

**PLANNING APPLICATIONS COMMITTEE**  
**09<sup>th</sup> December 2021**

**Item No:**

**UPRN**

**APPLICATION NO.**

**DATE VALID**

21/P0119

16/12/2020

**Address/Site:**

81 – 83 Wimbledon Hill Road, Wimbledon, SW19 7QS

**(Ward)**

Hillside

**Proposal:**

Erection of a five storey residential block plus basement comprising 17 x self-contained flats (3 x 3 bed, 10 x 2 bed & 4 x 1 bed) plus three bedroom detached dwelling arranged over 2 floors (ground floor and basement). Basement to accommodate 9 car parking spaces.

**Drawing Nos:**

PL-002 (PL4), PL-003 (PL5), PL-004 (PL4), PL-005 (PL4), PL-006 (PL4), PL-007 (PL4), PL-008 (PL4), PL-009 (PL5), PL-010 (PL6), PL-011 (PL5), PL-013 (PL5) – Proposed east elevation, PL-013 (PL5) – Proposed west elevation, PL-020 (PL5), PL-021 (PL3), SK001.

**Contact Officer:**

David Gardener (0208 545 3115)

---

**RECOMMENDATION**

**GRANT Planning Permission Subject to Conditions and S106 Agreement**

---

**CHECKLIST INFORMATION**

- Heads of agreement: Permit free
- Is a screening opinion required: No
- Is an Environmental Statement required: No
- Has an Environmental Impact Assessment been submitted: No
- Press notice: No
- Site notice: Yes
- Design Review Panel consulted: No
- Number of neighbours consulted: 168
- External consultations: None

**1. INTRODUCTION**

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

## **2. SITE AND SURROUNDINGS**

- 2.1 The application site is currently occupied by a three storey (including basement) detached early 20<sup>th</sup> Century building, which is currently sub-divided into 5 self-contained flats. The site is located on the north side of Wimbledon Hill Road, and is not located in a conservation, although the front boundary adjoins the Merton (Wimbledon Hill Road) Conservation Area.
- 2.2 The site currently provides off-street parking to the front and side of the existing building, including 3 garages, although it is not clear whether these are being currently used for parking.
- 2.3 The surrounding area is predominantly residential, comprising a mixture of purpose built blocks of flats and houses. The application site is bounded by Bluegates, a four storey block of flats to the west, Harrowdene Court, a five storey block of flats to the north, and Leeward Gardens, a development of 2 – 3 storey dwellings to the east. It should be noted that Nos. 26 – 30 Leeward Gardens are orientated so that the rear elevations of these dwellings face the side boundary of the application site.
- 2.4 The site has excellent public transport accessibility (PTAL 6a) and is also located in a controlled parking zone (zone W2).
- 2.5 The application site comprises a number of trees, although only one, a Sycamore tree, located to the rear of the site, is subject to a Tree Preservation Order. Trees, subject to TPO's are also located in the garden of No. 26 Leeward Gardens, close to the side boundary with the application site.

## **3. CURRENT PROPOSAL**

- 3.1 Erection of a five storey residential block plus basement comprising 17 x self-contained flats (3 x 3 bed, 10 x 2 bed & 4 x 1 bed) plus a 3 bedroom detached dwelling arranged over 2 floors (ground floor and basement).
- 3.2 The proposed building would have a contemporary design, featuring a flat roof, and comprises red brickwork (including textured brickwork) and buff cement cladding facing materials, metal windows, and glass balustrades. The proposed house would feature a green roof.
- 3.3 All of the flats would have access to a private terrace, balcony or garden. A communal garden would also be located to the rear of the building.
- 3.4 The proposed basement, which is accessed via a car lift, would accommodate 9 car parking spaces (including 2 disabled spaces), whilst secure cycle storage and bin storage is located at ground level.
- 3.5 Amended Plans:  
Please note that the application has been amended following submission of the application. The maximum height of the building has been reduced by approx.

50cm, whilst the footprint of the building has been reduced, with the front and rear elevations pulled back. The building, above ground floor level, has also been shifted slightly further to the west. The footprint of the top floor has also been reduced. The proposed facing materials have also been amended with for example, glass balustrades replacing the brick balustrades previously proposed.

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

The following planning history is relevant:

- 4.1 MER847/65(D) - Erection of a range of five lock-up garages. Granted - 10/03/1966
- 4.2 89/P1216 - Erection of two pre-fabricated garages. Granted - 17/11/1989
- 4.3 00/P1873 - Erection of a single-storey timber chalet building in the back garden. Granted - 16/11/2000

#### **5. POLICY CONTEXT**

- 5.1 Adopted Merton Sites and Policies Plan and Policies Maps (July 2014):  
DM D1 (Urban design and the public realm), DM D2 (Design considerations in all developments), DM D3 (Alterations and extensions to existing buildings), DM EP2 (Reducing and mitigating noise), DM F1 (Support for flood risk management), DM F2 (Sustainable urban drainage systems SuDS, wastewater and water infrastructure), DM H2 (Housing Mix), DM H3 (Support for affordable housing), DM O2 (Nature Conservation, Trees, hedges and landscape features), DM T1 (Support for sustainable transport and active travel), DM T2 (Transport impacts of development), DM T3 (Car parking and servicing standards)
- 5.2 Adopted Core Strategy (July 2011):  
CS.8 (Housing Choice), CS.9 (Housing Provision), CS.14 (Design), CS.15 (Climate Change), CS.18 (Active Transport), CS.19 (Public Transport), CS.20 (Parking, Servicing and Delivery)
- 5.3 The relevant policies in the London Plan (March 2021) are:  
GG6 (Increasing efficiency and resilience), D2 (Infrastructure requirements for sustainable densities), D3 (Optimising site capacity through the design-led approach), D4 (Delivering good design), D5 (Inclusive design), D8 (Public realm), D10 (Basement development), D11 (Safety, security and resilience to emergency), D12 (Fire safety), G5 (Urban greening), D6 (Housing quality and standards), H1 (Increasing housing supply), H4 (Delivering affordable housing), H5 (Threshold approach to applications), H6 (Affordable housing tenure), H7 (Monitoring of affordable housing), H10 (Housing size Mix), SI 1 (Improving air quality), SI 2 (Minimising greenhouse gas emissions), SI 3 (Energy infrastructure), SI 4 (Managing heat risk), SI 5 (Water infrastructure), SI 13 (Sustainable drainage), T4 (Assessing and mitigating transport impacts), T5 (Cycling), T6 (Car parking), T7 (Deliveries, servicing and construction)

- 5.4 Mayor of London Housing Supplementary Planning Guidance (March 2016)
- 5.5 Merton Council Small Sites Toolkit SPD 2021
- 5.5 Department for Communities and Local Government 'Technical housing standards – nationally described space standard'
- 5.6 National Planning Policy Framework 2019

## **6. CONSULTATION**

6.1 The application was originally publicised by means of a site and press notice and individual letters to occupiers of neighbouring properties. In response, 50 letters of objection were received including objection letters from the Belvedere Estate Residents' Association (BERA) and Wimbledon East Hillside Residents' Association (WEHRA), and independent Daylight/Sunlight Report by Right of Light Consulting. The letters of objection were on the following grounds:

- Impact of basement on flood risk and structural integrity of surrounding properties/subsidence
- Poor design/ out of character with surrounding area/demolition of an existing building with heritage and architectural value/impact on adjacent conservation area and listed building/impact on streetscene
- Lack of affordable housing
- Privacy loss/overlooking/visual intrusion/overbearing impact
- Daylight/sunlight loss and inaccuracies/inadequacies of daylight/sunlight report/right to light, inaccuracies/lack of information in drawings and submitted documents to accurately assess the application properly
- Excessive size, bulk, massing and height
- Overdevelopment of site/too high density
- Lack of infrastructure to support increase in population
- Damage to retaining wall between Bluegates and No.2b Belvedere Drive
- Lack of parking/traffic impact/highway and pedestrian/cyclist safety
- Noise, vibration, dust, pollution and general disturbance to surrounding properties, including during construction works
- Loss of greenery and trees (including a tree with a TPO)/impact on biodiversity
- Poor standard of accommodation/security concerns
- Lack of consultation from the developer
- Contradicts a number of national and local planning policies
- Concerns regarding waste disposal and sewerage

6.2 Wimbledon East Hillside Residents' Association (WEHRA)

6.3 Objects regarding excessive bulk, height, density and impact that this would have on neighbouring properties regarding loss of daylight/sunlight and

privacy. Also objects regarding safety, flood risk, and lack of affordable housing.

6.4 Belvedere Estate Residents' Association (BERA)

6.5 Objects due to concerns raised by Thames Water and the Designing Out Crime Officer, loss of daylight/sunlight, overshadowing, flooding risk, demolition of existing building, failure to submit Construction Traffic Management Report, disruption to Bus and Cycle Lane, overdevelopment, and overbearing impact. Also question why a developer would construct the proposed development if making a loss as suggested by the developer's viability assessment.

6.6 Following the submission of the amended plans to the proposal, a further re-consultation was undertaken by the Council with neighbouring occupiers. In response a further 29 letters of objection were received on the following grounds:

- Little change to original proposal
- Loss of existing house
- Excessive height and bulk/dominates surrounding buildings/poor design/out of character with surroundings
- Impact of depth of excavation on surrounding buildings and viability of trees
- Inaccurate documents
- Loss of daylight/sunlight and overshadowing
- Overlooking/loss of privacy/noise and disturbance with use and during construction
- Visual intrusion/dominant/overbearing/loss of outlook
- Loss of trees
- Overdevelopment/too high density
- Flood risk
- Lack of supporting infrastructure
- Financial risk to the developer/lack of affordable housing/additional units not required to meet housing targets
- Impact on adjacent conservation area and listed building
- Traffic impact
- Concerns raised by Design Out Crime Officer regarding safety

6.3 Future Merton - Transport Planning

6.4 No objections, subject to conditions and S106 Agreement preventing future occupiers obtaining on-street parking permits.

6.5 Future Merton – Flood Risk Officer

6.6 The application is supported by a BIA and Drainage/SuDS strategy. It is likely that groundwater (perched) will be found on excavation and hence dewatering will be required. Furthermore, we would seek additional mitigation (above those stated in the BIA) in terms of passive drainage measures around the structure given the relative gradient of Wimbledon Hill Rd to allow the free flow of perched groundwater around the structure.

- 6.7 The site is not shown to be at high risk of surface water flooding as shown on the surface water flood maps and it is not located in flood zone associated with river flooding. Conditions are recommended if minded to approve the application.
- 6.8 Council's Tree Officer
- 6.9 There are trees subject to Tree Preservation Order's within the site and adjacent on Leeward Gardens. Most of the TPO's trees at the site have been removed over the years and only the Sycamore tree at the rear is now subject to a TPO. In no. 26, there are 2 trees, which are subject to TPO's, which are affected by this proposal. The works include the cutting back of a Hornbeam tree. I would object to this as the tree has a good even shape and this would disfigure that shape.
- 6.10 The proposal requires the removal of 3 'B' category trees, and there would appear to be little opportunity for new tree planting. Certainly, no large species of tree.
- 6.11 Council's Environmental Health Officer
- 6.12 No objections, subject to appropriate conditions.
- 6.13 Thames Water
- 6.14 No objections, subject to appropriate conditions.
- 6.15 Council's Structural Engineer
- 6.16 The Basement Impact Assessment and supplementary information have demonstrated that the proposed development can be built safely without adversely affecting the surrounding natural and built environment. However, as the distance between the face of excavation and the highway boundary (approx. 8m and below) is less than the depth of excavation (8.5m), we would require additional information be submitted. This can be dealt with through conditions.
- 6.17 Designing Out Crime Officer
- 6.18 Has raised some security concerns, and as such has requested some conditions to deliver a safer development.
- 6.19 Future Merton – Climate Change Officer
- 6.20 No objections subject to appropriate conditions and S106 to secure carbon offset contribution.

## **7. PLANNING CONSIDERATIONS**

### **7.1 Principle of Development**

- 7.1.2 The proposal would result in a net increase of 13 self-contained residential units, which would help contribute to the council's housing target of providing 500 – 600 residential units in Wimbledon for the period 2011 – 2026 set out in policy CS 9 of the Core Planning Strategy 2011.
- 7.1.3 Policy H1 of the London Plan 2021 has set Merton a ten-year housing target of 9,180 new homes. By providing a net increase in 13 new units the proposals would make a small contribution to meeting that target and providing much needed new housing.
- 7.1.3 Policy H2 of the London Plan 2021 outlines that Boroughs should pro-actively support well-designed new homes on small sites (below 0.25 hectares in size) through both planning decisions and plan-making in order to:
- 1) significantly increase the contribution of small sites to meeting London's housing needs
  - 2) diversify the sources, locations, type and mix of housing supply
  - 3) support small and medium-sized housebuilders
  - 4) support those wishing to bring forward custom, self-build and community led housing
  - 5) achieve the minimum targets for small sites set out in Table 4.2 as a component of the overall housing targets set out in Table 4.1.
- 7.1.4 Historically small sites have been crucial to housing delivery in Merton and they continue to offer opportunities to grow Merton's housing stock. Over the last 15 years, small sites have provided over 60% of built homes borough-wide and account for over 95% of approved applications. The Council have recently adopted a Small Sites Toolkit SPD 2021 which outlines guidance on developing small sites.
- 7.1.5 The proposal to provide new residential units to this small site (0.2 ha in size) is considered to respond positively to London Plan and Core Strategy planning policies to increase housing supply and optimise small sites and is supported by Officers.

## **7.2 Visual amenity**

- 7.2.1 Policy DM D2 of the Adopted Sites and Policies Plan and Policies Maps (July 2014) states that proposals for development will be required to relate positively and appropriately to the siting, rhythm, scale, density, proportions, height, materials and massing of surrounding buildings, whilst using appropriate architectural forms, language, detailing and materials which complement and enhance the character of the wider setting.
- 7.2.2 The application has been amended on officer advice and is considered to be a high quality design that responds well to both the topography of Wimbledon Hill Road, and architectural styles of surrounding buildings. The massing, scale and height of the proposal are considered acceptable with the main building and house responding well to the gradient of the hill.

- 7.2.3 The proposed main building is five storeys, and it should be noted that the surrounding area comprises a number of flatted blocks of similar heights, with Harrowdene Court to the rear also being five storeys, and Hill Court (No.104 Wimbledon Hill Road) on the opposite side of Wimbledon Hill Road being six storeys in height. The proposed building would also be sited more towards the west of the application site, so that there is a minimum 20m gap, and therefore breathing space, between the building and the two-storey houses on Leeward Gardens. The proposed house is low-rise with only a single storey above ground level, which means it would have very little impact when viewed from the street.
- 7.2.4 The proposed buildings are contemporary design, comprising predominantly red brick (including textured red brick soldier course), with the main building also featuring fibre cement cladding on parts of the side elevations, balconies floors, and top floor elevation to compliment this. The balustrades to the balconies would be glass. This is considered acceptable and would relate well to the surrounding building, which are also predominantly red brick.
- 7.2.5 The Wimbledon Hill Road Conservation Area boundary lies to the front of the site and captures the road, rather than the surrounding built form in this immediate area, apart from number 100 which is a two storey Grade II Listed Building known as the White House. The proposed design and scale of the flatted building and single dwelling house would be of an appropriate built form which would be largely in keeping with the surrounding flatted development and takes into account the topography of the hill. The front building line would be similar to the existing and overall officers are satisfied that it would not cause harm to the setting of the Conservation Area. The proposal would remain of a large separation distance to the Grade II Listed Building opposite such that there would be no harm caused to its setting.
- 7.2.6 Overall, it is considered that the proposal would result in a high quality development and as such complies with all the relevant design planning policies.

### **7.3 Residential Amenity**

- 7.3.1 Policy DM D2 of the Adopted Sites and Policies Plan and Policies Maps (July 2014) states that proposals for development will be required to ensure provision of appropriate levels of sunlight and daylight, quality of living conditions, amenity space and privacy, to both proposed and adjoining buildings and gardens. Development should also protect new and existing development from visual intrusion.
- 7.3.2 The application site is bounded by Bluegates, a four storey block of flats to the west, Harrowdene Court, a five storey block of flats to the north (rear), and Leeward Gardens, a development of 2 – 3 storey dwellings to the east. It should be noted that Nos. 26 – 30 Leeward Gardens are orientated so that the rear boundary of these dwellings bounds the side boundary of the application site.



- 7.3.3 The orientation and shallow depth of rear gardens of Nos. 26 – 30 Leeward Gardens, does hinder the development potential of the application site. In addition to the aforementioned constraints, the site due to the gradient of the hill, is also located on higher ground than Leeward Gardens, which further increases any impact of a redevelopment. However, despite these constraints, it is considered, that the proposed development would, on balance, have an acceptable impact on the amenity of these properties. It is accepted that there would be some visual impact on Nos. 26 – 30 Leeward Gardens, however, to reduce this impact the main building would be predominantly sited on the western part of the site so that it is a minimum of 20m from the rear elevation of Nos. 26 – 30, and 13.5m from the boundary, which is considered to be a sufficient distance to prevent an unacceptable level of privacy loss (20m is generally considered an acceptable distance between facing windows) and visual intrusion. It should be noted that the east facing side windows above ground floor level are angled, and the top floor terrace is set back to further reduce any overlooking. To further reduce its bulk and massing when viewed from Leeward Gardens, the top floor is set back on its eastern elevation, which means it would be read more as a 4 storey building, than a five storey building from these properties, and the building is split into two distinct front and rear segments, which are separated by the stair core, which is set back from the east side of the building. This would help break up the building when viewed from Leeward Gardens.
- 7.3.4 The application also proposes a single detached house, which would sit between the main flatted building and the boundary with Leeward Gardens. It is considered that the proposed house would not be visually intrusive or overbearing when viewed from Leeward Gardens given the house would feature a flat roof of 3m in height, which is not considered excessive, whilst the bulk of the house would sit a minimum of approx. 1.7m from the boundary with Leeward Gardens. The applicant has submitted a daylight/sunlight report, which confirms, that Nos. 26 – 31 Leeward Gardens would not suffer an unacceptable level of daylight/sunlight loss or overshadowing as a result of the development.
- 7.3.5 A four storey block of flats (Bluegates), which fronts Wimbledon Hill Road, is located to the west of the application site. The proposed building would be located between 2.9m and 4.7m from the side boundary with this building, and 7m from the nearest part of the building, and approx. 10m from the nearest side facing windows, which is considered an acceptable distance for two side on facing developments of this size. In terms of privacy, the west facing side windows of the rear flats would face a side facing blank wall at Bluegates, whilst the windows to the living/kitchen areas would be obscure glazed. The bedrooms to these flats would not be obscure glazed, however on balance it is considered the impact on privacy would be acceptable given bedrooms are generally not heavily used during the day. It is noted that the outlook from the balconies set back from the front elevation of Bluegates would be impacted by the proposal, however, it is considered that the impact would be acceptable given the flank wall of Bluegates itself has a much larger impact given the balconies are sited hard up against this wall. The proposed building would also extend approx. 7.2m beyond the rear wall of Bluegates. This is also considered acceptable

given the sizeable gap between both buildings, and the fact that the majority of the land to the rear of Bluegates is hard surfaced for car parking. Also part of the projection at the rear is from the rear balconies, which would further lessen the visual impact.

- 7.3.6 The proposal would fail the daylight/sunlight test to the ground and first floor side windows at Bluegates, however, given these windows are side windows, with some appearing to be secondary windows, coupled with the fact that the failure is marginal, it would not warrant a refusal of the application on daylight/sunlight grounds.
- 7.3.7 Located to the rear of the site is Harrowdene Court, a five storey block of flats, which fronts Belvedere Drive. The proposed development would be located a minimum of approx. 12.6m from the rear boundary, and approx. 21m from the closest rear windows at Harrowdene Court, which is considered a sufficient distance to prevent an unacceptable level of privacy loss and visual intrusion. It should also be noted that the Harrowdene Court itself is five storeys, and is located very close to the boundary with the application site. However, Harrowdene Court is also orientated so that it would not directly face the proposed development, which means from the bulk of rear windows, the proposed building would only be visible from an oblique angle. The submitted daylight/sunlight report has also confirmed that the proposed development would also not have an unacceptable impact on daylight/sunlight levels to rear windows of Harrowdene Court.
- 7.3.8 Overall, it is considered that the proposal would not have a detrimental impact on the levels of amenity currently enjoyed by occupiers of surrounding properties and would accord with policies DM D2 and DM D3 Adopted Merton Sites and Policies Plan and Policies Maps (July 2014).

#### **7.4 Standard of Accommodation**

- 7.4.1 The Department for Communities and Local Government 'Technical housing standards – nationally described space standard' and Policy D6 of the London Plan 2021, provides the most up to date and appropriate minimum space standards for Merton. In addition, adopted policy CS.14 of the Core Strategy and DM D2 of the Adopted Sites and Policies Plan and Policies Maps (July 2014) encourages well designed housing in the borough by ensuring that all residential development complies with the most appropriate minimum space standards and provides functional internal spaces that are fit for purpose. New residential development should safeguard the amenities of occupiers by providing appropriate levels of sunlight & daylight and privacy for occupiers of adjacent properties and for future occupiers of proposed dwellings. The living conditions of existing and future residents should not be diminished by increased noise or disturbance.
- 7.4.2 The proposed residential units all exceed national and regional standards in terms of gross internal floor size and bedroom sizes. All the units are dual or triple aspect and all have adequate levels of light and outlook. The proposed

flats and house all have private balconies, terraces and/or gardens, with all but two units complying with the minimum space standards set out in policy DM D2 of the Adopted Merton Sites and Policies Plan and Policies Maps (July 2014), which requires for flatted dwellings, a minimum of 5sqm of private outdoor space should be provided for 1-2 person flatted dwellings with an extra 1sqm provided for each additional occupant. The two units (Units Nos. 3 & 4) that do not comply, will have a shortfall of only 3sqm, and would have direct access to a communal garden, so this is still considered acceptable in this instance.

## **7.5 Housing Mix**

7.5.1 Policy DM H2 of the Adopted Merton Sites and Policies Plan and Policies Maps (July 2014) states that residential proposals will be considered favourably where they contribute to meeting the needs of different households such as families with children, single person households and older people by providing a mix of swelling sizes, taking account of the borough level indicative proportions concerning housing mix. Therefore in assessing development proposals the council will take account of Merton’s Housing Strategy (2011-2015) borough level indicative proportions which are set out as follows:

<b>Number of bedrooms</b>	<b>Percentage of units</b>
One	33%
Two	32%
Three +	35%

7.5.2 It is considered that the proposal provides a good mix of properties with 4 x 1 bedroom units (22%), 10 x 2 bedroom units (56%) and 4 x 3 bedroom units/house (22%). Although there is a disproportionate number of 2 bedroom units in relation to the policy aim, it is not excessive and would not warrant a refusal of the application.

## **7.6 Parking and Traffic**

7.6.1 The application site has very good level of accessibility to public transport with a PTAL rating of 6a with the site located a short distance from a number of bus routes and Wimbledon Railway Station. The application site is also located in a Controlled Parking Zone (Zone W2) and as such is located in an area of the borough subject to high parking stress.

7.6.2 London Plan Policy T6.1 requires all residential development that is located in areas of PTAL 6a to be car free. The proposed development would provide a total of nine off-street car parking spaces (including two disabled spaces), which would be accommodated in the basement. The proposed development would therefore provide (not including disabled space provision), 0.39 spaces per dwelling. It is considered that although this would exceed the maximum standards set out in the London Plan, it would not warrant a refusal of the application as it is not excessive. It should also be noted that the existing development provides a number of off-street car parking spaces including 3 garages, so the net uplift, despite 13 additional residential units being provided

on site would be minimal. Given the site is within a Controlled Parking Zone and has good access to public transport, the development will be required to be 'permit free', so that it complies with Policy CS.20 of the Core Planning Strategy, which states that the Council will support permit free developments in areas within CPZ's benefiting from good access to public transport (PTAL 4-6).

- 7.6.3 London Plan Policy T6.1 requires that for 3 per cent of dwellings, at least one designated disabled persons parking bay per dwelling is available from the outset, whilst demonstrating how an additional seven per cent of dwellings could be provided with one designated disabled persons parking space per dwelling in future upon request as soon as existing provision is insufficient. It is considered that given the proposed development provides two disabled spaces from the outset (i.e. a minimum of 10% of total spaces), that it complies with London Plan policy.
- 7.6.4 London Plan Policy T6.1 requires that all residential car parking spaces must provide infrastructure for electric or Ultra-Low Emission vehicles. At least 20 per cent of spaces should have active charging facilities, with passive provision for all remaining spaces. In this instance, all nine spaces would have electric charge points (i.e. be active), and as such would exceed the requirements of this policy. This will be secured by condition.
- 7.6.5 In terms of cycle parking, London Plan Policy T5 requires 1 long stay space per 1 bedroom (1 person) dwelling, 1.5 spaces per 1 bedroom (2 person) dwellings, and 2 spaces for all other dwellings, which means a total of 34 spaces should be provided. It also requires 2 short stay spaces for between 5 and 40 dwellings. It is considered that the proposal would comply with this policy given 34 long stay cycle spaces would be provided in a secure covered cycle store on the western boundary of the site, and 2 short stay spaces would be provided close to the communal entrance.
- 7.6.6 The development would be serviced on site and the applicant has provided swept path analysis showing how a light goods vehicle can enter and exit the site in forward gear. Bin storage would be located close to the front boundary, which means it is in an easily accessible location for waste collection, which would be done on-street. The Council's Transport Planner has raised no objection to the proposal.
- 7.6.7 Overall, it is considered that the proposal would comply with relevant planning policy relating to traffic and parking.

## **7.7 Trees**

- 7.7.1 Policy DM O2 of the Adopted Merton Sites and Policies Plan and Policies Maps (July 2014) states that development will only be permitted if it will not damage or destroy any tree which is protected by a tree preservation order, is within a conservation area; or, has significant amenity value. Policy CS.13 in the Core Planning Strategy is similarly protective of trees with amenity value.

- 7.7.2 There are trees subject to Tree Preservation Order's within the site and adjacent on Leeward Gardens. The Council's Tree officer has outlined that most of the TPO trees at the site have been removed over the years and only the Sycamore and Horse Chestnut trees (labelled T8 and T9 on the submitted tree survey) are now subject to a TPO. In no. 26, there are also 2 trees, which are subject to TPO's, which are affected by this proposal. The Council's Tree Officer objected to the cutting back of a Hornbeam Tree at No.26 at the tree has a good even shape and this would disfigure that shape. The applicant has since confirmed that this tree would not be cut back.
- 7.7.3 The proposal requires the removal and replacement of 3 'B' category trees (1 x Ash, 1 x Indian Beam & Common Hornbeam) as well as some other less significant trees. Given these trees are not protected by a Tree Preservation Order, there is no objection to their removal. The Horse Chestnut tree, which is subject to a TPO (labelled T9 on the tree survey) is to be removed. There is no objection to this given it is now heavily decayed. A condition, will be attached securing replacement trees, with a requirement that some of these are planted close to the boundary with Harrowdene Court to provide some screening.

## **7.8 Sustainability and Energy**

- 7.8.1 London Plan Policies SI 2 and SI 5 expects a minimum on-site reduction of CO2 emissions at least 35 per cent beyond Building Regulations for major developments. Residential development should achieve 10 per cent, and non-residential development should achieve 15 per cent through energy efficiency measures. Where it is clearly demonstrated that the zero-carbon target cannot be fully achieved on-site, any shortfall should be provided, in agreement with the borough, either: 1) through a cash in lieu contribution to the borough's carbon offset fund, or 2) off-site provided that an alternative proposal is identified and delivery is certain. Development proposals should also achieve mains water consumption of 105 litres or less per head per day.
- 7.8.2 The applicant has provided an updated energy statement which indicates that the proposed development will achieve a 64% improvement against Part L 2013 using a communal ground source heat pump and 8.4 kWp solar PV which exceeds the policy requirement. The remaining carbon shortfall of 10.7tCO<sub>2</sub>/year will be offset at a rate of £95/tCO<sub>2</sub>, with a total carbon offset contribution of £30,612 which will be secured via a S106 legal agreement. The applicant has also provided design stage water calculations which indicate that the proposed development will achieve internal water usage rates of less than 105 litres per person per day in line with Merton's minimum requirements. The Council's Climate Change Officer has raised no objection to the proposed energy strategy, subject to conditions and S106 Agreement to secure the carbon-off set contribution.

## **7.9 Drainage and Flood Risk**

- 7.9.1 Policy DM D2 of the Adopted Sites and Policies Plan and Policies Maps (July 2014) requires proposals that incorporate basements and subterranean development to include a hydrology report which set out the impacts of the

development on groundwater and surface water movements and how these will be addressed.

- 7.9.2 The site is not shown to be at high risk of surface water flooding as shown on the surface water flood maps and it is not located in flood zone associated with river flooding.
- 7.9.3 The application is supported by a Basement Impact Assessment (BIA) and Drainage/SuDS Strategy. The Council's Flood Engineer has assessed the proposal and considers it likely that groundwater (perched) will be found on excavation and hence dewatering will be required. Furthermore, the Council will seek additional mitigation (above those stated in the BIA) in terms of passive drainage measures around the structure given the relative gradient of Wimbledon Hill Rd to allow the free flow of perched groundwater around the structure. This will be secured by condition. Further, the Council's structural Engineer has assessed the proposal and outlines that the Basement Impact Assessment and supplementary information have demonstrated that the proposed development can be built safely without adversely affecting the surrounding natural and built environment.

## **7.10 Affordable Housing**

- 7.10.1 Policy H4 of the London Plan 2021 has a strategic target of 50 per cent of all new homes delivered across London to be genuinely affordable. Planning policy CS 8 (Housing Choice) of Merton's Core Planning Strategy states that development proposals of 10 units or more require an on-site affordable housing target of 40% (60% social rented and 40% intermediate). In seeking affordable housing provision, the Council will have regard to site characteristics, such as its site size, its suitability and its economic of provision such as financial viability issues and other planning contributions. Affordable housing should be provided on site. Affordable housing must only be provided off-site or as a cash in lieu contribution in exceptional circumstances. A separate financial viability assessment will be required (for applications where they are not providing a policy compliant level (including tenure mix) of affordable housing and where they are not meeting the Mayor of London Affordable Housing and Viability SPG 2017 threshold).
- 7.10.2 The proposed development would comprise 18 self-contained residential units. The development will not provide any affordable housing and as such is not policy compliant. The applicant has provided a financial viability assessment, which states that the proposed development would generate a deficit of £3.89m and as such would not be viable if any affordable housing was provided. The financial viability assessment has been independently assessed by the Council's Viability Consultants, which concludes that although the deficit would likely be much lower (i.e. £154 – 194K), the development cannot provide any affordable housing. An early and late stage review mechanism would be applied in this instance to capture any uplift in value.

## **7.11 Fire safety**

7.11.1 Policy D12 of the London Plan states that major applications should be accompanied by a fire statement, prepared by a suitably qualified third party assessor, demonstrating how the development proposals would achieve the highest standards of fire safety, including details of construction methods and materials, means of escape, fire safety features and means of access for fire service personnel. Additionally London Plan Policy D5 requires developments to incorporate safe and dignified emergency evacuation for all building users, with fire evacuation lifts suitable to be used to evacuate people who require level access from the buildings.

7.11.2 The application has not been accompanied by a Fire Statement as the application was submitted prior to the adoption of the London Plan 2021. Officers therefore consider that a condition securing this prior to commencement of development can be reasonably applied in this case.

## **8. ENVIRONMENTAL IMPACT ASSESSMENT**

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

## **9. LOCAL FINANCIAL CONSIDERATIONS**

9.1 The proposal would result in a net gain in gross floor space and as such will be liable to pay a Community Infrastructure Levy (CIL).

## **10. SECTION 106 LEGAL AGREEMENT**

10.1 Permit Free

10.2 The development is to be 'Permit Free' in line with policy CS.20 of the Core Planning Strategy, which seek to reduce reliance on private motor vehicles in locations with good access to public transport facilities.

10.4 Carbon Offset Contribution

10.5 Where it is clearly demonstrated that the zero-carbon target cannot be fully achieved on-site, policy SI 2 of the London Plan 2021, requires that any shortfall should be provided through a cash in lieu contribution to the borough's carbon offset fund. In this instance, there is a carbon shortfall of 10.7tCO<sub>2</sub>/ year, which will be offset at a rate of £95/tCO<sub>2</sub>, which equates to a total carbon offset contribution of £30,612.

10.6 Early and Late Stage Review (Affordable Housing)

10.7 In line with the Mayor's Housing SPG and the advice from the Council's viability consultants, early and late stage reviews are required to be included within the S106 Agreement in order to capture any uplift in value.

## **11. CONCLUSION**

- 11.1 It is considered that the proposed development is a high quality design that responds well to both the topography of the site and architectural styles of surrounding buildings. It is also considered that the proposal would be acceptable in terms of its impact on residential amenity and standard of accommodation. In terms of parking and traffic impact it is noted that the application site has excellent access to public transport and is in a controlled parking zone, which means the residential units would be 'permit free' in line with policy requirements. The proposal would provide an increase density on a small site, striking a balance between site optimisation and surrounding constraints to the site, which is considered to be supported. Overall, it is considered that the proposal would comply with all relevant planning policies and as such planning permission should be granted.

### **RECOMMENDATION**

**GRANT PLANNING PERMISSION subject to the completion of a S106 agreement covering the following heads of terms:**

- 1) Car park Permit Free
- 2) Carbon offset Financial Contribution (£30,612)
- 3) Incorporate early and late stage review for affordable housing
- 4) Paying the Council's legal and professional costs in drafting, completing and monitoring the legal agreement.

**And subject to the following conditions:**

1. A.1 (Commencement of Development)
2. A.7 (Approved plans)
3. B.1 (External Materials to be Approved)
5. C.7 (Refuse & Recycling (Implementation))
6. C.8 (No Use of Flat Roof)
7. C.9 (Balcony/Terrace (Screening))
8. D.11 (Construction Times)
9. F.1 (Landscaping/Planting Scheme)
10. F.2 (Landscaping (Implementation))
11. F.5 (Tree Protection)



12. F.8 (Site Supervision)
13. F.9 (Hardstandings)
14. H.4 (Provision of Vehicle Parking)
15. Electric Charge Points to be implemented prior to occupation and retained permanently thereafter.
14. H.7 (Cycle Parking to be Implemented)
15. Demolition/Construction Logistic Plan (including a Construction Management plan in accordance with TfL guidance)
16. Before the commencement of the development, details of the proposed green/brown roofs (including: species, planting density, substrate, a section drawing at scale 1:20 demonstrating the adequate depth availability for a viable green/brown; and a maintenance plan) shall be submitted to an approved in writing by the Local Planning Authority. The measures shall be implemented in accordance with the approved details and be permanently retained as such.

Reason: In order to conserve and enhance biodiversity and wildlife habitats in accordance with the provisions of policy CS.13 of Merton's Core Planning Strategy 2011.

17. Prior to the commencement of development, the applicant shall submit a detailed proposal on how drainage and groundwater will be managed and mitigated during (dewatering) and post construction (permanent phase), for example through the implementation of passive drainage measures around the basement structure.

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.

18. Prior to the commencement of development, a detailed scheme for the provision of surface and foul water drainage shall be submitted to and approved in writing by the local planning authority for both phases of the development. The drainage scheme will dispose of surface water by means of a sustainable drainage system (SuDS) to include a green roof, rainwater harvesting and will discharge at the agreed run-off rate of no more than 5l/s (and a volume of attenuation no less than 32m<sup>3</sup>), in accordance with drainage hierarchy contained within the London Plan Policy (5.12, 5.13 and SPG) and the advice contained within the National SuDS Standards

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.

19. No piling shall take place until a Piling Method Statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement

Reason: The proposed works will be in close proximity to underground sewerage utility infrastructure. Piling has the potential to significantly impact / cause failure of local underground sewerage utility infrastructure.

20. No construction shall take place within 5m of the water main. Information detailing how the developer intends to divert the asset / align the development, so as to prevent the potential for damage to subsurface potable water infrastructure, must be submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any construction must be undertaken in accordance with the terms of the approved information. Unrestricted access must be available at all times for the maintenance and repair of the asset during and after the construction works.

Reason: The proposed works will be in close proximity to underground strategic water main, utility infrastructure. The works has the potential to impact on local underground water utility infrastructure.

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

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

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

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

23. Prior to commencement of works, a preliminary risk assessment, and investigation shall be undertaken to consider the potential for contaminated land. If necessary, a detailed remediation scheme to bring the site to a suitable

state for the intended use by removing unacceptable risks to health and the built environment, shall be submitted to and approved by the Local Planning Authority prior to commencement of works. The approved remediation works shall be completed in accordance with the approved details, and a verification report, demonstrating the then effectiveness of the remediation, shall be submitted and approved by the Local Planning Authority.

Reason: To protect the health of future users of the site in accordance with policy 5.21 of the London Plan 2016 and policy DM EP4 of Merton's sites and policies plan 2014.

24. No part of the development hereby approved shall be occupied until evidence has been submitted to the Local Planning Authority confirming that the development has achieved CO2 reductions in accordance with those outlined in the approved Environmental Statement Addendum, and wholesome water consumption rates of no greater than 105 litres per person per day.

Reason: In order to ensure that actual operational energy performance and water usage is minimised in compliance Policies SI 2 and SI 5 of the London Plan 2021.

25. In order to demonstrate compliance with the 'be seen' post-construction monitoring requirement of Policy SI 2 of the London Plan, the legal Owner shall at all times and all in all respects comply with the energy monitoring requirements set out in points a, b and c below. In the case of non-compliance the legal Owner shall upon written notice from the Local Planning Authority immediately take all steps reasonably required to remedy non-compliance.

a. Within four weeks of planning permission being issued by the Local Planning Authority, the Owner is required to submit to the GLA accurate and verified estimates of the 'be seen' energy performance indicators, as outlined in Chapter 3 'Planning stage' of the GLA 'Be seen' energy monitoring guidance document, for the consented development. This should be submitted to the GLA's monitoring portal in accordance with the 'Be seen' energy monitoring guidance.

b. Once the as-built design has been completed (upon commencement of RIBA Stage 6) and prior to the building(s) being occupied (or handed over to a new legal owner, if applicable), the legal Owner is required to provide updated accurate and verified estimates of the 'be seen' energy performance indicators for each reportable unit of the development, as per the methodology outlined in Chapter 4 'As-built stage' of the GLA 'Be seen' energy monitoring guidance. All data and supporting evidence should be uploaded to the GLA's monitoring portal. The owner should also confirm that suitable monitoring devices have been installed and maintained for the monitoring of the in-use energy performance indicators, as outlined in Chapter 5 'In-use stage' of the GLA 'Be seen' energy monitoring guidance document.

c. Upon completion of the first year of occupation following the end of the defects liability period (DLP) and for the following four years, the legal Owner is required to provide accurate and verified annual in-use energy performance

data for all relevant indicators under each reportable unit of the development as per the methodology outlined in Chapter 5 'In-use stage' of the GLA 'Be seen' energy monitoring guidance document. All data and supporting evidence should be uploaded to the GLA's monitoring portal. This condition will be satisfied after the legal Owner has reported on all relevant indicators included in Chapter 5 'In-use stage' of the GLA 'Be Seen' energy monitoring guidance document for at least five years.

Reason: In order to ensure that actual operational energy performance is minimised and demonstrate compliance with the 'be seen' post-construction monitoring requirement of Policy SI 2 of the London Plan 2021.

26. Prior to the commencement of developments a Fire Safety Statement and Strategy shall be submitted to and approved in writing by the Local Planning Authority. Prior to occupation of the residential development hereby approved the Fire safety measures detailed in the approved document shall be implemented and retained thereafter unless or until they require amendment in accordance with updated Fire Safety Regulations.

Reason: to provide a safe living environment and to reduce the risk of fire related danger in accordance with London Plan 2021 policy D12 and Merton Sites and Policies Plan 2014 policy DM D2.