

## PLANNING APPLICATIONS COMMITTEE – 12<sup>th</sup> November 2020

**APPLICATION NO.**

20/P2098

**DATE VALID**

29/07/2020

**Address/Site:** 87 Robinson Road,  
Tooting, SW17 9DN

**Ward:** Colliers Wood

**Proposal:** PROPOSED DEMOLITION OF EXISTING BUILDING AND OUTBUILDING AND ERECTION OF A 3 STOREY BUILDING PLUS LOWER GROUND FLOOR LEVEL, TO CONTAIN 9 X SELF-CONTAINED FLATS WITH OFF STREET PARKING SPACES, CYCLE STORAGE AND REFUSE STORAGE.

**Drawing No.'s:** 01 Rev A; 18 Rev A; 19 A; 20 A; 21 A; 22 A; 23 A; 24 A; 25 A; 26 A; KP Acoustics report 18329.NVA.01; Flood Risk Assessment Rev 4; Sustainable Drainage Systems Report Rev 3; Preliminary Ecological Appraisal Survey; Arboricultural Report by dpa Consultants dated July 2020

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

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**RECOMMENDATION**

**Grant planning permission subject to conditions and S.106 agreement**

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**CHECKLIST INFORMATION**

- S106: Yes (restriction of parking within CPZ)
- Is a screening opinion required: No
- Is an Environmental Statement required: No
- Has an Environmental Statement been submitted: No
- Press notice: No
- Site notice: Yes
- Design Review Panel consulted: No
- Number of neighbours consulted: 16
- External consultations: 1
- Conservation area: No
- Listed building: No
- Archaeological priority zone: No
- Tree protection orders: No
- Controlled Parking Zone: Yes
- Flood Zone: Yes, the northern corner of the site is Flood Zone 2, comprising approximately 5% of the total site area
- Designated Open Space: No

## **1. INTRODUCTION**

- 1.1 This application is being brought to the Planning Applications Committee for determination due to the objections received.
- 1.2 Redevelopment of the site was recently considered by planning committee in May 2020. The proposals that were approved by Committee were for the demolition of existing buildings and erection of a two-storey building with lower ground floor level to contain 8 Flats (LBM reference 19/P2287). The proposal now before Committee is for a revised scheme, in which the main changes include:
- An additional (recessed) top storey to the building to deliver one additional flat (2 bedroom, 3 person);
  - Minor adjustment of building footprint;
  - Amended internal layout within building to create additional bedrooms;
- The changes proposed would increase the designed level of occupancy within the building from 29 to 33 individuals.

## **2. SITE AND SURROUNDINGS**

- 2.1 The subject site is located to the rear of numbers 83-91a on the northern side of Robinson Road. The site is accessed via a 30m long driveway from Robinson Road. The existing property on the site comprises a two-storey family house with a single storey garage located toward the eastern boundary.
- 2.2 The existing house has the following dimensions:
- 14.6m wide, an eaves height of 6.1m and a maximum height of 9m (western elevation).
  - 14.6m wide, an eaves height of 6.6m and a maximum height of 9m (eastern elevation).
- 2.3 The surrounding buildings to the south, Nos. 83-91A, are two storey dwellings that abut Robinson Road. The rear of these properties are setback at least 11m from the property boundary with 87 Robinson Road.
- 2.4 No. 93 Robinson Road is adjacent to the eastern property boundary of the application site. The application site abuts the rear portion of the property, which is currently undeveloped rear garden. The railway and River Graveney are to the rear of the site.
- 2.5 There are a number of unprotected trees along part of the boundary with 81 Robinson Road, 89-93 Robinson Road along with a mature tree located just within the site boundary beyond the far corner of the garden of 89 Robinson Road.

## **3. CURRENT PROPOSAL**

- 3.1 This application seeks planning permission for the demolition of the existing two-storey house and the erection of a three-storey building with lower ground floor level, to comprise 9 flats. The building's top floor would be a recessed

upper level, positioned inwards from the building's front and side elevations. The flats and their individual sizes are detailed in the table below:

Unit	No. of beds	No. of persons	No. of storey's	Proposed GIA
1	1	2	1	50.6m <sup>2</sup>
2	3	5	2 (ground and lower ground)	126m <sup>2</sup>
3	3	4	2 (ground and lower ground)	102.5 m <sup>2</sup>
4	3	5	2 (ground and lower ground)	126m <sup>2</sup>
5	1	2	1	50.6m <sup>2</sup>
6	3	4	1	85.6m <sup>2</sup>
7	3	4	1	80.8m <sup>2</sup>
8	3	4	1	86.3m <sup>2</sup>
9 (top floor flat)	2	3	1	68.4 m <sup>2</sup>

3.2 The proposal would also include:

- 3 parking spaces, one of these spaces would be for disabled parking.
- Access driveway for vehicles and pedestrians.
- Refuse storage area which would house 5 x 660L bins (1 for food waste, 2 for refuse and 2 for recycling) and a bulk bin area. The refuse bins would be moved closer to the vehicle entrance on collection day.
- Cycle storage facility.

3.3 The proposed building would have the following dimensions:

- 14.6m deep,
- 24m wide,
- Height of building 8.7m from natural ground level (height of two-storey main part of building 6m, recessed top floor an additional 2.7m).
- Lower ground floor to natural ground level 3m.

3.4 The proposed building would be located approximately:

- 1.4m from the shared eastern (side) boundary, reducing to 1m towards the rear of the site;
- 1.4m from the shared western (side) boundary, increasing to 1.8m towards the rear of the site;
- 4m from the northern (rear) boundary, in which there is a railway line beyond.
- 41.4m from Robinson Road.

- 3.5 The building's footprint would broadly match the previously approved scheme. In terms of massing the upper recessed storey is the principal difference between the current scheme and the scheme formerly approved.
- 3.6 The front elevation of the building would have both horizontal and vertical articulation, with the building ends set with a forward protrusion and a small step-up in height along the main building eaves. Glazing would be evenly positioned across the front elevation. The main entrance to the building would be located centrally at ground floor level, and would provide access to the lobby, main stairwell, and all flat entrance doors.
- 3.7 The rear elevation would include a consistent pattern of glazed and solid parts. External balconies would be provided for all flats on upper levels (first and second floor flats). Each of the split-level, ground and lower ground floor flats, would have access to their own private, lower-ground floor, rear garden.
- 3.8 The proposal includes tree removal and tree replanting. Retained trees would be protected during construction works.

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

- 4.1 19/P2287 - DEMOLITION OF EXISTING BUILDING AND OUTBUILDING AND ERECTION OF A 2 STOREY BUILDING PLUS LOWER GROUND FLOOR LEVEL, TO CONTAIN 8 X SELF-CONTAINED FLATS WITH OFF STREET PARKING SPACES, CYCLE STORAGE AND REFUSE STORAGE – Approved by Planning Committee May 2020. Decision notice issued 25/06/2020.
- 4.2 19/P0143 - DEMOLITION OF EXISTING BUILDING AND OUTBUILDING AND ERECTION OF A 3 STOREY BUILDING CONSISTING OF 9 X SELF CONTAINED RESIDENTIAL UNITS WITH PARKING, CYCLE STORAGE AND REFUSE STORAGE - Refused 27/06/2019. Appeal dismissed.

Reasons for refusal:

- 1. The proposed development, by reason of its siting, mass and design, would result in (a) an incongruous form of development, which is considered to be detrimental to the character and appearance of the area as a whole and (b) would appear unduly intrusive and visually overbearing when viewed from neighbouring properties including 81 Robinson Road to the detriment of the visual amenities of neighbouring occupiers. The proposals would be contrary to policy DM D2 of the Merton Sites and Policies Plan [2014] CS14 of the Merton LDF Core Planning Strategy [2011] and 7.6 of the London Plan (2016).**
- 2. In the absence of sufficient on-site parking to serve the residential units, the proposal would result in an increased demand for on street parking which would lead to increased kerbside parking, resulting in a detrimental impact on highway and pedestrian safety contrary to Policy 6.13 of the London Plan 2016, Policy DM T3 of the Sites and Policies Plan 2014 and Policy CS20 of the Core Planning Strategy 2011.**

**3. The development does not include a waste management plan which outlines who is responsible for moving/collecting the refuse bins on collection day and is therefore not considered comply with policy 5.17 of the London Plan and policy CS 17 of the Core Strategy.**

4.3 03/P2670 - ERECTION OF A SINGLE STOREY CONSERVATORY TO REPLACE EXISTING - GRANTED.

4.4 00/P1934 - APPLICATION FOR A CERTIFICATE OF LAWFULNESS IN RESPECT OF A PROPOSED REAR ROOF EXTENSION - WITHDRAWN.

## **5. CONSULTATION**

5.1 Public consultation was undertaken by way of site notice and letters sent to 16 neighbouring properties.

5.2 3 letters of objections were received who raised the following concerns:

- The development is too big and imposing. It is larger in scale and proportion to that of immediate surrounding buildings.
- The proposed building would be overbearing and out of character for the area.
- The original application for a 3-storey building has already been refused previously.
- The floor plans have also increased in size to accommodate 4 extra bedrooms
- The windows within the front elevation would be larger than the windows previously approved and would create overlooking into the windows and neighbouring gardens.
- The previous plans suggest trees to be planted to obscure views towards neighbours. It is unclear what is now proposed or the type of trees to be established.
- Obstruction of a right of way
- Driveway is not suitable for heavy contractors haulage and would cause damage to drainage
- The proposal would cause serious structural damage to No. 83 and 85.
- The proposal would result in traffic and pedestrian issues
- The proposal would impact the value of property.
- My family use the driveway regularly to park to the rear outside the garage boundary
- The limited car parking spaces onsite will cause the flats to park on the street.
- The increase density would amplify noise levels
- The plans have inadequate details and measurements
- There is inadequate space for the bins to be stored on collection day on the driveway and for cars to pass.
- Smell would emit from the refuse bins

5.3 In regards to the above representations the planning officer notes the following:

- Adverse impacts regarding construction/demolition are dealt with via conditions. The Council's Environmental Health team have further statutory powers to control noise and nuisance outside of planning legislation;
- Issues raised concerning rights of way, ownership issues and value of property are not material planning considerations that can be afforded weight to this assessment.
- The remaining comments are discussed further within this report.

#### Internal consultees

- 5.4 LBM Climate Change Officer: raised no objection subject to pre-commencement and pre-occupation conditions.
- 5.5 LBM Environmental Policy Officer: The development is acceptable subject to the recommendations outlined in the Preliminary Ecological Appraisal Survey.
- 5.6 LBM Transport and Highways Officers: Raise no objection subject to conditions. A limited numbers of onsite parking spaces are proposed. The subject site is located in a CPZ. A Section 106 agreement restricting the owners/occupiers of the development from accessing parking permits should be entered into between the relevant parties. A car club membership of 3 years is also recommended. The service access is considered substandard for Fire Engines and other emergency vehicles to negotiate. The applicant is advised to contact the relevant fire authority and ambulance services in order to conduct a fire and safety audit for the site. (Officers note that following similar issues being raised in respect of a recently approved backland scheme for two dwellings at Leafield Road officers have attached a suitable condition requiring fire safety measures to be prepared and for these to be reviewed in consultation with the London Fire Brigade before occupation).
- 5.7 LBM Flood Risk Management Engineer: The submitted Geotechnical Survey Report and associated Flood Risk Assessment is acceptable (subject to conditions) in accordance with policy DM F2 and London Plan policy 5.13. The scheme mitigation measures specified in the report and drawings reduce the risk of both internal flooding and reduce the risk of groundwater rising to the surrounding land.
- 5.8 LBM Environmental Health Officer: Acceptable subject to conditions and adhering to the recommendations stated within the KP Acoustics Report. As well as the requirement for a Demolition and Construction Method Statement.
- 5.9 LBM Air Quality Officer: No objections

#### External Consultees

- 5.10 Thames Water (comments made towards previous application): No objection. Thames Water have requested that the applicant incorporate a positive pumped device to avoid backflow. The consultee also advised that if as part of the basement development there is a proposal to discharge ground water to the public network, they would require a permit from Thames Water. They

also recommended other Informatives to be included on any permission granted.

- 5.11 Environment Agency: The proposed development will only meet the National Planning Policy Framework's requirements if the following planning condition is included:

*The development shall be carried out in accordance with the submitted flood risk assessment (FRA) (ref 28/09/2020; 606-200928- 87 Robinson Road FRA-DC\_r4; ECOstudioXV LTD) and the following mitigation measures it details:*

• *Retaining wall height shall be set no lower than 15.03m above Ordnance Datum (AOD) as outlined on page 26 Figure 17 of the FRA.*

*These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.*

## **6. POLICY CONTEXT**

### 6.1 National Planning Policy Framework (2019)

- 5. Delivering a sufficient supply of homes
- 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

### 6.2 London Plan (2016)

Relevant policies include:

- 3.3 Increasing housing supply
- 3.4 Optimising housing potential
- 3.5 Quality and design of housing developments
- 3.8 Housing choice
- 3.9 Mixed and balanced communities
- 5.1 Climate change mitigation
- 5.2 Minimising carbon dioxide emissions
- 5.3 Sustainable design and construction
- 5.13 Sustainable drainage
- 5.17 Waste Capacity
- 6.9 Cycling
- 6.13 Parking
- 7.4 Local character
- 7.6 Architecture
- 7.14 Improving air quality
- 7.15 Reducing and managing noise, improving and enhancing the acoustic environment and promoting appropriate soundscapes
- 7.19 Biodiversity and access to nature
- 8.2 Planning obligations
- 8.3 Community Infrastructure Levy

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

Relevant policies include:

- CS 8 Housing choice
- 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 20 Parking servicing and delivery

6.4 Merton Sites and Policies Plan – 2014 (SPP)

Relevant policies include:

- DM D1 Urban Design
- DM D2 Design considerations
- DM EP2 Reducing and mitigating noise
- DM EP4 Pollutants
- DM F2 Sustainable urban drainage systems and; wastewater and water infrastructure
- DM H2 Housing mix
- DM H3 Support for affordable housing
- DM T1 Support for sustainable transport
- DM T2 Transport impacts of development
- DM T3 Car parking and servicing standards
- DM T4 Transport infrastructure

6.5 Supplementary planning considerations

- London Housing SPG – 2016
- London Character and Context SPG -2014
- DCLG - Technical Housing Standards 2015

**7. PLANNING CONSIDERATIONS**

7.1 Material Considerations

The key issues in the assessment of this planning application are:

- Principle of development
- Impact upon neighbouring amenity
- Design and impact upon the character and appearance of the area
- Standard of accommodation
- Transport and parking
- Flood risk and sustainable urban drainage
- Refuse storage and collection
- Cycle storage
- Trees and biodiversity
- Sustainable design and construction
- Developer contributions

Principle of development

- 7.2 Policy 3.3 of the London Plan 2016 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, Policy D6 seeks to optimise density, and states that density should be appropriate for its context and with consideration towards transport accessibility and infrastructure. The principle of a more intensive development of the site has already been accepted by the Council, albeit a little smaller than now proposed.

- 7.3 The site currently contains a two-storey house with a single storey garage located toward the eastern boundary. The proposed development would result in the provision of 8 additional homes, which is generally supported by Core Strategy policies CS8 & CS9 which 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. The site is also located in an urban setting, with Colliers Wood Town Centre located approximately 500m away. Within this context, the site's accessibility and surrounding infrastructure nearby would support the proposed density on site.
- 7.4 The creation of 9 new dwellings would not trigger affordable housing requirements. However, given that the scheme comes close to this trigger of 10 dwellings, officers have recommended that approval of the scheme is subject to a S.106 agreement, which secures that in the event that following substantial implementation of the approved scheme a planning application is submitted that enables the creation of one or more additional unit/units the entire scheme would be subject to a full viability assessment, and for the Council to levy an off-site affordable housing contribution where this is feasible. This is considered necessary to ensure that any further amendments to the development on site can contribute towards affordable housing.
- 7.5 Therefore, notwithstanding the need to carefully consider design, transport and other technical aspects of the proposal in more detail, officers consider that a more intensive residential development could be supported in principle.

#### Design and impact upon the character and appearance of the area

- 7.6 London Plan policies 7.4 and 7.6, Core Strategy policy CS14 and SPP Policy DMD2 require well designed proposals that will respect the appearance, materials, scale, bulk, proportions and character of the original building and their surroundings.
- 7.7 The prevailing development in the area are two storey houses with rear gardens. The location of the proposed building is setback from Robinson Road on a backland area. Public views towards the building would be limited to vantages up the driveway access from Robinson Road, and across the rear garden of No. 81 Robinson Road from Daniel Close. The building would otherwise be obscured by the surrounding semi-detached houses, with the massing positioned parallel with the existing railway to the north.
- 7.8 The proposed residential block would not be excessive in size given that the two-storey part of the main building would be compatible in size to the surrounding houses. The third floor component would entail a recessed upper

level, positioned inwards from the main building's front and side elevations. It is considered that the recessed siting of the third floor element would create a relatively subordinate upper addition to the building. It would not have the same visual bulk as a full three-storey building, and the design approach to place the building's tallest part at centre, furthest from site boundaries, would help reduce the perceived building mass as experienced from private vantages. Simply because the latest scheme reverts to being up to three storeys, and the Council has previously refused a scheme for up to three storeys is not a basis to refuse permission; the scheme takes on a different form to the earlier proposals. It is therefore considered by officers that the development would not appear out of scale with surrounding buildings and the area.

- 7.9 The drawings show that the external walls would be London stock brick and would incorporate different patterns and textures to provide contrast and definition. The proposed windows would be aluminium framed. Conditions have been recommended requiring details of materials to be submitted for approval. Subject to these conditions the development would integrate well with surrounding area.
- 7.10 The front elevation of the building would have both horizontal and vertical articulation, with the building ends set with a forward protrusion and a small step-up in height along the roof eaves. Windows to the building are of a size to provide a sense of openness into the site whilst breaking up the mass of the building.
- 7.11 Subject to the recommended conditions, the proposal would respond appropriately to the character of the surrounding area, and is considered acceptable in appearance, in compliance with London Plan policies 7.4 and 7.6, Core Strategy policy CS14 and SPP Policies DMD2 and DMD3.

#### Impact upon neighbouring amenity

- 7.12 SPP policy DM D2 states that proposals must be designed to ensure that they would not have an undue negative impact upon the amenity of neighbouring properties in terms of loss of light, quality of living conditions, privacy, visual intrusion and noise.
- 7.13 The proposed building would be located approximately 23.3m away from the adjacent dwellings at their closest point. Regarding No.93 Robinson Road's rear garden, the proposed building would be located 1.4m from the shared eastern (side) boundary, reducing to 1m towards over the entire 12.6m depth. Regarding No.81's rear garden to the west, the proposed building would be 1.4m from the shared western (side) boundary, increasing to 1.8m towards the rear of the site.
- 7.14 There are only two windows on each flank elevation at first floor level. Two of these windows are associated with bathrooms, the other two are secondary windows to bedrooms, which would also have good sized south facing windows. The side windows would be obscure glazed to prevent overlooking.

The 23m separation between the proposed building and the rear windows of adjacent neighbouring buildings along Robinson Road is considered a sufficient distance to ensure that there would be no material loss of privacy to neighbours. Tree replanting is also proposed, which could provide further screening between the development and site neighbours, the details of tree replanting have been conditioned. Overall, the impacts on existing levels of privacy is not considered to be harmful.

- 7.15 Regarding the positioning of the building in relation to No.93, the existing dwelling on the site is located in a similar position to the proposed building. Given the siting of the building, design, and layout, it is not considered that the proposal would unduly impact the amenity to No.93.
- 7.16 Regarding No.81 to the west, the proposal would introduce built form within closer proximity to this neighbour. The introduction of the proposed building along this shared boundary is considered to have an acceptable impact to amenity of No.81's occupants, and would not appear unduly dominant or out of place.
- 7.17 A daylight and sunlight report has been submitted assessing the impacts of the development on levels of light received by neighbours including garden spaces. The report demonstrates that the proposal would not be of a scale, position or orientation to have a harmful impact.
- 7.18 The proposal includes windows along the rear elevation, and rear facing balconies at first and second floor level. The impacts of these features to neighbour's privacy would not be harmful given the origination of views, which would project outwards across the railway lines. Privacy screens are proposed to the sides of the upper floor balconies to prevent views being attained to east or west directions. It is noted within the application that these screens would be 1.7m tall, this is considered by officers to be slightly short to mitigate potential overlooking impacts. A condition has been recommended to require that these screens are 1.9m tall rather than 1.7m. Neighbouring buildings to the rear (north) are a sufficient distance away to ensure existing levels of privacy are retained with a railway line separating the proposed building from existing houses
- 7.19 In terms of noise, the site would continue to be used for residential use. The proposed building along with external amenity areas of the flats are located a sufficient distance from neighbouring habitable rooms to ensure that any noise as a result of the increased density on the site would not be unduly harmful. Only three car parks would be provided within the site, and therefore traffic entering and existing the site would be light and would not cause a harmful level of disturbance.
- 7.20 Overall it is not considered that the proposal would unduly impact the amenity of adjoining occupiers, and is consistent with SPP policy DM D2.

## Standard of accommodation

- 7.21 Policies 3.5 and 3.8 of the London Plan 2016 state that housing developments are to be suitably accessible and should be of the highest quality internally and externally and should ensure that new development reflects the minimum internal space standards (specified as Gross Internal Areas) as set out in table 3.3 of the London Plan (amended March 2016) and the DCLG - Technical Housing Standards 2015. The London Plan Housing SPG - 2016 states that homes should provide a place of retreat; factors to be considered include privacy, the importance of dual aspect development, noise mitigation, floor to ceiling heights and daylight and sunlight. Policy DM D2 of the Adopted Sites and Policies Plan (2014) states that developments should provide for suitable levels of privacy, sunlight and daylight and quality of living conditions for future occupants.
- 7.22 All of the flats would exceed Nationally Described Space Standards, and all habitable rooms would be served by windows, which would provide suitable natural light, ventilation and outlook to prospective occupants. The eight flats spread across lower ground, ground and first floor level, would have broadly similar layouts to the scheme previously proposed. The main differences is that an extra bedroom would be created within the central, ground/lower ground flat, and the three flats at first floor level would have a double bedroom replaced with two single bedrooms. The new flat to be created within the recessed top floor element, would have two bedrooms, two rear balconies and would be dual aspect.
- 7.23 In accordance with the London Housing SPG, policy DMD2 of the Council's Sites and Policies Plan states that there should be 5sqm of external space provided for 1 and 2 person flats with an extra square metre provided for each additional occupant. The lower floor flats would have rear gardens which would exceed minimum standards. All remaining flats would be provided with adequately sized balconies or terraces that meet housing standards.
- 7.24 Environmental Health officers were satisfied with the development, subject to conditions in place to mitigate external noise disturbance to future occupants of the development. The applicant has provided details of the acoustic noise mitigation to be installed by way of soundproof glazing. A condition has been recommended to ensure that this noise mitigation is installed prior to occupancy, and thus protects the amenity of future occupants.
- 7.25 In term of privacy for the new occupants, the two, one bedroom, ground floor flats would be susceptible to some loss of privacy from individuals coming into and out of the building. The developer has shown on the elevation plan some balustrading enclosing the front terrace which would mitigate certain views. However, further screening would be beneficial to limit a loss of privacy. It is considered that the conditions relating to landscaping and materials would provide sufficient scope for an improved privacy solution to be approved by the Council and installed. The screening would need to be balanced against other factors such as outlook and daylight into the front flats. All other flats would have good levels of privacy.

7.26 Overall, the proposed development would have good-sized rooms and convenient and efficient room layouts, which are functional and fit for purpose. Good outlook as well as adequate daylight / sunlight would be received into habitable rooms. A high quality standard of accommodation would therefore be provided, compliant with relevant policies and standards.

#### Transport and parking

7.27 Core Strategy policy CS20 requires that development would not adversely affect pedestrian or cycle movements, safety, the convenience of local residents, on street parking or traffic management.

7.28 The site is accessed by a narrow driveway. Three parking spaces are proposed onsite with separate pedestrian and vehicle through markings. The LBM Transport Planner has concluded that given the low number of parking spaces and consequently low vehicles movements, alongside road markings and the long and straight proportions of the accessway, would ensure good sightlines for uses. The proposed accessway was considered acceptable.

7.29 The applicant has proposed 3 onsite parking spaces (one of which would be a dedicated disabled parking bay). This is acceptable at the subject site given the good PTAL rating of 4. The site is located within a Controlled Parking Zone. Should permission be granted the applicant would need to enter into a planning agreement restricting future occupiers of 8 of the 9 flats from obtaining on-street residential parking permits. This agreement would be similar to the previously approved scheme.

7.30 Requirements for membership into a car club, is not considered necessary in this case, given the small number of proposed flats, the good PTAL rating, 3 onsite parking spaces, cycle storage and the restriction to on-street parking permits. Overall, future occupiers will have sufficient travel choices.

#### Flooding Risk and Sustainable Urban Drainage

7.31 The applicant has submitted a flood risk assessment and sustainable urban drainage report to support their proposal. These documents recommend a flood and drainage strategy to be installed, alongside methods to delay and control the rate of surface water discharged from the site. A sustainable urban drainage strategy has been recommended. The recommendations provided are acceptable in ensuring that the development appropriately mitigates flood and drainage risk. A condition has been included requiring that the development is carried out in accordance with the submitted documents, this includes necessary mitigation, which requires that the retaining wall height should be set no lower than 15.03m above Ordnance Datum.

#### Refuse Storage and Collection

7.32 When considering the design of waste facilities, London Plan policy 5.17 and Core Strategy Policy CS 17 requires not simply examining capacity on site. It

requires consideration towards the relationship of storage both during the week and at times of collection to the proposed dwellings, relationship to the highway, and the convenience and manageability of these arrangements for future occupiers.

- 7.33 Refuse storage has been indicated on the plans, and show that a sufficient level of refuse storage would be provided on site. The refuse would be stored in a cedar wood refuse storage structure, with openable roof and sides to place rubbish bags and to remove bins on collection day.
- 7.34 The applicant has proposed moving the refuse bins near to the vehicle entrance beside the public highway on collection day. Once the bins have been placed for collection, there would be limited room for vehicles to enter/exit and site. Although this situation is not ideal, given the constraints of the site and the limited off-street parking, resulting in infrequent car moments, this methodology is considered adequate in these circumstances. The refuse strategy is identical to that of the previously approved scheme.
- 7.35 To ensure the storage and collection of refuse occurs successfully and in a coordinated manner. A condition has been recommended requiring that the developer submits a Waste Management Strategy that details the arrangements for the collection and disposal/recycling of refuse and recycling generated from the occupation of the development, and that the development is not be occupied until the agreed arrangement has been installed and in operation.
- 7.36 Subject to the above condition the proposed refuse storage and collection is considered acceptable.

#### Cycle Storage

- 7.37 Cycle storage is required for new development in accordance with London Plan policy 6.9 and table 6.3 and Core Strategy policy CS 18. Table 6.3 of the London Plan (2016) requires one cycle parking space per 1b/1p unit and 2 spaces for all other dwellings. The proposal would provide 19 cycle spaces which is adequate to meet London Plan policy 6.9 and table 6.3 and Core Strategy policy CS 18.
- 7.38 A condition has been recommended to secure the installation of the cycle parking prior to occupation of the flats.

#### Trees and Biodiversity.

- 7.39 Core Planning Strategy policy CS.13 (e) requires that any proposals for new dwellings in back gardens must be justified against:
- Local context and character of the site;
  - Biodiversity value of the site;
  - Value in terms of green corridors and green islands;
  - Flood risk and climate change impacts.

- In addition Sites and Policies Plan policy DM.O2 requires that development which may destroy or impair the integrity of green corridors will not be permitted and proposals in and adjacent to these corridors will be expected to enhance their nature conservation value.

- 7.40 Impact on the character of the area, climate change and flood risk are considered elsewhere in this report. While the proposals increase the footprint of buildings on the site the retention of trees to the south and north of the building are welcomed. The applicant proposes to remove one additional tree (a holly tree) above that proposed within the previously approved scheme. This has been reviewed by the Council's Tree Officer, and is considered acceptable provided a scheme for replanting is submitted for approval to the Council and carried out in accordance with the approved details. This includes details of the green wall to be installed against the retaining wall at lower ground floor level. The finished landscaping would soften the visual impact of the proposals and provide a degree of screening between neighbouring properties.
- 7.41 A series of biodiversity improvements have been recommended within the applicant's ecological appraisal, which have been secured by condition.

#### Sustainable design and construction

- 7.42 London Plan policy 5.3 and CS policy CS15 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.
- 7.43 The applicant has submitted Sustainability Statement (dated 30 May 2019), which indicates that the proposed development would achieve a 35.4% improvement in CO2 emissions on Part L 2013. This exceeds the minimum sustainability requirements of Merton's Core Planning Strategy Policy CS15 (2011).
- 7.44 The internal water consumption calculations submitted for the development indicate that internal water consumption would be less than 105 litres per person per day.
- 7.45 The proposal is therefore considered to meet sustainable design and construction policies, and conditions have been recommended to secure this.

#### Community Infrastructure Levy

- 7.46 The proposed development would be subject to the Community Infrastructure Levy (CIL). This would require a contribution of £220 per additional square metre of floorspace to be paid to Merton Council and an additional £35 per additional square meter to be paid to the Mayor.

## **8. CONCLUSION**

- 8.1 The principle of a more intensive re-development of the site has already been accepted, delivering a meaningful contribution to housing targets, as has the suitability of the access road, the modest level of parking (subject to the applicant entering into a planning agreement), refuse arrangements and the ability of the design to address flood risk issues.
- 8.2 The main part of the proposed building spread across lower ground, ground and first floor level would be broadly similar to the scheme previously approved by the Planning Applications Committee. The recessed third floor element is the key change to the design. However, the scale and design of this upper level is considered acceptable due to its recessed positioning, which is setback and inwards from the front and sides of the main two-storey block. The latest proposals differ materially from an earlier proposal for a three storey building on the site and, as a matter of judgement, officers consider that the form and massing of this part two part three storey building can be supported.
- 8.2 The proposed flats would provide a good standard of accommodation. Planning conditions and a S.106 agreement (for parking permit free and contributions towards affordable housing on relevant future applications) have been recommended to ensure that the impacts of the development are adequately addressed.
- 8.3 The proposal is considered to accord with the relevant National, Strategic and Local Planning policies and guidance and approval could reasonably be granted in this case.

## **RECOMMENDATION**

Grant planning permission subject to conditions and a S.106 agreement to secure:

1. 8 of the 9 new flats are to be parking permit free residential units
2. The developer agreeing to meet the Council's costs of reviewing and entering into [including legal fees] the unilateral agreement.
3. The developer agreeing to meet the Council's costs of monitoring the unilateral agreement.
4. That in the event that following substantial implementation of the approved scheme a planning application is submitted that enables the creation of one or more additional unit/units. The entire scheme would be subject to a full viability assessment, and for London Borough of Merton to levy, where appropriate, an off-site affordable housing contribution.

## **Conditions:**



- 1) Standard condition [Commencement of development]: 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) Standard condition [Approved plans]: The development hereby permitted shall be carried out in accordance with the following approved plans: [Refer to the schedule on page 1 of this report].

Reason: For the avoidance of doubt and in the interests of proper planning.

- 3) 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 (notwithstanding any materials specified in the application form and/or the approved drawings), have been submitted to the Local Planning Authority for approval. The submitted details shall include detailed drawings of all balustrades, balconies and screening (including to terraces). In addition, the side screening installed to the terraces at second floor level shall be at least 1.9m tall. 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, and retained thereafter.

Reason: To ensure a satisfactory appearance of the development and to protect privacy levels, as so 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) Prior to the commencement of the development hereby permitted, a Construction Logistics Plan shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented prior to the first occupation of the development hereby permitted and shall be so maintained for the duration of the use.

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 6.3 and 6.14 of the London Plan, policy CS20 of the Merton Core Strategy and policy DMT2 of the Merton Sites and Policies Plan 2014.

- 5) No development, including demolition, 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:

- hours of operation
- the parking of vehicles of site operatives and visitors
- loading and unloading of plant and materials
- storage of plant and materials used in constructing the development
- the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- wheel washing facilities
- measures to control the emission of noise and vibration during construction.

- measures to control the emission of dust and dirt during construction/demolition
- a scheme for recycling/disposing of waste resulting from demolition and construction works
- emissions from Non Road Mobile Machinery during construction
- produced by the Contractor responsible for excavation, underpinning and construction of the basement retaining walls. This shall be reviewed and agreed by the Structural Engineer designing the temporary and permanent retaining structures.
- plan showing any temporary works, underpinning sequence and sections of the retaining walls produced by the relevant appointed Contractor.

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 2015, policy CS20 of Merton's Core Planning Strategy 2011 and policy DM T2 of Merton's Sites and Policies Plan 2014.

- 6) No development, other than demolition of existing buildings, shall take place until full details of a landscaping and planting scheme has been submitted to and approved in writing by the Local Planning Authority, this includes the green wall to be grown up the retaining wall, 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.

Reason: To enhance the appearance of the development in the interest of the amenities of the area, to protect privacy, and to ensure the provision sustainable drainage surfaces and to comply with the following Development Plan policies for Merton: policies 5.1, 7.5 and 7.21 of the London Plan 2016, policies CS13 and CS16 of Merton's Core Planning Strategy 2011 and policies DM D2, DM F2 and DM O2 of Merton's Sites and Policies Plan 2014.

- 7) 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 consumption rates of no greater than 105 litres 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.

- 8) No development shall take place until the developer has provided a Waste Management Strategy that details the arrangements for the collection and disposal/recycling of refuse and recycling generated from the occupation of the development. Any arrangement shall be to the satisfaction of the Local Planning Authority. The development shall not be occupied until the arrangement has been approved and the development may only continue to be occupied while the approved arrangement is operation.

Reason: To ensure the provision of satisfactory facilities for the storage of refuse and recycling material and to comply with the following Development Plan policies for

Merton: policy 5.17 of the London Plan 2015, policy CS17 of Merton's Core Planning Strategy 2011 and policy DM D2 of Merton's Sites and Policies Plan 2014.

- 9) No development, other than demolition of existing buildings, shall take place until details of all boundary walls or fences 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 Policies Plan 2014.

- 10) Prior to the occupation of the development a landscape management plan including long term design objectives, management responsibilities and maintenance schedules for all landscaped areas including green walls and green roofs, other than small, privately owned, domestic gardens, shall be submitted to and approved in writing by the Local Planning Authority. The landscape management plan shall be carried out in accordance with the approved scheme.

Reason: To ensure the appearance of the development is maintained in the interest of the amenities of the area, to ensure the maintenance of sustainable drainage surfaces and to comply with the following Development Plan policies for Merton: policies 5.12 and 5.13 of the London Plan 2016, policies CS13 and CS16 of Merton's Core Planning Strategy 2011 and policies DM D2, F2 and O2 of Merton's Sites and Policies Plan 2014.

- 11) The development shall be completed in accordance with the recommended glazing specification and ventilation system treatment detailed within KP Acoustics report 18329.NVA.01, and shall meet the recommended standard or higher. Post development assessment shall be undertaken to ensure that the internal noise standards are met prior to first occupation and shall be submitted to the Local Planning Authority.

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 policies DM D2, DM D3, DM EP2 and DM EP4 of Merton's Sites and Policies Plan 2014.

- 12) The development hereby permitted shall be carried out in accordance with the submitted flood risk assessment (Revision 4, dated 28/09/2020 by ECO Studio LTD) and sustainable drainage systems report (Revision 3, dated 28/09/2020 by ECO Studio LTD), including the proposed methods to reduce flooding and the proposed sustainable urban drainage strategy. It shall also include the following mitigation measures:

- Retaining wall height shall be set no lower than 15.03m above Ordnance Datum (AOD) as outlined on page 26 Figure 17 of the FRA.

Reason: to reduce the risk of surface and foul water flooding to the proposed development and future users, and ensure surface and foul flood risk does not increase offsite in accordance with Merton's policies CS16, DMF2 and the London Plan policy 5.13.

- 13) No dwelling shall be occupied until the application has provided written confirmation as to the installation of a fire hydrant (or otherwise agreed fire management and safety plan), and that such measures have been agreed by the London Fire Brigade.

Reason: To ensure the development delivers measures for use by emergency services or suitable alternative measures for the development and to comply with the objectives of Merton Core Planning Strategy policy CS20 and Merton Sites and Policies Plan policy DM.D2.

- 14) Not less than 1 and no more than 3 off street car parking spaces shall be permitted in total in the development hereby approved, and the spaces shall thereafter be permanently retained for the parking of vehicles in connection with the residential use of the dwellings and used for no other purpose, unless otherwise agreed in writing by the Local Planning Authority.

Reason - To safeguard the amenities of the surrounding area and to comply with policy DM D2 of the Sites and Policies Plan

- 15) The detailed recommendations, enhancements and conclusions made in section 4.2 of the submitted Preliminary Ecological Appraisal Survey, shall be carried out in accordance with the time frames recommended.

Reason - To preserve the biodiversity of the site and surrounding area, and to comply with CS13 of Merton's Core Strategy 2011.

- 16) No other drainage systems for the infiltration of surface water drainage into the ground are permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to Controlled Waters. The development shall be carried out in accordance with the approval details.

Reason: To reduce the risk of surface and foul water flooding to the proposed development and future users, and ensure surface and foul flood risk does not increase offsite in accordance with Merton's policies CS16, DMF2 and the London Plan policy 5.13.

- 17) With the exception of the three dedicated roof terraces shown on drawing 22 Rev A (Second Floor Plan), all other parts of the building's 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.

- 18) The details and measures for the protection of the existing trees as recommended in the submitted Arboricultural Report by dpa Consultants dated July 2020 - shall be fully complied with. The methods for the protection of the existing retained trees shall fully

accord with all of the measures specified in the report and shall be installed prior to the commencement of any site works and shall remain in place until the conclusion of all site works.

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

- 19) Before the development hereby permitted is first occupied, the windows in both side elevations at first floor level shall be glazed with obscure glass and fixed shut and shall permanently maintained as such thereafter.

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.

- 20) Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the proposal has an acceptable impact on groundwater in accordance with Merton's policies CS16, DMF2 and the London Plan policy 5.13.

- 21) The development hereby permitted shall not be occupied until the cycle parking shown on the plans hereby approved has been provided and made available for use. These facilities shall be retained for the occupants of and visitors to the development at all times.

Reason: To ensure satisfactory facilities for cycle parking are provided and to comply with the following Development Plan policies for Merton: policy 6.13 of the London Plan 2016, policy CS18 of Merton's Core Planning Strategy 2011 and policy DM T1 of Merton's Sites and Policies Plan 2014.

- 22) 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 Policies Plan 2014.

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