

## **HOUSING AND SUSTAINABLE DEVELOPMENT**

Executive Director - Jeremy Smalley



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## **TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED) - DECISION NOTICE**

The London Borough of Merton as Local Planning Authority hereby **GRANTS Planning Permission** for the works specified in the First Schedule below subject to the conditions specified in the Second Schedule below.

### **First Schedule - Particulars of application**

**Application Number:** 25/P1864

**Location:**

75 Cavendish Road, Colliers Wood, Merton, SW19 2EY

**Proposal:**

DEMOLITION OF EXISTING BUNGALOW AND DETACHED GARAGE AND ERECTION OF A 2-STOREY BUILDING WITH ACCOMMODATION WITHIN ROOF SPACE TO CREATE 6 x SELF-CONTAINED FLATS (1 x 3 BED, 2 x 2 BED, 3 x 1 BED) WITH ASSOCIATED AMENITY SPACE, CYCLE STORE AND BIN ENCLOSURE.

**Approved Plans:**

See condition 2

### **Second Schedule - Conditions/Informatives**

#### **Conditions:**

- 1 Commencement of development (Full Permission) - The development to which this permission relates shall be commenced not later than the expiration of 3 years from the date of this permission.

Reason: To comply with Section 91 (as amended) of the Town & Country Planning Act 1990.

- 2 Approved Plans - The development hereby permitted shall be carried out in accordance with the following approved plans:

MAX4-01A Site location Plan  
MAX4-02F Proposed Block Plan and Roof Plan  
MAX4-03F Proposed Floor Plans and Sections  
MAX4-04F Proposed Elevations and Street Scene

MAX4-05C Proposed Cycle Store, Bin Store, Samples of Facing Materials and Boundary Treatment  
MAX4-10B Proposed Site Levels and Finished Floor Levels

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

- 3        Materials as Specified - The facing and surfacing materials to be used for the development hereby permitted shall be those specified in the application form unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure a satisfactory appearance of the development and to comply with the following Development Plan policies for Merton: policies D4 and D8 of the London Plan 2021, policies D12.1 and D12.3 of the Local Plan 2024.

- 4        Boundary Treatment – All boundary treatments as shown on drawing ref. MAX4-02F PROPOSED BLOCK PLAN AND ROOF PLAN and MAX4-05C PROPOSED CYCLE STORE, BIN STORE, SAMPLES OF FACING MATERIALS AND BOUNDARY TREATMENT shall be implemented prior to the first occupation of the development hereby approved. The boundary treatment shall be permanently retained thereafter.

Reason: To ensure a satisfactory and safe development in accordance with the following Development Plan policies for Merton: policies D4 and D8 of the London Plan 2021 and policies D12.1 and D12.3 of the Local Plan 2024.

- 5        Levels – The finished floor levels of the development hereby approved shall be carried out in accordance with those shown in approved drawing ref. MAX4-10B and no development shall be carried out except in strict accordance with the approved levels and details.

Reason: To safeguard the visual amenities of the area and to comply with the following Development Plan policies for Merton: policy D4 and D8 of the London Plan 2021, and policies D12.1 and D12.3 of the Local Plan 2024.

- 6        Ecology - The mitigation and enhancements recommended in the submitted BNG Assessment shall be carried out prior to the first occupation of the development hereby approved and maintained thereafter.

Reason: to protect and enhance the biodiversity of the development in the interest of nature conservation and to comply with the following

development plan policies for Merton: policies G5 and G6 of the London Plan 2021 and policy O15.3 of the Local Plan 2024.

- 7 Obscured Glazing - Before the development hereby permitted is first occupied, all windows shown on the approved drawings to be obscurely glazed, shall be glazed with obscured glass and shall be maintained as such thereafter.

Reason: To safeguard the amenities and privacy of the occupiers of adjoining properties and to comply with the following Development Plan policies for Merton: policies D3 and D4 of the London Plan 2021 and policies D12.3 & D12.4 of the Local Plan 2024.

- 8 Elevation Fixings - No cables, wires, aerials, pipe work (except any rainwater down pipes as may be shown on the approved drawings) meter boxes or flues shall be fixed to any elevation facing a highway.

Reason: To safeguard the appearance of the development and the visual amenities of the area and to comply with the following Development Plan policies for Merton: policies D4 and D8 of the London Plan 2021 and policies D12.3 & D12.4 of the Local Plan 2024.

- 9 Refuse & Recycling (Implementation) - The development hereby approved shall not be occupied until the refuse and recycling storage facilities shown on the approved plans have been fully implemented and made available for use. These facilities shall thereafter be retained for use at all times.

Reason: To ensure the provision of satisfactory facilities for the storage of refuse and recycling material and to comply with the following Development Plan policies for Merton: policies T4 and T7 of the London Plan 2021 and policy W14.4 of the Local Plan 2024.

- 10 No Use of Flat Roof - Access to the flat roof of the development hereby permitted shall be for maintenance or emergency purposes only, and the flat roof shall not be used as a roof garden, terrace, patio or similar amenity area.

Reason: To safeguard the amenities and privacy of the occupiers of adjoining properties and to comply with the following Development Plan policies for Merton: policies D3 and D4 of the London Plan 2021 and policies D12.3 & D12.4 of the Local Plan 2024.

- 11 Landscaping (Implementation) - All hard and soft landscape works shall be carried out in accordance with the approved details as shown on drawing MAX4-02F. The works shall be carried out in the first available planting season following the completion of the development or prior to the

occupation of any part of the development, whichever is the sooner, and any trees which die within a period of 5 years from the completion of the development, are removed or become seriously damaged or diseased or are dying, shall be replaced in the next planting season with others of same approved specification, unless the Local Planning Authority gives written consent to any variation. All hard surfacing and means of enclosure shall be completed before the development is first occupied.

Reason: To enhance the appearance of the development in the interest of the amenities of the area, to ensure the provision sustainable drainage surfaces and to comply with the following Development Plan policies for Merton: policies G7 and D8 of the London Plan 2021 and policies F15.7, F15.8, O15.1, O15.2 and O15.4 of the Local Plan 2024.

- 12      Tree Protection – The development shall be carried out in strict accordance with the details and measures outlined in the submitted Arboricultural Impact Assessment Report dated 8<sup>th</sup> May 2026. The details and measures as approved shall be retained and maintained, until the completion of all site operations.

Reason: To protect and safeguard the existing retained trees in accordance with the following Development Plan policies for Merton: policy G7 of the London Plan 2021 and policies O15.1, O15.2 and O15.4 of the Local Plan 2024.

- 13      Site Supervision (Trees) – In accordance with the submitted Arboricultural Impact Assessment Report dated 8<sup>th</sup> May 2026, an arboricultural expert shall supervise, monitor and report to the LPA not less than monthly the status of all tree works and tree protection measures throughout the course of the construction period. At the conclusion of the construction period and prior to the first occupation of the development hereby approved, the arboricultural expert shall submit to the LPA a satisfactory completion statement to demonstrate compliance with the approved protection measures.

Reason: To protect and safeguard the existing retained trees in accordance with the following Development Plan policies for Merton: policy G7 of the London Plan 2021 and policies O15.1, O15.2 and O15.4 of the Local Plan 2024.

- 14      External Lighting - Any external lighting shall be positioned and angled to prevent any light spillage or glare beyond the site boundary.

Reason: To safeguard the amenities of the area and the occupiers of neighbouring properties and ensure compliance with the following Development Plan policies for Merton: policies D12.1 & D12.3 of the Local Plan 2024.

- 15 Security - Prior to occupation a Secured by Design final certificate or its equivalent from the South West Designing Out Crime office 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 provide a safer environment for future residents and visitors to the site and reduce the fear of crime in accordance with Policy: Chapters 01B & 01C Merton New Local Plan, Policy D11 London Plan, Section 17 Crime and Disorder Act 1988 and National Planning Policy Framework (NPPF).

- 16 Security - 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 Secured by Design. Details of these measures shall be submitted to and approved in writing by the local planning authority prior to commencement of above ground works (excluding demolition, site clearance, preparation and investigation works) 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 provide a safer environment for future residents and visitors to the site and reduce the fear of crime in accordance with Policy: Chapters 01B & 01C Merton New Local Plan, Policy D11 London Plan, Section 17 Crime and Disorder Act 1988 and National Planning Policy Framework (NPPF).

- 17 Hardstanding (Flooding) - The hardstanding hereby permitted shall be made of porous materials, or provision made to direct surface water run-off to a permeable or porous area or surface within the application site before the development hereby permitted is first occupied or brought into use.

Reason: To reduce surface water run-off and to reduce pressure on the surrounding drainage system in accordance with the following Development Plan policies for Merton: policy SI12 of the London Plan 2021 and policies F15.7, F15.8 and F15.9 of the Local Plan 2024.

- 18 All Non-Road Mobile Machinery (NRMM) of net power of 37kW and up to and including 560kW used during the course of the demolition, site preparation and construction phases shall comply with the emission standards set out in chapter 7 of the GLA's supplementary planning guidance "Control of Dust and Emissions During Construction and Demolition" dated July 2014 (SPG), or subsequent guidance. Unless it complies with the standards set out in the SPG, no NRMM shall be on site, at any time, whether in use or not, without the prior written consent of the local planning authority. The developer shall keep an up to date list of

all NRMM used during the demolition, site preparation and construction phases of the development on the online register at <https://nrmm.London/>

Reason: To manage and prevent further deterioration of existing low quality air across London in accordance with London Plan policies GG3 and SI1, and NPPF 181.

- 19 Noise Levels - Expressed as the equivalent continuous sound level) LAeq (15 minutes), from any new mechanical plant shall not exceed LA90-10dB at the boundary with any residential property.

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 D4 and D14 of the London Plan 2021 and policies D12.1 & D12.3 of the Local Plan 2024.

- 20 Sustainability - No part of the development hereby approved shall be occupied until evidence has been submitted to and approved in writing by the Local Planning Authority confirming that the residential development has achieved CO2 reductions in accordance with those outlined in the energy assessment (dated 16.10.2025. Rev V1.4) and wholesome water consumption rates of no greater than 105 litres per person per day.

Reason: To ensure that the development achieves a high standard of sustainability and makes efficient use of resources and to comply with the following Development Plan policies for Merton: Policy SI2 of the London Plan 2021 and Policies CC2.1 - 2.6 of Merton's Local Plan 2024.

- 21 Refuse - 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.

Reason: To safeguard the appearance of the property and the amenities of the area and to accord with Policies D3 and D6 of the London Plan 2021 and Policies D12.1 and D12.3 of the Local Plan 2024.

- 22 Sustainable Drainage – The development shall be carried out in accordance with the submitted Surface Water Drainage Strategy & Flood Risk Assessment, dated January 2025, by Pitman Associates Consulting Engineers. The approved drainage measures shall be implemented prior to the first occupation of the development hereby approved.

Reason: To ensure satisfactory means of surface water drainage, to reduce the risk of flooding and to comply with the following Development Plan policies for Merton: policy SI 13 of the London Plan 2021 and policies F15.7, F15.8 and F15.9 of the Local Plan 2024.

- 23      Fire Strategy - The development shall be carried out in accordance with the provisions of the Fire Statement within the Planning, Design and Access Statement and must fully comply with The Building Regulation 2010 (as amended) unless otherwise approved in writing by the Local Planning Authority.
- Reason: To ensure that the development incorporates the necessary fire safety measures in accordance with the Mayor's London Plan Policy D12.
- 24      Crossovers Removal - The development shall not be occupied until the existing redundant crossover/s have been removed by raising the kerb and reinstating the footway in accordance with the requirements of the Highway Authority.
- Reason: In the interests of the safety of pedestrians and vehicles and to comply with the following Development Plan policies for Merton: policies T16.3 and T16.4 of the Local Plan 2024.
- 25      Construction Vehicles - The development shall not commence until 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.
- 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 and policies T16.3 and T16.4 of the Local Plan 2024.
- 26      Cycle Parking to be implemented - The development hereby permitted shall not be occupied until the cycle parking shown on the plans hereby approved has been provided and made available for use. These facilities shall be retained for the occupants of and visitors to the development at all times.
- Reason: To ensure satisfactory facilities for cycle parking are provided and to comply with the following Development Plan policies for Merton: policy T5 of the London Plan 2021 and policies T16.1 and T16.2 of the Local Plan 2024.

**Informatives:**

- 1           INF101 INFORMATIVE - Section 106 Agreement This planning permission has a Section 106 Agreement which must be read in conjunction with it.
- 2           INFORMATIVE 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 swift nesting box/bricks on site.
- 3           INFORMATIVE You are advised to contact the Council's Highways team on 020 8545 3700 before undertaking any works within the Public Highway to obtain the necessary approvals and/or licences. Please be advised that there is a further charge for this work. If your application falls within a Controlled Parking Zone this has further costs involved and can delay the application by 6 to 12 months.
- 4           INFORMATIVE This planning permission contains certain conditions precedent that state 'before development commences' or 'prior to commencement of any development' (or similar). As a result these must be discharged prior to ANY development activity taking place on site. Commencement of development without having complied with these conditions will make any development unauthorised and possibly subject to enforcement action such as a Stop Notice.
- 5           INFORMATIVE: Water efficiency evidence requirements for Post Construction Stage assessments must provide: - Documentary evidence representing the dwellings 'As Built' detailing: - the type of appliances/ fittings that use water in the dwelling (including any specific water reduction equipment with the capacity / flow rate of equipment); - the size and details of any rainwater and grey-water collection systems provided for use in the dwelling; AND: - Water Efficiency Calculator for New Dwellings; OR - Where different from design stage, provide revised Water Efficiency Calculator for New Dwellings and detailed documentary evidence (as listed above) representing the dwellings 'As Built'.
- 6           INFORMATIVE  
            Note to Applicant - Scheme Amended During Application Lifecycle  
            In accordance with paragraph 38 of the National Planning Policy Framework, London Borough of Merton (LBM) takes a positive and proactive approach to the delivery of sustainable development, by:  
            1. Providing a formal pre-application advice service, details to be found on Planning pre-application advice service on LBM's website  
            2. Providing written policies and guidance, which is available to view on LBM's website.  
            3. Where appropriate, negotiating amendments to secure a positive decision.  
            4. Determining applications in a timely manner including providing a fast track service, details to be found on Get a quicker planning decision on LBM's website.
- In this instance:  
            i) The applicant/agent was provided with pre-application advice.

ii) The application was amended following negotiations with the Council to ensure the scheme complied with adopted policy and guidance, and a decision was made [without delay/ with an agreed determination date].

- 7        INFORMATIVE (Party Wall Act) - 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: <https://www.gov.uk/party-walls-building-works>
- 8        INFORMATIVE Advice regarding permeable and porous hardstandings can be found in the document 'Guidance on the Permeable Surfacing of Front Gardens' available at <http://www.communities.gov.uk/publications/planningandbuilding/pavingfrontgardens>
- 9        INFORMATIVE Building Regulations Please note that this is a planning permission only and you may also require approval under the Building Regulations. If you are in any doubt about this you can get further information via <https://www.merton.gov.uk/planning-and-buildings/building-control> or by emailing [building.control@merton.gov.uk](mailto:building.control@merton.gov.uk).
- 10       INFORMATIVE Any works/events carried out either by, or at the behest of, the developer, whether they are located on, or affecting a prospectively maintainable highway, as defined under Section 87 of the New Roads and Street Works Act 1991, or on or affecting the public highway, shall be co-ordinated under the requirements of the New Roads and Street Works Act 1991 and the Traffic management Act 2004 and licensed accordingly in order to secure the expeditious movement of traffic by minimising disruption to users of the highway network in Merton. Any such works or events commissioned by the developer and particularly those involving the connection of any utility to the site, shall be co-ordinated by them in liaison with the London Borough of Merton, Network Coordinator, (telephone 020 8545 3976). This must take place at least one month in advance of the works and particularly to ensure that statutory undertaker connections/supplies to the site are co-ordinated to take place wherever possible at the same time.
- 11       INFORMATIVE 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 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](mailto:street.naming@merton.gov.uk)
- 12       INFORMATIVE The London Borough of Merton's Environmental Health Service set out that normally the hours for noisy works are: 8am - 6pm on Monday to Friday 8am - 1pm on Saturday no noisy works on Sundays and Bank Holidays Further details can be found here: <https://www.merton.gov.uk/communities-and-neighbourhoods/noise-nuisance/report-nuisance/building-noise>
- 13       INF04 - INFORMATIVE:

Evidence requirements for post construction stage assessments must provide:

- An updated version of the Energy Assessment Template approved at the Planning Stage, including 'As Built' stage inputs.

- 'As Built' SAP Compliance Reports and detailed DER and TER worksheets for the as built development. The output documents must be based on the 'As Built' stage of analysis and must account for any changes to the specification during construction. The outputs must be dated and include the accredited energy assessor's name and registration number, the assessment status, plot number and development address.

AND, where applicable:

- MCS certificates and photos of all installed renewable technologies.

- 'As Built' CIBSE TM54 or PHPP outputs where available.

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

- Documentary evidence representing the dwellings 'As Built' detailing:

- the type of appliances/ fittings that use water in the dwelling (including any specific water reduction equipment with the capacity / flow rate of equipment);

- the size and details of any rainwater and grey-water collection systems provided for use in the dwelling; AND:

- Water Efficiency Calculator for New Dwellings; OR

- Where different from design stage, provide revised Water Efficiency Calculator for New Dwellings and detailed documentary evidence (as listed above) representing the dwellings 'As Built'.

**Date of Decision 30-06-2026**



**Signed.....**

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Jonathan Berry – Development Control Manager

For and behalf of the Executive Director of Housing and Sustainable Development.

Note: This approval confers permission under the Town and Country Planning Acts only. It does not confer consent or approval under any other statutory enactment; including the Building Regulations. Failure to obtain all necessary consents may result in enforcement action. It is emphasised that no variation from the deposited plans or particulars will be permitted unless previously authorised in writing by the London Borough of Merton

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### **Note regarding rights of Appeal**

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

- If you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice.
- Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at <https://acp.planninginspectorate.gov.uk>
- The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

### **Community Infrastructure Levy**

If permission is granted for the development of any new dwelling(s) or at least 100 square metres of new-build gross internal area (GIA) (including replacement of existing GIA), into which people normally go, it will usually become liable for a Community Infrastructure Levy (CIL) payment under Merton and Mayor of London CIL charging schedules.

If your development is liable, you will be sent a liability notice that will provide details of the charge. This will be recorded to the register of Local Land Charges as a legal charge upon your property and will become payable upon commencement of development. Information on the payment process (including penalties) will be provided with the liability notice or upon request.

If your development is likely to be CIL liable and you have not already done so, please complete and return to us an additional information form, available at [http://www.planningportal.gov.uk/uploads/1app/forms/cil\\_questions.pdf](http://www.planningportal.gov.uk/uploads/1app/forms/cil_questions.pdf).

Failure to do so will mean we will perform the calculation of the charge solely on the basis of the information already provided with the planning application which might result in you being overcharged.

This will affect planning applications which receive planning permission on or after the date the CIL charge comes into effect. For more information please visit <http://www.merton.gov.uk/cil> or email [CILevy@merton.gov.uk](mailto:CILevy@merton.gov.uk)

**The Mayor of London has adopted an updated CIL charge of £60/sqm for developments in Merton, which is effective to developments granted planning permission from 1 April 2019. This is an increase from the £35/sqm charge on developments effective prior to 1 April 2019. For more information visit: [www.london.gov.uk/what-we-do/planning/implementing-london-plan/mayoral-community-infrastructure-levy](http://www.london.gov.uk/what-we-do/planning/implementing-london-plan/mayoral-community-infrastructure-levy).**