

Merton Council

Planning Applications Committee

23 April 2015

Supplementary agenda

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| 11 | Planning Appeal Decisions | 1 - 4 |
| | Reason for Urgency – Pursuant to the Access to Information regulations, the Chair has approved the urgent submission of this report for the following reason - “To keep the Committee up to date on appeal decisions”. | |
| 13 | Modifications Sheet (for Various Items) | 5 - 10 |

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Committee: Planning Applications

Date: 23rd April 2015

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Wards: All

Subject: Planning Appeal Decisions

Lead officer: Head of Sustainable Communities

Lead member: Chair, Planning Applications Committee

Contact officer: Stuart Humphryes

Recommendation:

That Members note the contents of the report.

1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1 For Members' information recent decisions made by Inspectors appointed by the Secretary of State for Communities and Local Government in respect of recent Town Planning Appeals are set out below.
- 1.2 The relevant Inspectors decision letters are not attached to this report, but can be seen on the Council web-site with the other agenda papers for this meeting at the following link:

http://www.merton.gov.uk/council/committee.htm?view=committee&com_id=165

DETAILS

Application Number: **13/P0493**
Site: Land off Ravensbury Lane, Morden Lane, Mitcham
Development: Removal of condition 25 (Tenancy by Key Worker)
Recommendation: Refuse Permission (*Delegated Decision*)
Appeal Decision: **ALLOWED**
Date of Appeal Decision: 24th March 2015

Link to Appeal Decision

http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000079000/1000079537/13P0493_Appeal%20Decision%20Notice.pdf

Application Number: **14/P0220**
Site: 8 Robinson Road, Tooting SW17 9DJ
Development: Certificate of Lawfulness for hip to gable and rear roof extension
Recommendation: Refuse Permission (*Delegated Decision*)
Appeal Decision: **DISMISSED**
Date of Appeal Decision: 24th March 2015

Link to Appeal Decision

http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000083000/1000083186/14P0220_Appeal%20Decision%20Notice.pdf

Application Number: **14/P1243**
Site: 20 Queens Road, Morden SM4 5DF
Development: Conversion of single house into 3 x flats
Recommendation: Refuse Permission (*Delegated Decision*)
Appeal Decision: **DISMISSED**
Date of Appeal Decision: 15th April 2015

Link to Appeal Decision

http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000084000/1000084138/14P1243_Appeal%20Decision%20Notcie.pdf

Application Number: **14/P1555**
Site: 247 Galpin's Road, Thornton Heath CR7 6EY
Development: Erection of single storey rear extension
Recommendation: Refuse Permission (*Delegated Decision*)
Appeal Decision: **DISMISSED**
Date of Appeal Decision: 16th March 2015

Link to Appeal Decision

http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000084000/1000084410/14P1555_Appeal%20Decision%20Notice.pdf

Application Number: **14/P2295**
Site: 54 Marryat Road, Wimbledon Village SW19 5BD
Development: Replacement of roof and windows and re-rendering walls
Recommendation: Refuse Permission (*Delegated Decision*)
Appeal Decision: **ALLOWED**
Date of Appeal Decision: 18th March 2015

Link to Appeal Decision

http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000085000/1000085026/14P2295_Appeal%20Decision%20Notice.pdf

Application Number: **14/P2355**
Site: 4 to 10 South Park Road SW19 8ST
Development: Erection of 4 X 2 bed flats
Recommendation: Refuse Permission (*Delegated Decision*)
Appeal Decision: **DISMISSED**
Date of Appeal Decision: 23rd March 2015

Link to Appeal Decision

http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000085000/1000085082/14P2355_Appeal%20Decision%20Notice.pdf

Application Number: **14/P4035**
Site: Argos Ltd, 13 - 19 Wimbledon Hill Road SW19 7NE
Development: Advertisement consent sought for Wimbledon Tennis banner
Recommendation: Refuse Permission (*Delegated Decision*)
Appeal Decision: **ALLOWED**
Date of Appeal Decision: 23rd March 2015

Link to Appeal Decision

http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000086000/1000086678/14P4035_Appeal%20Decision%20Notice.pdf

Application Number: **14/P4375**
Site: 135 Clarence Road SW19 8QB
CR4 2EEDevelopment: Prior Approval for single storey rear extension
Recommendation: Refused (*Delegated Decision*)
Appeal Decision: **DISMISSED**
Date of Appeal Decision: 28th March 2015

Link to Appeal Decision

http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000087000/1000087005/14P4375_Appeal%20Decision%20Notice.pdf

Alternative options

- 3.1 The appeal decision is final unless it is successfully challenged in the Courts. If a challenge is successful, the appeal decision will be quashed and the case returned to the Secretary of State for re-determination. It does not follow necessarily that the original appeal decision will be reversed when it is re-determined.
- 3.2 The Council may wish to consider taking legal advice before embarking on a challenge. The following applies: Under the provision of Section 288 of the Town & Country Planning Act 1990, or Section 63 of the Planning (Listed Buildings and Conservation Areas) Act 1990, a person or an establishment who is aggrieved by a decision may seek to have it quashed by making an application to the High Court on the following grounds: -
 1. That the decision is not within the powers of the Act; or
 2. That any of the relevant requirements have not been complied with; (relevant requirements means any requirements of the 1990 Act or of the Tribunal's Land Enquiries Act 1992, or of any Order, Regulation or Rule made under those Acts).

1 CONSULTATION UNDERTAKEN OR PROPOSED

- 1.1. None required for the purposes of this report.

2 TIMETABLE

- 2.1. N/A

3 FINANCIAL, RESOURCE AND PROPERTY IMPLICATIONS

- 3.1. There are financial implications for the Council in respect of appeal decisions where costs are awarded against the Council.

4 LEGAL AND STATUTORY IMPLICATIONS

- 4.1. An Inspector's decision may be challenged in the High Court, within 6 weeks of the date of the decision letter (see above).

5 HUMAN RIGHTS, EQUALITIES AND COMMUNITY COHESION IMPLICATIONS

- 5.1. None for the purposes of this report.

6 CRIME AND DISORDER IMPLICATIONS

- 6.1. None for the purposes of this report.

7 RISK MANAGEMENT AND HEALTH AND SAFETY IMPLICATIONS

- 7.1. See 6.1 above.

8 BACKGROUND PAPERS

- 8.1. The papers used to compile this report are the Council's Development Control service's Town Planning files relating to the sites referred to above and the agendas and minutes of the Planning Applications Committee where relevant.

Planning Applications Committee 23rd April 2015

Supplementary Agenda (Modifications Sheet).

Item 4. Town Planning Applications – Covering report.

Paragraph 2.3 – Amend to read London Plan (March 2015).
Insert in second sentence; “and the National Planning Policy Guidance, published in March 2014”

Paragraph 2.9. Delete “providing for example affordable housing contributions” and substitute with “provided that it would not contain any heads of terms or contributions that are not a standard requirement of the Local Plan or (for proposals where a standard requirement has been subject to modification through negotiation or otherwise) depart significantly from the standard requirement of the Local Plan”.

Paragraph 3.4 - Amend first sentence to read Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (as amended).

Paragraph 12 - Background papers.

Amend to read for the following entries:

- London Plan (2015)
- NPPF and NPPG
- Town and Country Planning (Environmental Impact Assessment) Regulations (2011) (As amended).

Item 5 143 Cottenham Park Road, West Wimbledon, SW20 0DW (Ref. 15/P0081) (Raynes Park Ward)

Sustainability (page 21)

Delete Paragraph 9.2 and insert;

9.2 On 25th March the Government issued a statement setting out steps it is taking to streamline the planning system. Relevant to the proposals, the subject of this application, are changes in respect of sustainable design and construction, energy efficiency and forthcoming changes to the Building Regulations. The Deregulation Act was given Royal Assent on 26th March. Amongst its provisions is the withdrawal of the Code for Sustainable Homes.

9.3 Until amendments to the Building Regulations come into effect the government expects local planning authorities not to set conditions with requirements above a Code level 4 equivalent. Where there is an existing plan policy which references the Code for Sustainable Homes, the Government has also stated that authorities may continue to apply a requirement for a water efficiency standard equivalent to the new national technical standard.

9.4 In light of the government’s statement and changes to the national planning framework it is recommended that conditions are not attached requiring full compliance with Code Level 4 but are attached so as to ensure the dwelling is

designed and constructed to achieve CO2 reduction standards and water consumptions standards equivalent to Code for Sustainable Homes level 4.

Recommendation (page 22)

Delete Conditions 13 and 14.

New condition 13. No part of the development hereby approved shall be occupied until evidence has been submitted to the Local Planning Authority demonstrating that the development has achieved not less than the CO2 reductions (ENE1) (a 25% reduction compared to 2010 part L regulations), and internal water usage (WAT1) (105 litres/p/day) standards equivalent to Code for Sustainable Homes level 4.

Informative:

Evidence requirements in respect of condition 13 are detailed in the "Schedule of evidence required for Post Construction Stage from Ene1 & Wat1 of the Code for Sustainable Homes Technical Guide.

Item 6 35 Florence Avenue, Morden, SM4 6EX (Ref 15/P0364) (Ravensbury Ward)

Planning Considerations (page 41)

Insert new sub section

Sustainable Design and Construction

and the following paragraphs:

7.12 The proposals do not constitute Schedule 1 or Schedule 2 development under the provision of the Environmental Impact Assessment Regulations (2011)(As amended). Accordingly there is no requirement for an EIA submission.

7.13 On 25th March the Government issued a statement setting out steps it is taking to streamline the planning system. Relevant to the proposals, the subject of this application, are changes in respect of sustainable design and construction, energy efficiency and forthcoming changes to the Building Regulations. The Deregulation Act was given Royal Assent on 26th March. Amongst its provisions is the withdrawal of the Code for Sustainable Homes.

7.14 Until amendments to the Building Regulations come into effect the government expects local planning authorities not to set conditions with requirements above a Code level 4 equivalent. Where there is an existing plan policy which references the Code for Sustainable Homes, the Government has also stated that authorities may continue to apply a requirement for a water efficiency standard equivalent to the new national technical standard.

7.15 In light of the government's statement and changes to the national planning framework it is recommended that conditions are not attached requiring full compliance with Code Level 4 but are attached so as to ensure the dwelling is designed and constructed to achieve CO2 reduction standards and water consumptions standards equivalent to Code for Sustainable Homes level 4.

Recommendation (page 44)

Delete Conditions 10 and 11.

New condition 10. No part of the development hereby approved shall be occupied until evidence has been submitted to the Local Planning Authority demonstrating that the development has achieved not less than the CO2 reductions (ENE1) (a 25% reduction compared to 2010 part L regulations), and internal water usage (WAT1) (105 litres/p/day) standards equivalent to Code for Sustainable Homes level 4.

Informative:

Evidence requirements in respect of condition 10 are detailed in the "Schedule of evidence required for Post Construction Stage from Ene1 & Wat1 of the Code for Sustainable Homes Technical Guide.

Item 7 Flat 2, 26 Kings Road, Wimbledon, SW19 8QW (Ref.15/P0491) (Trinity Ward)

No modifications.

Item 8 Ravensbury Park Café adjacent to Ravensbury Park Medical Centre, Ravensbury Lane, Mitcham, CR4 4DQ (Ref 14/P4113) (Ravensbury Ward)

Consultation (Page 66)

Insert paragraph 5.21.

A petition of 367 signatures has been received in support of the current application. The petition covering letter states that the existing café does not benefit the local community or park users. It would be much better to use the building as a community centre/ training and educational use as '...our children will benefit from this facility and it will be more used than the existing café'

Item 9 24 Rayleigh Road, Wimbledon, SW19 3RF (Ref 15/P0714) (Dundonald Ward)

Consultation (page 89)

Amend paragraph 5.4.

Neighbours have been re-consulted on the above amendments.

2 representations have been received in relation to the revised plans referred to at para 5.3 which can be summarised as follows;

26 Rayleigh Road – plans misrepresent position of their kitchen window and consequently impact on their privacy, request that side window be amended to high level. Reiterate previous concerns about massing and design of rear extension and impact on light and outlook and request that roof extension be amended to a mansard to match adjoining property.

22 Rayleigh Road – they have a bolt on conservatory not an extension, height is inaccurate, reiterate previous objections to design and massing of rear extension and impact on light and outlook, and design of main roof extension and Juliet balcony, consider details of foundations should have been shown and structural information about the flank wall, consider plans to be inaccurate and misleading.

Item 10 The Alexandra PH, 31-33 Wimbledon Hill Road, Wimbledon, SW19 7NE
(Ref. 14/P4488) (Hillside Ward)

No modifications.

Appeals.

Appeals summary attached (separately).

Enforcement.

Performance figures attached.

Current Enforcement Cases:	966 ¹ (1017)	New Appeals:	0 (0)
New Complaints	73 (41)	Instructions to Legal	0
Cases Closed	71 (99)	Existing Appeals	3 (2)
No Breach:	34	<hr/>	
Breach Ceased:	37	TREE ISSUES	
NFA ² (see below):	-	Tree Applications Received	35 (48)
Total	71 (99)	% Determined within time limits:	90%
New Enforcement Notices Issued		High Hedges Complaint	0 (0)
Breach of Condition Notice:	0	New Tree Preservation Orders (TPO)	0 (1)
New Enforcement Notice issued	3	Tree Replacement Notice	0
S.215: ³	0	Tree/High Hedge Appeal	0
Others (PCN, TSN)	0		
Total	3 (0)		
Prosecutions: (instructed)	0 (0)		

Note (*figures are for the period (17th March – 13th April 2015)*). The figure for current enforcement cases was taken directly from M3 crystal report.

¹ Totals in brackets are previous month's figures

² confirmed breach but not expedient to take further action.

³ S215 Notice: Land Adversely Affecting Amenity of Neighbourhood.

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