Road

- 7.7.9 10 – 26 Palmerston Road are located to the south of the application site, backing onto the rear car parking area serving the CIPD building. All the rear windows/doors are directed towards the CIPD car parking area, therefore within the proposed flats there would be limited views of the properties on Palmerston Road. Whilst there would be some overlooking from the proposed rear balconies, it has to be noted that this is a town centre location, the rear balconies are directed towards the CIPD car park, the side screens to the balconies would also discourage/partly prevent sideward views and the neighbours are well distanced away from the balconies to ensure that there would be no undue loss of amenity to justify refusal of planning permission.

8. Trees

- 8.1 The application site is not located within a conservation area and no trees on the site are protected by tree preservation orders. The two trees at the far end of the application site have limited public amenity value and are not protected so they can be removed without any permission. In any event, the proposed building would be set away from these trees which would provide a suitable level of separation for their retention.
- 8.2 Following discussions with the applicant, the plans have been updated to include the provision of two new trees within the frontage. Final details can be secured via planning condition.

9. **Traffic, Parking and Highways conditions**

- 9.1 The high PTAL rating of 6a would mean that future occupants would have very good access to a number of alternative public transport options. The area is located within Wimbledon town centre which is controlled by various CPZ's and on street car parking is already very limited. Given the relative modest size of the proposal in a town centre location, it is considered that there would be no undue impact upon existing highway conditions in the vicinity. However, the site is located within a CPZ which is already oversubscribed, therefore given the very good level of public transport options within the area, the development would be required to be car parking permit free which can be controlled via a Section 106 agreement.
- 9.2 Secured cycle parking is provided within a bike store within the building at levels from second floor to floor six and within the existing outbuilding at the rear of the site. The cycle storage at each floor would accommodate 6 cycle spaces (30 in total) and 10 cycle spaces are shown within the existing ground floor outbuilding. The stores would be safe & secure and can be accessed via the communal corridor and lift facility or from ground floor level. The 40 cycle spaces proposed would meet London Plan requirements.

10. **Affordable Housing**

- 10.1.1 Planning policy CS 8 (Housing Choice) of Merton's Core Planning Strategy states that development proposals of 10 units or more require an on-site affordable housing target of 40% (60% social rented and 40% intermediate). In seeking affordable housing provision the Council will have regard to site characteristics such as site size, its suitability and economics of provision such as financial viability issues and other planning contributions.
- 10.1.2 The amount of affordable housing this site can accommodate has been subject of a viability assessment. Following extensive discussions, the Council's independent viability assessor states that the scheme cannot support any affordable housing provision.
- 10.1.3 Following the deferral of the application at the April planning committee meeting, officers have sought clarification with the Council's viability assessor on the following two queries which were raised by members:
- Why is there still no affordable housing despite the Council's independent viability assessor stating that in their assessment the build cost was reduced by £259,000 (when compared to the applicant's costings)?

Viability assessor response

10.1.4 The Councils independent viability assessor has confirmed that even with a reduction of £259,000 in build costs (compared to the applicant's calculations), the development would still have a negative value of - £151,835. Therefore, the scheme is still financially unviable for the developer to provide any affordable housing as part of this development.

- Why could the original 16 unit scheme provide an affordable housing contribution of £500,000, whilst the 20 unit scheme cannot?

Viability assessor response

10.1.5 The Councils independent viability assessor has confirmed that the increase in build costs was considered to be acceptable and since the 16 unit application was submitted other assumptions such as sales values had decreased/flatlined due to wider economic factors. This was benchmarked against comparable data and evidence. These two key factors, along with the change in unit mix, in combination have led to a change in financial viability. The 16 unit scheme was submitted on 21/06/2016, some 3 years ago.

10.1.6 The Councils independent viability assessor has however recommended that the Council applies the viability review mechanisms at early and late stages of development as outlined within the London Plan and Mayors SPG and Merton's Viability SPD, to ensure that any surplus which becomes available can make a contribution towards affordable housing.

11. **Sustainability**

11.1 Planning policy CS15 (climate Change) of Merton's adopted Core Planning Strategy (2011) seeks to tackle climate change, reduce pollution, develop low carbon economy, consume fewer resources and use them more effectively.

11.2 Planning Policy 5.2 of the London Plan (2016) states that development proposals should make the fullest contribution to minimising carbon dioxide emissions in accordance with the following energy hierarchy:

1. Be lean: use less energy
2. Be clean: supply energy efficiently
3. Be Green: use renewable energy

11.3 The applicant has submitted an updated energy statement. The Councils Climate Change Officer has confirmed that the development should

achieve a 35 % improvement in CO2 emissions on Part L 2013. This meets the minimum sustainability requirements of Merton's Core Planning Strategy CS15 (2011) and Policy 5.2 of the London Plan (2106). A planning condition requiring evidence of compliance with CO2 reductions and water consumption can be imposed on the planning approval.

- 11.4 As the proposal is for a major residential development which was valid from 20-03-2017 a S.106 agreement for the carbon offset cash in lieu contribution will need to be finalised prior to planning approval in line with Policy 5.2 of the London Plan. Based on the carbon shortfall and offset contributions set out in the updated energy statement (20/02/2019). In this instance, the carbon off-set shortfall is £ 27,455.64, which would be secured within the S106 agreement.

12 **Landscaping**

- 12.1 The applicant has updated the plans to include detailing relating to soft landscaping. This includes the provision of two new birch trees within the frontage of the site. Silver birches are welcomed in this location, as they are known for helping tackle air pollution, as when in leaf they provide an excellent pollution filter. Planting beds are also located to the side and rear of the building. In addition, the first floor walled garden would add further space for planting. Overall, given the urban context, a good level of soft landscaping is proposed and will be secured via condition.

13 **Local Financial Considerations**

- 13.1 The proposed development is liable to pay the Merton and Mayoral Community Infrastructure Levy (CIL), the funds for which will be applied by the Mayor towards the Crossrail project. Merton's Community Infrastructure Levy was implemented on 1st April 2014. This will enable the Council to raise, and pool, contributions from developers to help pay for things such as transport, decentralised energy, healthcare, schools, leisure and public open spaces - local infrastructure that is necessary to support new development. Merton's CIL has replaced Section 106 agreements as the principal means by which pooled developer contributions towards providing the necessary infrastructure should be collected.

14. **Sustainability and Environmental Impact Assessment Requirements**

- 14.1.1 The application does not constitute Schedule 1 or Schedule 2 development. Accordingly, there are no requirements in terms of EIA submission.

15. **CONCLUSION**

15.1 The proposed development will provide 20 new residential dwellings and retain the existing A3 unit at ground floor level. The principle of development is considered to be acceptable with a mixed use development retaining a source of employment and providing much needed new homes. The design of the development is considered to be of high quality in terms of appearance and accommodation being proposed. The proposed building would respect the context of the site and would have no undue impact upon neighbouring amenity, trees or highway considerations. The proposal is considered to be an enhancement over the previous appeal scheme and would provide an additional 4 more units over the previous scheme in a sustainable manner. The proposal is considered to be in accordance with Adopted Sites and Policies Plan, Core Planning Strategy and London Plan policies. The proposal is therefore recommended for approval subject to conditions and S106 agreements.

RECOMMENDATION

GRANT PLANNING PERMISSION

Subject to the completion of a Section 106 Agreement covering the following heads of terms:-

1. Designation of the development as permit-free and that onstreet parking permits would not be issued for future residents of the proposed development.
2. Affordable housing - viability review mechanisms at early and late stages of development
3. Zero Carbon shortfall – £ 27,455.64
4. The developer agreeing to meet the Councils costs of preparing, drafting and monitoring the Section 106 Obligations.

And the following conditions:

1. A1 Commencement of Development (full application)
2. A7 Approved Plans
3. B.1 Materials to be approved, including detailed plans at a scale of 1;20 of some of the typical details
4. B.4 Details of Surface Treatment

5. B.5 Details of Walls/Fences
6. B6 Levels
7. C07 Refuse & Recycling (Implementation)
8. C08 Other than the balconies/terrace's as shown on the approved plans, 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: 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 2016, policy CS14 of Merton's Core Planning Strategy 2011 and policies DM D2 and D3 of Merton's Sites and Policies Plan 2014.

9. C10 The flats shall not be occupied until a scheme of details of screening of the balconies/terrace has been submitted for approval to the Local Planning Authority. No works which are the subject of this condition shall be carried out until the details are approved, and the development shall not be occupied unless the scheme has been approved and implemented in its approved form and those details shall thereafter be retained for use at all times from the date of first occupation.

Reason: 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 2016, policy CS14 of Merton's Core Planning Strategy 2011 and policies DM D2 and D3 of Merton's Sites and Policies Plan 2014.

10. D02 Hours of Opening
11. D10 External Lighting
12. D11 Construction Times
13. F01 Landscaping/Planting Scheme including tree planting to front boundary
14. F02 Landscaping (Implementation)

15. H07 Hardstanding
16. H07 Cycle Parking to be implemented
17. H14 Garages doors/gates
18. C03 Obscured Glazing (fixed windows)
19. Construction Management Plan
20. Residential: 'No part of the development hereby approved shall be occupied until evidence has been submitted to the Local Planning Authority confirming that the development has achieved CO2 reductions of not less than a 35% improvement on Part L regulations 2013 / in accordance with those outlined in the approved plans (Energy Assessment – 20 February 2019), and wholesome water consumption rates of no greater than 105 litres per person per day.

Reason: To ensure that the development achieves a high standard of sustainability and makes efficient use of resources and to comply with the following Development Plan policies for Merton: Policy 5.2 of the London Plan 2016 and Policy CS15 of Merton's Core Planning Strategy.
21. Non-domestic elements: 'Unless otherwise agreed in writing by the Local Planning Authority, no part of the development hereby approved shall be used or occupied until Post Construction SBEM or BRUKL evidence demonstrating that the development has achieved not less than a 35% improvement in CO2 emissions reduction compared to Part L 2013 regulations, 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.
22. The development hereby permitted shall incorporate security measures to minimise the risk of crime and to meet the specific security needs of the development in accordance with the principles and objectives of Secured by Design. Details of these measures shall be submitted to and approved in writing by the local planning authority prior to commencement of the development and shall be implemented in accordance with the approved details prior to occupation.

Reason: In order to achieve the principles and objectives of Secured by Design to improve community safety and crime prevention in accordance with Policy 14 (22.17) of Merton Core Strategy: Design, and Strategic Objectives 2 (b) and 5 (f); and Policy 7.3 Designing out Crime of the London Plan.

23. Prior to occupation a Secured by Design final certificate shall be submitted to and approved by the Local Planning Authority.

Reason: In order to achieve the principles and objectives of Secured by Design to improve community safety and crime prevention in accordance with Policy 14 (22.17) of Merton Core Strategy: Design, and Strategic Objectives 2 (b) and 5 (f); and Policy 7.3 Designing out Crime of the London Plan.

Planning Informative

1. Carbon emissions evidence requirements for Post Construction stage assessments must provide:
- Detailed documentary evidence confirming the Target Emission Rate (TER), Dwelling Emission Rate (DER) and percentage improvement of DER over TER based on 'As Built' SAP outputs (i.e. dated outputs with accredited energy assessor name and registration number, assessment status, plot number and development address); OR, where applicable:
 - A copy of revised/final calculations as detailed in the assessment methodology based on 'As Built' SAP outputs; AND
 - Confirmation of Fabric Energy Efficiency (FEE) performance where SAP section 16 allowances (i.e. CO₂ emissions associated with appliances and cooking, and site-wide electricity generation technologies) have been included in the calculation

Water efficiency evidence requirements for Post Construction Stage assessments must provide:

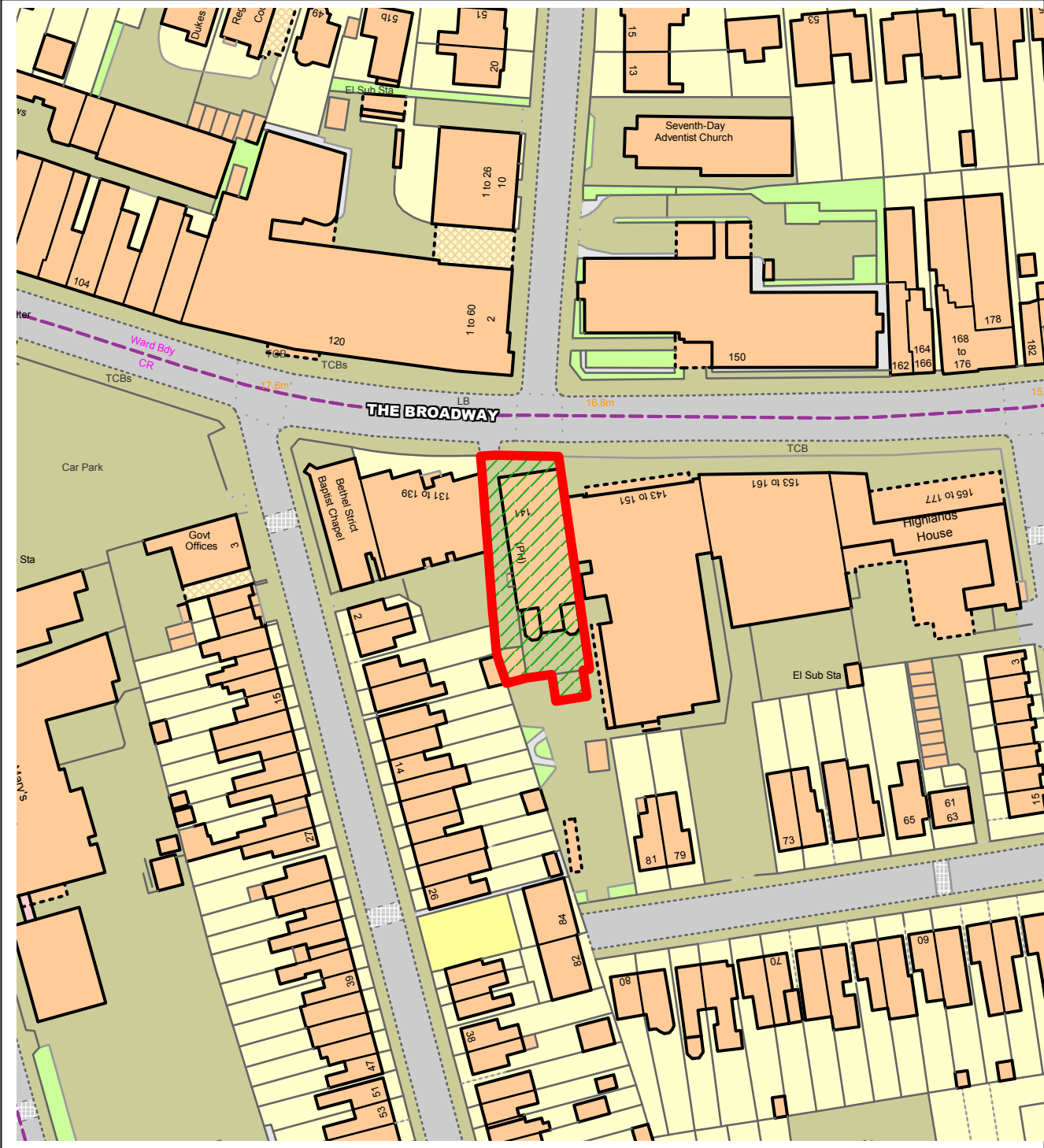
- Documentary evidence representing the dwellings 'As Built'; detailing:
 - the type of appliances/ fittings that use water in the dwelling (including any specific water reduction equipment with the capacity / flow rate of equipment);
 - the size and details of any rainwater and grey-water collection systems provided for use in the dwelling;
- AND:
- Water Efficiency Calculator for New Dwellings; OR
 - Where different from design stage, provide revised

Water Efficiency Calculator for New Dwellings and detailed documentary evidence (as listed above) representing the dwellings 'As Built'

2. 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 model outputs; AND
 - A copy of the Building Regulations Output Document from the approved software. The output documents must be based on the 'as built' stage of analysis and must account for any changes to the specification during construction.

[Click here](#) for full plans and documents related to this application

NORTHGATE SE GIS Print Template



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PLANNING APPLICATIONS COMMITTEE 18 JULY 2019

APPLICATION NO.

DATE VALID

19/P0191

01/02/2019

Address/Site: Foster's Auto Centre Ltd, 96 Church Road, Mitcham, CR4 3BW

Ward: Cricket Green

Proposal: Outline application (with landscaping only as a reserved matter) for the redevelopment of the site involving the erection of a 4 storey residential block to provide 20 x flats.

Drawing No.'s: 01-001; 01-002; 05-006; 05-007; 05-008; 05-009; Ground Floor Plan as Proposed rev. J; First Floor Plan as Proposed rev. B; Second Floor Plan as Proposed rev. B; Third Floor Plan as Proposed; Roof Plan as Proposed; Front Elevation as Proposed rev. A; Rear Elevation as Proposed rev. A; North Elevation as Proposed; South Elevation as Proposed; Section as Proposed;

Contact Officer: Thomas Frankland (020 8545 3114)

RECOMMENDATION

Grant outline planning permission subject to the completion of a S106 agreement and conditions.

CHECKLIST INFORMATION

- S106: Yes
- Is a screening opinion required: No
- Is an Environmental Statement required: No
- Has an Environmental Statement been submitted: No
- Press notice: Yes
- Site notice: Yes
- Design Review Panel consulted: No
- Number of neighbours consulted: 85
- External consultations: 3
- Controlled Parking Zone: No
- Flood zone: Flood Zone 1
- Conservation Area: No
- Listed building: No
- Protected Trees: 0
- Public Transport Access Level: 2

1. INTRODUCTION

- 1.1 This application is being brought to the Planning Applications Committee for determination because objections have been received that are fundamental to the assessment of the proposals and which cannot be overcome by condition and it is therefore, not for officers to determine under the Council's scheme of delegation.

2. SITE AND SURROUNDINGS

- 2.1 The application site is located to the east of Church Road, Mitcham, at the northernmost entrance to Boundary Business Court. Foster's Auto Centres, a business which primarily carries out car windscreen replacements, operates out of the site from two garage/office buildings and a yard, with gated access off Church Road.
- 2.2 The surrounding area has a mixed character. Directly adjacent to the site to the east and south-east lies Boundary Business Court, which is a fairly typical, small scale industrial estate of warehouse and office buildings. To the west of the site, a single, large warehouse building (divided into smaller units) occupies almost the entire length of Batsworth Road. Both of these business sites are well used and their activity contributes significantly to the character of the area.
- 2.3 Beyond these employment sites, the area is residential, consisting typically of two storey, terraced properties of a brick and tile construction, built in the 1990s. There are a few examples of three storey buildings in the same style fronting Church Road.
- 2.4 The site is located within the Wandle Valley Regional Park 400m buffer zone and Flood Zone 1 (lowest risk) but is not located within a conservation area or subject to any other environmental designations. It is considered to be a scattered employment site as defined within the development plan and has a PTAL of 2 (poor).

3. CURRENT PROPOSAL

- 3.1 The application seeks outline permission, with landscaping being the only reserved matter, for the erection of a four storey building to provide 20 flats.
- 3.2 Of the 20 flats, eight would have one bedroom, eight would have two bedrooms, and the remaining four would have three bedrooms. The six ground floor units would have their own entrances off Church Road, with the rest being accessed via a communal staircase and lift, which would be located centrally within the building. Each unit would have access to a winter garden, apart from the ground floor units, which would have small gardens, and the top floor units, which would have roof terraces.
- 3.3 The application proposes that ten of the units (six with one bedroom, two with two bedrooms, and two with three bedrooms) would be affordable, which equates to 50% of the total. All of these units would be offered for London affordable rent.
- 3.4 The building would be designed as a single block with a flat roof and the top

floor set in at the sides from the lower floors. The winter gardens to the front of the building would project out slightly from the rest of the building, creating a slight overhang. The building would be finished in brick with aluminium windows and a zinc profile roof.

3.5 A summary of the proposed accommodation is shown below:

Unit	Type	Tenure	GIA	Amenity Space
1 (GF)	2 Bed / 3 Person	Affordable	67m ²	10m ²
2 (GF)	1 Bed / 2 Person	Affordable	50m ²	10m ²
3 (GF)	1 Bed / 2 Person	Affordable	55m ²	12m ²
4 (GF)	1 Bed / 2 Person	Affordable	55m ²	14m ²
5 (GF)	1 Bed / 2 Person	Affordable	55m ²	13m ²
6 (GF)	2 Bed / 3 Person	Affordable	67m ²	17m ²
7 (1F)	3 Bed / 6 Person	Affordable	98m ²	10m ² (WG)
8 (1F)	1 Bed / 2 Person	Affordable	50m ²	9m ² (WG)
9 (1F)	2 Bed / 4 Person	Market	89m ²	11m ² (WG)
10 (1F)	1 Bed / 2 Person	Affordable	50m ²	9m ² (WG)
11 (1F)	3 Bed / 5 Person	Affordable	89m ²	10m ² (WG)
12 (2F)	3 Bed / 6 Person	Market	98m ²	10m ² (WG)
13 (2F)	1 Bed / 2 Person	Market	50m ²	9m ² (WG)
14 (2F)	2 Bed / 4 Person	Market	89m ²	11m ² (WG)
15 (2F)	1 Bed / 2 Person	Market	50m ²	9m ² (WG)
16 (2F)	3 Bed / 5 Person	Market	89m ²	10m ² (WG)
17 (3F)	2 Bed / 4 Person	Market	76m ²	16m ²
18 (3F)	2 Bed / 4 Person	Market	80m ²	21m ²
19 (3F)	2 Bed / 4 Person	Market	85m ²	21m ²
20 (3F)	2 Bed / 4 Person	Market	87m ²	22m ²

(WG = Winter Garden)

4. **PLANNING HISTORY**

MIT4527: Two storey extension for storage, processing and office accommodation in connection with chemical works.

Planning Permission Granted

MER628/77: Erection of warehouse in replacement of existing.

Planning Permission Granted

MER459/78: Two storey – storage and offices.

Planning Permission Granted

94/P0858: Demolition of existing building and erection of single storey building for use for vehicle repairs and MOT testing.

Planning Permission Granted

17/P4147: Outline application (with landscaping a reserved matter) for the redevelopment of the site comprising and MOT testing centre and garage, to

provide a 4 storey mixed use building comprising B1 offices on part of the ground floor, 8 parking spaces with access from Church Road and 20 residential units (9 x 1 bed and 11 x 2 bed) on part of ground floor and upper floors.

Planning Permission Refused

Reasons for refusal:

- 1. The proposed development, by reason of its design, appearance, bulk and massing would constitute an incongruous and overly dominant development that would be out of keeping with the scale and character of development that fronts Church Road, and would be detrimental to the character and appearance of the street scene. The proposal would be contrary to policies 7.4 and 7.6 of the London Plan (2016), policy CS14 of the Merton LDF Core Planning Strategy (2011) and policies DM D1 and DM D2 of the Merton SPP (2014).**
- 2. The applicant has failed to demonstrate that the development would provide sufficient off-street parking for cars and service/delivery vehicles to meet the likely demands generated by the quantum of development such that it would not have an unacceptable impact on kerbside parking pressure locally, or highway safety, contrary to policy 6.3 of the London Plan (2016), policy CS 20 of the Merton LDF Core Planning Strategy (2011) and policy DM T2 of the Merton Sites and Policies Plan (2014).**
- 3. The applicant has failed to demonstrate that the proposed development would include measures to adequately mitigate any increased risk of flooding to the site itself or elsewhere, contrary to policy 5.13 of the London Plan (2016), policy CS 16 of the Merton LDF Core Planning Strategy (2011) and policy DM F2 of the Merton Sites and Policies Plan (2014).**
- 4. The applicant has failed to demonstrate how the proposed development would meet the Council's sustainability policy objectives or comply with adopted emissions reductions targets, contrary to policy 5.3 of the London Plan (2016) and policy CS 15 of the Merton LDF Core Planning Strategy (2011).**
- 5. The applicant has failed to demonstrate that the development would provide adequate waste and recycling capacity to serve the needs of future occupiers of the development, contrary to policy CS 17 of the Merton LDF Core Planning Strategy (2011).**
- 6. The applicant has failed to enter into a suitable legal agreement to secure the provision of on-site affordable housing, and, in the event of the scheme failing to meet emissions reductions targets, an appropriate carbon offset financial contribution. Therefore, the development would be contrary to policy 3.12 and 5.2 of the London Plan (2016) and Policy CS 8 of the Merton LDF Core Planning Strategy**

(2011).

7. The proposals, by reason of their design, massing, siting and proximity relative to site boundaries and neighbouring buildings, and orientation, would result in a poor quality external environment for ground floor flats 1 and 2, and upper floor flats 8, 14 and 20, to the detriment of the amenities of future occupiers. The proposals would be contrary to policy 3.5 of the London Plan (2016), policy CS 14 of the Merton LDF Core Planning Strategy (2011) and policy DM D2 of the Merton SPP (2014).

5. CONSULTATION

- 5.1 Public consultation was undertaken by way of site and press notices and by post sent to neighbouring properties. Four letters were received (signed by members of five separate households), raising objection to the development on the following grounds:

- The height of the building would be out of keeping with surrounding development
- The level of car parking proposed is inadequate
- The third floor plans were not available to view on the website
- Some of the proposed windows and winter gardens would facilitate overlooking of the properties on Sycamore Gardens
- Winter gardens are often used as storage areas and become unsightly
- The number of bins proposed is inadequate
- Loss of outlook from properties on Sycamore Gardens

Merton Green Party. The level of affordable housing proposed is 35%, which is below the Council's requirement.

- 5.2 Officer response:
It is acknowledged that the third floor plans originally submitted were not available to view on the website. Following amendments to the scheme, the amended third floor plans were made available to view and neighbours were consulted on these plans for 21 days.
- 5.3 The remaining issues raised are addressed in the Planning Considerations Section below.

Internal consultees.

Transport Planner: No objection, subject to: a contribution of £4,000 for provision of an off-site disabled car parking space; a contribution of £4,000 to amend the traffic management order in front of the site (to provide double yellow lines to the servicing bay); the provision of five years of free car club membership for each of the proposed new units; and conditions requiring submission of a construction transport management plan and details of cycle storage and refuse.

Waste Services: No objection.

Environmental Health: No objection, subject to conditions relating to internal noise levels, contaminated land, and monitoring of the adjacent substation.

Climate Change Officer: No objection, subject to a carbon offset contribution of £28,358 and a condition requiring calculations to demonstrate that the development meets the Council's requirements for CO₂ emissions and water consumption rates.

Flood Risk Officer: No objection, subject to a condition requiring submission of a foul and surface water drainage strategy.

External Consultees.

Thames Water: No objection, subject to informatives regarding new connections and build-overs.

Environment Agency: No objection, subject to conditions regarding contaminated land and penetrative construction methods.

Metropolitan Police: No objection.

6. POLICY CONTEXT

London Plan (2016)

Relevant policies include:

- 3.4 Optimising Housing Potential
- 3.5 Quality and Design of Housing Developments
- 3.8 Housing Choice
- 3.12 Negotiating Affordable Housing
- 4.4 Managing Industrial Land and Premises
- 5.2 Minimising Carbon Dioxide Emissions
- 5.3 Sustainable Design and Construction
- 5.10 Urban Greening
- 5.13 Sustainable Drainage
- 5.15 Water Use and Supplies
- 6.3 Assessing Effects of Development on Transport Capacity
- 6.9 Cycling
- 6.10 Walking
- 6.13 Parking
- 7.1 Lifetime Neighbourhoods
- 7.2 An Inclusive Environment
- 7.3 Designing out crime
- 7.4 Local Character
- 7.6 Architecture
- 7.15 Reducing and Managing Noise
- 7.21 Trees and Woodlands
- 8.2 Planning Obligations

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

Relevant policies include:
CS 2 Mitcham Sub-Area
CS 8 Housing Choice
CS 9 Housing Provision
CS 12 Economic Development
CS 14 Design
CS 15 Climate Change
CS 16 Flood Risk Management
CS 17 Waste Management
CS 18 Active Transport
CS 19 Public Transport
CS 20 Parking, Servicing and Delivery

Merton Sites and Policies Plan – 2014 (SPP)

DM H2 Housing Mix
DM H3 Support for Affordable Housing
DM E1 Employment Areas in Merton
DM E3 Protection of Scattered Employment Sites
DM E4 Local Employment Opportunities
DM O2 Nature Conservation, Trees, Hedges and Landscape Features
DM D1 Urban Design and the Public Realm
DM D2 Design considerations in all developments
DM F2 SuDS, Wastewater and Water Infrastructure
DM T1 Support for Sustainable Transport and Active Travel
DM T2 Transport Impacts of Development
DM T3 Car Parking and Servicing Standards
DM T5 Access to the Road Network

Supplementary planning considerations

National Planning Policy Framework 2019

6. Building a strong, competitive economy
9. Promoting sustainable transport
11. Making effective use of land
12. Achieving well-designed places

Housing SPG 2016 (London Plan)

Character and Context SPG 2014 (London Plan)

Sustainable Design and Construction SPG 2014 (London Plan)

Accessible London SPG 2014 (London Plan)

7. PLANNING CONSIDERATIONS

Key planning considerations:

- Planning History
- Principle of Development
- Design and Impact on Visual Amenity
- Impact on Neighbouring Amenity
- Housing Mix and Tenure
- Standard of Accommodation
- Transport and Parking

- Waste and Recycling
- Crime and Anti-Social Behaviour
- Flood Risk and Drainage
- Sustainability

Planning History

- 7.1 The planning history is a material consideration. The site has been developed since at least the mid-nineteenth century and originally formed part of a paint and varnish works. In the mid-twentieth century, the site of the paint and varnish works was redeveloped with warehouse buildings, becoming Boundary Business Court and at the same time, the application site became an independent unit.
- 7.2 The use of the site for MOT testing, servicing and car windscreen replacement began in 1990 and a building for this purpose was granted planning permission in 1994. Since then, the MOT and servicing part of the business ceased but there is no record of any further development having taken place.
- 7.3 Planning permission was refused in December last year under reference 17/P4147 for the redevelopment of the site to provide a four storey, mixed-use building including offices (use class B1a) on part of the ground floor with flats (use class C3) in the remainder of the building. Permission was refused first and foremost because it was considered that the building would relate poorly to surrounding development and provide a poor quality of accommodation for future residents. Various technical matters were also unresolved, relating to highway safety, flood risk, sustainability and waste/recycling however, it should be noted that these did not represent a fundamental obstacle to the proposals but rather that the applicant wished to submit the necessary further information as part of a fresh application.

Principle of development

- 7.4 The application site is a “scattered employment site” as defined by the development plan but is not subject to any other designations or environmental constraints which might fundamentally conflict with the type of development proposed.

Loss of Employment Land

- 7.5 Policy 4.4 of the London Plan, Policy CS 12 of the Core Strategy and Policy DM E1 of the SPP all seek to promote employment opportunities both locally and regionally. Policy DM E4 of the SPP favours proposals that will increase the number of employment opportunities in the borough as well the provision of more highly skilled and higher earning jobs.
- 7.6 Policy DM E3 of the SPP relates specifically to scattered employment sites and sets out criteria by which proposals resulting in the loss of such sites for employment uses may be acceptable. Where these criteria are not met, a mixed use scheme or a land swap may also be acceptable. The aim of the policy is to ensure that scattered employment sites are protected where there is a need for them, by supporting a range of employment opportunities on them which are easily accessible to the borough’s residents.

- 7.7 The Merton Employment and Economic Land Study (2010) identified that the demand for industrial premises has been low in recent years, primarily as a result of a lack of modern premises, with much stock approaching the end of its useful life. It states that whilst scattered employment sites in the Mitcham area tend to be of average or poor quality, comprising small, irregular sites that would be difficult to develop, they are generally well occupied and meet a local demand.
- 7.8 The site has been in its current use since 1990 when the current occupier, Foster's Auto Centres, established their business. They currently employ three full time operatives in their on-site call centre and seven full time windscreen replacement technicians. The windscreen technicians are permanently mobile: after jobs are passed to them from the call centre, they collect glass from a supplier and carry out their day's work visiting workplaces and homes.
- 7.9 The site is therefore underutilised because the workshop spaces have become redundant. The possibility of redeveloping the site to retain the office space still required by the business, as part of a mixed use scheme, was considered under the previous application. This was considered acceptable in principle, although it was not demonstrated that satisfactory arrangements could be made for parking, servicing, and waste/recycling. Particular difficulties were encountered in the need to provide separate facilities for the different uses on such a physically constrained site, leading to a less than optimum layout. It was also not established whether there would be genuine demand for the office space if the existing business were to relocate.
- 7.10 The current proposal would see the entirety of the site given over to a residential use, resulting in a more efficient use of the site than the previous scheme by providing additional residential accommodation, making it viable to provide a greater proportion of the units as affordable, and only having to provide one bin store, cycle store, and servicing bay. It is understood that the existing business at the site will not close but will relocate to premises more suited to its current operations, retaining its existing staff and providing opportunities for expansion.
- 7.11 In the context of uncertain demand for B1 premises in this location and the difficulties in providing a mixed use scheme on such a physically constrained site, officers consider that an entirely residential use can reasonably be considered to be the optimum use of the site. Accordingly, it is considered that the loss of the scattered employment site, in this case, should be supported.

Housing Delivery

- 7.12 Policy 3.3 of the London Plan states that the Council will work with housing providers to provide a minimum of 4,107 additional homes in the borough between 2015 and 2025. Within this figure of 4,107 new homes, the policy states that a minimum of 411 new dwellings should be provided annually. This is an increase from the 320 dwellings annually that was set out in the earlier London Plan and in Policy CS9 of the Core Strategy. The policy also states that development plan policies should seek to identify new sources of land for residential development including intensification of housing provision through

development at higher densities.

- 7.13 The Council's latest (draft) Annual Monitoring Report confirms that housing delivery is currently above target. However, the draft new London Plan includes a significantly higher target of delivering 1,328 new homes annually which, as things stand, the Council would be unlikely to meet. While this figure is yet to be adopted, weight should be attached to it in accordance with the advanced stage of the draft plan.
- 7.14 At a local level, policies CS 8 and CS 9 of the Core Strategy seek to encourage proposals for well-designed and conveniently located new housing that will create socially mixed and sustainable neighbourhoods through physical regeneration and effective use of space.
- 7.15 As noted above, the site is underutilised in its current form and the proposals would provide a more effective use of this space, resulting in the provision of 20 additional dwellings. While housing delivery should not override the need for comprehensive scrutiny of development proposals, it is a highly material consideration that this proposal would help achieve London Plan objectives by contributing towards housing targets and the redevelopment of brownfield sites.

Suitability of the Site for Housing

- 7.16 The site has a PTAL rating of 2, which is considered to be poor. However, the site is within a 20 minute walk from Colliers Wood underground station and within a much shorter walk to local bus stops and other local amenities. Therefore, the site's PTAL may not be representative of the true accessibility of the location.
- 7.17 Officers are mindful that the development would introduce a noise sensitive use next to a business park, which has the potential to attract noisy activities. There is also a substation located directly behind the proposed building.
- 7.18 However, the submitted noise report found that background noise climate at the site was, in fact, dominated by traffic noise from Church Road. Therefore, while the building would have to be carefully designed to ensure internal noise levels remained consistently within an acceptable range, the noise environment is not considered to meaningfully differ from that at any other typical main road location.
- 7.19 Having regard to the above and also noting that the site is located in close proximity to other residential development, it is considered that the site would be suitable for the provision of residential accommodation.

Design and Impact on Visual Amenity

- 7.20 Policies 7.4 and 7.6 of the London Plan, Policy CS 14 of the Core Strategy and Policy DM D2 of the SPP require well designed proposals which make a positive contribution to the public realm, are of the highest quality materials and design, and are appropriate in their context. Thus, they must respect the appearance, materials, scale, bulk, proportions and character of their surroundings.

Massing and Height

- 7.21 It is considered that a suitable approach to massing has been proposed which responds well to the surrounding context. The massing of the building would be focussed towards the centre of the site, away from the two storey properties to the north and south, with the flank walls of the top floor set in by 4m from those of the floor below. There would be no such setback from the front or rear but it is considered that this is a reasonable response to the wide streetscape and presence of three storey development on the opposite side of Church Road.
- 7.22 The fourth floor of the proposal has been specifically designed to lessen the visual impact of the bulk by setting it back from both sides, using a different type of material and colour to appear subordinate, break up the bulk and more readily blend in with the sky. Given the separation distance between the buildings within Boundary Business Court and the reduced bulk of the recessed fourth floor, it is considered that the development constitutes an appropriate addition to the street scene and makes an effective use of the site.
- 7.23 The building would provide a suitable transition in height from four storeys to the neighbouring two storey buildings to the north and south by reinforcing the separation between buildings. The proposed building would have a maximum separation distance of approximately 4m from the side elevations of the properties immediately to the north and 18m from those of the nearest properties to the south. In conjunction with this separation distance and the significant setback of the top floor, the height is considered to be acceptable.

Layout

- 7.24 The footprint is considered to make effective use of the site, utilising the majority of the space available whilst maintaining a reasonable separation distance from adjoining properties. The existing building line along this section of Church Road is inconsistent and the proposed building would improve this situation by being in line with the adjacent building to the north. It would also provide a generous active frontage to Church Road and the entrance to Boundary Business Court, with a generous amount of glazing at all levels providing direct overlooking.
- 7.25 The accesses to all of the units would be from Church Road, with the upper floor flats served by a communal entrance located centrally within the building and the ground floor units served by individual private entrances. Each of the entrances would be highly visible and clearly identifiable, whilst at the same time being set slightly back from the public highway. This setback would provide a small but nonetheless significant amount of defensible space, providing a meaningful delineation between public and private property. If permission is granted for the development, the details of the landscaping within this setback would be provided as part of a future reserved matters application.
- 7.26 It is considered that the proposed layout is well thought out and based on sound urban design principles. The layout provides an inclusive design and promotes natural surveillance. When compared with the existing inactive frontage of the site, it is considered that the proposals will enhance the character and vitality

of the area.

Design and Appearance

- 7.27 The proposed building would essentially be a single, four storey block but it would be broken up by extensive detailing. The lower three floors of the building would be finished with yellow brick, with each floor visually separated by a course of vertical bricks, whilst the top floor would be finished with an entirely different pallet of materials. Each of the windows and entrance ways would be slightly recessed from the main façade and would be accompanied by a degree of vertical brickwork of the same sort used to mark the boundary between floor levels.
- 7.28 The front elevation would benefit from a particular degree of visual interest, with landscaping at ground floor level and winter gardens projecting out from the floors above, overhanging the footway.
- 7.29 The design approach to the external appearance of the development, which includes the use of a pallet of materials influenced in part by the character of the wider area is supported. The use of brick detailing, recessing and horizontal separation between floors are likely to give the building an attractive appearance, subject to a condition requiring approval of the exact materials.
- 7.30 It is considered that the building would respond reasonably well to surrounding development and in replacing a cluster of poor quality buildings, would successfully harmonise with, and enhance the character of, the surrounding area.

Impact on Neighbouring Amenity

- 7.31 Policy DM D2 of the SPP states that proposals must be designed to ensure that they would not have an unduly negative effect upon the amenities of neighbouring properties in terms of loss of light, quality of living conditions, privacy, visual intrusion or noise.
- 7.32 The site is entirely surrounded by commercial properties, with the exception of the flats above the shops directly to the north, on the opposite side of Fox's Path. Beyond this, the nearest residential properties are located north of the shops, with a distance of approximately 15m between the northern boundary of the site and their rear gardens. Given this distance and the juxtaposition of dwellings, it is not considered that the proposed development would appear overbearing to these properties.
- 7.33 In respect of daylight and sunlight, the applicant has submitted an assessment of the effects of the proposed development on these properties. This showed that the impact would be negligible.
- 7.34 It is acknowledged that the windows to the north elevation, as well as the roof terraces to the top floor towards the northern side of the building, would afford some aspect over the rear gardens of these properties. However, the intervening shops and vegetation would provide screening of those properties directly to the north, while views of the properties on the eastern end of the row

would be oblique. Nonetheless, the rooms served by these windows are all dual aspect and therefore, it is recommended that a condition be imposed to ensure the windows are obscurely glazed. Likewise, it is recommended that appropriate screening to the roof terraces is secured by condition.

- 7.35 Having regard to the above, it is considered that the effect of the proposed development on the amenities of neighbouring occupiers would not be harmful.

Housing Mix and Tenure

Housing Mix

- 7.36 Policy DM H2 of the SPP seeks to create socially mixed communities by providing a range of dwelling sizes. The policy indicates a borough-wide housing mix of 33% one bed, 32% two beds and 35% three beds to be appropriate.
- 7.37 The proposed development would provide eight one bedroom flats, eight two bedroom flats, and four three bedroom flats. Although this does not slavishly adhere to the mix set out under Policy DM H2, it is noted that the 2011 census showed that a very high proportion of dwellings in the Merton area have three bedrooms (78%). Furthermore, the proposals are for flatted development on a main road and this is likely to be less attractive to families than the typical 3+ bedroom housing stock within the borough, which are often located in quieter areas and benefit from greater outdoor amenity space. Therefore, it is considered that the proposed mix would provide an appropriate proportion of family sized units and would accord with the policy objective of balancing housing choice in the borough.

Housing Tenure

- 7.38 Policy 3.12 of the London Plan requires that in making planning decision, a maximum reasonable amount of affordable housing should be sought when negotiating on individual private residential and mixed-use schemes. Decision makers are required to have regard to factors including current and future requirements for affordable housing at local and regional level, as well as affordable housing targets adopted in line with policy. Policy CS 8 of the Core Strategy states that developments providing ten or more units should ensure that 40% of these are affordable and provided on site, subject to financial viability issues and other planning contributions.
- 7.39 The submitted affordable housing statement details that ten out of the proposed units would be affordable, which equates to 50% of the total. This is 10% more than the Council's policies require and is a benefit which weighs in favour of the proposals. Furthermore, the applicant's intention is for the entirety of the development to be affordable and transferred in its entirety to a registered provider, albeit at this stage they could only commit to 50%. To this end, talks are advanced with Moat, who are one of the Council's preferred affordable housing providers.
- 7.40 Of the affordable units, six would have one bedroom (flats 2, 3, 4, 5, 8 and 10), two would have two bedrooms (flats 1 and 6), and two would have three bedrooms (flats 7 and 11). All of these units would be made available for

London affordable rent, which is considered to be an acceptable tenure split. These units would be secured by a S106 agreement.

Standard of Accommodation

- 7.41 Policy 3.5 of the London Plan 2015 states that housing developments should be of the highest quality internally and externally and should ensure that new housing development meets the minimum internal space standards as set out in the Government's Technical Housing Standards 2015.

Technical Housing Standards

- 7.42 The proposed units would all meet or exceed the requirements of the technical housing standards in terms of overall floor area, bedroom sizes and built-in storage space. They would also all meet or exceed the higher London plan ceiling height recommendation of 2.5m. It is considered that this would result in units with a good standard of internal accommodation for future occupants.

Outdoor Amenity Space

- 7.43 In accordance with the London Housing SPG, Policy DM D2 of the SPP states that 5m² of private external space should be provided for one and two person flats, with an extra 1m² provided for each additional occupant. This means each unit would require between 5m² and 7m² of outdoor space. Each private outdoor space should have a minimum effective width of 1.5m.

- 7.44 The proposals would provide private outdoor space for the ground floor (flats 1 - 6) and top floor flats (flats 17 - 20), which would be provided with gardens and roof terraces respectively, each of these being in excess of the required standards. The remaining ten flats on the first and second floors (50% of the total) would be provided with winter gardens, which are considered to be a suitable alternative to balconies given the main road context of the site. Again, each of these would be in excess of the required standards.

Daylight, Sunlight and Outlook

- 7.45 Policy DM D2 of the SPP states that developments should provide for suitable levels of sunlight and daylight and quality of living conditions for future occupants. The London Housing SPG states that developments should minimise the number of single aspect dwellings and that all homes should provide for direct sunlight to enter at least one habitable room for part of the day. Living areas and kitchen dining spaces should also preferably receive direct sunlight.

- 7.46 The applicant has submitted a daylight and sunlight report, based on Building Research Establishment guidance, in support of the application. This found that all of the windows within the development would achieve very good levels of daylight and that internal illuminance levels for all of the proposed bedrooms would exceed required levels. The proposals would therefore, accord entirely with the guidance and officers consider this to be a reliable assessment.

- 7.47 Furthermore, the development would provide a very good proportion of units which would either be dual or triple aspect (70% of the total). This provides a number of potential future benefits to occupants of these units, not only

providing a choice of views but also addressing overheating and offering greater flexibility in the use of rooms.

Noise

- 7.48 Policy 7.15 of the London Plan states that development proposals should seek to manage noise and mitigate its adverse impacts on health and quality of life. Policy DM D2 of the SPP requires all development proposals to protect new and existing development from noise so that the living conditions of current and future occupiers are not unduly diminished.
- 7.49 Officers are mindful that the development would introduce a noise sensitive use next to a business park, which has the potential to attract noisy activities. There is also a substation located directly behind the proposed building.
- 7.50 However, the submitted noise report found that background noise climate at the site was, in fact, dominated by traffic noise from Church Road. Therefore, while the building would have to be carefully designed to ensure internal noise levels remained consistently within an acceptable range, the noise environment is not considered to meaningfully differ from that at any other typical main road location. Officers have reviewed the submitted report and agree that the recommended mitigation measures could reasonably be implemented and would lead to satisfactory internal noise levels. It is recommended that this is secured by the imposition of a suitably worded condition.

Transport and Parking

Car Parking and Highway Safety

- 7.51 Policy 6.3 of the London Plan, Policy CS 20 of the Core Strategy and Policy DM T2 of the SPP require that development would not adversely affect pedestrian or cycle movements, safety, the convenience of local residents, on street parking or traffic management.
- 7.52 Policy 6.13 of the London Plan and Policy DM T3 of the SPP set out maximum car parking standards for new development. These policies seek to strike a balance between promoting new development and prevent excessive car parking which can undermine the use of more sustainable modes of transport. Twenty percent of all car parking spaces should provide for electric vehicle charging points.
- 7.53 The proposals would involve the removal of the existing access onto the site off Church Road and the installation of a servicing bay directly outside the front of the proposed building, with a section of the site dedicated to the highway to allow for pedestrian access around the bay. The applicant has provided swept path analysis and a safety audit which shows that the bay could be safely accessed by a refuse vehicle without compromising vehicular or pedestrian safety at the junction opposite the site or at the entrance to boundary business court.
- 7.54 The development would not provide any off-street car parking spaces, including any disabled spaces. The proposals as originally submitted included the provision of a disabled bay close to the servicing bay however, the presence of

a pedestrian refuge in close proximity made achieving a safe layout prohibitively challenging. In light of this, it is considered that a contribution for provision of a disabled bay elsewhere in the locality would be a pragmatic alternative.

- 7.55 The applicant has provided a parking survey which showed that there were no less than 80 free on-street car parking spaces within a 200m walk of the site at the times surveyed. The London Travel Demand Survey 2017/2018 showed that on average, 46% of households within Outer London own one car and 22% own two or more. Applying this data to the development indicates that the development is likely to result in demand for approximately 14 on-street parking spaces, which is significantly below the spare capacity identified by the survey. Furthermore, the applicant has agreed to provide five years of free car club membership to each household in order to discourage private car ownership.
- 7.56 Transport officers have reviewed the proposed arrangements for servicing and parking, as well as the information submitted in support of the proposals. They are satisfied that the proposals would not unduly impact the safety or operation of the highway network, subject to double yellow lines being installed to prevent ad-hoc parking in the servicing bay, the provision of a disabled bay away from the site, and car club membership for future occupants of the development. Accordingly, it is recommended that these contributions, together with the dedication of land to the highway authority, be secured by a S106 agreement.

Cycle Storage

- 7.57 Cycle storage is required for new housing developments by Policy 6.9 of the London Plan and Policy CS 18 of the Core Strategy; it should be secure, sheltered and adequately lit. One space should be provided per one bedroom dwelling and two spaces should be provided for all others. In the case of the current proposal, this equates to a total requirement of 32 spaces.
- 7.58 The submitted plans show that a policy compliant number of cycle parking spaces would be provided, securely located off the communal entrance lobby with good access to the street. It is recommended that technical details of the cycle store be secured by condition.

Waste and Recycling

- 7.59 Policy CS 17 of the Core Strategy requires well designed, integrated waste storage facilities for all new development. This is reinforced by Standards 22 and 23 of the London Plan Housing SPG.
- 7.60 The proposed ground floor plan shows a store for waste and recycling containers located centrally within the building, with its own access directly off Church Road. The Council's Waste Officer has reviewed the plans and is satisfied that this area would provide sufficient space for the required containers and would be properly accessible by collection crews. It is recommended that the technical details of the bin store are secured by condition.

Flood Risk and Drainage

- 7.61 Policy 5.13 of the London Plan, Policy CS 16 of the Core Strategy and Policy DM F2 of the SPP all seek to minimise run-off, with the aim of protecting the public from the adverse impacts of surface water flooding.

- 7.62 The applicant has submitted a surface water drainage strategy in support of the application. Officers have reviewed the strategy and are satisfied that the measures could be reasonably implemented and would reduce surface water runoff rates to acceptable levels.
- 7.63 In light of the above, officers consider that the proposed development is unlikely to increase the risk of flooding to the site itself or elsewhere. It is recommended to impose conditions to any permission, requiring the submission and approval of a detailed drainage strategy, as well as detailed design of the green roof and permeable surfaces, prior to commencement of the development.

Sustainability

- 7.64 Policy 5.3 of the London Plan and Policy CS 15 of the Core Strategy seek to ensure the highest standards of sustainability are achieved for developments which includes minimising carbon dioxide emissions, maximising recycling, sourcing materials with a low carbon footprint, ensuring urban greening and minimising the usage of resources such as water.
- 7.65 All major developments must demonstrate compliance with the zero emissions target outlined for regulated emissions, in accordance with Policy 5.2 of the London Plan (2016). The applicant has submitted an energy strategy in support of the application, which shows that the proposed development has been designed to achieve a 35.2% improvement in CO₂ emissions over and above Part L of the Building Regulations 2013, with the remaining emissions (up to 100% improvement against Part L 2013) to be offset through a cash in lieu contribution. The applicant has also confirmed that the development would achieve internal water consumption rates of 105L per person per day or less.
- 7.66 In light of the above, it is considered that the sustainability aspects of the scheme are likely to be acceptable and it is recommended that a condition is attached to any permission requiring the developer to demonstrate the CO₂ and water consumption rates have been complied with. The cash contribution in lieu of further CO₂ reductions should be secured by a S106 agreement.

8. CONCLUSION

- 8.1 The proposals have been developed through engagement by the applicant with Council officers. The application presents opportunities in the form of much needed housing and affordable housing on a site where there is an uncertain level of interest in continued use for employment generating purposes and where it has proven challenging to deliver a mixed use scheme. It is considered that the proposals represent an optimal use of the site.
- 8.2 Overall it is considered that the scheme responds positively to the surrounding context in terms of massing, height and layout. It would provide a high quality, attractive building which would go some way to improving the character and appearance of the area.
- 8.3 The scheme would deliver a total of 20 high quality dwellings, providing a

good mix of one, two and three bedroom units. Nine of these would be offered on an affordable rented basis, which exceeds the proportion required by relevant policies.

- 8.4 The scheme has been designed so as not to unduly impact on neighbouring amenities. It would not unduly impact upon the highway network and would promote sustainable travel. It would provide adequate waste and recycling facilities and would contribute towards meeting the Council's sustainability objectives.
- 8.5 The scheme would accord with the relevant national, strategic and local planning policies and guidance and approval could reasonably be granted in this case. It is not considered that there are any other material considerations which would warrant a refusal of the application.
- 8.6 The application is therefore, recommended for approval subject to appropriate conditions and a S106 agreement.

RECOMMENDATION

Grant planning permission subject to a S106 agreement and conditions as set out below:

S106 Heads of Terms:

1. The provision of 9 (5 x 1 bed, 2 x 2 bed and 2 x 3 bed) "London affordable rented" units on-site;
2. A contribution of £28,358 in lieu of meeting the Council's zero emissions target;
3. Dedication of land as public highway with the applicant covering the full costs of associated highways works.
4. A contribution of £4,000 towards the provision of an off-site disabled car parking space;
5. A contribution of £4,000 towards amending the existing Traffic Management Order in force near the site;
6. The provision of each future household within the development with five years of free car club membership;
7. To meet the Council's costs in preparing the S106 agreement; and
8. To meet the Council's costs in monitoring the S106 obligations.

Conditions:

1. The development hereby permitted shall be commenced before the expiration of 3 years from the date of this permission or 2 years from the approval of the last of the reserved matters as defined in the condition below, whichever is the later.
2. Details of the reserved matters set out below ("the reserved matters") shall be submitted to the Local Planning Authority for approval within 3 years from the date of this permission:

(a) Landscaping

The reserved matters shall be carried out as approved.

Approval of all reserved matters shall be obtained from the Local Planning Authority in writing before any development is commenced.

3. The development hereby permitted shall be carried out in accordance with the following approved plans: 01-001; 01-002; 05-006; 05-007; 05-008; 05-009; Ground Floor Plan as Proposed rev. J; First Floor Plan as Proposed rev. B; Second Floor Plan as Proposed rev. B; Third Floor Plan as Proposed; Roof Plan as Proposed; Front Elevation as Proposed rev. A; Rear Elevation as Proposed rev. A; North Elevation as Proposed; South Elevation as Proposed; Section as Proposed;
4. No development above ground level 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, and approved in writing by, the Local Planning Authority. The development shall be carried out in full accordance with the approved details.
5. Before the development hereby permitted is first occupied, the windows at first floor level and above in the northern (side) elevation shall be glazed with obscure glass and fixed shut to a height of 1.7m above finished floor level and shall permanently maintained as such thereafter.
6. No development above ground level shall take place until a scheme for the storage of refuse and recycling has been submitted to, and approved in writing by, the Local Planning Authority. The development shall not be occupied until the approved scheme has been implemented in full and the facilities and/or measures contained within the approved scheme shall thereafter be retained for use at all times.
7. Prior to occupation of the development hereby permitted, a scheme for screening of the roof terraces shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall not be occupied until the scheme has been implemented in full and the facilities and/or measures contained within the approved scheme shall thereafter be retained for use at all times.
8. The internal noise criteria together with the glazing façade and ventilation system treatment within the KP Acoustics report 17026.NIA.01 dated 4th January 2018 shall be implemented to that standard or higher.
9. Any external lighting shall be positioned and angled to prevent any light spillage or glare beyond the site boundary.

10. Before occupation of the development the applicant shall have provided written evidence to the local planning authority that electro-magnetic radiation emissions from the adjacent substation do not exceed ICNIRP (international commission on non-ionizing radiation protection) guidance levels of 100 microteslas and 5 kilovolts per metre.
11. No development shall take place until a Demolition and Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the demolition and construction period. The Statement shall provide for:
 - (a) hours of operation
 - (b) the parking of vehicles of site operatives and visitors
 - (c) loading and unloading of plant and materials
 - (d) storage of plant and materials used in constructing the development
 - (e) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
 - (f) wheel washing facilities
 - (g) measures to control the emission of noise and vibration during construction
 - (h) measures to control the emission of dust and dirt during construction/demolition
 - (i) a scheme for recycling/disposing of waste resulting from demolition and construction works
 - (j) emissions from Non Road Mobile Machinery during construction
12. The development shall not be occupied until the existing redundant crossover/s have been removed by raising the kerb and reinstating the footway in accordance with the requirements of the Highway Authority.
13. No development shall take place until details of secure cycle parking facilities for the occupants of, and visitors to, the development have been submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be fully implemented and made available for use prior to the first occupation of the development and thereafter retained for use at all times.
14. Prior to commencement of the development hereby permitted, the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to, and approved in

writing by, the local planning authority:

(a) A site investigation scheme, based on “Phase I Desk Study” ref. 16578/DS, to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site

(b) The results of the site investigation and detailed risk assessment referred to in 16(a) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken

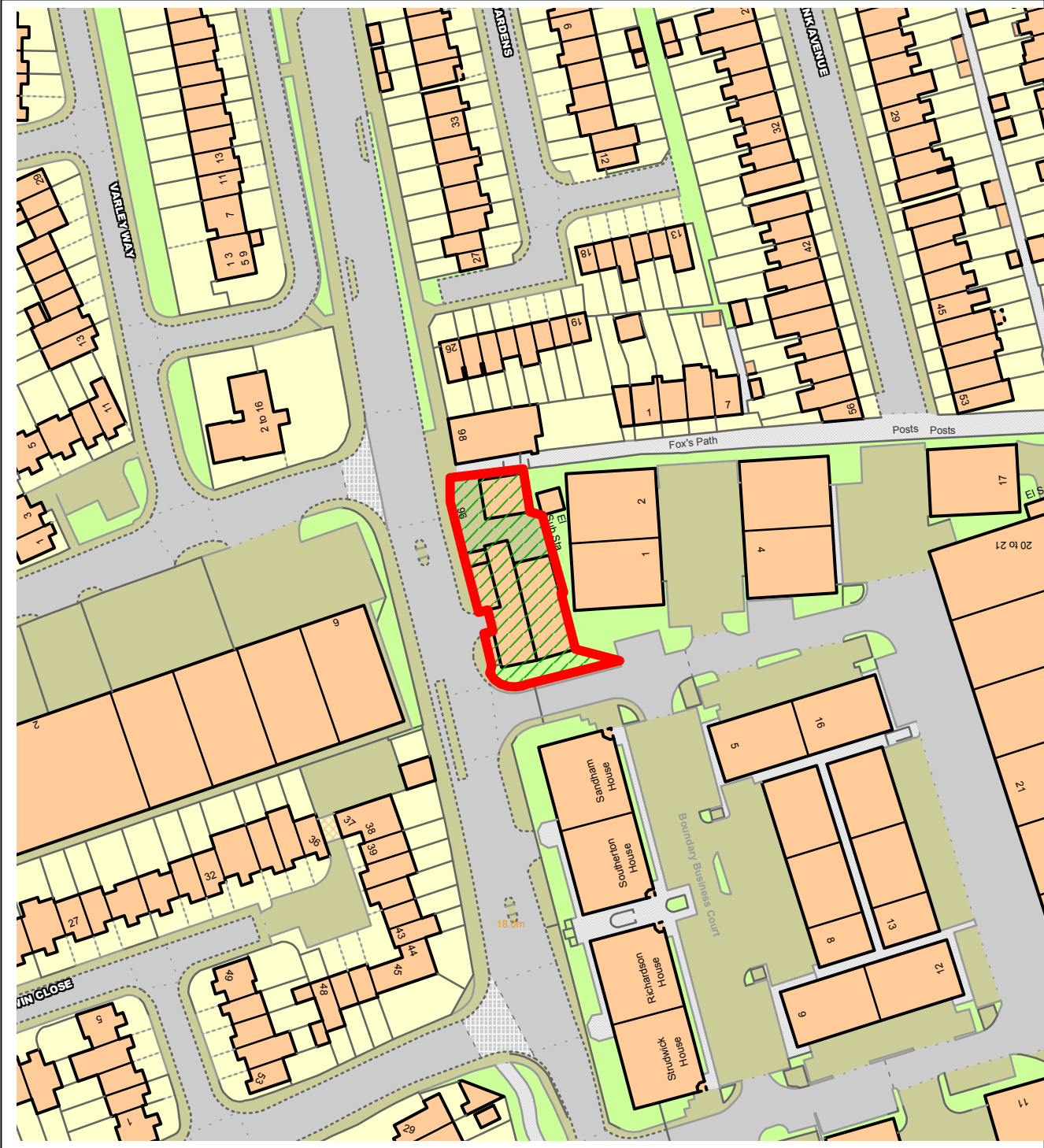
(c) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in 16(b) are complete and identifying and requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express consent of the local planning authority.

15. Prior to commencement of the development (other than demolition works), the site investigation scheme and any subsequent remediation strategy as required by condition 15 above shall be implemented as approved.
16. If, during the development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until a remediation strategy detailing how this unsuspected contamination shall be dealt with has been submitted to, and approved in writing by, the local planning authority.
17. Prior to occupation of the development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing by, the local planning authority. The report shall include: results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met; a plan (a “long-term monitoring and maintenance plan”) for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action (if appropriate, as identified in the verification plan); and for reporting the long-term monitoring and maintenance to the local planning authority. Any long term monitoring and maintenance plan shall be implemented as approved.
18. No piling or other penetrative methods shall be used in the construction of the foundations unless and until details of the foundation design have been submitted to, and approved in writing by, the local planning authority. Approval will only be given for such designs where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be implemented in accordance with any approved details.

19. No part of the development hereby approved shall be occupied until evidence has been submitted to the Local Planning Authority confirming that the development has achieved CO2 reductions of not less than a 35% improvement on Part L regulations 2013, and wholesome water consumption rates of no greater than 105 litres per person per day.

[Click here](#) for full plans and documents related to this application.

NORTHGATE SE GIS Print Template



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PLANNING APPLICATIONS COMMITTEE 18 JULY 2019

APPLICATION NO.	DATE VALID
18/P4288	04.02.2019
Address/Site	59 Colwood Gardens, Colliers Wood, London, SW19 2DS
Ward	Colliers Wood
Proposal:	DEMOLITION OF EXISTING HOUSE AND THE CONSTRUCTION OF A NEW TWO STOREY BUILDING COMPRISING 4 x SELF CONTAINED FLATS
Drawing Nos;	Site location plan and drawings 200B, 201E, 301B, 302C, 303D, 304B, 305C, 306C, 307B, 308B & 309B
Contact Officer:	Leigh Harrington (020 8545 3836)

RECOMMENDATION

Grant planning permission subject to a section 106 agreement to secure a “permit free development” and relevant conditions.

CHECKLIST INFORMATION.

- Heads of agreement: No
- Is a screening opinion required: No
- Is an Environmental Statement required: No
- Has an Environmental Impact Assessment been submitted: No
- Design Review Panel consulted: No,
- Number of neighbours consulted:13
- Press notice – No
- Site notice – Yes
- External consultations: Metropolitan Police
- Archaeological Priority Zone – No
- Controlled Parking Zone – Yes. CW5
- Number of jobs created: N/A
- Density 80 Dwellings per hectare

1 INTRODUCTION

- 1.1 The application has been brought before the Committee due to the level of public interest and the range and scope of objections that cannot, in the event of permission being granted, be addressed by conditions.

2. SITE AND SURROUNDINGS

- 2.1 The existing building is a dwelling house located on the north side of Colwood Gardens in Colliers Wood. The house has been extended to the side with a two storey flat roofed extension and benefits from a very large rear garden that backs onto Singlegate Primary School to the rear and houses on Clarendon Road to the east. The site is not within a Conservation Area or an Archaeological Priority Zone. The site is located within Controlled Parking Zone CW 5 and has a Public Transport Accessibility Level 3 with average accessibility to public transport. There are no locally or statutorily listed buildings on site or adjoining. The area is at low risk of flooding.

3. CURRENT PROPOSAL

- 3.1 This application involves the demolition of the existing house and the erection of a new building to accommodate 4 x new flats. The design has been subject to a number of clarifications and size reductions with the original scheme proposing 5 flats.
- 3.2 At ground floor level the front of the site will be given to providing 2 garden spaces, a car parking space and refuse storage facilities as well as visitor cycle parking. The new building will follow the existing building line and is designed to have the appearance of a house rather than a block of flats.
- 3.3 Although flat 1 will have a street facing entrance the main entrance will be to the side of the building with a hallway serving stairs up to the upper floors as well as access to flat 2. The side entrance will move the building away from the boundary with the neighbouring properties on Clarendon Road and provide access to the rear of the site where the amenity spaces will be located as well as the secure cycle storage.
- 3.4 The entirety of the first floor will be given to Flat 3 which would be a 4 bed room 5 person unit. The stairwell extends up to the roof space where flat 4, a 1 bed 2 person unit would be situated within a combination of loft space and roof dormers.
- 3.5 The building will be finished in painted render to reflect the existing building and feature a largely tiled roof with tile hung dormers.

4. PLANNING HISTORY

- 4.1 18/P22015 Application withdrawn for DEMOLITION OF EXISTING END OF TERRACE DWELLING AND TWO STOREY SIDE EXTENSION AND THE CONSTRUCTION OF NEW TWO STOREY BUILDING WITH A PITCHED ROOF, FRONT GABLES UPON TWO STOREY BAY WINDOWS AND ACCOMMODATION WITHIN THE ROOF SPACE. THE NEW BUILDING WILL BE ATTACHED TO THE EXISTING TERRACE BLOCK.

5. CONSULTATION

- 5.1 The application was advertised by means of a site notice and letters to 13 neighbouring occupiers. As a result 6 objections from neighbours were received which raised concerns relating to;
- Loss of security from a side gate.
 - Noise and disturbance during construction.
 - Harm to health during the demolition and construction process.
 - Loss of sunlight to neighbouring gardens as it is too high.
 - Loss of privacy and overlooking from new windows and windows with clear glazing.
 - Overdevelopment, 5 flats is over the top. Having flats is over development.
 - Increased pressure on parking, 1 bay is not enough.
 - Oversized and out of keeping with the area.
 - Electrical pollution from wi-fi and dishes in the area.
 - Drawings (initial) inaccurate.
 - Not enough bin stores.

5.2 Two neighbours had no objection provided no damage was caused to their garage.

5.3 Following the submission of revised plans, which are the subject of this report, one objector reiterated her earlier objections with the inclusion of a comment at the rear of the property overlooks a primary school.

External

5.4 Metropolitan Police Designing out Crime Officer. (Comments on revised plans) initial concerns had been largely incorporated into the revised plans but did suggest that the cycle storage facilities be improved to a higher degree.

Internal

5.5 Arboricultural officer. No concerns but recommended a condition detailing method of protection for trees during the building works.

5.6 Climate change officer. Satisfied the proposals would be able to meet current policy requirements for a 19% reduction in CO2 emissions and this should be secured by condition.

5.7 Environmental Health officer. No objections and requested a condition relating to construction hours.

5.8 Parking services. As the majority of properties in this road already benefit from dropped kerbs and off street parking, there are only a limited number of permit holder only bays in this CPZ. I would suggest that planning permission would need to be granted on the proviso that this is a car free development as I doubt there would be capacity in this CPZ for an additional 4 – 8 cars.

6. POLICY CONTEXT

6.1 NPPF (2019).

Key sections:

- 5. Delivering a sufficient supply of homes.
- 12. Achieving well-designed places.

6.2 London Plan 2016.

3.3 (Increasing housing supply), 3.4 (Optimising housing potential), 3.5 (Quality and design of housing developments), 5.1 (Climate change mitigation), 5.3 (Sustainable design and construction), 5.7 (Renewable energy), 5.13 (Sustainable drainage), 6.9 (Cycling), 7.5 (Public realm), 7.6(Architecture) & 7.21 (Trees and woodlands).

6.3 London Housing Supplementary Planning Guidance 2016

6.4 DCLG Technical standards 2015

6.5 Merton Core Planning Strategy 2011.

CS 9 (Housing targets), CS 13 (Open Space, Nature conservation), CS 14 (Design), CS 15 (Climate change), CS 18 (Transport) & CS 20 (Parking, Servicing & delivery).

6.6 Merton Sites and Policies Plan 2014.

DM C1 Community facilities, DM D1 (Urban Design and the public realm), DM D2 (Design considerations in all developments), DM EP 2 (Reducing and mitigating noise), DM EP4 (Pollutants), DM H2 (Housing mix), DM 02 (Trees, hedges and landscape features), DM T2 (Transport impacts of development) & DM T3 (Car parking and servicing standards).

7. PLANNING CONSIDERATIONS

7.1 The main planning considerations in this case relate to the principle of the use of the building for the provision of flatted dwellings on the site and the impact on local residents and the wider area of this use and the design of the replacement building, parking, servicing and sustainable design and construction.

Need for additional housing

7.2 The National Planning Policy Framework (March 2018) requires Councils to identify a supply of specific 'deliverable' sites sufficient to provide five years' worth of housing with an additional buffer of 5% to provide choice and competition.

7.3 Policy 3.3 of the London Plan states that the Council will work with housing providers to provide a minimum of 4,107 additional homes in the borough between 2015 and 2025. Within this figure of 4,107 new homes, the policy states that a minimum of 411 new dwellings should be provided annually. This is an increase from the 320 dwellings annually that was set out in the earlier

London Plan and in Policy CS9 of the Core Strategy. The policy also states that development plan policies should seek to identify new sources of land for residential development including intensification of housing provision through development at higher densities. The emerging London Plan is likely to increase this annual target significantly, however, only limited weight can be attributed at this stage.

- 7.5 Merton's overall housing target between 2011 and 2026 is 5,801 dwellings (Authority's Monitoring Report Draft 2017/19, p12). The latest (draft) Monitoring report confirms that all the main housing targets have been met for 2017/18 by providing 254 above Merton's target of 411 new homes per year (London Plan 2015). With the target being exceeded officers consider careful consideration, and greater weight, be given to the overall design is of a suitable standard.
- 7.6 The draft London Plan includes a significantly higher figure of 1328 new homes annually. However, this is at draft stage and in addition the London Borough of Merton is disputing the small sites methodology. Therefore, only limited weight should be attached to this figure.
- 7.7 The proposals would provide 4 new units, for which there is an identified need and as it includes a family sized unit the proposal accords with the policy CS 14 requirement to retain a three bedroom family unit.

Density

7.8 The site with its location within an area or predominantly terraced housing, would be classified as suburban. With a Ptal of 3 the density of 80u/ha 260 hr/ha is close to the London Plan policy 3.4 recommendation of 150-250 hr/ha for a suburban setting. Consequently although it slightly exceeds the maximum density this is only one factor and not an overriding factor when assessing the suitability of smaller infill development such as the application proposals.

Design/Bulk and massing/Appearance/Layout.

- 7.9 Design of new buildings should ensure appropriate scale, density and appearance, respecting, complementing and responding to local characteristics (London Plan policy 7.6, LDF policy CS.14 and SPP policy DM D2).

Bulk and massing.

- 7.10 London Plan policy 7.4 and SPP policy DM D2 require developments to relate positively and appropriately to the siting, rhythm, scale, density and proportions of surrounding buildings and the pattern and grain of existing streets whilst SPP policy DM D3 requires proposals to respect the form, scale and bulk of the original building. The proposals have been designed to resemble a house rather than purpose built flats and the overall bulk and massing will better reflect the existing terrace. Officers shared neighbour concerns regarding the initial scale and bulk of the building and consequently

the bulk and massing have been reduced to what is considered by officers to be acceptable.

Design- Appearance and layout.

- 7.11 It is considered that the house like appearance of the proposals will allow it to sit more comfortably within the streetscene. Whilst the main entrance to the building will be to the side, there is a front door and so this reinforces the house like nature of the design. The building will follow the existing building line and height and has been laid out to provide a good standard of residential amenity and to provide space for all the ancillary requirements of the development such as refuse and cycle storage. Internally the rooms are considered well-proportioned and of a regular usable size and the applicant has heeded Police advice to ensure the proposals will provide a safe and secure layout through the inclusion of measures including privacy buffers and lockable gates.

Neighbour Amenity.

- 7.12 London Plan policies 7.4 and 7.6 and SPP policy DM D2 relate to the possible impacts such as loss of light, privacy, overshadowing and visual intrusion on neighbour amenity and the need for people to feel comfortable with their surroundings.
- 7.13 Objections were received about a loss of privacy but all the windows in the eastern elevation have obscure glazing and the building angles away from those neighbours resulting in no additional overlooking for neighbours and consequently there are not considered to be grounds to refuse the application in relation to a loss of privacy.
- 7.14 Objections were received raising concerns that the proposals would lead to a loss of light and outlook. At its closest the building will be 1.5m from the boundary and whilst officers would not normally support a development of this size so close to a boundary fence, in this situation the houses have garage blocks or a turning head between their garden spaces and the boundary line and therefore the building is effectively pushed away from the neighbours usable spaces which thereby mitigate the impact.
- 7.15 The impact of the demolition and construction processes can be addressed through the imposition of suitable conditions for a Demolition and Construction Management Plan to be approved.

Standard of accommodation and the amenity of future occupiers.

- 7.16 SPP Policy DM D2, Core Strategy 2011 policies CS 9 Housing Provision and CS 14 Design and London Plan policies 3.3 Increasing Housing Supply, 3.4 Optimising Housing Potential, 3.5 Quality and Design of Housing Developments are all policies that seek to provide additional good quality residential accommodation.

Schedule of accommodation

Unit	Type	Proposed GIA	Minimum req'd GIA	Proposed Amenity	Min Req'd amenity
1	1B/2P	50m ²	50m ²	35m ²	5m ²
2	3B/5P	86m ²	86m ²	50m ²	7m ²
3	4B/5P	90m ²	90m ²	45m ²	8m ²
4	1B/2P	50.5m ²	50m ²	35m ²	5m ²

7.17 The table demonstrates that all the units meet or exceed the minimum internal space GIA requirements and all the flats readily exceed the amenity space requirements.

Parking, servicing and deliveries.

7.18 Core Strategy Policy CS 20 requires proposals to have regard to pedestrian movement, safety, servicing and loading facilities for local businesses and manoeuvring for emergency vehicles as well as refuse storage and collection. The proposals did generate objections regarding parking with only one space being provided on site although this is the same level of provision as currently exists. However there are three new units on the proposal and the council's parking services have confirmed that there is pressure on parking in the area and advised that should permission be granted it should be permit free. Officers recommend a legal agreement be entered into to preclude the occupiers from being eligible for parking permits.

7.19 Cycle storage provision is considered acceptable but as with refuse facilities precise details are not shown and therefore conditions requiring details to be approved are recommended.

8. SUSTAINABILITY AND ENVIRONMENTAL IMPACT ASSESSMENT REQUIREMENTS.

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

8.2 In order to ensure that the development is policy compliant a condition to that effect requiring CO₂ reductions of not less than a 19% improvement on Part L regulations 2013, and internal water usage rates of not more than 105 litres per person per day is recommended.

9. CONCLUSION

9.1 The development will provide 4 new units of various sizes, including a family sized unit, for which there is an identified need located in a building which is considered to be of an acceptable design and layout, appropriate for its location without being materially harmful to the amenity of neighbours.

Therefore, subject to a section 106 agreement to make the proposals permit free and the imposition of suitable planning conditions, the proposal is considered to be acceptable and in compliance with relevant planning policy and is therefore recommended for approval.

RECOMMENDATION GRANT PERMISSION SUBJECT TO A SECTION 106 AGREEMENT AND CONDITIONS

Heads of terms:

i) Permit free development.

ii) The developer agreeing to meet the Councils costs of preparing, drafting and monitoring the Section 106 Obligations.

- 1 Commencement of works
- 2 In accordance with plans; Site location plan and drawings Site location plan and drawings 200B, 201E, 301B, 302C, 303D, 304B, 305C, 306C, 307B, 308B & 309B
- 3 B1 External materials to be approved; No development other than demolition 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, windows and tiles (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; 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 2016, policy CS14 of Merton's Core Planning Strategy 2011 and policies DM D2 and D3 of Merton's Sites and Polices Plan 2014
- 4 B5 Boundary treatments to be approved; The flats shall not be occupied until details of all boundary walls or fences including methods for the temporary security of the site during construction as well as details of a security gate for the side access are submitted in writing for approval to the Local Planning Authority. No works which are the subject of this condition shall be carried out until the details are approved, and the development shall not be occupied / the use of the development hereby approved shall not commence until the details are approved and works to which this condition relates have been carried out in accordance with the approved details. The walls and fencing shall be permanently retained thereafter. Reason; To ensure a satisfactory and safe development in accordance with the following Development Plan policies for Merton: policies 7.5 and 7.6 of the London Plan 2016, policy CS14 of Merton's Core Planning Strategy 2011 and policies DM D1 and D2 of Merton's Sites and Polices Plan 2014.

5. D11 Construction Times No demolition or construction work or ancillary activities such as deliveries shall take place before 8am or after 6pm Mondays - Fridays inclusive, before 8am or after 1pm on Saturdays or at any time on Sundays or Bank Holidays. Reason; To safeguard the amenities of the area and the occupiers of neighbouring properties and ensure compliance with the following Development Plan policies for Merton: policy 7.15 of the London Plan 2016 and policy DM EP2 of Merton's Sites and Polices Plan 2014.
6. H9 Construction Vehicles The development (including any demolition) shall not commence until details of the provision to accommodate all site workers', visitors' and construction vehicles, loading /unloading and storage arrangements of construction plant and materials during the construction process have been submitted to and approved in writing by the Local Planning Authority. The approved details must be implemented and complied with for the duration of the construction process. Reason; To ensure the safety of pedestrians and vehicles and the amenities of the surrounding area and to comply with the following Development Plan policies for Merton: policies 6.3 and 6.14 of the London Plan 2016, policy CS20 of Merton's Core Planning Strategy 2011 and policy DM T2 of Merton's Sites and Polices Plan 2014.
7. F1 Landscaping; The flats hereby approved shall not be occupied until full details of a landscaping and planting scheme has been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved before the commencement of the use or the occupation of any building hereby approved, unless otherwise agreed in writing by the Local Planning Authority. The details shall include on a plan, full details of the size, species, spacing, quantities and location of proposed plants, together with any hard surfacing, means of enclosure, and indications of all existing trees, hedges and any other features to be retained, and measures for their protection during the course of development.
8. No development, including demolition, shall commence until a Demolition and construction method statement has been submitted and approved in writing and the works shall be undertaken in accordance with that approved document. Reason; To safeguard the amenities of the area and the occupiers of neighbouring properties and ensure compliance with the following Development Plan policies for Merton: policies DM D2 and DM EP4 of Merton's Sites and Polices Plan 2014.
10. External lighting; Any external lighting shall be positioned and angled to prevent any light spillage or glare beyond the site boundary. Reason; To safeguard the amenities of the area and the occupiers of neighbouring properties and ensure compliance with the following Development Plan policies for Merton: policies DM D2 and DM EP4 of Merton's Sites and Polices Plan 2014.
11. H4. Provision of vehicle parking; The vehicle parking area shown on the approved plans shall be provided before the occupation of any flat and shall

be retained for parking purposes for occupiers and users of the development and for no other purpose. Reason; To ensure the retention of existing parking so as to mitigate against the pressure on kerbside parking and comply with the following Development Plan policies for Merton: policy 6.13 of the London Plan 2016, policy CS20 of Merton's Core Planning Strategy 2011 and policy DM T3 of Merton's Sites and Polices Plan 2014.

12. H6 Cycle storage; No development, other than demolition, shall commence until details of secure cycle parking facilities for the occupants of, and visitors to, the development have been submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be fully implemented and made available for use prior to the first occupation of the development and thereafter retained for use at all times.
13. H3 Redundant crossover; The development shall not be occupied until the existing redundant crossover/s have been removed by raising the kerb and reinstating the footway in accordance with the requirements of the Highway Authority.
14. Non standard condition; Prior to occupation of any flat, the applicant shall have provided a new vehicle access to the site in accordance with the approved plans. Reason; To ensure the provision of a satisfactory access for parking and comply with the following Development Plan policies for Merton: policy 6.13 of the London Plan 2016, policy CS20 of Merton's Core Planning Strategy 2011 and policy DM T3 of Merton's Sites and Polices Plan 2014.
15. Non standard condition; 'No part of the development hereby approved shall be occupied until evidence has been submitted to, and approved in writing by, the Local Planning Authority confirming that the development has achieved CO2 reductions of not less than a 19% improvement on Part L regulations 2013, and internal water usage rates of not more than 105 litres per person per day.' Reason: To ensure that the development achieves a high standard of sustainability and makes efficient use of resources and to comply with 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
16. C6 Refuse and recycling; No flat shall be occupied until a scheme for the storage of refuse and recycling has been submitted in writing for approval to the Local Planning Authority. No works which are the subject of this condition shall be carried out until the scheme has been approved, and the development shall not be occupied until the scheme has been approved and has been carried out in full. Those facilities and measures shall thereafter be retained for use at all times from the date of first occupation.
17. F9 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.

Informatives:

1. Carbon emissions evidence requirements for Post Construction stage assessments must provide:
 - Detailed documentary evidence confirming the Target Emission Rate (TER), Dwelling Emission Rate (DER) and percentage improvement of DER over TER based on 'As Built' SAP outputs (i.e. dated outputs with accredited energy assessor name and registration number, assessment status, plot number and development address); **OR**, where applicable:
 - A copy of revised/final calculations as detailed in the assessment methodology based on 'As Built' SAP outputs; **AND**
 - Confirmation of Fabric Energy Efficiency (FEE) performance where SAP section 16 allowances (i.e. CO2 emissions associated with appliances and cooking, and site-wide electricity generation technologies) have been included in the calculation

Water efficiency evidence requirements for post construction stage assessments must provide:

- Documentary evidence representing the dwellings 'As Built'; detailing:
 - the type of appliances/ fittings that use water in the dwelling (including any specific water reduction equipment with the capacity / flow rate of equipment);
 - the size and details of any rainwater and grey-water collection systems provided for use in the dwelling; **AND**:
 - Water Efficiency Calculator for New Dwellings; **OR**
 - Where different from design stage, provide revised Water Efficiency Calculator for New Dwellings and detailed documentary evidence (as listed above) representing the dwellings 'As Built'
2. No surface water runoff should discharge onto the public highway including the public footway or highway. When it is proposed to connect to a public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required (contact no. 0845 850 2777).
 3. NPPF informative.

[Click here](#) for full plans and documents related to this application

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PLANNING APPLICATIONS COMMITTEE 18 JULY 2019

<u>APPLICATION NO.</u>	<u>DATE VALID</u>
19/P1772	01/05/2019
Address/Site	110 Gladstone Road, Wimbledon, London, SW19 1QW
Ward	Dundonald
Proposal:	Single storey flexible outbuilding, the garden outbuilding will replace the existing shed and be positioned to the rear of the garden facing back towards the principal dwelling. The outbuilding is to be used as a fitness room/ gym.
Drawing Nos	0047_21_01, 0047_21_10, 0047_21_11, 0047_21_20, 0047_21_30, 0047_21_31, 0047_21_32
Contact Officer:	Kirti Chovisia (020 8274 5165)

RECOMMENDATION

GRANT Planning Permission subject to conditions

CHECKLIST INFORMATION

- Heads of agreement: No
- Is a screening opinion required: No
- Is an Environmental Impact Statement required: No
- Has an Environmental Impact Assessment been submitted: No
- Press notice- No
- Site notice-Yes
- Design Review Panel consulted-No
- Number neighbours consulted – 6
- External consultants: None
- Density: n/a
- Number of jobs created: n/a
- Archaeology Priority Zone: No

1. INTRODUCTION

1.1 The application has been brought to the Planning Applications Committee due to the number of objections received.

2. SITE AND SURROUNDINGS

2.1 The application site comprises a two storey mid terrace house located in Gladstone Road, Wimbledon. The surrounding area is residential in character.

2.2 The application site is not located within a Conservation Area.

3. CURRENT PROPOSAL

3.1 Single storey flexible outbuilding, the garden outbuilding will replace the existing shed and be positioned to the rear of the garden facing back towards the principal dwelling. The outbuilding is to be used as a fitness room/ gym.

The proposal would have maximum dimensions of 5000mm deep x 5050mm wide x 3000mm to top of the pitched roof. The outbuilding would be constructed of timber, with glazing panels and a 'green' roof.

4. PLANNING HISTORY

- 4.1 99/P1892 - Application for a certificate of lawfulness for a proposed rear roof extension - Issue Certificate of Lawfulness; 30-11-1999
- 4.2 13/P4106 - Application for a lawful development certificate for a proposed erection of a single storey rear and infill extension - Issue Certificate of Lawfulness; 13-02-2014
- 4.3 14/P0904 - Erection of single storey rear & side infill extensions to Nos 108 & 110 and replacement and extension of rear roof extension and new outbuilding at no.108 - Grant Permission subject to Conditions; 16-04-2014
- 4.4 14/P3459 - Application for non-material amendments to lbn planning permission 14/p0904 (dated 16.04.2014) involving the increase in depth of approved rear infill extensions and alteration to roof pitch to 108 - Grant non-material amendment to planning permission; 07-10-2014
- 4.5 19/P0410 - Single storey flexible garden studio room. The garden studio will replace the existing shed and be positioned to the rear of the garden facing back towards the principal dwelling. The side and rear walls will be a traditional brick and blockwork construction, with a timber-framed front elevation. sliding/ bi-folding doors connect the space with the garden and associated landscaping; Withdrawn 27/03/2019

5. CONSULTATION

5.1 Public consultation was undertaken by letters sent to statutory neighbouring occupiers.

Five objections letters were received on the following grounds:

- design and impact on the neighbouring properties with respect to loss of privacy, undue impact on amenity space and overbearing, loss of light and overshadowing.
- Protrude above fence line;
- Overbearing and out of keeping with surrounding area;
- Land grabbing from previous owners;
- Overdevelopment;
- Takes up a lot of garden space;
- Overlooking from gym windows;
- Overshadowing;

- Light pollution and noise.

One letter of support was received.

Additional letters of support received from the applicants.

6. POLICY CONTEXT

- 6.1 London Plan policy March 2016:
 - 7.4 Local Character
 - 7.6 Architecture
- 6.2 Merton Sites and Policies Plan July 2014 policies:
 - DMD2 Design considerations in all developments
 - DMD3 Alterations and extensions to existing buildings
- 6.3 Merton Core Strategy 2011 policy:
 - CS 14 Design
- 6.4 NPPF 2019

7. PLANNING CONSIDERATIONS

- 7.1 Material Considerations
- 7.2 The planning considerations for the erection of an outbuilding in the garden of an existing residential dwelling relate to the impact of the proposed outbuilding on the character and appearance of the area and the impact upon neighbour amenity.
- 7.3 Character and Appearance
- 7.4 London Plan policies 7.4 and 7.6, Core Strategy policy CS14 and SPP Policies DMD2 and DMD3 require well designed proposals that will respect the appearance, scale, bulk, form, proportions, materials and character of the original building and their surroundings. The proposal should be of a size, type and form such that they do not dominate the roof and respect the prevailing characteristics of the area.
- 7.5 The proposed single storey flexible outbuilding will span the whole width and will be located at the end of rear garden. There are other outbuildings in the neighbouring plots. Although the proposed outbuilding will be larger than the adjacent one at number 108, it will only be 0.5 m higher and would make use of a shallow pitched roof. The outbuildings depth would be greater than the outbuilding at 108 by 2.0 m, which is not considered to be significant. As such, the proposed outbuilding at the rear of the property is not considered to cause harm to the character of the surrounding area. It is acknowledged that there is an existing shed at the rear, which would be replaced by the new proposal. The scale and height of the proposal is considered to be visually acceptable.
- 7.6 It is considered that the design of the outbuilding is appropriate in terms of form, materials and scale. The design of the outbuilding would have a wooden frame with glazing and a green roof. These materials are considered suitable to a domestic outbuilding.

- 7.7 The proposed outbuilding would not be visually prominent from public vantage points and due to the relatively modest height, the proposal is not considered to result in undue visual intrusion. It is considered that the proposed outbuilding would respect the scale of the property and the general pattern of development in the area.
- 7.8 There are four trees in the rear garden. The trees are not protected by way of being within a Conservation Area or by a Tree Preservation Order and therefore could be lawfully removed at any time.
- 7.9 The proposal is considered to comply with Policy DM D2 in regards to the impact on the character of the area.
- 7.10 Neighbouring Amenity
- 7.11 SPP policy DM D2 states that proposals must be designed to ensure that they would not have an adverse impact upon the amenity of neighbouring properties in terms of loss of light, quality of living conditions, privacy, visual intrusion and noise.
- 7.12 There is an outbuilding in the neighbouring garden at No.108 Gladstone Road, which provides some mitigation for the impact of the proposed outbuilding. The proposed outbuilding would be 2.0 m deeper than this neighbouring outbuilding, which would thereby result in part of the side elevation being adjacent to the garden of this neighbouring property. Although this will result in a slight sense of enclosure to the garden of 108, this is not considered to be materially harmful given the depth of the garden that serves 108. Further, this is at the end part of the garden where an existing outbuilding at 108 is present.
- 7.13 Given the positioning and the scale of the proposed building, it is not considered it would unduly affect neighbouring amenity at 108 in terms of loss of light, loss of privacy or visual intrusion. The outbuilding is single storey only and would not cause any overlooking issues. The scale, form and massing of the outbuilding would not be intrusive to the local surrounding area. The presence of the outbuilding for the 2.0 m depth where it is adjacent to the garden of 108 would not cause a materially harmful loss of sunlight or daylight to this neighbouring outdoor amenity space.
- 7.14 Number 112 lies to the south and does not contain an outbuilding. The proposal would be visible from this neighbouring garden above the existing fence line. As the outbuilding is sited at the end of the site, it would lie adjacent to the end part of the garden of 112. Due to the southerly position of the garden at 112, the outbuilding would not cause a harmful impact on sunlight. Further, due to the depth of the garden, it would not cause a harmful sense of enclosure or be overbearing.
- 7.15 The use of the outbuilding would be for a gym, incidental to the host dwelling house. The gym would therefore be used in this manner and its use is therefore considered appropriate in this back garden location. A condition is recommended by officers to ensure that the building is used as such.
- 7.16 As such, the proposed building is considered to comply with Policy DMD2 in terms of neighbouring amenity.

8. CONCLUSION

- 8.1 The scale, form, design, positioning and materials of the proposed single storey flexible outbuilding are not considered to have an undue detrimental effect on the character of the area, the host building or on neighbouring amenity. The proposal is reduced in height in comparison to the previously withdrawn proposal. Therefore, the proposal complies with the principles of policies DMD2 and DMD3 of the Adopted SPP 2014, CS 14 of the LBM Core Strategy 2011 and 7.4 and 7.6 of the London Plan 2016.
- 8.2 It is therefore recommended to grant permission subject to conditions.

RECOMMENDATION

GRANT PLANNING PERMISSION

Subject to the following conditions:

- 1 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: To comply with Section 91 (as amended) of the Town & Country Planning Act 1990.
- 2 The development hereby permitted shall be carried out in accordance with the following approved plans: 0047_21_01, 0047_21_10, 0047_21_11, 0047_21_20, 0047_21_30, 0047_21_31, 0047_21_32

Reason: For the avoidance of doubt and in the interests of proper planning.
- 3 The facing materials to be used for the development hereby permitted shall be those specified in the application form unless otherwise agreed in writing by the Local Planning Authority.

Reason: 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 2016, policy CS14 of Merton's Core Planning Strategy 2011 and policies DM D2 and D3 of Merton's Sites and Policies Plan 2014.
- 4 The development hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 110 Gladstone Road, Wimbledon, London, SW19 1QW.

Reason: To safeguard the amenities of neighbouring residents, to prevent the unauthorised introduction of an independent use and to ensure compliance with the following Development Plan policies for Merton: policy 7.6 of the London Plan 2016, policy CS14 of Merton's Core Planning Strategy 2011 and policies DM D2 and D3 of Merton's Sites and Policies Plan 2014.

Informatives

In accordance with paragraph 38 of the NPPF, The London Borough of Merton (LBM) takes a positive and proactive approach to development proposals focused on solutions. LBM works with applicants/agents in a positive and proactive manner by:

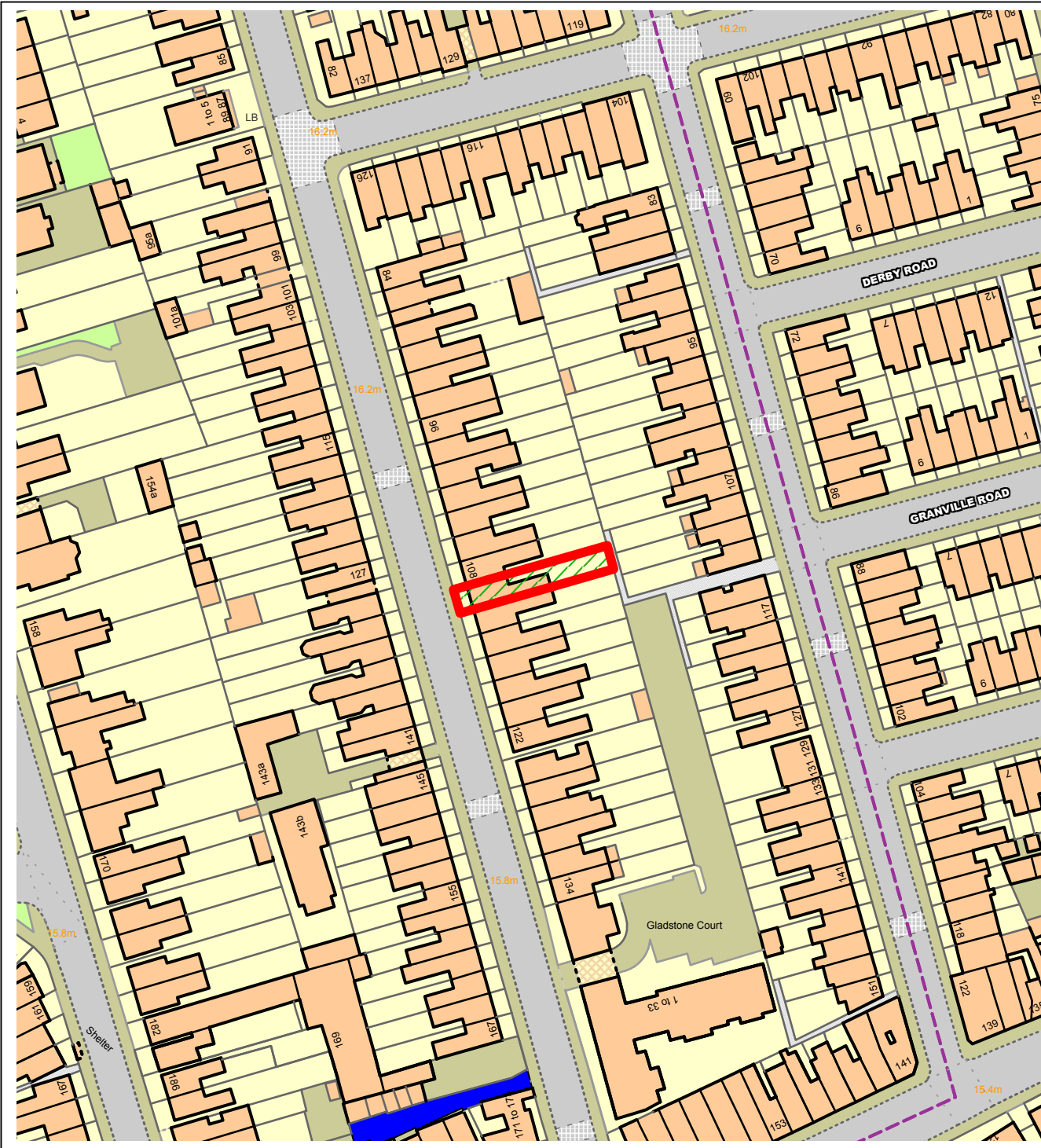
- i) Offering a pre-application advice and duty desk service.
- ii) Where possible, suggesting solutions to secure a successful outcome.
- iii) As appropriate, updating applicants/agents of any issues that may arise in the processing of their application.

In this instance:

- i) The application was acceptable as submitted and no further assistance was required.
- ii) The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.

[Click here](#) for full plans and documents related to this application

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**PLANNING APPLICATIONS COMMITTEE
18 JULY 2019**

APPLICATION NO. DATE VALID

19/P1743 30/04/2019

Address/Site 43 Lancaster Road, Wimbledon SW19 5DF

Ward **Village**

Proposal: Erection of a two storey rear extension, single storey rear and side extensions, provision of accommodation at basement level and conversion of roof space including rear roof extension, erection of garage, new vehicular access onto Lancaster road, together with associated landscaping works.

Drawing Nos 16015, 1450 120 (P) A, 121 (P) PL1, 122(P) A PL1, 123(P) A PL1, 124 (P), 125 (P) and A31450-130 B, Planning, Heritage and Design and Access Statement, Basement Impact Assessment and Arbouricultural Method Statement

Contact Officer: Richard Allen (020 8545 3621)

RECOMMENDATION

GRANT Planning Permission subject to conditions

CHECKLIST INFORMATION

- Heads of agreement: No
- Is a screening opinion required: No
- Is an Environmental Impact Statement required: No
- Has an Environmental Impact Assessment been submitted: No
- Press notice- Yes
- Site notice-Yes
- Design Review Panel consulted-No
- Number neighbours consulted – 8
- External consultants: None
- Density: n/a
- Number of jobs created: n/a
- Archaeology Priority Zone: No

1. **INTRODUCTION**

1.1 This application has been brought to the Planning Applications Committee due to the number of objections received.

2. **SITE AND SURROUNDINGS**

- 2.1 The application site comprises number 43 Lancaster Road. The site is situated on the north east side of Lancaster road at the junction with Lancaster Gardens. There are a number of mature trees within the garden and the application site is within the Merton (Wimbledon North) Conservation Area. The application site is with a Controlled Parking Zone (Zone VOn)

3. **CURRENT PROPOSAL**

- 3.1 The current proposal involves the erection of a two storey rear extension, single storey rear and side extensions, provision of accommodation at basement level and conversion of roof space involving erection of a rear roof extension, Erection of garage, formation of new vehicular access onto Lancaster Road, together with associated landscaping works.
- 3.2 It is proposed to erect a part single/part two-storey rear extension to the existing house. The proposed single storey section of the extension would be 16 metres in width, 5 metres in depth and have an eaves height of 3 metres. The part two storey extension would be 5 metre in depth, 5 metre in width and would have an eaves height of 6 metres. The two storey section would have a gabled end roof design. As part of the proposals, a single dormer window would be erected on the rear elevation of the roof of the existing dwelling house. It is also proposed to construct a single storey garage within the front garden of the existing house. The garage would be 5 metres in length and 3 metres in width and have an eaves height of 2.5 metres. The garage would be linked to the house by a glazed link.
- 3.3 Internally, the existing house would be remodelled to provide a gym, cinema and plant rooms with in a new basement formed under the proposed rear extension. At ground floor level the internal layout of the house would be altered to provide an entrance hall, reception room, dining room, study with a new reception room and dining/kitchen formed within the ground floor of the rear extension. At first floor level the existing building would be reconfigured to provide five bedrooms (one within the two storey rear extension). It is also proposed to form an additional bedroom and games room within the roof space with light and ventilation provided by a dormer window to the rear roof elevation.
- 3.4 The existing house has no off-street parking. Therefore, it is proposed to form a vehicular access from Lancaster Road involving the formation of a 2.75 metre opening in the existing high boundary wall. The construction of the vehicular access would also entail the removal of one tree.

4. **PLANNING HISTORY**

- 4.1 In February 1991 planning permission and conservation area consent was granted for the demolition of the existing greenhouse and the erection of a single storey extension (LB Refs.90/P1184 and 90/P1185).

- 4.2 In December 2014 a pre-application meeting was held to discuss four options for redevelopment of the site (LBM Ref.14/P4497/NEW). The pre-application report concluded that all four options for the redevelopment of the site were unacceptable due to the loss of the existing dwelling house.
- 4.3 In November 2017 a planning application was submitted for the erection of a two storey detached dwelling house (with accommodation at basement level and within the roof space) within part of the rear garden and formation of vehicular access onto Lancaster road, together with associated landscaping works. Erection of a part single/part two storey rear extension to existing dwelling house (43 Lancaster Road), provision of accommodation at basement level and within the roof space (involving erection of dormer windows to rear roof elevation) together with associated alterations to existing dwelling house and erection of garage within the front curtilage of the property (LBM Ref.17/P4420). However, the application was withdrawn by the applicant on 13 December 2018.

5. **CONSULTATION**

- 5.1 The application has been advertised by Conservation Area site and press notice procedure and letters of notification to occupiers of neighbouring properties. In response 6 letters of objection have been received from occupiers of neighbouring properties, The Merton Tree Warden Group and The Wimbledon Society. The grounds of objection are set out below:-

-The application is seeking to get approval for part of the two-property scheme that was withdrawn (LBM Ref.17/P4420).

-The plans include the destruction of part of the historic wall on Lancaster road and several remarkable trees, to make a new driveway.

-Construction traffic would obstruct traffic movements in Lancaster Road Lancaster Gardens and Lancaster Avenue.

-If permission were allowed a condition should be imposed that no additional property be constructed on the site and conditions minimise disruption to traffic during construction.

-If parking bays are suspended there will be a loss of parking for visitors to shops in the Village.

-A section of historic wall would be lost and on street parking bays removed to allow for construction of the new access.

-The proposal would entail the removal of 7 tree along with 4 groups of trees to the detriment of the environment, privacy and more.

-the environment is widely praised for being leafy. It would be considerably less so. Planting low level greenery is no way going to make up for this. others, a sedum roof, can see trees less so.

-The felling of trees to make way for the garage will result in the garden of 69 Church Road being overlooked.

-There is an existing coal house built onto the boundary wall with 69 Church Road. This forms part of the structure of 69 Church Road and houses a vestibule and WC. This is not shown on the plans and the demolition of the coal house would affect 69 Church Road.

-Certain aspects of the proposal would result in significant visual intrusion to 69 Church Road.

-The current application, while thankfully much reduced in scale and in its impact on most neighbouring properties, nevertheless still has severe consequences, to the detriment to both the environment and the Character of the Merton (Wimbledon North) Conservation Area.

-Every objection raised previously with regard to the destruction of the trees and demolition of part of the historic boundary wall on Lancaster Road remains in respect of the current proposal.

Sven mature trees and three groups of trees are to be removed, a huge loss which could only be considered insignificant in the context of the mass felling that was originally proposed for the entire plot.

-To claim that these trees are of limited amenity value is beside the point when the environment as a whole is taken into consideration. It cannot be right, or acceptable for trees of such maturity to be destroyed. Even if substitute trees were to be donated and planted elsewhere in the borough, as has been suggested, the extent of the actual tree canopy would be irretrievably lost and take decades to restore.

-The proposal would also result in irreparable harm to the boundary wall which remains of grave concern, as the plans for breaching it have not changed since the original application. The lack of respect for old Village heritage is surely no less acceptable now that last year, there is precious little left of this old wall in the locality and there is no doubt that it contributes to a sense of history of the Conservation Area.

-One cannot begrudge a residents wish to modernise, refurbish and extend their house, but no resident has a right to secure vehicular access to their house at all costs.

5.2 Merton Tree Warden Group

The Merton Tree Warden Group strongly object to the decimation of trees within the application site and the damage to surrounding trees proposed by the application. Valuable tree cover will be destroyed and the environment of neighbouring properties harmed irreparably. The impact of the development on the Conservation Area is rightly considered. However, ironically in this case it is the proposed development, which lies within a Conservation Area that will have a significant impact on the surrounding houses outside the designation. It is requested that Tree Preservation Orders be designated on all trees that are category B grade or higher. The application should be refused.

5.3 The Wimbledon Society

The Wimbledon Society is concerned about the removal of 7 trees and the formation of a 2.75m wide hole in the very old wall and the installation of a hard surface for parking and turning cars. The society suggests that the Council include conditions when granting consent as follows:-

1. That the new ends of the wall are finished in appropriate brickwork and detailing to preserve the tone of the Conservation Area in which the property is situated.

2. The hard standing for parking and turning of vehicles is permeable.

3. That the seven trees to be removed are replaced with trees equivalent in tree years.

5.4 Tree Officer

The Council's Tree Officer notes that it is proposed to remove 7 individual trees, which includes three trees which have been given a 'B' category, and 3 groups of trees which are a mixture of Yew, Holly and Elder. The works include the large Acacia tree located adjacent to the footway. This tree is described as having a wound on the stem from base to 2 metres, decay present within. At base of the stem decay extends 400mm deep. Felling is recommended'. It is proposed to retain 3 category 'B1' trees within the front garden. The tree officer recommends that these trees are provided with the maximum form of planning protection in the form of a TPO. Tree works are proposed to be carried out to the retained trees. These are described on page 10 of the Arboricultural Report. The Tree Officer raises no objections to the proposal subject to conditions.

5.4 Conservation Officer

The Conservation Officer has no objections to the proposed development.

6. **POLICY CONTEXT**

6.1 Adopted Merton Core Strategy (July 2011)

CS14 (Design), CS15 (Climate Change) and CS20 (Parking).

6.2 Sites and Policies Plan (July 2014)

DM D2 (Design Considerations in all Developments), DM D3 (Alterations and Extensions to Existing Buildings), DM D4 (Managing Heritage Assets) DM O2 (Nature Conservation, Trees, Hedges and Landscape Features), DM T2 (Transport Impacts of Developments) and DM T5 (Access to the Road Network).

6.3 The London Plan (March 2016)

The relevant policies within the London Plan are 5.3 (Sustainable Design and Construction), 7.4 (Local Character), 7.6 (Architecture) and 7.8 (Heritage and Archaeology).

6.4 National Planning Policy Framework (2019)

7. **PLANNING CONSIDERATIONS**

7.1 The main planning considerations concern the design, impact on the Conservation Area, provision of basement, neighbour amenity, trees and parking issues.

7.2 Design/Conservation Issues

Policy DM D4 (Managing Heritage Assets) of the Adopted Merton Sites and Policies Plan (2014) is the principle policy relating to heritage and conservation issues. The Policy states in paragraph (f) that 'proposals affecting a heritage asset or its setting should conserve and enhance the significance of the asset as well as its surroundings and have regard to the following:-

1.The conservation, or reinstatement if lost, of features that contribute to the asset or its setting. This may include chimneys, windows, and doors, boundary treatments and garden layouts and roof coverings.

2.The removal of harmful additions such as inappropriate, non-original windows and doors and the removal of paint or pebbledash from brickwork'

3.Where there is evidence of deliberate neglect or damage to a heritage asset, the current condition of the heritage asset will not be taken into account in any decision.

7.3 Number 43 Lancaster Road is a two storey detached dwelling house set within a large mature garden behind a high boundary wall. Number 43 was built by a local builder, A J Styles, who was responsible for a considerable amount of development in the area in the 1920's and 1930's and consequently is of local significance. Many of the surviving buildings are in Conservation Areas and make a positive contribution. However, number 43 is not referred to in the Conservation Area character assessment (it may have been missed in the survey as the house is concealed behind a high section of wall in Lancaster Road). The style of the house indicates that it is one of Styles early developments and boasts interesting features, namely decorative brick patterns, use of horizontal tiles and metal windows. Internally the house has an impressive Oak staircase. Attractive feature staircases are a Styles trademark.

7.4 The alterations and extensions to the existing house at 43 Lancaster Road have been designed to respect the character and appearance of the original building. A contemporary design has been adopted for the ground floor rear extension, with the first floor section being of traditional design. Along with the new dormer window. The depth and height of the two storey extension is considered to be subordinate to the host dwelling. The ground floor rear extension would however, be partly concealed behind the existing high boundary walls and would not be highly visible from the street. The proposed garage would be located within the front curtilage, behind the high front boundary wall and would also not be visible from the street. It is also proposed to create a new opening within the existing high brick boundary wall fronting Lancaster Road in connection with the formation of a new vehicular access.

7.5 There are no objections to the creation of a new vehicular access as part of the proposals as the existing house has no vehicular access as a result of the sub-division of the plot many years ago. The formation of a new opening within the high brick boundary wall fronting Lancaster Road is not considered

to be of such detriment to the character and appearance of the conservation area as to warrant refusal of the application. Driveways are common in the local area and the proposal would not be visually harmful in this regard. The proposal is therefore considered to be acceptable in terms of policies DM D2 (Design Considerations in all Developments), DM D3 (Alterations and Extensions to Existing Buildings) and DM D4 (Managing Heritage Assets).

7.4 Provision of Basement

The current proposal involves the construction of a basement beneath part of the rear garden. The applicant has submitted a Basement Impact Assessment and Structural Assessment. These both conclude that the basement can be constructed in a safe manner and that the provision of accommodation at basement level would not increase flood risk or cause structural problems. The size of the basement is considered to be reasonable and would be well below the 50% limitation under policy DM D2. The proposal is therefore considered to be acceptable in terms of policy DM D2 (Design Considerations in all Developments).

7.6 Neighbour Amenity

The proposed part single/part two storey extension to the existing house at 43 Lancaster Road has been designed so that the two storey section of the extension is located well away from the boundaries with residential properties in Church Road. The proposed single storey rear extension would be partly screened from neighbouring properties by the existing high boundary walls. The proposed garage would be sited within the front curtilage and would also be screened from view by the existing high brick boundary wall fronting Lancaster Road. An appropriate condition requiring obscure glazing to the window in the side of the two storey rear extension is recommended to restrict overlooking. The proposed single storey side and rear extension would have an eaves height of 3 metres and would be sited 600mm away from the retained boundary wall between the application property and numbers 69 and 71 Church Road. The side and rear extension with their low height would not result in any harmful impact on either 69 or 71 Church Road. The proposal is therefore considered to be acceptable in terms of policy DM D2 (Design Considerations in all Developments).

7.7 Trees

Although a number of objections have been received in respect of the removal of trees within the curtilage of the application site, the Council's Tree Officer has examined the proposal and has raised no objections to the proposed development. A Tree Preservation Order also protects the retained trees and planning conditions would be imposed on any grant of planning permission to ensure protection of the retained trees during construction works. The proposal is therefore considered acceptable in terms of policy DM O2 (Nature Conservation, Trees, Hedges and Landscape Features).

7.8 Parking

The proposal involves the formation of a new vehicular access onto Lancaster Road. This would involve forming a 2.7 metre wide opening in the existing high brick boundary wall fronting the application site on Lancaster Road. The

Conservation Officer has raised no objections to punching through the wall. However, the loss of the tree is not considered to be significant. The road is straight and visibility is good and the formation of a new vehicular access would not be detrimental to highway safety. The proposal would however, result in the loss of one on-street parking space. However, the loss of one on-street parking bay would enable off-street parking to be provided for this large family house. The loss of one on-street parking space is not considered to be a reason for refusal of the application in this instance. The proposal is therefore considered to be acceptable in terms of policy CS20 (Parking).

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

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

9. **CONCLUSION**

9.1 The alterations and extensions to the existing house are considered to be acceptable in design terms. The proposal would also not harm neighbour amenity. The proposed extensions to the existing house would also preserve the character and appearance of the Merton (Wimbledon North) Conservation Area. Accordingly, it is recommended that planning permission be granted subject to conditions.

RECOMMENDATION

GRANT PLANNING PERMISSION

Subject to the following conditions:-

1. A.1 (Commencement of Development)
2. A.7 (Approved Drawings)
3. B.1 (Approval of Facing Materials)
4. B.4 (Site Surface Treatment)
5. B.5 (Boundary Treatment)
6. C.2 (No Permitted Development –Door and Windows)
7. D.11 (Hours of Construction)
8. The details and measures for the protection of the existing retained trees as specified in the approved document 'BS 5837:2012 Arbouricultural Method

Statement produced by ARBTECH dated 11 October 2018 shall be fully complied with. The methods for the protection of the existing retained trees shall fully accord with all measures specified in the report. The details and measures as approved shall be retained and maintained until the completion of site works.

Reason for condition: To protect and safeguard the existing and retained trees in accordance with the following Development Plan Policies for Merton: policy 7.21 of the London plan (2015), policy CS13 of Merton's Core Planning Strategy (2011) and policies DM D2 and DM O2 of the Merton Sites and Policies Plan (2014).

9. F1 (Landscaping)
10. F8 (Site Supervision-Trees)
11. Prior to commencement of development a Basement Construction Method Statement and Hydrology Report shall be submitted to and be approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details.

Reason for condition: In the interest of neighbour amenity and to comply with policy DM D2 of the Adopted Merton Sites and Policies Plan (2014).

12. No development approved by this permission shall be commenced until a scheme for the provision of surface water drainage has been implemented in accordance with details that have been submitted to and approved in writing by the local planning authority. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system (SuDS) to ground, watercourse or sewer in accordance with drainage hierarchy contained within the London Plan Policy 5.13 and the advice contained within the National SuDS Standards. Where a sustainable drainage scheme is to be provided, the submitted details shall:
 - i. provide information about the design storm period and intensity, the method employed to delay (attenuation provision of no less than 15m³ of storage) and control the rate of surface water discharged from the site to no greater than 5l/s and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
 - ii. include a timetable for its implementation;
 - iii. include a CCTV survey of the existing surface water outfall and site wide drainage network to establish its condition is appropriate.

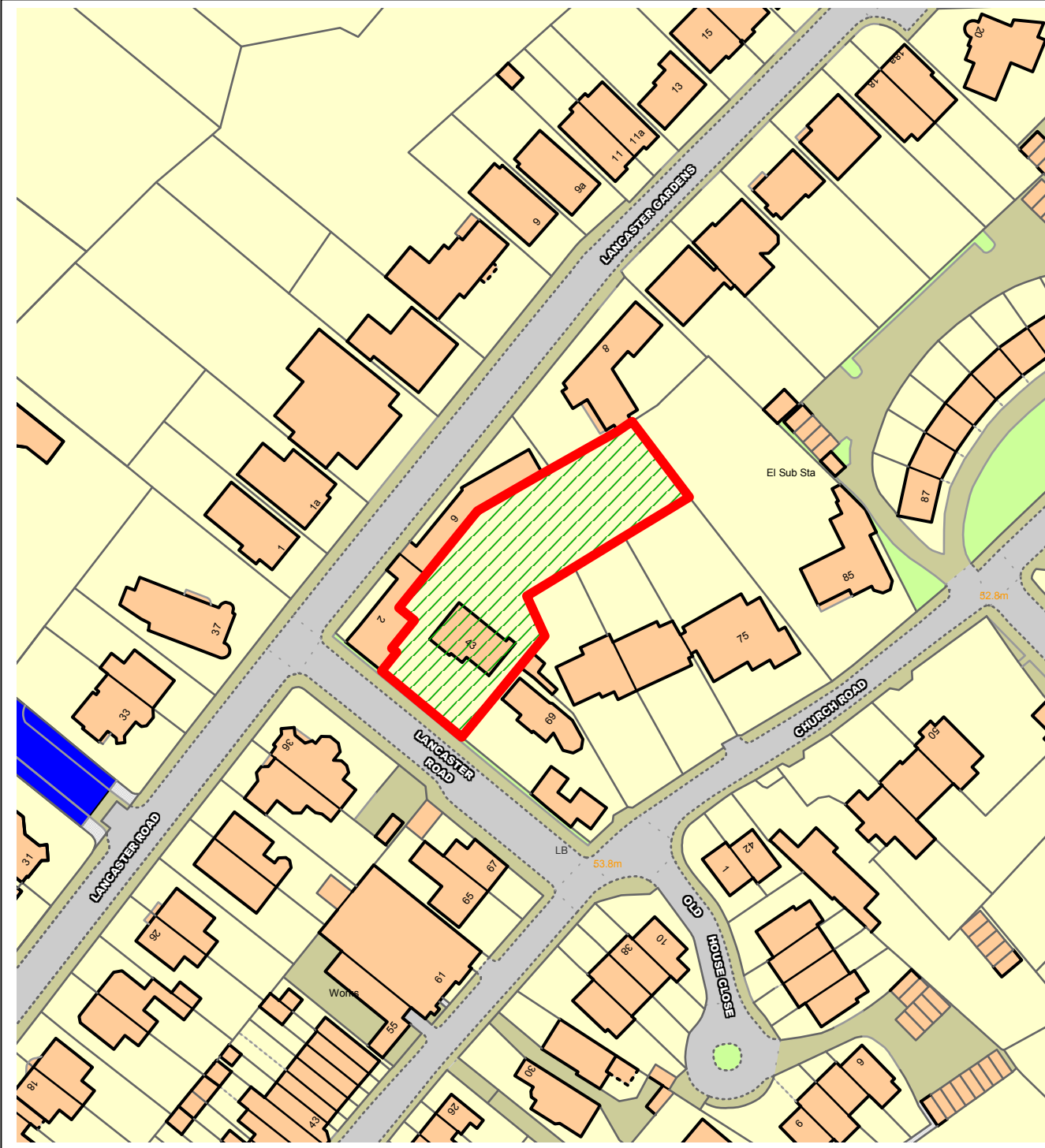
Reason: To ensure satisfactory means of surface water drainage, to reduce the risk of flooding and to comply with the following Development Plan policies for Merton: policy 5.13 of the London Plan 2011, policy CS16 of Merton's Core Planning Strategy 2011 and policy DM F2 of Merton's Sites and Policies Plan 2014.

13. C.8 No Use of Flat Roof

14. C.4 Obscure Glazing (First Floor Side Window in Two Storey Rear Extension).
 15. INF1 (Party Wall Act)
-
-

[Click here](#) for full plans and documents related to this application.

NORTHGATE SE GIS Print Template



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PLANNING APPLICATIONS COMMITTEE 18 July 2019

APPLICATION NO.
19/P0635

DATE VALID
27/02/2019

Address/Site: 34-40 Links Avenue, Morden, SM4 5AA

Ward: Merton Park

Proposal: Erection of a three bedroom semi-detached dwellinghouse. Erection of roof extension and conversion of roof space to extend existing first floor flats (2 x 1 bedroom to 2 x 2 bedroom).

Drawing No.'s: 3440LA-PP1-01; 3440LA-PP1-02; 3440LA-PP1-03; 3440LA-PP1-04 Rev B; and 3440LA-PP1-05 Rev C.

Contact Officer: Thomas Frankland (020 8545 3114)

RECOMMENDATION

Grant planning permission subject to conditions and a S106 agreement.

CHECKLIST INFORMATION

- S106: Yes
- Is a screening opinion required: No
- Is an Environmental Statement required: No
- Has an Environmental Statement been submitted: No
- Press notice: No
- Site notice: No
- Design Review Panel consulted: No
- Number of neighbours consulted: 10
- External consultations: 1
- Controlled Parking Zone: Yes (Zone M1)
- Flood zone: Flood Zone 1
- Conservation Area: No
- Listed building: No
- Protected Trees: 0
- Public Transport Access Level: 6a

1. INTRODUCTION

- 1.1. This application is being brought to the Planning Applications Committee for determination because of the number and nature of representations received in response to public consultation.

2. SITE AND SURROUNDINGS

- 2.1. The application site is a roughly crescent shaped parcel of land measuring 730m². It is located in Morden and is sandwiched between Links Avenue, the rear gardens of properties on Hatherleigh Close, and the nearby railway line.
- 2.2. The site is currently developed with a two storey, detached dwelling, which has been converted into four one-bedroom flats (two each to the ground and first floors). There is a narrow, wedge-shaped communal garden to the rear of this, occupying the southern part of the site, while the northern part of the site contains a private car parking area, with spaces for five cars.
- 2.3. The building on the site is of an atypical design for the area. It has an irregular shape, varied fenestration and most notably (for a two storey building), an entirely flat roof. The walls of the building are finished with pebbledash.
- 2.4. The land on the site is largely flat but the central and southern sections, containing the flats and garden, are raised above the height of Links Avenue and are accessed from the pavement via a short set of steps. A retaining wall separates the car parking area, which is set lower, from the remainder of the site.
- 2.5. The area surrounding the site is entirely residential, consisting of two storey dwellings constructed in the immediate post-war period, laid out either in pairs of terraces of four to six units in length. Typically these properties feature enclosed, lean-to front porches and two storey bays, topped by small gables. The prevailing roof form is hipped, although in some cases hip-to-gable conversions have been carried out post-construction. The majority of the frontages have been given over to car parking, although some retain their original front gardens.
- 2.6. The site is located in Controlled Parking Zone M1 and has a PTAL of 6a (excellent).
- 2.7. The site falls within Flood Zone 1 (lowest risk) and is not subject to any other environmental constraints.

3. CURRENT PROPOSAL

- 3.1. The application seeks full planning permission for the erection a new semi-detached dwelling and the erection of a mansard-style roof over the existing building to provide additional habitable accommodation to the existing first floor flats.
- 3.2. The new semi-detached dwelling would be attached to the northern flank wall of the existing building and would have three bedrooms set across three floors (two full storeys and accommodation within the roof space), providing space for five occupants. It would benefit from an L-shaped private garden located to its rear and northern side.
- 3.3. It would have a smooth render finish applied to its walls, save for some small sections of timber cladding. The windows would match the style of the existing building, while the front door would be timber clad. The mansard-style roof would host two small box dormers (one each to the northern and western slopes) but would otherwise be finished with plain tiles to match surrounding properties.
- 3.4. The new roof above the existing building would contain kitchen/dining rooms and living

rooms for the existing first floor flats, allowing each to gain a second bedroom at first floor level. It would fully integrate with the roof of the new semi-detached dwelling, including being punctuated at regular intervals by the same style of box dormer.

- 3.5. The finishes of the existing building would then be replaced to match the new dwelling, including replacement of the existing windows and doors.
- 3.6. The site currently accommodates four one bedroom flats. The proposals would result in the following accommodation:

Unit	Type	GIA	External Amenity
Flat 1 (GF)	1 bed / 2 person	50m ²	45m ²
Flat 2 (GF)	1 bed / 2 person	53m ²	30m ²
Flat 3 (1F/2F)	2 bed / 3 person	82m ²	None
Flat 4 (1F/2F)	2 bed / 3 person	99m ²	7m ²
New Dwelling	3 bed / 5 person	140m ²	55m ²

4. PLANNING HISTORY

02/P0361: Formation of vehicular access through installation of a vehicle crossover.
Planning Permission Granted

5. CONSULTATION

Public consultation was undertaken by way of a site notice and by post sent to neighbouring properties. Five representations were received, raising objection to the proposed development on the following grounds:

- Loss of privacy
- Loss of outlook
- Loss of light
- Overshadowing
- Noise pollution
- Insufficient separation distance between the new dwelling
- The building would be out of scale with surrounding development
- The existing building is unattractive and the proposals would exacerbate this
- Insufficient car parking provision
- The new dwelling would not be built on brownfield land
- The proposals would likely reduce the value of surrounding properties

Internal consultees.

Waste Services: No objection

Transport Planner: No objection

External Consultees.

Network Rail: No objection

6. POLICY CONTEXT

London Plan (2016)

Relevant policies include:

- 3.4 Optimising Housing Potential
- 3.5 Quality and Design of Housing Developments
- 5.2 Minimising Carbon Dioxide Emissions
- 5.3 Sustainable Design and Construction
- 5.10 Urban Greening
- 5.13 Sustainable Drainage
- 5.15 Water Use and Supplies
- 5.17 Waste Capacity
- 6.3 Assessing Effects of Development on Transport Capacity
- 6.9 Cycling
- 6.10 Walking
- 6.13 Parking
- 7.2 An Inclusive Environment
- 7.3 Designing Out Crime
- 7.4 Local Character
- 7.6 Architecture
- 7.15 Reducing and Managing Noise
- 8.2 Planning Obligations
- 8.3 Community Infrastructure Levy

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

Relevant policies include:

- CS 3 Morden Sub-Area
- CS 9 Housing Provision
- CS 14 Design
- CS 15 Climate Change
- CS 16 Flood Risk Management
- CS 17 Waste Management
- CS 18 Active Transport
- CS 19 Public Transport
- CS 20 Parking, Servicing and Delivery

Merton Sites and Policies Plan – 2014 (SPP)

- DM D2 Design considerations in all developments
- DM D3 Alterations and Extensions to Existing Buildings
- DM F2 SuDS, Wastewater and Water Infrastructure
- DM T1 Support for Sustainable Transport and Active Travel
- DM T2 Transport Impacts of Development
- DM T3 Car Parking and Servicing Standards

Supplementary planning considerations

National Planning Policy Framework 2018

- 9. Promoting sustainable transport
- 11. Making effective use of land
- 12. Achieving well-designed places
- 14. Meeting the challenge of climate change, flooding and coastal change

Housing SPG 2016 (London Plan)
Character and Context SPG 2014 (London Plan)
Sustainable Design and Construction SPG 2014 (London Plan)
Accessible London SPG 2014 (London Plan)

7. PLANNING CONSIDERATIONS

Key planning considerations:

- Principle of Development
- Design and Impact on Visual Amenity
- Impact on Neighbouring Amenity
- Standard of Accommodation
- Transport and Parking
- Waste and Recycling
- Sustainability

Principle of development

- 7.1. Policy 3.3 of the London Plan states that development plan policies should seek to identify new sources of land for residential development, including intensification of housing provision through development at higher densities. Policy CS9 of the Core Strategy encourages the development of additional dwellings within residential areas in order to meet London Plan targets.
- 7.2. The site has a PTAL rating of 6a, which is considered to be excellent. It is within a short walk of Morden town centre and consequently benefits from a wide range of amenities locally. The nearest bus stop is located a short distance away on Hillcross Avenue.
- 7.3. The site is located within an established residential area and the proposals would help achieve London Plan objectives by providing one additional dwelling and increasing the size of two others, making a modest contribution towards housing choice in the area and borough-wide housing targets.
- 7.4. The site is not subject to any other designations or environmental constraints which might fundamentally conflict with the type of development proposed. Therefore, notwithstanding the need to assess the impact of the development on visual and residential amenities, the principle of development may be considered acceptable.

Design and Impact on Visual Amenity

- 7.5. Policy 7.4 of the London Plan states that buildings, streets and open spaces should provide a high quality design response that: has regard to the pattern and grain of the existing spaces and streets in orientation, scale, proportion and mass; contributes to a positive relationship between the urban structure and natural landscape features, including the underlying landform and topography of an area; is human in scale, ensuring buildings create a positive relationship with street level activity and people feel comfortable with their surroundings; allows existing buildings and structures that make a positive contribution to the character of a place to influence the future character of the area; is informed by the surrounding historic environment.
- 7.6. Policy 7.6 of the London Plan states that buildings and structures should: be of the

highest architectural quality; be of a proportion, composition, scale and orientation that enhances, activates and appropriately defines the public realm; comprise details and materials that complement, not necessarily replicate, the local architectural character; and not cause unacceptable harm to the amenity of surrounding land and buildings, particularly residential buildings, in relation to privacy, overshadowing, wind and microclimate.

- 7.7. Policy CS 14 of the Merton Core Strategy states that all development needs to be designed in order to respect, reinforce and enhance the local character of the area in which it is located and to contribute to Merton's sense of place and identity. It seeks to achieve this, by promoting high quality sustainable design which: meets urban design and climate change objectives; responds to the "distinctive areas of the borough"; and improves Merton's overall design standard.
- 7.8. Policy DM D2 of the Merton Sites and Policies Plan aims to achieve high quality design and protection of amenity within the borough. It states that proposals for all development will be expected to: relate positively and appropriately to the siting, rhythm, scale, density, proportions, height, materials and massing of surrounding buildings and existing street patterns, historic context, urban layout and landscape features of the surrounding area; and use appropriate architectural forms, language, detailing and materials which complement and enhance the character of the wider setting.
- 7.9. Policy DM D3 of the Merton Sites and Policies Plan states that alterations or extensions to buildings will be expected to: respect and complement the design and detailing of the original building; respect the form, scale, bulk and proportions of the original building; use external materials that will be appropriate to the original building and to its surroundings; complement the character and appearance of the wider setting; and ensure that roof forms and materials are of an appropriate size, type, form and materials for the existing building, such that they are not unduly dominant, and respect the prevailing positive characteristics of the area.
- 7.10. The existing building on the site is of little architectural merit. It is a two storey, detached building of an irregular shape, topped by a flat roof. The front features two bay windows but the elevations otherwise lack any visual interest, consisting of pebbledash walls punctuated by very modest amounts of glazing. The significant bulk of the building is emphasised by its siting on land which is raised above the height of Links Avenue and its open, grassed frontage does little to soften its impact on the street scene.
- 7.11. The proposed two storey addition would be 5.7m wide and would project 10.3m northwards, offset slightly from the existing northernmost face of the existing building. It would have a simple, rectangular footprint and would be topped with a mansard-style roof, with the exception of a shallow, two storey bay window on its western face, which would have a hipped roof. A small, flat-roofed dormer would be erected centrally on its northern roof slope, set up from the eaves and down from the ridge where the slope would meet the flat section at the top of the roof.
- 7.12. The proposed roof addition to the existing part of the building would match the form of

that above the proposed extension, having a mansard form with steeply pitched slopes rising to a flat section approximately 2.4m above the height of the existing flat roof. The front slopes would be punctuated at regular intervals by flat-roofed dormers of the same style and dimensions proposed above the two storey addition.

- 7.13. Where the roof addition to the existing part of the building would adjoin that above the proposed extension, the front slope would ignore the offset nature of the extension, forming a recess within the central part of the front elevation. This recess would accommodate a balcony at first floor level.
- 7.14. Such significant extensions would add considerable bulk to the building. However, the visual effect of the additional bulk would be reduced by a good extent of glazing to those faces of the building which would address the street and the bulk would be further broken up by the two storey bay, a balcony projecting off to the side of it, and the central recess. This breaking up of the bulk would be further enhanced by a sensitive use of materials, with the walls being primarily white render but interrupted by sections of timber cladding, as well as metal railings enclosing the balconies. The roof would be finished with plain tiles to match surrounding properties and this would also be broken up but this time by the dormers, which would be cladded with zinc.
- 7.15. In contrast, the faces of the building which would not address the street would be relatively featureless, with the two storey addition representing a 10m long continuation of the existing, relatively blank rear elevation. However, any visual harm that this might cause in itself, especially considering that views of this part of the building would be limited, would be outweighed by the existing parts of the building being finished with white render to match the addition, thereby significantly improving its overall appearance.
- 7.16. Overall, it is considered that despite adding considerable bulk to the existing building, the proposals would represent a significant visual improvement to what is currently a building of little architectural merit. While there can be little doubt that the design incorporates some unusual features, these owe largely to the irregularity of the existing building and on balance, it is considered that the design responds positively to surrounding development. Having regard to this, it is considered that the effect of the proposed development on the character and appearance of the area would be acceptable.

Impact on Neighbouring Amenity

- 7.17. Policy 7.6 of the London Plan requires that buildings and structures should not cause unacceptable harm to the amenity of surrounding land and buildings, particularly residential buildings, in relation to privacy and overshadowing.
- 7.18. Policy DM D2 of the Merton Sites and Policies Plan states that proposals must be designed to ensure that they would not have an undue negative impact upon the amenity of neighbouring properties in terms of loss of light, quality of living conditions, privacy, visual intrusion or noise.
- 7.19. The only properties immediately surrounding the application site lie to the east on Hatherleigh Close. These are two storey dwellings laid out in terraces of four units in

length, whose back gardens would adjoin the site if not for an intervening access track which is approximately 3m wide.

- 7.20. It is acknowledged that the existing building results in a strong sense of enclosure when in the rear gardens of these properties, despite the fact that the distance from their rear wall to the building is 20m. The proposals would exacerbate this effect, lengthening the existing visible section of wall from approximately 14m to 24m and increasing the height of the building along this length by 2.4m. However, officers must give some weight to the fact that the building would not be set right up to the boundaries of these properties, instead being located some 4.5m away at the closest point (including the width of the access track). It is further noted that the addition, due to being offset from the existing northern face of the building, would be set a further metre away. In light of this, it is considered that only limited harm can be attached to any additional sense of enclosure that may result from the development and officers do not consider that the development could reasonably be resisted on this basis alone.
- 7.21. In respect of loss of light, the applicant has submitted a detailed daylight impact study in support of the proposals, which was carried out in accordance with the British Research Establishment's Daylight and Sunlight Planning Guide (2011). The study considered a worst case scenario which did not take into account existing vegetation on or around the site, meaning that all of the modelled effects would be attributable solely to the proposed additions. It showed that the levels of sunlight reaching the windows on the rear elevations of the properties on Hatherleigh Close would, at the very worst, reduce by 12% under the proposals but in most cases, would reduce negligibly (less than 5%). A similarly small effect was modelled for the number of annual sunlight hours received by the gardens of these properties. Having regard to this, it is considered that the effect of the proposals on loss of light would be acceptable.
- 7.22. In respect of loss of privacy, the only new window at first floor level or above in the rear elevation (looking east) would be obscurely glazed and fixed shut up to 1.7m above finished floor level. The remaining new windows would all look out over Links Avenue to the front of the property. In light of this, it is considered that the effect of the development on privacy would be acceptable.

Standard of Accommodation

- 7.23. Policy 3.5 of the London Plan states that the design of all new housing developments should enhance the quality of local places, taking into account physical context; local character; density; tenure and land use mix; and relationships with, and provision of, public, communal and open spaces, taking particular account of the needs of children, disabled and older people.
- 7.24. Policy DM D2 of the Merton Sites and Policies Plan 2014 states that developments should ensure appropriate provision of outdoor amenity space, whether public, private or communal, which accords with the appropriate minimum standards and is compatible with the character of surrounding areas.
- 7.25. The Mayor's Housing SPG 2016 provides guidance on the implementation of housing policies in the London Plan. It outlines the design standards for meeting the provisions

of policy 3.5 of the London Plan – they represent the minimum level of quality and design that new homes should meet.

- 7.26. Standard 26 of the Mayor’s Housing SPG states that a minimum of 5m² of private outdoor space should be provided for 1-2 person dwellings and an extra 1m² should be provided for each additional occupant. This standard is the “appropriate minimum standard” used for the purposes of policy DM D2.
- 7.27. Standard 29 of the Mayor’s Housing SPG states that developments should minimise the number of single aspect dwellings. Single aspect dwellings that are north facing, or exposed to noise levels above which significant adverse effects on health and quality of life occur, or which contain three or more bedrooms should be avoided.
- 7.28. The proposed new dwelling and the enlarged existing units would all comply with the requirements of the Technical Housing Standards. The new dwelling, which would be suitable for family occupation, would have a private garden measuring 55m², which is in excess of the policy requirement. Three of the existing units would also be afforded private outdoor space, with the two ground floor units allocated gardens and one of the upper floors units allocated the balcony within the recess at the front of the building. At present, all of the existing units share a communal garden which appears to be seldom used and is in poor condition.
- 7.29. It is considered that this represents a good standard of internal and external accommodation for potential future occupants of the site, albeit one of the first floor units would remain without any private outdoor space. Given that this unit would not be suitable for family occupation, this is considered to be an acceptable situation.

Transport and Parking

- 7.30. Policy 6.3 of the London Plan, Policy CS 20 of the Core Strategy and Policy DM T2 of the SPP require that development would not adversely affect pedestrian or cycle movements, safety, the convenience of local residents, on street parking or traffic management.
- 7.31. Policy 6.13 of the London Plan and Policy DM T3 of the SPP set out maximum car parking standards for new development. These policies seek to strike a balance between promoting new development and prevent excessive car parking which can undermine the use of more sustainable modes of transport. Twenty percent of all car parking spaces should provide for electric vehicle charging points.
- 7.32. Cycle storage is required for new housing developments by Policy 6.9 of the London Plan and Policy CS 18 of the Core Strategy; it should be secure, sheltered and adequately lit. One space should be provided per one bedroom dwelling and two spaces should be provided for all others.
- 7.33. The existing building benefits from four off-street car parking spaces located at the very northern extent of the site, which would be retained under the proposals. Given the excellent public transport accessibility in this location, officers are satisfied that the existing level of parking provision is sufficient to accommodate one additional unit as proposed. It is recommended that a condition be attached to any permission requiring

retention of the parking area as existing and a legal agreement be entered into exempting future occupants of the new unit from applying for parking permits. Subject to entering into such an agreement, the imposition of this condition and a further condition requiring a construction transport management plan, officers are satisfied that the proposals would have an acceptable impact on the safety and operation of the highway network.

- 7.34. The proposals show space within the site dedicated to cycle storage and officers are satisfied that this is of an acceptable size. It is recommended that technical details of cycle storage facilities are required by a condition attached to any permission.

Waste and Recycling

- 7.35. Policy CS 17 of the Core Strategy requires well designed, integrated waste storage facilities for all new development. This is reinforced by Standards 22 and 23 of the London Plan Housing SPG.

- 7.36. The Council's waste officer has assessed the proposed waste and recycling facilities and is satisfied that they would be of an acceptable standard. It is recommended that a condition is attached to any permission requiring technical details of these facilities to be approved prior to occupation of the development.

Sustainability

- 7.37. Policy 5.3 of the London Plan and Policy CS 15 of the Core Strategy seek to ensure the highest standards of sustainability are achieved for developments which includes minimising carbon dioxide emissions, maximising recycling, sourcing materials with a low carbon footprint, ensuring urban greening and minimising the usage of resources such as water.

- 7.38. The applicant has confirmed that the new dwelling and the altered first floor flats would achieve a 19% improvement in CO2 emissions over and above the requirements of Part L of the Building Regulations and wholesome water consumption rates of less than 105L per person per day. It is recommended that a condition be attached to any permission to demonstrate this prior to occupation of the development.

8. Conclusion

- 8.1. The proposals would result in the creation of an additional family-sized unit and the enhancement of four existing smaller units. The design would respond reasonably well to surrounding development and given the poor condition of the existing building, it is considered that it would result in an overall improvement to the character and appearance of the area.

- 8.2. While the proposals would result in the worsening of an existing sense of enclosure to the occupiers of properties on Hatherleigh Close, it is considered that this limited harm is outweighed by the benefits in providing an additional high quality unit and improving four others.

- 8.3. There are no other material considerations which indicate that permission should be refused. Therefore, it is recommended to grant planning permission subject to a suitably worded legal agreement and conditions.

RECOMMENDATION

Grant planning permission subject to a legal agreement and conditions as below:

S106 Heads of Terms:

1. That future occupants of the new dwelling are exempt from applying for parking permits.
2. To meet the Council's costs in preparing the S106.
3. To meet the Council's costs in monitoring the S106.

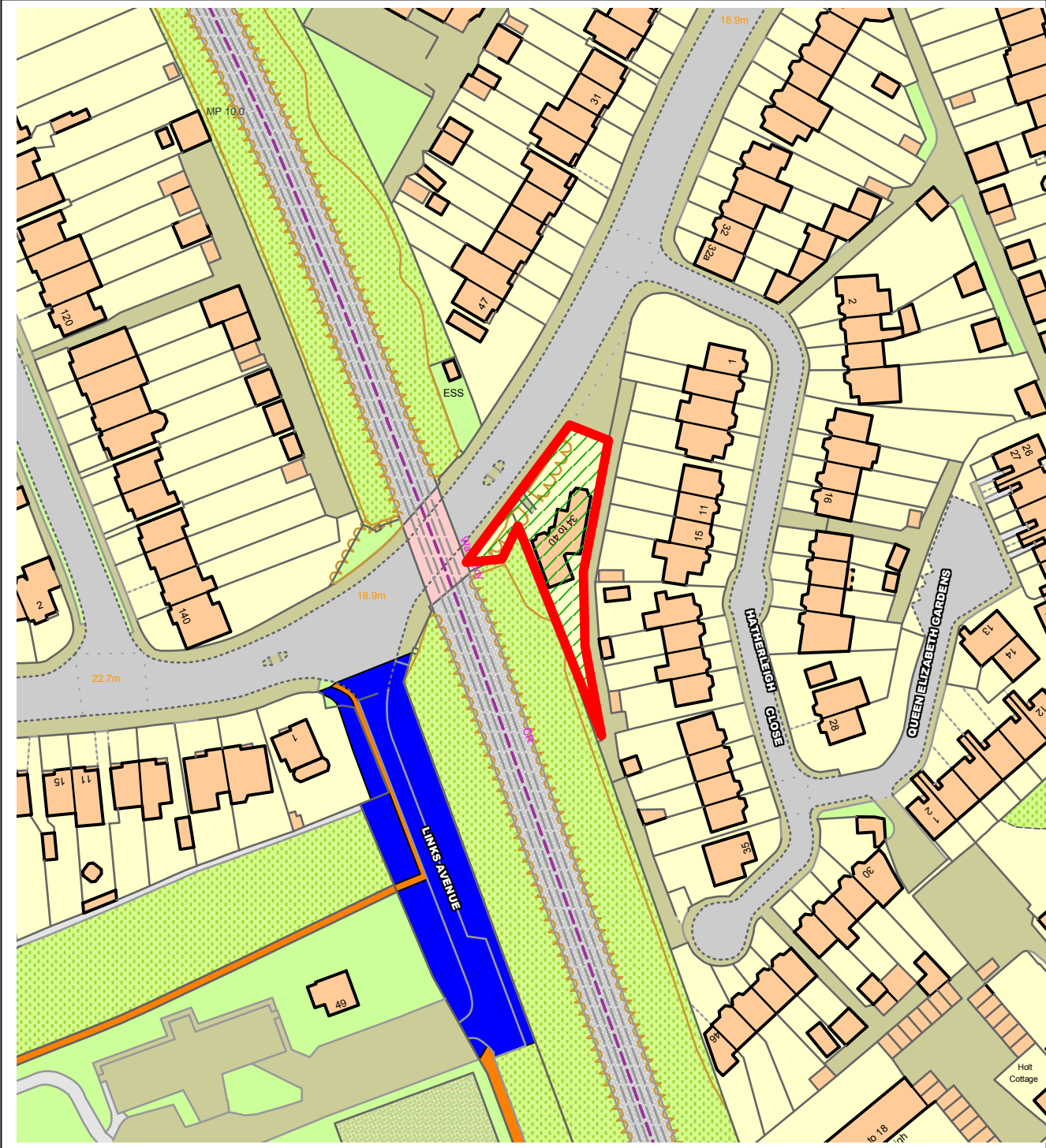
Conditions:

1. The development to which this permission relates shall be commenced not later than the expiration of 3 years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: 3440LA-PP1-01; 3440LA-PP1-02; 3440LA-PP1-03; 3440LA-PP1-04 Rev B; and 3440LA-PP1-05 Rev C.
3. No development above ground level 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, and approved in writing by, the Local Planning Authority. The development shall be carried out in full accordance with the approved details.
4. No development above ground level shall take place until a scheme for the storage of refuse and recycling has been submitted to, and approved in writing by, the Local Planning Authority. The development shall not be occupied until the approved scheme has been implemented in full and the facilities and/or measures contained within the approved scheme shall thereafter be retained for use at all times.
5. The vehicle parking area shown on the approved plans shall be provided prior to occupation of the buildings or use hereby permitted and shall be retained for parking purposes for occupiers and users of the development and for no other purpose.
6. No development above ground level shall take place until details of secure cycle parking facilities for the occupants of, and visitors to, the development have been submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be fully implemented and made available for use prior to the first occupation of the development and thereafter retained for use at all times.

7. The development shall not commence until details of hours of working and the provision to accommodate all site workers', visitors' and construction vehicles and loading/unloading arrangements during the construction process have been submitted to and approved in writing by the Local Planning Authority. The approved details must be implemented and complied with for the duration of the construction process.
 8. Before the development hereby permitted is first occupied, the new window at first floor level in the eastern elevation shall be glazed with obscure glass and fixed shut to a height of 1.7m above finished floor level and shall permanently maintained as such thereafter.
 9. The development hereby approved shall not be occupied until evidence has been submitted to, and approved in writing by, the Local Planning Authority confirming that the new semi-detached dwelling and altered first floor flats have achieved CO2 reductions of not less than a 19% improvement on Part L regulations 2013, and internal water consumption rates of no greater than 105 litres per person per day.
-

[Click here](#) for full plans and documents related to this application.

NORTHGATE SE GIS Print Template



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PLANNING APPLICATIONS COMMITTEE 18 July 2019

APPLICATION NO.
19/P0375

DATE VALID
15/01/2019

Address/Site

Willington School, 18 Worcester Road, Wimbledon,
SW19 7QQ

Ward

Hillside

Proposal:

Removal of existing boundary fence, replacement with new boundary brick wall/gate, new playground timber fence/gate and erection of a single storey detached building within playground area (between new wall & fence).

Drawing Nos

P1.04 Rev B, E1.31 Rev D and un-numbered plan (Rev 00)

Contact Officer:

Stuart Adams (0208 545 3147)

RECOMMENDATION

GRANT Planning Permission subject to conditions.

CHECKLIST INFORMATION.

- Heads of agreement: - N/A
- Is a screening opinion required: No
- Is an Environmental Statement required: No
- Has an Environmental Impact Assessment been submitted – No
- Press notice – No
- Site notice – Yes
- Design Review Panel consulted – No
- Number of neighbours consulted – 26
- External consultations – No.
- Number of jobs created – N/A
- PTAL score – 6a
- CPZ – W2

1. **INTRODUCTION**

- 1.1 The application has been brought before the Planning Applications Committee for consideration given the number of objections received.

2. **SITE AND SURROUNDINGS**

- 2.1 The application site comprises a part three, part two storey building, known as Willington School, which is located in Worcester Road, Wimbledon.
- 2.2 The area surrounding the application site is predominately residential in nature with a mixture of building styles and plot sizes.
- 2.3 To the rear of the application site the dwellings in Parkwood Road comprise pairs of semi detached dwellings.
- 2.4 To the north of the application site, the recently built terrace houses in Worcester Road comprise three storey town houses.
- 2.5 To the south of the application site is a small terrace comprising two storey flat roof houses.
- 2.6 The application site is not located within a Conservation Area.

3. **CURRENT PROPOSAL**

- 3.1 Removal of existing boundary fence, replacement with new boundary brick wall/gate, new playground timber fence/gate and erection of a single storey detached building within playground area (between new wall & fence).
- 3.2 The outbuilding would be a single storey flat roof building used as a kitchen, so that hot meals can be prepared onsite for the schoolchildren. The hot food would then be transferred to the main building during meal times. Permission for the outbuilding is for a temporary period of three years.
- 3.3 The proposed front boundary wall has been designed to match the existing front boundary wall. A 0.9m high timber fence would be added on the inside edge of the proposed wall in order to screen view of the outbuilding from the street scene. The timber fence attached to the wall is however a temporary measure that would need to be removed at the same time as the removal of the outbuilding (3 years).
- 3.4 The new 2.9m high timber fence/gates will be added to the playground, in front of the proposed outbuilding. The existing playground netting would be relocated behind the proposed timber fence. Both the new fencing and netting would however be for a temporary period of 3 years, these will be removed at the same time as the removal of the outbuilding. The land would then be reinstated to its former condition.

4. **PLANNING HISTORY**

- 4.1 15/P2994 - Removal of fire escape gantries and replacement of fire doors with brick & obscure glazed windows – Grant - 17/09/2015
- 4.2 13/P3217 - Erection of ground, first and second floor extension including refurbishment of existing fire escape and erection of a second floor rear extension at roof level – Grant - 26/11/2013.
- 4.3 08/P2063 - Erection of a 3m x 6m shelter with a monopitched bronze polycarbonate roof. Maximum height of shelter will be 2.75m – Grant - 24/09/2008.
- 4.4 08/P2033 - Improvements to playground including the addition of climbing equipment, external storage, picnic tables, seating and 32msq of coloured safety surfacing – Grant - 01/10/2008
- 4.5 06/P1838 - Erection of extensions to existing school building to provide additional classrooms including a three storey side extension to the main frontage, a first floor side extension with undercroft, two mansard roof extensions at second floor level on rear part of building, and addition of screen to existing rear escape passageway at first floor level – Grant - 19/12/2006
- 4.6 98/P0638 - Planning permission was granted consent on 29/7/98 under delegated powers for the following - Retention of temporary classroom and toilet blocks
- 4.7 93/P0005 - Planning permission was granted consent by the councils planning application committee on 22/4/93 for erection of a two storey side extension to provide classrooms and toilet facilities involving demolition of existing single story classroom and toilet facilities on south east side of building.
- 4.8 92/P0252 - Planning permission was granted consent under delegated powers on 5/6/92 for the erection of a single storey building in the north corner of the site to provide a new workshop and toilet for school use.
- 4.9 90/P0805 - Planning permission was granted consent subject to S106 agreement under delegated powers on the 19/9/90 for the redevelopment of site by the erection of a part three, part two, part single-storey office building with basement car parking involving demolition of all existing buildings on site.
- 4.10 90/P0122 - Planning permission was refused by planning applications committee on 27/6/90 for the redevelopment of site by the erection of a part three, part two storey office building with basement car parking

involving demolition of existing buildings. The application was refused for the following reason –

‘The proposed office building by reason of its size and massing would constitute an over development of this site, which is situated within a predominantly residential area, to the detriment of the amenities of neighbouring residential properties’.

- 4.11 88/P1436 - Planning permission was granted consent by the planning applications committee on 19/1/89 for the formation of a car parking area at the side of existing building to accommodate four cars with access off Worcester road.

5. **CONSULTATION**

- 5.1 The application has been advertised by site notice and letters of notification to the occupiers of neighbouring properties.

- 5.1.1 In response to the consultation, 12 letters of objection received (including one from the Wimbledon E Hillside Residents Association and the Wimbledon Society). The letters raise the following points:

Neighbour Impact

- Noise from playground is consistent as children are always outside. The impact of the reduced sized playground would mean the boys are squashed into an even smaller surface area, which would mean that the children would be forced to play in a confined area, close to gardens and other residential houses.
- Loss of privacy
- Loss of sunlight
- The nearest residents will have to suffer from food smells and noise from an extractor fan. The extractor should be tunneled at the side of the school onto the roof where the smells are likely to be diluted and blown further afield from the immediate neighbours to the side and rear
- Smell and vermin from bins
- Disruption during construction
- Is the further reduction of the play/sports area not a breach of environmental regulations?
- What about the extractor fans polluting the environment designated as a play/sports facility?
- What provision is there for food waste collection? Noted that the bins are planned to be located outside the building. Food waste has the potential to attract vermin and become a health hazard in the middle of a residential area?

Other

- Why are Wellington asking for planning permission for a kitchen again when a previous plan for a permanent kitchen in the basement was approved has been allowed to lapse?
- The site is too densely developed
- The application mentions that the kitchen would be used on Saturday mornings. Condition of the previous application is that the school ground and outside spaces are not to be used outside of normal school hours.

Use

- Opening hours include 9.00 – 17.00 weekdays, which is excessive when lunches will be over by midday.
- The building is more likely to be used as a classroom

Lack of Information

- There is no mention in the plans about the length of time the structure is expected to temporary and what intensions there are for a permanent solution?
- The operating hours also include use of the facility on Saturday 8.00 to 13.00. As the school is not open on a Saturday this raises questions over the intensions for this new facility?
- The application states that this building is temporary but the application contains no dates.
- There is no mention of what the intended use is on Saturday?
- No detail of kitchen layout and how it would be used?
- Lack of detail relating to extraction. A vent is shown on only one elevation. This suggests there will be no mechanical extraction removing noxious smell to high levels.
- There is no detail of where the children will eat their lunches?
- The application contains no details of a risk assessment on the use of the remainder of the playground for lessons and playtime?

Design

- Over development of the school
- The 3m high brick wall is too high and out of keeping
- No problem with the wall, the higher the better to help mask the sound from the schoolyard.
- Temporary kitchen will become permanent

Highways

- The application will increase traffic volume and frequency with the delivery of food supplies and waste removal.
- The application makes no attempt to manage the timing of deliveries.

5.1.2 Following re-consultation with neighbours, due to changes to the front boundary wall/gate and additional information being provided, 7 letters of

objection received. The letters raise the following points:

Playground

- Significant loss of playspace. There are over 200 boys in the school. The school has attempted to deflect these concerns with spurious reference to the junior playground, use of off-site locations for games and some unknown calculation for additional space. It is not practicable to take boys off site for activities.
- The school already accepts the playground is too small as the children use the playground on a rota system.
- A risk assessment should be carried out before any further reduction is approved to the playground size.
- The children will be squashed into an even smaller surface area (increased noise and disturbance).
- Playground to be reduced by 15% (not 3% as stated).
- This playground is used very early in the morning for children arriving at school, during the day for a variety of outdoor lessons and at the end of the day. This is the only playground used for football, running, ball games etc.
- High density and overdevelopment of the site. National Planning Policy Framework specifically highlights the requirement and consideration of health and well-being and that open space/recreational ground should not be built upon.

Neighbour Amenity

- Limited extraction for fumes from the kitchen has been proposed but no stack to disperse odours at high level.
- Use of kitchen outside term times
- Smell and fumes from the kitchen. There is no professional evaluation.
- The application states that the nearest residence is 11m away, which we refute.
- Further statements are made regarding noise emittance from extractor fans but without more detailed information this cannot be tested, clarified or verified and also there cannot be relied upon.
- As there are residents parking immediately facing the new double gates and no dropped kerb, it is assumed that any delivery and the large refuse bins would be trolleyed along the pavement. The relocation of the bins will cause additional disturbance to neighbours both when refuse is placed in the bins as well as on collection.

Highways

- 3 times a day additional traffic
- Additional pollution levels

Other

- There is no proposal contained within the document detailing any alternative method if the proposal for installing a permanent kitchen fails.
- No dates given for temporary kitchen. If the provision of a permanent kitchen in the basement is crucial, then why did the school allow the approval to lapse? No renewal of permission has been submitted for the permanent kitchen. It is far from clear that the re-development of the basement kitchen would be completed during the 3 year period.
- Noise from squeaking wheels or the noisy sounds of trolleys being pushed across the hard surface.
- A three year temporary consent is too long as a standalone consent.
- Environmental Health should be consulted
- Hours of use should be conditioned.
- Are the new access gates to be used permanently for all school deliveries as well as all refuse collections?
- No side elevation showing the southern boundary fence, it is not known if the bins will be visible above that boundary?
- How tall is the temporary wall that will separate the kitchen from the playground?

5.2 Environmental Health – No objection subject to conditions

6. POLICY CONTEXT

6.1 The relevant policies in the Council's adopted Site and Policies Plan (July 2014) are:

DM D2 Design Considerations in all developments
 DM D3 Alterations and extensions to existing buildings
 DM C2 Education for children and young people
 DM EP2 Reducing and mitigating noise
 DM T1 Support for sustainable transport and active travel
 DM T2 Transport impacts of development
 DM T3 Car parking and servicing standards

6.2 The relevant policies within the Adopted Core Strategy (July 2011) are:

CS14 - Design
 CS18 – Active Transport
 CS19 – Public Transport
 CS20 - Parking, Servicing and Delivery

6.3 London Plan (2016):

3.6 (Children and young people's play and informal; recreational facilities)
 7.3 (Designing Out Crime)
 7.4 (Local Character)

7.5 (Public Realm)

7.6 (Architecture)

7.15 (Reducing and managing noise, improving and enhancing the acoustic environment and promoting appropriate soundscapes)

6.4 Other

- National Planning Policy Framework 2019
- National Planning Practice Guidance 2014
- Planning and Compulsory Purchase Act – 2004
- Draft London Plan 2017
- Draft Local Plan 2020

7. **PLANNING CONSIDERATIONS**

7.1 The principal planning considerations related to this application are the principle of development, design/visual impact, neighbour impact and highways.

7.2 **Principle of development**

7.2.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that when determining a planning application, regard is to be had to the development plan, and the determination shall be made in accordance with the development plan, unless material considerations indicate otherwise.

7.2.2 Planning Policy DM C2 (Education for children and young people) of Merton's Site and Policies Plan seeks to ensure that there are sufficient school places of a suitable modern standard to meet statutory requirements. The proposed kitchen seeks to offer pupils the ability of having hot school dinners onsite. Providing improved facilities for school children is considered to be inline with the principles of planning policy DM C2 (Education for children and young people).

7.3 **Design**

7.3.1 The overarching principle of national and local planning policy is to promote high quality design. Planning policy DM D2 (Design considerations in all development) of Merton's Sites and Policies Plan states that amongst other considerations, that proposals will be expected to relate positively and appropriately to the siting, rhythm, scale, density, proportions, height, materials and massing of surrounding buildings and existing street patterns, historic context, urban layout and landscape features of the surrounding area.

Wall

7.3.2 Following objections and advice from officers, the applicant has reduced the height and design of the proposed front wall to match existing. The proposed wall is now considered acceptable, respecting the context of the site and not appearing overly large. The applicant has included a timber fence to the back of the wall, in order to help screen the proposed outbuilding. The timber fence would increase the height of the wall, but as this is a temporary measure to screen the proposed outbuilding, there is no objection. The timber fence would however need to be removed in coordination with the removal of the outbuilding (3 year temporary period). The proposals would also result in the existing ball netting being set back further into the playground area, this would be an improvement as the netting is not an overly pleasant feature within the street scene.

Outbuilding (kitchen)

7.3.3 The proposed outbuilding is a modest single storey flat roof building that would be partly screened from view by the proposed front boundary wall and new playground fence. The proposed building is not considered to have any architectural merit; however, such structures are common within school settings. In addition, the outbuilding is only for a temporary period of time (3 years). Therefore, it is considered that the building would respect the visual amenities of the area and the context of the site for its intended purpose.

7.4 Playground

7.4.1 A number of objections from local residents have raised concerns that the proposal would result in the loss of playground space. Whilst the proposal would result in a small reduction in the amount of playground space, it has to be noted that the proposed outbuilding is for a temporary period of 3 years, whilst a permanent solution is found. A planning condition requiring the land to revert to its former condition (notwithstanding the proposed front boundary wall and gate) can be imposed on the planning permission.

7.4.2 Neighbours have raised a concern that the building will be permanent. As outlined above, the outbuilding is for a 3 year temporary nature. Failure to comply with the 3 year time period condition would result in a breach of planning condition and enforcement action being taken. If the school wants to extend the time period of the building or make it a permanent feature than a further planning application would be required. A new application would then be assessed on planning grounds at the time of submission.

7.4.3 Neighbours have also raised concern that the reduced amount of playground will result in increased levels of noise and disturbance. Whilst there would be a reduction, the reduction is limited to an existing playground where the school would still operate a rota system to control its usage. There is no evidence that the proposal would result in increased

noise and disturbance to justify refusal of planning permission.

7.5 Neighbour Impact

7.5.1 The Council's Environmental Health Officer has confirmed that the kitchen and extract system to be installed is acceptable and matters relating to noise can be controlled via a suitable planning condition to ensure that there is no undue impact upon neighbours.

7.5.2 The applicant has confirmed that the kitchen would only be in operation for school lunches Monday to Friday (08.00 – 15.00), term time only. A planning condition controlling hours of use (as above) can be imposed on any planning permission.

16 Worcester Road

7.5.3 This neighbour is located to the southeast of the application site. A small access way separates the application site from this neighbouring property. The flank wall of this neighbouring property is located approximately 3.5m from the side boundary of the application site. The proposed outbuilding is a modest sized single storey flat roof building set behind existing and proposed boundary treatment. The existing/proposed screening would therefore help partly screen views of the outbuilding from this neighbouring property. In addition, the level of separation between the proposed outbuilding and this neighbour would ensure that there would be no undue loss of amenity.

7.5.4 The proposal would also result in bins being stored onsite, adjacent to the proposed outbuilding. The proposed bins would sit behind the existing side boundary fence (approx. 1.8m high), the school are in the process of arranging for daily collection of food waste and the bins would be located approximately 7m from the neighbours frontage. It is therefore considered that there would be no undue loss of amenity.

65 Compton Road & 37 A Alwyne Road

7.5.5 These neighbours are located on the opposite side of Worcester Road. Therefore, there is a good level of separation between the two neighbours. The proposed boundary wall/gate has been lowered in height and designed to match the existing boundary wall. The proposed kitchen would sit behind the proposed front wall (with timber above) and would be well distanced away from these neighbours to ensure that there would be no undue loss of amenity.

Parkwood Road

7.5.6 Neighbouring properties in Parkwood Road that sit to the rear of the application site are well distanced away from the proposed development to ensure that there would be no undue loss of amenity.

7.6 Parking and Traffic

7.6.1 The applicant has confirmed that there would be 10 deliveries per week and daily collection of food waste. In order to limit impact on the highway network, the applicant has stated that all deliveries will be scheduled to be outside of the busy periods for the children's drop off and collection (8.00 – 9.00 and 15.00 to 16.30). This can be controlled via a suitable planning condition.

7.6.2 Given the modest size of the proposed kitchen and the predicated 10 deliveries per week, plus daily food waste collection, the development is not considered to have an adverse impact upon the highway network to warrant refusal of planning permission.

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

8.1.1 The proposal is for minor development and an Environmental Impact Assessment is not required in this instance.

8.1.2 The application does not constitute Schedule 1 or Schedule 2 development. Accordingly, there are no requirements in terms on EIA submission.

9. **CONCLUSION**

9.1.1 The proposed development outbuilding and boundary treatment are considered to respect the context of the school site and will help the school deliver hot school meals on a temporary basis whilst a more permanent solution is delivered. The proposal is considered to respect the visual amenities of the area and would have no undue impact upon neighbours or highway conditions. The proposal is in accordance with Adopted Sites and Policies Plan, Core Planning Strategy and London Plan policies. The proposal is therefore recommended for approval subject to conditions.

RECOMMENDATION

GRANT PLANNING PERMISSION

Subject to the following conditions:

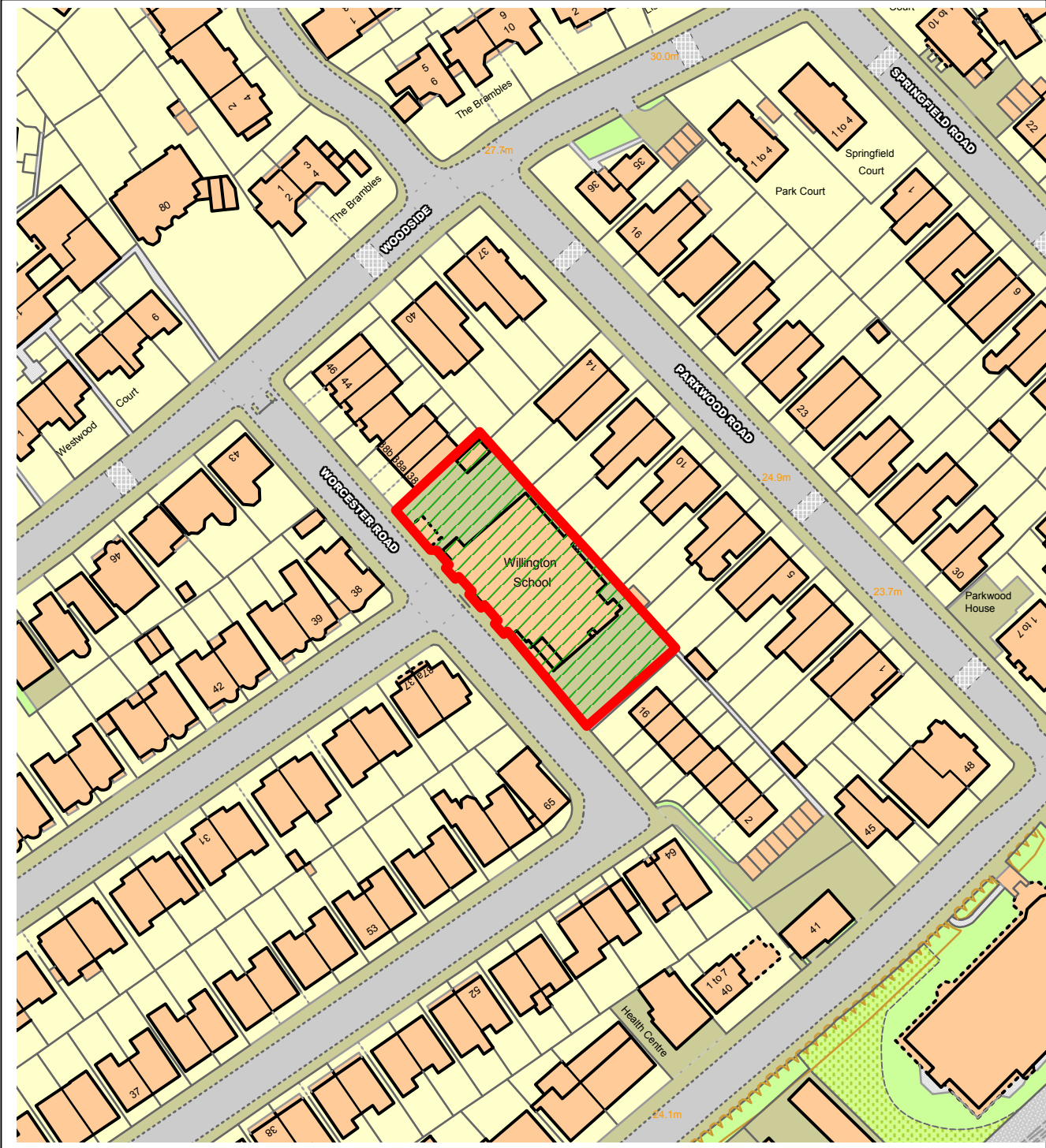
1. A1 Commencement of Development (full application)
2. A7 Approved Plans
3. B3 The facing materials to be used for the development hereby

permitted shall be those specified in the application form unless (including matching brick wall) otherwise agreed in writing by the Local Planning Authority.

4. C08 No use of flat roof
5. D01 The use hereby permitted shall only operate during school term times between the hours of 08.00 to 15.00 Monday to Friday.
6. All deliveries, loading, unloading or other servicing activities shall not take place between the hours of 08.00 – 09.00 and 15.00 to 16.30 Monday to Friday.
7. The proposed outbuilding (kitchen) and timber fence (attached to front boundary wall) is for a temporary period of 3 years and the use hereby permitted shall cease and the land restored to its former condition (notwithstanding the proposed front boundary wall/gates) on or before (inset date).
8. The outbuilding shall only be used as a kitchen for the school and for no other purpose (classroom for example), (including any other purpose within Class D1 of the Schedule to the Town and Country Planning (Use Classes Order) 1987), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.
9. Noise levels, (expressed as the equivalent continuous sound level) LAeq (10 minutes), from the new plant/machinery associated with the new ductwork installation shall not exceed LA90-10dB at the boundary with the closest residential property.
10. The kitchen ventilation and extract system shall be installed in accordance with the approved plans and specifications before the use commences and shall be permanently retained as such thereafter. Servicing of the system shall be undertaken in line with the manufacturer's specification.
11. The development hereby approved shall not be occupied until the refuse and recycling storage facilities shown on the approved plans have been fully implemented and made available for use. These facilities shall thereafter be retained for use at all times and no refuse shall be left overnight in the street.
12. The gates hereby approved shall not open over the adjacent highway

[Click here](#) for full plans and documents related to this application.

NORTHGATE SE GIS Print Template



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Committee: Planning Applications

Date: 18th July 2019

Subject: Planning Appeal Decisions

Lead officer: Head of Sustainable Communities

Lead member: Chair, Planning Applications Committee

Recommendation:

That Members note the contents of the report.

1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1 For Members' information recent decisions made by Inspectors appointed by the Secretary of State for Communities and Local Government in respect of recent Town Planning Appeals are set out below.
- 1.2 The relevant Inspectors decision letters are not attached to this report but can be viewed by following each individual link. Other agenda papers for this meeting can be viewed on the Committee Page of the Council Website via the following link:

[LINK TO COMMITTEE PAGE](#)

DETAILS

Application Numbers: **17/P2440**
Site: Land rear of 1A York Road, South Wimbledon SW19 8TP
Development: Erection of part 3 storey mixed use with commercial space on ground & lower ground levels & 3 x flats on first & second floors, plus a 2 storey block (with lower ground level) comprising 3 x flats with amenity space, parking and landscaping.
Recommendation: Refused (Delegated Decision)
Appeal Decision: **ALLOWED**
Date of Appeal Decision: 3rd June 2019

[Link to Appeal Decision Notice](#)

[Link to Costs Decision](#)

Application Numbers: **17/P4219**
Site: Vantage House, 1 Weir Road, Wimbledon SW19 8UX
Development: Erection of additional storey to create 5 x flats, moving bin store to lower ground level; with the removal of plant room and telecom equipment. Plus formation of community garden over existing car park
Recommendation: (Delegated Decision)
Appeal Decision: **ALLOWED**
Date of Appeal Decision: 25th June 2019

[Link to Appeal Decision Notice](#)

Application Numbers: **18/P1670**
Site: Alpine Works, Hallowell Close Mitcham CR4 2QD
Development: Erection of front extension and a first floor roof extension.
Recommendation: Refused (Delegated Decision)
Appeal Decision: **DISMISSED**
Date of Appeal Decision: 31st May 2019

[Link to Appeal Decision Notice](#)

Application Numbers: **18/P2256**
Site: 33 Graham Road, Mitcham, CR4 2HB
Development: Conversion of existing dwellinghouse to create 5 x self-contained flats, involving erection of two storey rear and side extensions
Recommendation: Refused (Delegated Decision)
Appeal Decision: **DISMISSED**
Date of Appeal Decision: 26th June 2019

[Link to Appeal Decision Notice](#)

Application Numbers: **18/P2465**
Site: 58 Haynt Walk, Raynes Park, London, SW20 9NX
Development: Erection of a two storey dwellinghouse
Recommendation: Refused (Delegated Decision)
Appeal Decision: **DISMISSED**
Date of Appeal Decision: 26th June 2019

[Link to Appeal Decision Notice](#)

Application Numbers: **18/P2661**
Site: 27 Cochrane Road, London SW19 3QP
Development: Conversion of dwellinghouse into 3 x self-contained flats, involving erection of a single and two storey side extension and a single storey rear extension plus a hip to gable with L-shaped rear roof extension
Recommendation: Refused (Delegated Decision)
Appeal Decision: **ALLOWED**
Date of Appeal Decision: 26th June 2019

[Link to Appeal Decision Notice](#)

Application Numbers: **18/P4021**
Site: 130 Gladstone Road, Wimbledon SW19 1QW
Development: Erection of a single storey rear extension
Appeal Decision: **DISMISSED**
Date of Appeal Decision: 28th June 2019

[Link to Appeal Decision Notice](#)

Application Numbers: **18/P4482**
Site: 24 Middle Way, Streatham SW16 4HN
Development: Conversion of two storey side extension into self-contained dwelling involving erection of single storey rear and front extension
Recommendation: dismissed (Delegated Decision)
Appeal Decision: **DISMISSED**
Date of Appeal Decision: 26th June 2019

[Link to Appeal Decision Notice](#)

Alternative options

- 3.1 The appeal decision is final unless it is successfully challenged in the Courts. If a challenge is successful, the appeal decision will be quashed and the case returned to the Secretary of State for re-determination. It does not follow necessarily that the original appeal decision will be reversed when it is re-determined.

3.2 The Council may wish to consider taking legal advice before embarking on a challenge. The following applies: Under the provision of Section 288 of the Town & Country Planning Act 1990, or Section 63 of the Planning (Listed Buildings and Conservation Areas) Act 1990, a person or an establishment who is aggrieved by a decision may seek to have it quashed by making an application to the High Court on the following grounds: -

1. That the decision is not within the powers of the Act; or
2. That any of the relevant requirements have not been complied with; (relevant requirements means any requirements of the 1990 Act or of the Tribunal's Land Enquiries Act 1992, or of any Order, Regulation or Rule made under those Acts).

1 CONSULTATION UNDERTAKEN OR PROPOSED

1.1. None required for the purposes of this report.

2 TIMETABLE

2.1. N/A

3 FINANCIAL, RESOURCE AND PROPERTY IMPLICATIONS

3.1. There are financial implications for the Council in respect of appeal decisions where costs are awarded against the Council.

4 LEGAL AND STATUTORY IMPLICATIONS

4.1. An Inspector's decision may be challenged in the High Court, within 6 weeks of the date of the decision letter (see above).

5 HUMAN RIGHTS, EQUALITIES AND COMMUNITY COHESION IMPLICATIONS

5.1. None for the purposes of this report.

6 CRIME AND DISORDER IMPLICATIONS

6.1. None for the purposes of this report.

7 RISK MANAGEMENT AND HEALTH AND SAFETY IMPLICATIONS

7.1. See 6.1 above.

8 BACKGROUND PAPERS8.1. The papers used to compile this report are the Council's Development Control service's Town Planning files relating to the sites referred to above and the agendas and minutes of the Planning Applications Committee where relevant.

Planning Applications Committee 18 July 2019

Wards: All
 Subject: PLANNING ENFORCEMENT - SUMMARY OF CURRENT CASES
 Lead officer: HEAD OF SUSTAINABLE COMMUNITIES
 Lead member: CABINET MEMBER FOR REGENERATION, HOUSING AND
 TRANSPORT COUNCILLOR MARTIN WHELTON
 COUNCILLOR LINDA KIRBY, CHAIR, PLANNING APPLICATIONS
 COMMITTEE

Contact Officer Ray Littlefield: 0208 545 3911, Ray.Littlefield@merton.gov.uk

Recommendation: That Members note the contents of the report.

1. Purpose of report and executive summary

This report details a summary of casework being dealt with by the Planning Enforcement Team and contains figures of the number of different types of cases being progressed, with brief summaries of all new enforcement notices and the progress of all enforcement appeals.

Current Enforcement Cases:	932	¹ (921)	New Appeals:	(1)	(1)
New Complaints	38	(44)	Instructions to Legal	0	(0)
Cases Closed	27		Existing Appeals	0	(1)
No Breach:	19		<hr/>		
Breach Ceased:	8		TREE ISSUES		
NFA ² (see below):	0		Tree Applications Received	57	(57)
Total	27	(38)	% Determined within time limits:	95%	
New Enforcement Notices Issued			High Hedges Complaint	0	(1)
Breach of Condition Notice:	0		New Tree Preservation Orders (TPO)	2	(2)
New Enforcement Notice issued	0	(3)	Tree Replacement Notice	0	
S.215: ³	0		Tree/High Hedge Appeal	0	(0)
Others (PCN, TSN)	1	(0)			
Total	0	(0)			
Prosecutions: (instructed)	0	(0)			

Note (*figures are for the period from 8th June 2019 to 8th July 2019*). The figure for current enforcement cases was taken directly from M3 crystal report.

¹ Totals in brackets are previous month's figures

² confirmed breach but not expedient to take further action.

³ S215 Notice: Land Adversely Affecting Amenity of Neighbourhood.

2.0 New Enforcement Actions

183A Streatham Road CR4 2AG. An Enforcement Notice was issued on 1st May 2019 relating to the erection of a rear balcony to the existing rear roof dormer of the property. The Notice requires demolishing the rear balcony to the existing rear roof dormer and restoring the property to that prior to the breach. The Notice would have taken effect on 4th June 2019, with a compliance period of 2 months if no appeal is made. An appeal has now been lodged with the Planning Inspectorate.

74 Beeleigh Road, Morden, SM4 5JW. An Enforcement Notice was issued on the property on 17th December 2018 for 'Without planning permission the erection of a single story front extension. The notice requires the owner to demolish the front extension; and will take effect on 21st January 2019 with a compliance period of four months of this date unless an appeal is made. An appeal was made under ground (A) That Planning Permission should be granted. The Council's statement has been submitted.

The former laundry site, 1 Caxton Road, Wimbledon SW19 8SJ. Planning Permission was granted for 9 flats, with 609square metres of (Class B1) office units. 22 flats have been created. Instructions have been sent to legal services for the service of a planning enforcement requiring either the demolition of the development or build to the approved scheme. The Planning Enforcement Notice was issued on 11th October 2018. The Notice will take effect on 18th November 2018 with a compliance period of 12 calendar months, unless an appeal is made to the Planning Inspectorate before 18th November 2018. An appeal was made but withdrawn the following day.

Some Recent Enforcement Actions

- **Burn Bullock, 315 London Road, Mitcham CR4.** A Listed Buildings Repair Notice (LBRN) was issued on 27th August 2014 to require a schedule of works to be carried out for the preservation of the Building which is listed.

Listed Building Consent was granted on 3rd March 2015 to cover the required works which include the roof, rainwater goods, masonry, chimney render repairs, woodwork, and glazing. An inspection of the building on Friday 29th April 2016 concluded that the required works have mostly been carried out to an acceptable standard.

The Council has now been provided with a copy of the archaeological survey report officers will be reviewing and making their recommendations. Case to be re-allocated to a new officer but kept under re-view.

A pre-app has been submitted which covered converting the upper floors to residential and proposal for new development at the rear and at the side. Proposals included improvements to the cricket pavilion. A pre-app report has been made.

At the site visit it was observed that there is a new ingress of water from the roof. This was pointed out to the owner asking for immediate action.

1 Cambridge Road, Mitcham, CR4 1DW. The council issued a S215 notice on 21st August 2017 to require the following steps to trim and cut back overgrown bushes from the front and rear gardens, tidy the site, clean, repair and paint the front windows and repaint the front of the proper. The notice took effect on the 21st September 2017. Due to the time that has elapsed since the issuing of the Notice a new Notice was issued and served on 13th November 2018 giving 28 days in which to comply with the Notice. To date the Notice has not been complied and direct action is now under consideration.

399 Hillcross Avenue, Morden, SM5 4BY

The Council served an enforcement notice on the 14th May 2019 to require the following steps; - revert the property to a single dwelling; and to remove from the land all materials and debris resulting from the compliance. The property has been changed from a dwellinghouse into four separate flats without planning permission. The compliance date is the 24th September 2019.

This property has already complied with the enforcement notice and has been restored back to a single dwelling house. The case has now been closed.

7 Streatham Road, Mitcham, CR4 2AD

The Council served two enforcement notices on 6th June 2019, requiring the outbuilding to be demolished and to clear debris and all other related materials. The second enforcement notice is for an unauthorised front, side and rear (adjacent to Graham Road) dormer roof extensions. An appeal was lost for the dormers to be considered permitted development, the notice requires the owner to demolish the unauthorised front, side and rear roof dormer extensions (adjacent to Graham Road) and to clear debris and all other related materials. Both Notices come into effect on 8th July 2019 unless appeals are made before this date. To date no appeal has been lodged.

227 London Road SM4 5PU. An Enforcement Notice was issued on the property on 20th December 2018 for 'Without planning permission, the formation of a hardstanding and the parking of vehicles, on the front garden of the land'. The notice requires the owner to cease use of the front garden for the parking of vehicles and to remove the unauthorised hardstanding; and will take effect on 24th January 2019 with a compliance period of three months of this date unless an appeal is made. No appeal has been made to date. A recent site visit has confirmed the requirements of the enforcement notice have not been complied. A further inspection has been undertaken, the Notice has now been complied with.

3.00 New Enforcement Appeals - 0
Existing enforcement appeals - 1
Appeals determined – 1

22 St George's Road, Mitcham, CR4 1EB. The council issued an Enforcement Notice on the 7 May 2018 for 'erection of high fence and patio at the property. The notice requires removal of the fencing and decking from the Property and will take effect on 14th June 2018 with a compliance period of one month of this date unless an appeal is made. The Appeal has now been determined. With the outcome that the decking was considered to be Permitted Development, but the fencing has to be reduced in height or removed. The fencing has now been reduced as required and the Enforcement Notice has now been complied with.

3.3 Prosecution cases.

55-61 Manor Road, Mitcham. An enforcement notice was issued on 3rd August 2016 against the unauthorised change of use of the land from a builder's yard to use as a scrap yard and for the storage of waste and scrap metals, scrap motor vehicles and waste transfer. The notice came into effect on 2/9/16 no notification of an appeal was received. The requirement is to cease the unauthorised use and remove any waste and scrap materials including scrap and non-scrap vehicles from the site by 8/10/16. Following a site inspection, the occupier was reminded of the enforcement action and advised that as he failed to comply with the notice, the Council was progressing prosecution proceedings. However, the owner stated that the Notice would be complied with by 21st April 2017.

The people involved were summoned to attend Lavender Hill Magistrates' Court on 10th July 2018. The defendants were required to attend the court and enter a plea to the offence of failing to comply with the requirements of a Planning Enforcement notice.

The defendant's appeared at Lavender Hill Magistrates Court. But the case was deferred and sent to the Crown Court as the penalties available to the Magistrates Court were considered by the court, to be insufficient, should the defendants be found to be guilty. It is likely that this case will be heard at the Crown Court in August 2018. The Court has imposed a £1,000 fine plus costs of £1,500. The occupier was instructed to comply with the notice within one week by 15/08/2018. Officer's will visit and check for compliance. A second prosecution was underway. A recent inspection found that the Planning Enforcement Notice has now been complied with.

3.4 Requested update from PAC - None

- 4. Consultation undertaken or proposed -**
None required for the purposes of this report
- 5 Timetable - N/A**
- 6. Financial, resource and property implications – N/A**
- 7. Legal and statutory implications – N/A**
- 8. Human rights, equalities and community cohesion implications – N/A**
- 9. Crime and disorder implications – N/A**
- 10. Risk Management and Health and Safety implications – N/A**
- 11. Appendices – the following documents are to be published with this report and form part of the report Background Papers – N/A**
- 12. Background Papers – N/A**