

PLANNING APPLICATIONS COMMITTEE

16 March 2023

CASE OFFICER REPORT

<u>APPLICATION NO.</u>	<u>DATE VALID</u>
22/P2855	20/09/2022
Address/Site:	310-356 Grand Drive, Raynes Park, SW20 9NQ
Ward:	Lower Morden
Proposal:	Application for prior approval in respect of the proposed erection of a single storey roof extension to provide 6 no. flats and associated works.
Drawing Nos:	HA22-182-P001, HA22-182-P006A, HA22-182-P007, HA22-182-P008, HA22-182-P009A
Contact Officer:	Wendy Wong Chang

RECOMMENDATION

GRANT PRIOR APPROVAL subject to conditions and S106 legal agreement

CHECKLIST INFORMATION

Is a screening opinion required	No
Is an Environmental Statement required	No
Press notice	No
Site notice	No
Design Review Panel consulted	No
Number of neighbours consulted	64
External consultations	0
Internal consultations	2
Controlled Parking Zone	No

1. INTRODUCTION

1.1 This application is being brought to the Planning Applications Committee for determination due to the number of objections received.

2. SITE AND SURROUNDINGS

- 2.1 The application site is a 4 storey building located on the eastern side of Grand Drive within a Neighbourhood Parade Area. It comprises commercial units on ground floor level and residential flats on the upper floors.
- 2.2 The surrounding area is in mixed use. To the south is a similar three storey mixed use development. To the west, opposite Grand Drive is a three storey residential development and an access to Morden Cemetery/Recreation Ground which is designated as an area of Open Space, Sites of Importance for Nature Conservation and Metropolitan Open Land.
- 2.4 The site is not located within a Controlled Parking Zone (CPZ) and has a public transport access level (PTAL) of 2 (0 being poor and 6 being excellent).

3. CURRENT PROPOSAL

- 3.1 This is an application to determine whether prior approval is required in respect of the proposed erection of an additional storey to the existing four storey mixed use block to create 6 x new self-contained flats (3 x 2B3P and 3x 1B2P).
- 3.2 This is an application submitted under Class AA of Part 20 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) for new dwellinghouses on detached buildings in commercial or mixed use.
- 3.3 Therefore, the only issues that can form material considerations are as follows:
 - (a) transport and highways impacts of the development;
 - (b) air traffic and defence asset impacts of the development;
 - (c) contamination risks in relation to the building;
 - (d) flooding risks in relation to the building;
 - (e) the external appearance of the building;
 - (f) the provision of adequate natural light in all habitable rooms of the new dwellinghouses;
 - (g) impact on the amenity of the existing building and neighbouring premises including overlooking, privacy and the loss of light;
 - (h) impacts of noise from any commercial premises on the intended occupiers of the new dwellinghouses;
 - (i) impacts of the introduction of, or an increase in, a residential use of premises in the area on the carrying on of any trade, business or other use of land in the area;

(j) whether, because of the siting of the building, the development will impact on a protected view identified in the Directions Relating to Protected Views dated 15th March 2012.

(k) where the existing building is 18 metres or more in height, the fire safety of the external wall construction of the existing building; and

(l) where the development meets the fire risk condition (see paragraph C(3) of this Part), the fire safety impacts on the intended occupants of the building.

3.4 The proposal involves the addition of one floor of accommodation. The additional floor would be finished in materials to match existing. All windows would align with the windows on the floor below and have the same appearance as the existing windows.

4. RELEVANT PLANNING HISTORY

4.1 None of relevance to the application site however below sets out the planning history of the adjacent site at 358-372 Grand Drive.

4.2 22/P0440 - Demolition of the existing building and redevelopment of the site to provide a four storey building with a full basement 43 space car park, 3 retail units & supermarket to the ground floor and 33 x apartments to first, second and third floors – Pending Decision

5. CONSULTATION

5.1 Public consultation was undertaken by post sent to neighbouring properties.

5.2 10 letters were received from 9 properties objecting to the proposal for the following reasons as summarised:

Comments	Officer Comments
<i>Transport</i>	
Put pressure on available parking provision	Further discussed and assessed in Section 6 of this report. The applicant has agreed to enter into a legal agreement to restrict future occupiers of the units from applying for residents parking permits in the event that a CPZ comes into force in the future
Refuse collection. Existing refuse chutes frequently becomes blocked and the management company have not been quick to unblock it	Further discussed and assessed in Section 6 of this report. However, a condition requiring the submission of refuse management plan has been recommended to ensure the development provides satisfactory
No recycling facilities	

<p>If the proposed planning application is granted, we respectfully request that a condition be included to accommodate the refuse provision for the existing and additional units.</p>	<p>refuse disposal/collection arrangements.</p>
<p>Incorrect information provided by the applicant as there is currently no dedicated storage space for dry recycling or food waste.</p>	
<p>Damage to existing property during construction works</p>	<p>Further discussed and assessed in Section 6 of this report. However, a condition requiring the submission of Construction Logistic and Management Plan has been recommended to ensure the development can be constructed with minimal disturbance to nearby occupants.</p>
<p>Noise, dust and debris during construction works causing health hazards</p>	
<p>I'd also like to know where building materials will be stored? Where will lorries be stored? If lorries are stored round the back near the garages, how will access to garages and parking spaces be guaranteed? If on the front, will this cause further limited parking for the area? How are the construction workers getting to work? Will they be parking in the area and causing increased strain on parking as well as further congestion?</p>	
<p>No information on construction related activities</p>	
<p></p>	
<p><i>Design</i></p>	<p>Further discussed and assessed in Section 6 of the Report.</p>
<p>The finished roof level would be significantly higher than the adjacent and surrounding buildings – which is totally out of character.</p>	
<p>No attempt by the applicant to enhance the streetscape or quality of the environment by using this opportunity to provide something visually appealing.</p>	
<p>Not subordinate</p>	
<p>Increases bulk and mass</p>	
<p>Application should be refused by reason of its excessive increase in height, bulk and massing, overbearing and visually intrusive</p>	

<i>Neighbour Amenity</i>	
Increases overlooking	Further discussed and assessed in Section 6 of the Report.
Loss of privacy	
Increase in noise	
Overshadowing	
Impact on light	
Access to existing flats within the site	This is not a material planning consideration
Year-long building proposal to be excessive and also breaches the covenant in the leasehold agreement.	This is not a material planning consideration
<i>Other</i>	
Covering Statement is not available to view	This is not a material planning consideration under this prior approval
Both the landlord and managing agents have not been able to provide adequate refurbishment of our properties nor kept the outside bin area to an adequate Health and Safety standard despite numerous complaints from the people who live here	
Main concern is if they can't or won't actually deal satisfactorily with our issues now, how on earth will they cope with an additional set of flats to manage	
No additional fire escape. Increase risks evacuating the building in case of fire	This is not a material planning consideration under this prior approval
Temporary loss of utilities during construction	Further discussed and assessed in Section 6 of the Report.
Additional development to the property should introduce a positive refreshment of the existing building's front elevation	This is not a material planning consideration under this prior approval
No details of how works to the existing roof plant will take place with residents in situ and how water supplies can continue to the flats whilst the relocation of the plant room is in process.	This is not a material planning consideration under this prior approval
There is asbestos present in the building. Need details how this will be handled with residents in the building	This is not a material planning consideration under this prior approval

There is an existing leak in the building and the management company/freeholders have yet to find the source of the leak.	This is not a material planning consideration under this prior approval
The freeholder has not fulfilled their covenants on the lease and there is no discussion around the refurbishment of the communal staircases or exterior rendering	This is not a material planning consideration under this prior approval
We've had no contact or notice from the freeholders at all	This is not a material planning consideration under this prior approval
Massive impact on local trade and traffic as the additional floor is built which will be a detriment to local traders and locals trying to move around the area	Further discussed and assessed in Section 6 of the Report.
The Applicant has not outlined how the building will be secured if planning permission is granted, the building would have scaffolding erected for a considerable period and this would mean we are open to several elements including burglary.	This is not a material planning consideration under this prior approval
No information on Health and Safety	
The building has no emergency lighting, no smoke/fire detectors, and only one exit in and out of the building. During our time as leaseholders no fire risk assessments have been carried out.	This is not a material planning consideration under this prior approval
The utilities infrastructure is of a poor quality and has not been updated since the building was built in 1960, this includes gas, electrical and water.	This is not a material planning consideration under this prior approval
Poor management	This is not a material planning consideration under this prior approval
Applicant has not met the requirements in the Party Wall Act 1996	This is not a material planning consideration under this prior approval

5.2 Planning officer's comments – Matters raised in the objections have been covered within the delegated report. In terms of dust, noise and disturbance created during the building work, these matters would be covered and monitored by the Council's Environmental Health team. Adherence to a Working Method Statement and Construction Logistics Plan have been

conditioned. The applicant would need to ensure that they have all necessary permits and approvals for the works which sit outside planning.

5.3 LBM Transport Planner:

No comments received

5.4 LBM Waste Officer

Comments on the submitted refuse management plan pending at the time of writing this report.

5.5 Thames Water

Thames Water has been consulted and comments yet to be received.

5.6 Highways (cycling)

If they really cannot meet the London Plan cycle parking requirements on site, then they should provide a contribution for cycle parking on-street.

We already have a lot of Sheffield cycle stands in this area intended for short term uses such as shopping. But these are not appropriate for residential use due to inadequate security and lack of weather protection. So for a residential development they should provide cycle hangars. These could probably be accommodated on the wide footway here or alternatively they could go in a parking space

The units each accommodate 6 bikes so, if the London Plan requires 10 spaces, then they should fund 2 hangars. The cost with installation will be approx. £5k per hangar including a contribution towards the residents annual membership fee for an initial period of 2 years.

5.7 Highways

No comments received at the time of writing this report.

5.8 Transport Planning

No comments received at the time of writing this report.

5.9 Councils Flood Officer

No comments received at the time of writing this report.

5.10 Councils Environmental Health Officer

No comments received at the time of writing this report.

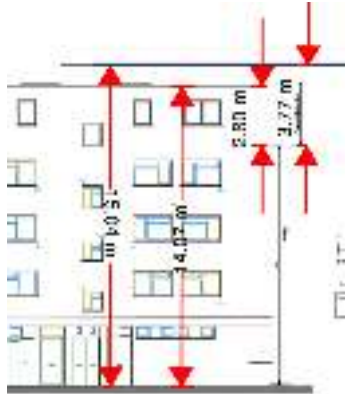
6. POLICY CONTEXT

- 6.1 The application as submitted is for prior approval and will be assessed against Schedule 2, Part 20 'Construction of New Dwellinghouses', Class AA 'New dwellinghouses on detached buildings in commercial or mixed-use' of the Town and Country (General Permitted Development) (England) Order 2015 (as amended). These rights have not been removed or restricted by any previous planning conditions.
- 6.2 Officer note: Article C of Part 20 defines 'Detached' as a building that does not share a party wall with a neighbouring building. In this instance, Officer has reviewed planning history of the adjoining building, 300 Grand Drive (Co-op building) and as illustrated on historic plans submitted under application MER215/79, the application building and the adjoining Co-op building do not share a party wall. The simplistic way to define a party wall is defined as two buildings that share only one wall (normally a flank wall). In this instance, the host building has its own flank wall, and the Co-op has its own flank wall. Despite these walls adjoining, they are separate from each other, and for the purpose of assessment under Part 20 this is considered as detached (as they don't share a party wall). This view only relates to consideration under Part 20 and does not alter how officers would normally define a detached building. In any event, even if the building were to be considered as a terrace, then under Part 20, Class AB (new dwellinghouses on terrace buildings in commercial or mixed use) the prior approval criteria is exactly the same as that under Class AA as set out below.
- 6.3 Class AA – The proposed erection of an additional storey at 310-356 Grand Drive is considered to be permitted development under Class AA. It has been assessed against the following criteria accordingly:

Permitted development	Officer comments
AA. (1) Development consisting of works for the construction of up to two additional storeys of new dwellinghouses immediately above the topmost storey on a detached building to which subparagraph (2) applies, together with any or all—	
(a) engineering operations reasonably necessary to construct the additional storeys and new dwellinghouses;	Complies
(b) works for the replacement of existing plant or installation of additional plant on the roof of the extended building reasonably necessary to service the new dwellinghouses;	Complies
(c) works for the construction of appropriate and safe access to and egress from the new dwellinghouses and existing premises in the building, including means of escape from fire,	Complies

via additional external doors or external staircases;	
(d) works for the construction of storage, waste or other ancillary facilities reasonably necessary to support the new dwellinghouses.	Complies
AA (2) This sub-paragraph applies to a building which is—	
(a) used for any purpose within Class A1 (shops), Class A2 (financial and professional services), Class A3 (restaurants and cafes) or Class B1(a) (offices) of the Schedule to the 1987 Order, or as a betting office, pay day loan shop or launderette;	N/A. AA(2)(b) applies as the building is in a mixed use with commercial uses on the ground floor and residential use on the upper floors.
(b) in a mixed use combining—	Complies
(i) two or more uses within paragraph (a); or (ii) a use falling within Class C3 (dwellinghouses) of the Schedule to the 1987 Order, together with one or more uses within paragraph (a).	Complies
AA.(3) In relation to Class AA, “the 1987 Order” means the Use Classes Order as in force on 5 th March 2018.	Complies

Development not permitted	Officer comments
AA.1. Development is not permitted by Class AA if—	
(za) the permission to use the building as a dwellinghouse has been granted only by virtue of Class MA of Part 3 of this Schedule;	Complies
(a) above ground level, the building is less than three storeys in height;	Complies. The building is 4 storeys in height.
(b) the building was constructed before 1st July 1948 or after 5th March 2018;	Complies. It has been submitted that the building was originally constructed circa 1963.
(c) on 5th March 2018 the building was in a use other than— (i) a use or mixed use within paragraph AA(2)(a) or (b); or (ii) a use falling within Class C3 of the Schedule to the Use Classes Order;	Complies. Google streetview of the site dating between 2008 to present shows the building to have been in continued mixed use with commercial uses on the ground floor and residential uses above.

<p>(d) the additional storeys are constructed other than on the principal part of the building;</p>	<p>Complies. The additional storey is constructed above the flat roof of the principal part of the building.</p>
<p>(e) the floor to ceiling height of any additional storey, measured internally, would exceed the lower of— (i) 3 metres; or (ii) the floor to ceiling height, measured internally, of any storey of the principal part of the existing building;</p>	<p>Complies. The floor to ceiling height of the new units measures 2.4m which is the same as the existing units</p>
<p>(f) the new dwellinghouses are not flats;</p>	<p>Complies. The new units are flats.</p>
<p>(g) the height of the highest part of the roof of the extended building would exceed the height of the highest part of the roof of the existing building by more than 7 metres (not including plant, in each case);</p>	<p>Complies. See screenshot below. The height of the highest part of the extended building would extend approx. 2.8m therefore <7m.</p> 
<p>(h) the height of the highest part of the roof of the extended building (not including plant) would be greater than 30 metres;</p>	<p>Complies. See above screenshot. The proposed elevation shows the height of the extended building (excluding plant) to be approx. 14.1m. (Total height is approx. 15m including plant.)</p>
<p>(i) development under Class AA(1)(a) would include the provision of visible support structures on or attached to the exterior of the building upon completion of the development;</p>	<p>Complies. None proposed.</p>
<p>(j) development under Class AA(1)(a) would consist of engineering operations other than works within the existing curtilage of the building to— (i) strengthen existing walls;</p>	<p>Complies. All associated works are sited within the curtilage of the building.</p>

(ii) strengthen existing foundations; or (iii) install or replace water, drainage, electricity, gas or other services;	
(k) in the case of Class AA(1)(b) development there is no existing plant on the building;	Complies. There is plant at roof level.
(l) in the case of Class AA(1)(b) development the height of any replaced or additional plant as measured from the lowest surface of the new roof on the principal part of the extended building would exceed the height of any existing plant as measured from the lowest surface of the existing roof on the principal part of the existing building;	Complies. The height of the replacement plant is the same height as existing.
(m) development under Class AA(1)(c) would extend beyond the curtilage of the existing building;	Complies. The proposed additional storey is sited within the curtilage of the existing building.
(n) development under Class AA(1)(d) would— (i) extend beyond the curtilage of the existing building; (ii) be situated on land forward of a wall forming the principal elevation of the existing building; or (iii) be situated on land forward of a wall fronting a highway and forming a side elevation of the existing building; or	Complies. The proposed additional storey is sited within the curtilage of the existing building.
(o) the land or site on which the building is located, is or forms part of— (i) article 2(3) land; (ii) a site of special scientific interest; (iii) a listed building or land within its curtilage; (iv) a scheduled monument or land within its curtilage; (v) a safety hazard area; (vi) a military explosives storage area; or (vii) land within 3 kilometres of the perimeter of an aerodrome.	Complies. The application site do not form part of areas listed under (i)-(vii).

Conditions	Officer comments
AA.2.—(1)Where any development under Class AA is proposed, development is permitted subject to the condition that before beginning the development, the developer must apply to the local planning authority for prior approval of the authority as to—	
(a) transport and highways impacts of the development;	Complies. This is discussed in further detail in the report below.
(b) air traffic and defence asset impacts of the development;	Complies. The site is not within 3 km of any identified aerodrome. The application is not

	considered to impact on air traffic and defence assets.
(c) contamination risks in relation to the building;	Complies. There are no land contamination designations, no excavation is proposed and the new flats would be on upper floors.
(d) flooding risks in relation to the building;	Complies. The site is not situated in an area at high risk of flooding. Given siting at roof level, the development will not impact on the risk of flooding in the locality.
(e) the external appearance of the building, including— (i) the design and architectural features of— (aa) the principal elevation; and (bb) any side elevation that fronts a highway; and (ii) the impact of any works under sub-paragraph (1)(c) or (d) of Class AA;	Complies. This is discussed in further detail in the report below.
f) the provision of adequate natural light in all habitable rooms of the new dwellinghouses;	Complies. All new habitable rooms in the new dwellings would be served by adequately sized and sited windows.
(g) impact on the amenity of the existing building and neighbouring premises including overlooking, privacy and the loss of light;	Complies. The amenities of occupiers of the existing building are not considered to be unacceptably compromised by the development. This is discussed in further detail in the report below.
(h) impacts of noise from any commercial premises on the intended occupiers of the new dwellinghouses;	Complies. The commercial premises are sited at ground floor and the proposed new units are sited on the 5 th floor. No impact identified.
(i) impacts of the introduction of, or an increase in, a residential use of premises in the area on the carrying on of any trade, business or other use of land in the area;	Complies. Impact is considered beneficial with potential increase in footfall and thus the viability and vitality of the existing commercial units.

j) whether, because of the siting of the building, the development will impact on a protected view identified in the Directions Relating to Protected Vistas dated 15th March 2012 issued by the Secretary of State	Complies. There are no protected views to consider.
(k) where the existing building is 18 metres or more in height, the fire safety of the external wall construction of the existing building; and	Complies. Existing building does not exceed 18m in height.
(l) where the development meets the fire risk condition (see paragraph C(3) of this Part), the fire safety impacts on the intended occupants of the building,	Complies. The development does not meet the fire risk condition for reasons set out under (k).

Condition 1(a) – Transport and Highways

- 6.4 London Plan Policy T1 (Strategic approach to transport) states that the delivery of the Mayor’s strategic target of 80 per cent of all trips in London to be made by foot, cycle or public transport by 2041. All development should make the most effective use of land, reflecting its connectivity and accessibility by existing and future public transport, walking and cycling routes, and ensure that any impacts on London’s transport networks and supporting infrastructure are mitigated.
- 6.5 Merton SPP Policy DM T2 seeks to ensure that development is sustainable and has minimal impact on the existing transport infrastructure and local environment. Policy DM T3 seeks to ensure that the level of residential and non-residential parking and servicing provided is suitable for its location and managed to minimise its impact on local amenity and the road network.
- 6.6 Core Strategy Policy CS20 and SPP Policy DM T5 requires that development would not adversely affect pedestrian or cycle movements, safety, the convenience of local residents, street parking or traffic management, that they minimise any impacts on the safe movement of people or goods, are appropriately located and connected to the road hierarchy; respect the streets character and environment.

Car Parking

- 6.7 The site has a Public Transport Accessibility Level of 2 which is considered to be poor. The proposal does not fall within a Controlled Parking Zone and no additional vehicular parking is proposed.
- 6.8 The London plan expresses parking standards as a maximum. Therefore, the provision of a car free development is not objectionable. The comments of neighbouring occupiers, in regards to parking pressure, have been carefully considered. The results of the parking survey undertaken by i-Transport have demonstrated that, in the worst case scenario, the development may result in demand to park a further 5- 6 cars on street. The overnight parking surveys identified 45 or more vacant parking spaces (out of 85 unrestricted parking spaces) in the surrounding streets. Therefore with the development in situ, approx. 39 parking spaces will remain vacant, which is equivalent to a total

parking stress level increasing from 46% to 54%. It can therefore be concluded the development will not materially impact on existing parking stress in the locality and therefore will continue to safeguard highway and pedestrian safety.

- 6.9 The site is not within a CPZ however to ensure the scheme does not increase parking pressure in the locality in perpetuity, the applicant has agreed to restrict the future occupants of the new units from access to residents parking permits in the event that a CPZ comes into force in the locality in the future. This is to be secured through a s.106 agreement

Cycling Parking

- 6.7 Core Strategy Policy CS18 seeks to promote active transport by requiring new development to provide cycle parking, it encourages design that provides, attractive, safe, covered cycle storage, cycle parking and other facilities (such as showers, bike cages and lockers).
- 6.8 London Plan Policy T5 requires developments to provide appropriate levels of cycle parking which should be fit for purpose, secure and well-located. Developments should provide cycle parking at least in accordance with the minimum standards set out in Table 10.2 which requires 1.5 spaces per 1B2P units and 2 spaces for all other unit types. The proposal comprises 3 x 2 bed flats and 3 x 1 bed (1B2P) flats as such 10.5 no. cycle parking spaces is required. This is to be rounded up to 11 cycle parking spaces.
- 6.9 As cycle parking cannot be accommodated within the site and to accord with the requirements of the aforementioned policies, a financial contribution of £10,000 is being sought to provide 2 x cycle hangars, which includes a contribution towards the new residents annual membership fee for an initial period of 2 years. Each cycle hangar can accommodate 6 cycles therefore 2 x cycle hangars are required to comply with the minimum standards. This is being secured via a s106 legal agreement.

Refuse/Recycling

- 6.10 Merton Core Strategy Policy CS17 requires new developments to demonstrate integrated, well-designed waste storage facilities that will include recycling facilities. London Plan Policies SI 7 and SI 8 identifies that in order to manage London's waste sustainably, the waste management capacity of existing sites should be optimised and developments should be designed with adequate, flexible, and easily accessible storage space and collection systems that support, as a minimum, the separate collection of dry recyclables (at least card, paper, mixed plastics, metals, glass), non- recyclables and food waste.
- 6.11 It is noted that the existing refuse arrangement provides for separate residential and commercial refuse stores/collection. The refuse arrangement will utilise existing refuse storage/collection arrangement. It has been submitted that there are 3 bin stores located at ground floor level and the residents use the chutes in the staircases to dispose of refuse and the refuse drops into waste

wheel bins in the bins store areas at ground floor level. The same approach would apply to the residents of the new flats. Concerns are noted in relation to existing refuse arrangement as such a condition is recommended for details of refuse management plan to be submitted for approval.

- 6.12 The Council's Waste Officer's comments on the submitted Refuse Management Plan are pending.

Construction Impacts

- 6.13 Concerns have been submitted in relation to the potential impact of the constructions works on the health, safety and security of the existing occupants. Whilst officers acknowledge that the site constraints may appear to make construction more difficult than on an easily accessible site, however this situation is not unusual in urban areas. In this instance, Officers consider the concerns can be satisfactorily addressed by way of planning conditions requiring the submission of construction logistic plan and a working method statement to help reduce impact on surrounding residential properties. The standard wording of the condition for submission of a Working Method Statement include details of control of dust and noise.
- 6.14 Imposing the planning conditions requiring full details of how the development is to be built, will be subject of formal submission (discharge of condition) and review and approval by the Councils Transport and Highway officers. This level of detail is normally only known once the applicant has secured planning approval and a contractor has been appointed to undertake the build. The discharging of the planning condition will ensure that best practice is delivered and disruption to neighbouring properties is kept to a minimum.

Condition 1(e) – External Appearance

- 6.15 Policies DM D2 and DM D3 seek 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 these SPP Policies.
- 6.16 The proposal comprises the erection of an additional storey to provide 6 flats (3 x 2B3P and 3 x 1B2P) flats on top of the existing building. Materials will match existing and the fenestration arrangement aligns with existing on the floors below.
- 6.17 To the south is a three storey building with a pitched roof where the highest point is similar in height to the application site. Adjoining the site to the north is a single storey building. Further to the north is a three storey building with a pitched roof. Opposite the site is a three storey residential building block. Whilst the site, standing at 4 storeys, is currently one of the taller buildings in the locality however, given the design of the nearby buildings, it is considered

that the additional height could be reasonable accommodated without causing material harm to the character of the area.

- 6.18 Of note is the adjacent building, which benefit from a pitched roof therefore allowing a suitable visual transition along Grand Drive.
- 6.19 The impact on the external appearance of the building and the locality is therefore considered acceptable.

Condition 1(f) – Neighbouring amenities

- 6.20 Policy DM D2 seeks to ensure that development does not adversely impact on the amenity of nearby residential properties.
- 6.21 The proposed rooftop extension would not project beyond the existing footprint of the building. In view of the alignment with the building to the south, the impact on the adjacent 3 storey mixed use building would be minimal.
- 6.22 In view of siting and distance to all other nearby occupants at Grand Drive and Queen Mary Avenue and existing level of overlooking afforded from the upper floor windows on the host building, the proposal is not considered to materially increase harm to the residential amenity of any of the nearby occupants when compared to existing situation. In addition, the increase in height is not considered to materially impact on daylight/sunlight that currently benefits nearby occupants.

7. LOCAL FINANCE CONSIDERATIONS

- 7.1 Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority must have regard to a local finance consideration as far as it is material. The weight to be attached to a local finance consideration remains a matter for the decision maker. The Mayor of London's CIL and Merton CIL are therefore material considerations.
- 7.2 On initial assessment this development is considered liable for the Mayoral and Merton CIL.

8. SECTION 106 LEGAL AGREEMENT

- 8.1 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.
- 8.2 In line with London Plan Policy T5 which requires the provision of adequate cycle parking provision commensurate to the scale of the development, a financial contribution is being sought to enable the Council to provide 2 x cycle hangars in the vicinity of the application site.
- 8.3 Further information in respect of the above, including details of supplementary research carried out in justification of the S106 requirements, can be viewed

here:

<http://www.merton.gov.uk/environment/planning/s106-agreements.htm>

9. **Conclusion**

- 9.1 For the reasons given above, and taking all provisions of the GPDO (2015) (as amended) into account, it is concluded that the proposals should be granted Prior Approval. This is for the reason that the development is considered to be permitted development under Schedule 2, Part 20 'Changes of Use', Class AA 'New dwellinghouses on detached buildings in commercial or mixed use' of the Town and Country (General Permitted Development) (England) Order 2015 (as amended) and satisfies the relevant conditions set out under Criteria AA.2(1).

10. **RECOMMENDATION**

- 10.1 GRANT PRIOR APPROVAL subject to conditions and the completion of a S106 agreement covering the following heads of terms:
1. £10,000 to provide 2 x cycle hangars including a contribution towards the new residents annual membership fee for an initial period of 2 years.
 2. £5,000 for amendments to Traffic Management Order and associated signing and lining should the cycle hangars be installed within parking spaces
 3. Restrict access to parking permits for all future occupants of the 6 new units created as part of the development in the event that a CPZ comes into force in the future
 4. Paying the Council's legal and professional costs in drafting, completing and monitoring the legal agreement.

Grant prior approval subject to the following conditions:

1	A Non Standard Condition	The development to which this prior approval relates shall be completed not later than the expiration of 3 years from the date of this permission.	
	1	Reason: To comply with The Town and Country Planning (Permitted Development and Miscellaneous Amendments) (England) (Coronavirus) Regulations 2020, Part 20, Class A.	
2	A7 Approved Plans	The development hereby permitted shall be carried out in accordance with the following approved plans: HA22-182-P001, HA22-182-P006A, HA22-182-P007, HA22-182-P008, HA22-182-P009A	
	1	Reason: For the avoidance of doubt and in the interests of proper planning	

3	Materials Match existing	<p>The facing materials to be used for the development hereby permitted shall be those specified in the application form unless otherwise agreed in writing by the Local Planning Authority.</p> <p>Reason: To ensure a satisfactory appearance of the development and to comply with the following Development Plan policies for Merton: policies D3 and D4 of the London Plan 2021, policy CS14 of Merton's Core Planning Strategy 2011 and policies DM D2 and D3 of Merton's Sites and Policies Plan 2014.</p>
4	No use of flat roof	<p>Access to the flat roof of the development hereby permitted shall be for maintenance or emergency purposes only, and the flat roof shall not be used as a roof garden, terrace, patio or similar amenity area.</p> <p>Reason: To safeguard the amenities and privacy of the occupiers of adjoining properties and to comply with the following Development Plan policies for Merton: policies D3 and D4 of the London Plan 2021, policy CS14 of Merton's Core Planning Strategy 2011 and policies DM D2 and D3 of Merton's Sites and Policies Plan 2014.</p>
3	Refuse Storage	<p>No refuse or waste material of any description shall be left or stored anywhere on the site other than within a building or refuse enclosure.</p> <p>REASON: To safeguard the appearance of the property and the amenities of the area</p>
4	C06 Refuse & Recycling (Details to be Submitted)	<p>No development shall take place until a refuse management plan including details for the storage and collection of refuse and recycling has been submitted in writing for approval to the Local Planning Authority. No works which are the subject of this condition shall be carried out until the scheme has been approved, and the development shall not be occupied until the scheme has been approved and has been carried out in full. Those facilities and measures shall thereafter be retained for use at all times from the date of first occupation.</p>
		<p>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: policies SI 7 and D6 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.</p>
5	D11 Construction Times	<p>No demolition or construction work or ancillary activities such as deliveries shall take place before 8am or after 6pm Mondays - Fridays inclusive, before 8am or after 1pm on Saturdays or at any time on Sundays or Bank Holidays.</p>
		<p>Reason: To safeguard the amenities of the area and the occupiers of neighbouring properties and ensure compliance with the following Development Plan policies for Merton: policies D14 and T7 of the London Plan 2021 and policy DM EP2 of Merton's Sites and Polices Plan 2014.</p>

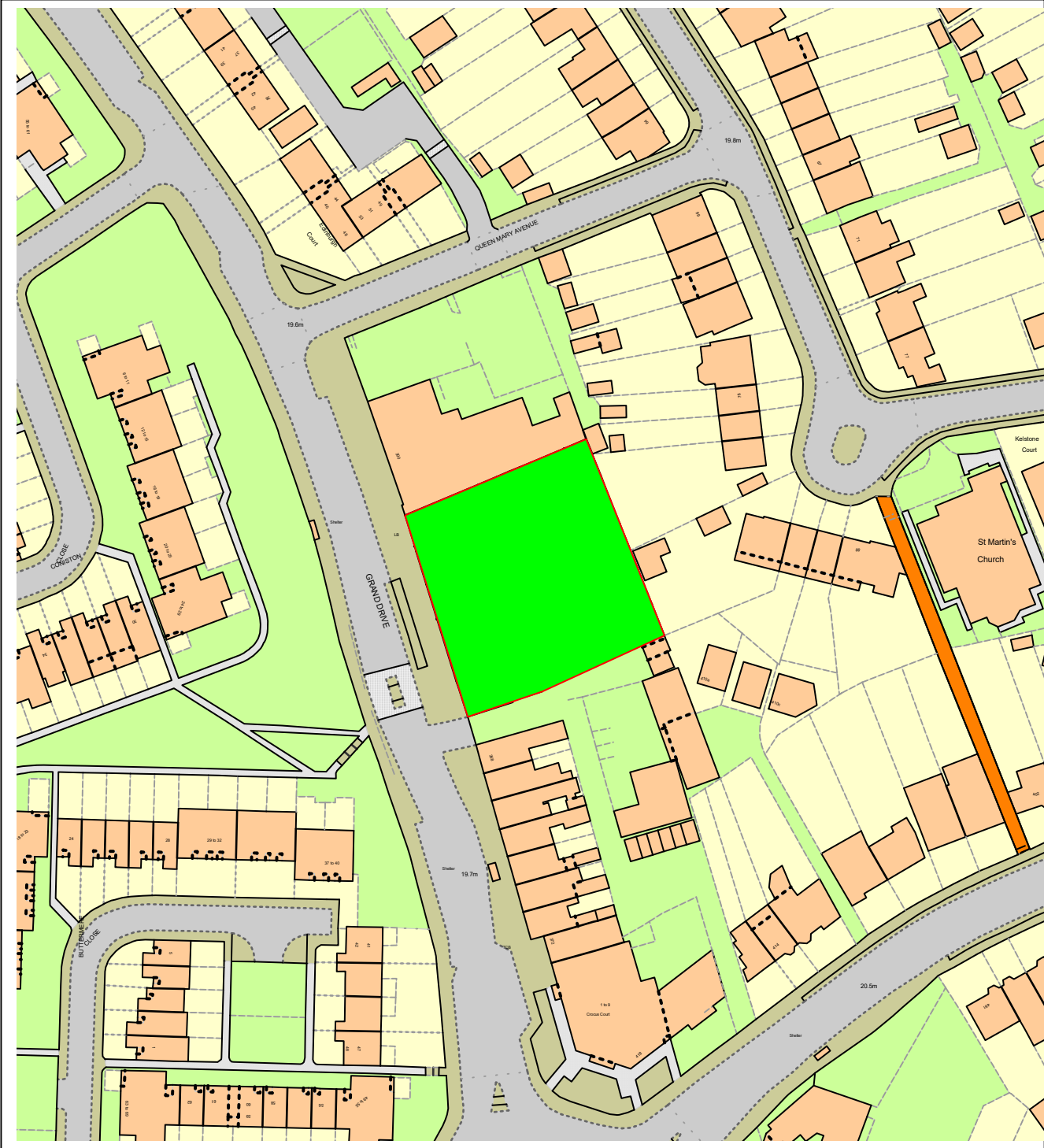
6	CLP	<p>Prior to the commencement of the development hereby permitted, a Construction Logistics Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall include details of the provision to accommodate all site workers', visitors' and construction vehicles and loading /unloading arrangements during the construction process have been submitted to and approved in writing by the Local Planning Authority. The approved details must be implemented and complied with for the duration of the construction process.</p> <p>Reason: To ensure the safety of pedestrians and vehicles and the amenities of the surrounding area and to comply with the following Development Plan policies for Merton: policies T4 and T7 of the London Plan 2021, policy CS20 of Merton's Core Planning Strategy 2011 and policy DM T2 of Merton's Sites and Policies Plan 2014.</p>
7	WMS	<p>Development shall not commence until a working method statement has been submitted to and approved in writing by the Local Planning Authority to accommodate:</p> <ul style="list-style-type: none"> (i) Parking of vehicles of site workers and visitors; (ii) Loading and unloading of plant and materials; (iii) Storage of construction plant and materials; (iv) Wheel cleaning facilities; (v) Control of dust, smell and other effluvia (Air Quality measures); (vi) Control of surface water run-off; (vii) Noise mitigation measures; (viii) Delivery methods including timing, size and frequency of construction vehicles. <p>No development shall be carried out except in full accordance with the approved method statement.</p> <p>Reason: To ensure the safety of pedestrians and vehicles and the amenities of the surrounding area and to comply with the following Development Plan policies for Merton: policies T4 and T7 of the London Plan 2021, policy CS20 of Merton's Core Planning Strategy 2011 and policy DM T2 of Merton's Sites and Policies Plan 2014.</p>
8	A Non Standard Condition	<p>All Non-road Mobile Machinery (NRMM) used during the course of the development that is within the scope of the Greater London Authority 'Control of Dust and Emissions during Construction and Demolition' Supplementary Planning Guidance (SPG) dated July 2014, or any subsequent amendment or guidance, shall comply with the emission requirements therein.</p> <p>Reason: To safeguard the amenities of the area and the occupiers of neighbouring properties and ensure compliance with the following Development Plan policies for Merton: policy D14 of</p>

		the London Plan 2021 and policies DM D2, DM D3, DM EP2 and DM EP4 of Merton's Sites and Policies Plan 2014.
9	INF 20 Street naming and numbering	<p>INFORMATIVE</p> <p>This permission creates one or more new units which will require a correct postal address. Please contact the Street Naming & Numbering Officer at the London Borough of Merton</p> <p>Street Naming and Numbering (Business Improvement Division) Corporate Services 7th Floor, Merton Civic Centre London Road Morden SM4 5DX Email: street.naming@merton.gov.uk</p>
10	INF 11 Drainage	<p>INFORMATIVE</p> <p>It is the responsibility of the developer to make proper provision for drainage to ground, watercourses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off-site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of ground water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required (contact no. 0845 850 2777).</p>
11	INF 01 Party Walls Act	<p>INFORMATIVE</p> <p>The applicant is advised to check the requirements of the Party Wall Act 1996 relating to work on an existing wall shared with another property, building on the boundary with a neighbouring property, or excavating near a neighbouring building. Further information is available at the following link: http://www.planningportal.gov.uk/buildingregulations/buildingpolic yandlegislation/current legislation/partywallact</p>
12	INF 00 Non-Standard/ Blank Informative	<p>INFORMATIVE</p> <p>The applicant should be aware that the site may provide a useful habitat for swifts. Swifts are currently in decline in the UK and in order to encourage and improve the conservation of swifts the applicant is advised to consider the installation of a swift nesting box/bricks on the site.</p>
13	INF 00 Non-Standard/ Blank Informative	<p>INFORMATIVE</p> <p>CIL Liable</p>

		<p>The applicant is advised that this permission results in a chargeable scheme under the Borough's and the Mayor of London's Community Infrastructure Levy.</p> <p>Section 106 Agreement</p> <p>This planning permission has a Section 106 Agreement which must be read in conjunction with it.</p>
14	INF 00 Non-Standard/ Blank Informative	<p>INFORMATIVE</p> <p>Damage to the public highway:</p> <p>Care should be taken to ensure that no damage is caused to the public highway adjacent to the site during demolition and (or) construction. The Council will seek to recover any expenses incurred in repairing or making good such damage from the owner of the land in question or the person causing or responsible for the damage.</p> <p>BEFORE ANY WORK COMMENCES you MUST contact the London Borough of Merton, Telephone 020 8274 4901 to arrange a pre-commencement photographic survey of the public highways adjacent to and within the vicinity of the site. The precondition survey will ensure you are not charged for any damage which existed prior to commencement of your works.</p> <p>If you fail to contact us to arrange a pre commencement survey then it will be assumed that any damage to the highway was caused by your activities and you will be charged the full cost of repair.</p> <p>Once the site works are completed you need to contact us again to arrange for a post construction inspection to be carried out. If there is no further damage then the case will be closed. If damage or further damage is found to have occurred then you will be asked to pay for repairs to be carried out.</p> <p>Noise control - Building sites:</p> <p>The attention of the applicant is drawn to the requirements of section 60 of the Control of Pollution Act 1974 in respect of the minimisation of noise and vibration on construction and demolition sites. Application, under section 61 of the Act for prior consent to the works, can be made to the Environmental Health Department.</p> <p>Under the Act the Council has certain powers to control noise from construction sites. Typically the council will limit the times during which sites are permitted to make noise that their neighbours can hear.</p> <p>For general construction works the Council usually imposes (when necessary) the following limits on noisy works:- Monday to Friday 8am to 6pm</p>

		<p>Saturdays 8am to 1pm Sundays and Public Holidays- No noisy activities allowed</p> <p>Applicants should also be aware of the guidance contained in British Standard 5228;2009- Noise and vibration control on construction and open sites.</p>	
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