

PLANNING APPLICATIONS COMMITTEE January 2021

	APPLICATION NO.	DATE VALID
	20/P3757	16.11.2020
Address/Site	7 Rural Way, Streatham, SW16 6PF	
(Ward)	Graveney	
Proposal:	DEMOLITION OF EXISTING BUILDING AND ERECTION OF 3 x 3 BED TERRACED HOUSES. ASSOCIATED LANDSCAPING AND CREATION OF AMENITY AREAS, PARKING AND CYCLE STORAGE	
Drawing Nos:	1477-01; 1477-04; 1477-05; 1477-06; 1477-07; 1477-08; 1477-08; 1477-09 Rev A; 1477-10 Rev A; 1477-11; 1477-12; 1477-13; Flood Risk Assessment (FRA) 17/10/2019/ 103219-F02.	
Contact Officer:	Jourdan Alexander (020 8545 3122)	

RECOMMENDATION

Grant planning permission subject to the completion of a S106 and relevant conditions. The S106 would secure:

- 1). Parking permit free for two of the three proposed houses.
- 2). Payment of the Council's cost to modify Traffic Management Order to allow for highway works to include yellow line marking between the proposed vehicle crossovers and to implement those changes.
- 3). A requirement that in the event that the development proposed under 20/P3757 is implemented that permission 19/P1298 is not implemented.

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: 14
- Press notice – No
- Site notice – Yes
- External consultations: Environment Agency
- Conservation area – No
- Listed building – No
- Tree protection orders - No
- Archaeological Priority Zone – No

- Flood risk zone – Yes, Zones 1, 2 and 3
- Controlled Parking Zone – Yes, Zone GC1
- PTAL 2

1 INTRODUCTION AND BACKGROUND

- 1.1 The application has been brought before the Committee because the scheme under consideration is an identical proposal to that of an earlier planning application ref: 19/P3893, which was refused by the Planning Applications Committee in February 2020. However, the assessment about the planning merits of the proposal now needs to be undertaken in light of a recent planning appeal decision at 7 & 9 Rural Way ref: 19/P1298. This scheme was granted planning permission by the Planning Inspectorate, and shares close similarities between this scheme now before Committee.
- 1.2 This decision by the Planning Inspectorate is a material consideration for this application because it established the principle of demolition the existing building on the site and erecting 3 x 3 bedroom terraced houses. This decision must therefore be given considerable weight.
- 1.3 The differences between this scheme and the 3 dwellings forming part of the scheme approved on appeal (LBM ref: 19/P1298) are:-
- Current scheme –
- Building width 15.8m
 - Building height 8.8m
 - Building length 11.3-11.45m,
- Gap between proposed building and neighbouring boundaries:
0.9m to 5 Rural Way and 1.6m to 9 Rural Way
- Approved scheme 19/P1298
- Building width 13.3m
 - Building height 8.8m
 - Building length 11.3m,
- Gap between proposed building and neighbouring boundaries:
- 0.9m to 5 Rural Way, gap between both approved buildings 1.56m.
- 1.4 Each of the two schemes have broadly similar living arrangements with open plan kitchen/dining/living at ground floor, 2 bedrooms and a bathroom at first floor, and a bedroom with en-suite at loft level.
- 1.5 The two buildings share a similar design, with the main difference being that the current scheme has a small protrusion of the front central section of the building (approx. 15cm), which has allowed the applicant to create a gable design feature at the centre of the building.
- 1.6 It is important to note that the current application comprises a little more than half the site on which the appeal has been allowed. The appealed scheme comprises two short terraces. Were the application the subject of the appeal

to be implemented in terms of the eastern terrace then the layout including garden space, landscaping and parking along with the separation between the two terraces for the application the subject of this application could not be achieved.

- 1.7 The applicant has agreed to enter into a legal agreement that prevents the approved scheme ref:19/P1298 being implemented should this scheme be approved by committee and subsequently implemented. The developer would therefore have to make a decision concerning what scheme they decide to build-out, they cannot build-out both.

2 SITE AND SURROUNDINGS

- 2.1 The application site comprises a single storey detached bungalow which is located on the south-western side of Rural Way. The site is regular in shape and is 443sq.m. To the rear, the property has a private garden and is enclosed by 1.8m high close board fencing.
- 2.2 Rural Way is characterised by mixed architecture, both in terms of scale and design. The street comprises a mixture of terraced, semi-detached and detached properties, ranging from single storey, two storey and three storey dwellings, on a variety of plot sizes. The two neighbours on either side boundaries of the site are single storey buildings.
- 2.3 The site is not located within a conservation are. The site is located partially within Flood Zone 2 and 3 (to the front of the property). The remaining parts of site are Flood Zone 1. The site is located within a controlled parking zone.

3 CURRENT PROPOSAL

- 3.1 This application seeks planning permission for the demolition of the existing building and the redevelopment of the site to provide a terrace row of three dwellings, each with three bedrooms. The proposed terrace building would be two-storey with a loft, and tapered at each level. The first floor would be recessed approximately 1.5m from the rear ground floor level and the top third floor of accommodation is within the roofspace where the terrace is designed with the roof hipped at each end.
- 3.2 This proposed building would have a ridge height of 8.8m and an eaves height of 5m. A 1.45m gap would be retained between the flank wall of 9 and the terrace and 1.65m between the flank of 5 and the opposite end of the terrace. Facing materials are shown to be facing brick up to cill level with white render to the walls, with brick header courses above windows and clay tiles to the roofs. Surfacing materials are stated to be "permeable".
- 3.3 The front of the building would employ a similar design approach to that used on the recently completed two storey properties at No. 8 and No 10 Rural Way, which are situated on the opposite side of the street. The rear of the building would exhibit a single storey rear projection of 2.0 metres in depth. A

pitched roof dormer window to each dwelling would also feature at upper level, and at first floor rear level Juliet openings would be formed.

- 3.4 In terms of the building's footprint within the site, the front elevation would be slightly recessed within the site than that of the current building to allow sufficient space for parking at front. Whilst the building's rear elevation would protrude slightly deeper within the site, which is predominantly due to the building's ground floor extension. The rear ground floor level of the building would sit approximately 2.4m back from the rear elevation of No 5, and approximately level with the other boundary neighbour at No.11 Rural Way.
- 3.5 The frontage of the site would be laid out as individual driveways for each property, incorporating soft landscaped strips, which would also accommodate bin storage enclosures. Cars would be required to reverse in or out of the driveways.
- 3.6 Each dwelling would have a rear garden measuring 50m², with parking spaces for two bicycles.

4. RELEVANT PLANNING HISTORY

- 4.1 19/P1298 (7&9 Rural Way) - DEMOLITION OF EXISTING TWO DWELLINGS. ERECTION OF 6 x THREE BEDROOM TERRACED HOUSES SPLIT INTO TWO SEPERATE BUILDINGS. SORROUNDING SITE TO BE LANDSCAPED AND CREATION OF AMENITY AREAS, PARKING AND CYCLE STORAGE. Refused by officers and approved by the Planning Inspectorate on Appeal (2 September 2020).

Reasons for refusal.

The proposed development, due to its size, siting and design would:

a) fail to respect the rhythm, scale, spacing and massing of surrounding buildings, giving rise to an overly dominant and cramped appearance in the context of the Rural Way streetscene, resulting in material harm to the character of the area and;

b) fail to provide sufficient outdoor amenity space, which would fail to provide a satisfactory standard of accommodation;

The proposals would be contrary to policies CS14 of the Core Planning Strategy 2011 and policy DMD2 of the Merton Sites and Policies Plan 2014.

And;

In the absence of a completed S106 undertaking to ensure that the future occupiers of the development are prevented from being able to obtain parking permits for the Controlled Parking Zone, 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. The proposals would be 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.

Key findings made by the Planning Inspector

In relation to character and appearance the Inspector makes the following findings:

- There is projection and recession of bays and gables within the overall building line elsewhere in the street, so the slight recession of the proposal would not make it look out of place.
- There is no consistent rhythm along the street as a whole, although pairs and short terraces each have their own rhythm.
- The dwellings proposed would each be a little over 4m wide (plot 1 would be larger, at about 5m wide) so neither their width, nor their rhythm, would make them out of place within the street as a whole.
- There is no consistent general pattern (of building type).
- Variations in the depth of buildings and in the pitch of their roofs mean that ridge heights vary along the street.
- Roofs in the street comprise a mix of gable, hip and gambrel forms.
- Gaps between buildings would be comparable to a number of other properties in the street and so, would not make this proposal notably crowded or cramped.

The Inspector concludes-

'The proposal would suit well the character and appearance of Rural Way. It would comply with those parts of the Council's Core Strategy policy 14 and Sites and Policies Plan policy DMD2 which require proposals to respect, reinforce and enhance local character and to relate positively and appropriately to the siting, rhythm, scale, density, proportions, height, materials and massing of surrounding buildings and street patterns.'

In relation to living conditions the inspector makes the following conclusion:

'An adequate quantity of amenity space would be provided sufficient to ensure adequate living conditions for potential future residents.'

- 4.2 19/P3893 - DEMOLITION OF EXISTING BUILDING AND ERECTION OF 3 x 3 BED TERRACED HOUSES. ASSOCIATED LANDSCAPING AND CREATION OF AMENITY AREAS, PARKING AND CYCLE STORAGE. February 2020 Refused by Planning Applications Committee.

Reason for refusal:

'Notwithstanding metropolitan planning objective of optimising housing potential, as set out in policy 3.4 of the London Plan, the proposals by reason of their massing and bulk, would result in an overdevelopment of the site that would appear cramped, and would fail to relate positively and appropriately to the Rural Way streetscene to the detriment of the visual amenities of the area. The proposals would be contrary to policies 3.5, 7.4 and 7.6 of the London Plan (2015), policy CS.14 of the Merton Core Planning Strategy (2011), and policy DM.D2 of the Merton Sites and Policies Plan (2014).'

5. CONSULTATION

5.1 The application was advertised by means of a site notice and letters to 14 neighbouring occupiers. Seven letters of objection were received towards the application, as summarised:

- Overlooking and loss of visual privacy to the surrounding residential properties including gardens from the development.
 - Over densification and not in keeping with the rest of the road
 - Loss of established trees, which would reduce biodiversity and reduce existing levels of screening between properties.
 - The development would restrict light to neighbouring properties
 - Scale of buildings is out of character with the appearance of surrounding development.
 - The buildings and associated hardstanding would impact the existing drainage system of the site.
 - The developments commitment to renewable energy options is inadequate
 - The size of the dwellings would be substandard for a family to live
 - Development would increase noise
 - The development would cause parking congestion
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- Either 3 houses with 2 stories or 2 houses at 3 storeys should be considered
 - The plot space is not suitable for three dwellings
 - The buildings will have an adverse and overbearing visual impact on neighbouring rear gardens

5.2 The Environment Agency:

No objections subject to conditions relating to contaminated land, sustainable drainage, piling and to ensure the mitigation measures set out in the submitted Floor Risk Assessment are implemented.

5.3 LBM Flood Risk Officer:

No objections subject to a condition relating to surface and foul water drainage.

5.3 LBM Environmental Health:

No objections subject to the following condition:

- 1) 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:

- 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

Reason: To protect the amenities of those in the local vicinity during the development.

5.4 LBM Highways:

No objections were received towards the application from highway's officers subject to suitable conditions pertaining to construction.

5.4 LBM Transport Planning

No objection. A suitable level of car parking and cycle parking is provided. Loss of 2 on-street parking bays is not objectionable from a parking management point a view. The Traffic Management Order will need to be modified to allow for the highway works to include yellow line marking between the proposed vehicle crossovers, and the additional units made parking permit free.

6. POLICY CONTEXT

6.1 NPPF (2019). Key sections:

- 5. Delivering a sufficient supply of homes
- 8. Promoting healthy and safe communities
- 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 Relevant policies in the London Plan 2016 are:

- 2.6 Outer London: Vision and strategy
- 2.8 Outer London: Transport
- 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
- 5.12 Flood risk management

- 5.13 Sustainable drainage
- 5.17 Waste capacity
- 6.9 Cycling
- 6.10 Walking
- 6.12 Road network capacity
- 6.13 Parking
- 7.1 Lifetime neighbourhoods
- 7.2 An Inclusive environment
- 7.3 Designing out crime
- 7.4 Local character
- 7.6 Architecture
- 7.14 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 CIL

6.3 Relevant policies in the Core Strategy 2011 are:

- CS 8 Housing choice
- CS 9 Housing provision
- CS 11 Infrastructure
- CS 14 Design
- CS 15 Climate change
- CS 16 Flood risk management
- CS 17 Waste management
- CS 18 Transport
- CS 19 Public transport
- CS 20 Parking servicing and delivery

6.4 The relevant policies in the Sites and Policies Plan 2014 are:

- DM D1 Urban Design
- DM D2 Design considerations
- DM F1 Support for flood risk management
- DM F2 Sustainable urban drainage systems
- 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
- DCLG - Technical Housing Standards: Nationally Described Space Standards - 2016

7. PLANNING CONSIDERATIONS

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

- Principle of development.
- Design and impact upon the character and appearance of the area.

- Standard of accommodation.
- Impact upon neighbouring amenity.
- Transport, highway network, parking and sustainable travel.
- Refuse storage.
- Sustainable design and construction.
- Flood risk and drainage.

Principle of the 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.
- 7.3 The proposal would result in the provision of 2 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.
- 7.4 In addition, a scheme involving the demolition the existing bungalow and constructing a terrace of three houses has already been granted permission by the planning inspectorate on the site, and therefore the principle of the development has been established as being acceptable.
- 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.

Character and appearance

- 7.6 The National Planning Policy Framework (NPPF) states that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. The regional planning policy advice in relation to design is found in the London Plan (2016), in Policy 7.4 - Local Character and 7.6 - Architecture. These policies state that Local Authorities should seek to ensure that developments promote high quality inclusive design, enhance the public realm, and seek to ensure that development promotes world class architecture and design.
- 7.7 Policy DM D2 seeks to ensure a high quality of design in all development, which relates 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. Core Planning Policy CS14 supports this SPP Policy.
- 7.8 Rural Way is characterised by architecturally varied residential buildings in terms of their size and scale. The street exhibits a mixture of dwelling designs, ranging from detached single storey dwellings on large plots, to semi-detached and terrace dwellings of 2 to 3 stories in height.

- 7.9 In recent years a number of detached single storey dwellings, similar to that of the applicant building, have been demolished with much larger two storey buildings erected comprising multiple dwellings. Examples of this re-development include both No. 8 and No. 10 Woodstock Way (directly opposite the site). Planning permission was granted by Planning Committee in March 2018 at No 21 Woodstock Way for a similar form of development than that proposed here, comprising the erection of three x three bed terraced houses (ref:17/P3153). In this context the design, scale and density of the proposal is appropriate and replicates similar developments approved and built within the immediate area.
- 7.10 The footprint of the proposed terrace dwellings presents a consistent and sympathetic appearance of the development in the context of the existing street scene in Rural Way. The front setback of the dwellings are consistent with surrounding dwellings, and the presentation of the buildings as a row of two storey (with loft) terrace dwellings with hipped pitched roofs is consistent with other buildings along this street. The central dwelling, within the terrace row of three dwellings, would be articulated slightly forward of the dwellings at either side and have a pitched part roof above. This design would help to break up the visual massing of the building, and responds to the designs used on many buildings along Rural Way.
- 7.11 It is acknowledged that the proposed dwellings will represent an increase in the bulk and appearance of development when compared with the existing single storey bungalow on the application site. However, it is considered that its scale and appearance would be consistent with the appearance of development in the surrounding area. Gaps would be retained between the proposed building and neighbouring residential properties so that the new dwellings and neighbouring buildings are visually separate. It would also ensure that permeability of views to the rear of the site is largely retained.
- 7.12 The proposed materials show that the buildings are to be finished with brick along the bottom of the buildings with white render above. The roof is to be clay tiles and openings in white pvc. These materials are suitable for the residential character of the area, although a condition has been recommended to secure the precise appearance of these materials before development commences.
- 7.13 By reason of the appearance, materials and scale of the proposed dwellings, the development is considered to contribute positively to the residential character at Rural Way. The proposal is therefore consistent with London Plan Policies 7.4 and 7.6, Core Strategy CS14 and SPP Policies DM D2. These conclusions are consistent with the findings made by the Planning Inspectorate during the appeal for scheme ref:19/P1298.

Standard of accommodation

- 7.14 London Plan Policy 3.5 states that all new housing developments should be of the highest quality internally, externally and in relation to their context. In order to ensure that such development provide an adequate level of internal amenity, Table 3.3 of the London Plan sets out the minimum floor areas which

should be provided for new housing. The DCLG publication: "Technical housing standards - nationally described space standard" (2016) provides further guidance, which has been adopted by the Mayor for London.

7.15 Sites and Policies Plan Policy DM D2 seeks to ensure good quality residential accommodation with adequate levels of privacy, daylight and sunlight for existing and future residents, the provision of adequate amenity space and the avoidance of noise, vibration or other forms of pollution.

7.16 The scheme proposes the following unit sizes:

House	Type	GIA (sqm)	London requirement for GIA (sqm)	Plan for	External amenity space (sqm)
1	3b/6p	117	108		56
2	3b/6p	130	108		50
3	3b/6p	117	108		50

7.17 All the dwellings would exceed minimum Gross Internal Floor Areas (GIA) required by the London Plan. The proposed dwellings offer dual outlook and are considered to contribute to a high standard of living due to having both an efficient and logical internal layout. All habitable rooms would be serviced by windows. Each dwelling would comprise three bedrooms, each of the bedrooms are of good size for their intended occupancy.

7.18 In terms of external amenity space, Policy DM D2 requires an area of 50sqm, set out as a single useable regular shaped amenity space, per house. All three homes would meet external space requirements and are appropriately configured for family use.

7.19 Overall the proposal is considered to provide a high standard of accommodation for future occupiers, satisfying Policy 3.5 & Table 3.3 of the London Plan 2016, the Nationally Described Space Standards (2016), Policy DMD2 of Merton's Adopted Sites and Policies Plan 2014.

Neighbour amenity

7.20 Policy DM D2 seeks to ensure that development does not adversely impact on the amenity of nearby residential properties.

7.21 The proposed building would feature a ground floor projection with a depth of 2.0m with sloped roof to 2.5m in height. This extension would project beyond the rear building line of the neighbouring property, No.5 Rural Way, by approximately 2.4m. The building is tapered inwards between ground and upper level. Given that the protrusion of the building is relatively minor it would

not result in the loss of outlook, daylight / sunlight or create a sense of enclosure that would be considered harmful to occupiers at No 5 Rural Way.

- 7.22 With respect to No. 11 Rural Way, the proposed dwelling's ground floor extension would sit approximately level with the rearward wall of the existing rear extension at No 11. Given the relationship of the building with No 11 Rural Way the proposed development would not result in the loss of outlook, daylight / sunlight or create a sense of enclosure that would be considered harmful to occupiers the neighbouring occupier.
- 7.23 There are no side facing windows to No.5 or No.11, which would be affected by the proposed development.
- 7.24 The proposed development would introduce rear facing Juliet openings at first floor and at roof level (dormer windows), whereby there are currently no rear facing windows above ground floor level at the site. The separation distance from the proposed windows to the rear facing windows of properties to the rear, along Rustic Avenue, is approximately 22m. This separation distance would be sufficient to ensure that future occupiers to the dwellings would not gain close or penetrative views into neighbouring habitable rooms. As such, the proposal would not result in a materially harmful loss of privacy. This conclusion is further supported by the Council's guidelines for development which have historically indicated that a separation distance of over 20m is acceptable in terms of overlooking.
- 7.25 Whilst the provision of two-storey buildings, with a dormer window above, would result in new views towards neighbouring gardens, this is not considered unusual within a suburban setting. No objections towards this are raised.
- 7.26 It is noted that the proposed development would involve the removal of several trees from the site's rear garden, which do provide some screening benefits. However, these trees are not protected and could be removed at any time. It is not considered reasonable to insist on their retention, or an alternative form of screening to be erected.
- 7.27 The use of the site would remain as residential and there is no indication that the use of the proposed houses and gardens would result in materially harmful noise disturbance to neighbouring properties.
- 7.28 For the reasons set out above the proposal is considered to be acceptable in terms of residential amenity and would comply with Policy DM D2. It is noted that the Planning Inspectorate did not find any amenity issues caused by appeal scheme ref 19/P1298

Highway, traffic and parking considerations

- 7.29 Core Strategy Policy CS 20 considers matters of pedestrian movement, safety, servicing and loading facilities for local businesses and manoeuvring for emergency vehicles as well as refuse storage and collection. Core Strategy Policy CS 18 promotes active means of transport.

- 7.30 The increase in traffic generated by the two additional homes would not have a material impact on the local highway network.
- 7.31 The application proposes a single off-street parking space for each dwelling and given the low PTAL rating of 2, car parking should be provided. The level of car parking proposed, one off-street car park per dwelling, is suitable for the development and location. Cars would be required to either reverse in or reverse out onto the highway, but given the low level of traffic along the street, this arrangement is not considered to result in material harm to highway safety.
- 7.32 Whilst the level of car parking proposed is acceptable, it will be necessary to ensure that highway safety is not adversely affected by way of displacement parking as a result of the increase in dwelling numbers. To address the impact upon parking in the area, it is recommended that permission be granted subject to permit free restrictions which would be set out in a unilateral undertaking. This undertaking would ensure that the future occupiers of two of the three proposed dwellings are not eligible to obtain a parking permit (this allows for the fact that the existing dwellings on site is eligible to obtain parking permits and therefore the restriction relates only to the increased number of dwellings on site).
- 7.33 Subject to the above, the proposal is considered to result in an acceptable impact on the surrounding parking and traffic management network, consistent with London Plan policies 6.3 and 6.12, CS policies CS18 and CS20 and SPP policy DM T2.
- 7.34 The London Plan requires one cycle parking space for 1 bed units and two spaces for all other dwellings. The cycle spaces to be provided within the rear gardens would meet policy requirements and no objection is raised. A condition has been recommended requiring that details are submitted of the proposed cycle enclosures to the Council before development commences to satisfy policy requirements that enclosures are secure and covered.
- 7.35 Servicing arrangements would be acceptable, with refuse collected from refuse storage to the frontage of the site.
- 7.36 The Council's Transport Planner has assessed the proposed arrangements and raises no objection in terms of the level of car and cycle parking. It is noted that the scheme would result in the loss of two on-street parking bays but this would not warrant a refusal of planning permission due to the level of available parking in the vicinity. The existing Traffic Management Order would need to be modified in order to secure the necessary highway markings, to remove the bays and provide yellow lines on the highway between the proposed vehicle crossovers, where there is not sufficient space to re-incorporate a parking bay.

Flooding and drainage considerations.

7.37 The northern corner of the site is within Flood Zones 2 and 3, meaning that there is a high probability of flooding. The application is accompanied by a Flood Risk Assessment which sets out that fluvial and groundwater flood risk is considered to be moderate. All other potential sources of flood risk are deemed to be low. The client's development aspirations would look to manage/mitigate any residual flood risk as part of the design. The FRA concludes that the proposed development:

- Is suitable in the location proposed and will be adequately flood resistant and resilient;
- Is unlikely to place additional persons at risk of flooding; and,
- Is unlikely to increase flood risk elsewhere through the loss of floodplain storage, impedance of flood flows or increase in surface water run-off.

7.38 The following measures would be incorporated:

- Setting of finished floor level to a suitable level, above modelled floor levels - the floor level would be set at 21.47m (above datum) where the minimum permissible height of the floor level must be at least 21.32m.
- Using construction materials with flood resilient properties.
- Incorporating non-return valves on any foul water outlet(s) from the development to ensure no back surge of diluted sewage.

7.39 The Environment Agency has commented on the proposals and raises no objection subject to conditions relating to sustainable drainage, piling and to ensure the mitigation measures set out in the submitted Flood Risk Assessment are implemented.

7.40 The proposal is considered to be acceptable in terms of measures to mitigate any impact from or contribute to flood risk. Planning conditions have been recommended to mitigate against any potential impact on flooding and associated risks.

7.41 In terms of drainage, the application indicates that it will reduce the extent of non-permeable surfaces on the site. However, this is not detailed in the submission. The Council's Flood Risk Engineer has considered the proposals and concludes that whilst the proposal is acceptable in terms of flood risk, a condition should be imposed, if the application were acceptable in all other respects, to secure the submission and implementation of a detailed scheme for the provision of surface and foul water drainage.

Landscaping and Biodiversity

7.42 Policy DMO2 seeks, amongst other things, to protect land of ecological value. The NPPF has a presumption in favour of sustainable development, seeking

positive improvements in the quality of the built, natural and historic environment including moving from a net loss of biodiversity to achieving net gains for nature.

- 7.43 The proposed development would result in the loss of a number of garden trees and scrub vegetation. These trees are considered to provide limited public amenity value and are not TPO protected, meaning they could lawfully be removed at any time.
- 7.44 The rear gardens of the existing dwelling has some biodiversity value. The removal of existing trees and vegetation would result in a minor reduction in biodiversity. In the interests of reducing the potential impact on birdlife, an informative has been recommended detailing that vegetation clearance should avoid the bird nesting and bat roosting season to prevent possible contravention of the Wildlife and Countryside Act 1981.
- 7.45 The applicant also proposes as part of their application to landscape the site. This is considered sufficient to compensate for any planting/ tree removal on site.

Sustainable design and construction

- 7.46 New buildings must comply with the Mayor's and Merton's objectives on carbon emissions, renewable energy, sustainable design and construction, green roofs, flood risk management and sustainable drainage. The most relevant London Plan policies are 5.1 (Climate Change Adaptation), 5.2 (Minimising Carbon Dioxide Emissions) and 5.3 (Sustainable Design and Construction) which seek to minimise energy usage and reduce carbon dioxide emissions.
- 7.47 Policy CS15 sets out minimum sustainability requirements for development proposals.
- 7.48 The application includes supporting information in relation to sustainable design and construction. To achieve this the applicant proposes to apply sustainable design through minimising water consumption, energy supply and lighting, heating and hot water, fabric heat loss, glazing and renewables. In order to ensure that the development incorporates the sustainable reductions outlined to comply with Council policy a condition has been recommended to secure necessary carbon savings and water usage reductions.

Community Infrastructure Levy

- 7.49 The proposed development would be subject to payment of the Merton Community Infrastructure Levy and the Mayor of London's Community Infrastructure Levy (CIL).

8. Conclusion

- 8.1 The proposal would provide two additional family homes within the borough, in line with planning policy. The scale, form, design, positioning and materials of the proposed two storey (with loft level) terrace dwellings are considered to respond well with the streetscape and the suburban character. The proposed homes would provide a high standard of accommodation, and the provisions for refuse storage and collection are appropriate.
- 8.2 The proposal shares close similarities between the scheme granted on by the planning Inspectorate on this site ref:19/P1298 in which the Inspectorate found the scheme to respect, reinforce and enhance local character and to relate positively and appropriately to the siting, rhythm, scale, density, proportions, height, materials and massing of surrounding buildings and street patterns. The living conditions for future occupants was also considered satisfactory. This decision by the Planning Inspectorate is a material consideration to this application and should be given significant weight.
- 8.3 Planning conditions and a S106 planning agreement have been recommended to ensure that the impacts of the development are adequately addressed.

Recommendation

Grant Planning Permission, subject to completion of a S.106 Agreement covering the following heads of terms: -

Heads of Terms:

1. Parking permit free for two of the three proposed houses.
2. Payment of the Council's cost to modify Traffic Management Order to allow for highway works to include yellow line marking between the proposed vehicle crossovers and to implement those changes.
3. A requirement that in the event that the development proposed under 20/P3757 is implemented that permission 19/P1298 is not implemented.
4. The developer agreeing to meet the Council's costs of preparing [including legal fees] the Section 106 Obligations [to be agreed].
5. The developer agreeing to meet the Council's costs of monitoring the Section 106 Obligations [to be agreed].

And 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: 01; 1477-04; 1477-05; 1477-07; 1477-08; 1477-08; 1477-09 Rev A; 1477-10 Rev A; 1477-11; 1477-12; 1477-13, Flood Risk Assessment – prepared by Ashfield Solutions Group, dated 17/10/2019.

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

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no extension, enlargement or other alteration of the dwellinghouse other than that expressly authorised by this permission shall be carried out without planning permission first obtained from the Local Planning Authority.

Reason: The Local Planning Authority considers that further development could cause detriment to the amenities of the occupiers of nearby properties or to the character of the area and for this reason would wish to control any future 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. No development shall take place until details of particulars and samples of the materials to be used on all external faces of the development hereby permitted, including window frames and doors (notwithstanding any materials specified in the application form and/or the approved drawings), have been submitted to the Local Planning Authority for approval. No works which are the subject of this condition shall be carried out until the details are approved, and the development shall be carried out in full accordance with the approved details.

Reason: 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.

5. No development 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.

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.

6. Demolition and Construction Method Statement
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:

- 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 dust and dirt during construction/demolition
- a scheme for recycling/disposing of waste resulting from demolition and construction works
- delivery, demolition and construction working hours.

Reason: To protect the amenities of those in the local vicinity during the development.

7. No development shall take place until full details of all walls, fences or railings within the site have been submitted to and approved in writing by the local planning authority, and these works shall be carried out in full before the occupation of the buildings hereby approved.

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.

8. No development approved by this permission shall be commenced until a detailed scheme for the provision of surface and foul water drainage has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

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

9. 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 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.

10. 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.

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 2016, policy CS17 of Merton's Core Planning Strategy 2011 and policy DM D2 of Merton's Sites and Policies Plan 2014.

11. Any hardstanding installed shall be made of porous materials, or provision made to direct surface water run-off to a permeable or porous area or surface within the application site before the development hereby permitted is first occupied or brought into use.

Reason: To reduce surface water run-off and to reduce pressure on the surrounding drainage system in accordance with the following Development Plan policies for Merton: policy 5.13 of the London Plan 2016, policy CS16 of Merton's Core Planning Strategy 2011 and policy DMF2 of Merton's Sites and Policies Plan 2014.

12. The vehicle parking area shown on the approved plans shall be provided before the occupation of the buildings hereby permitted and shall be retained for parking purposes for occupiers and users of the development and for no other purpose.

Reason: To ensure the provision of a satisfactory level of 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 Policies Plan 2014.

13. If, during 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 the developer has submitted, and obtained written approval from the Local Planning Authority for, a remediation strategy detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved, verified and reported to the satisfaction of the Local Planning Authority.

Reason: There is always the potential for unexpected contamination to be identified during development groundworks. We should be consulted should any contamination be identified that could present an unacceptable risk to Controlled Waters.

14. Development in accordance with Flood Risk Assessment

The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) 17/10/2019/103219-F02/ Ashfield Solutions Group Ltd and the following mitigation measures detailed within the FRA:

- Finished floor levels are set no lower than 21.47m above Ordnance Datum (AOD).

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason: To reduce the risk of flooding to the proposed development and future occupants.

15. 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 reduce the risk of flooding caused by the proposed development.