

Merton Council

Planning Applications Committee

Membership

Councillors

Linda Kirby (Chair)

John Bowcott (Vice-Chair)

Tobin Byers

David Dean

Ross Garrod

Daniel Holden

Abigail Jones

Philip Jones

Peter Southgate

Geraldine Stanford

Substitute Members:

Janice Howard

Najeeb Latif

Ian Munn BSc, MRTPI(Rtd)

John Sargeant

Imran Uddin

A meeting of the Planning Applications Committee will be held on:

Date: 21 January 2016

Time: 7.15 pm

**Venue: Council chamber - Merton Civic Centre, London Road, Morden
SM4 5DX**

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Planning Applications Committee

21 January 2016

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- 2 Declarations of of pecuniary Interest
- 3 Minutes of the previous meeting 1 - 12
Officer Recommendation:
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- 4 Town Planning Applications - Covering Report 13 - 16
Officer Recommendation:
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- 5 Waitrose, Alexandra Road, Wimbledon, SW19 7JY (Ref. 15/P2776) (Hillside Ward) 17 - 36
Officer Recommendation:
GRANT Variation of Condition 3 of 09/P2385 subject to restriction on size of seating area/maximum number of seats.
- 6 10 Dunstall Road, West Wimbledon, SW20 0HR (Ref. 15/P3058) (Village Ward) 37 - 68
Officer Recommendation:
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- 7 Wimbledon College Campion Centre - Playing Field A (Formerly St. Catherine's Playing Fields), Grand Drive, Raynes Park, SW20 9NA (Ref. 15/P3633) (West Barnes Ward) 69 - 84
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- 8 360-364 London Road (Former Kwik-Fit Site), Mitcham, CR4 3ND (Ref. 15/P3114) (Cricket Green Ward) 85 - 136
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- 9 28-30 Ridgway Place, Wimbledon, SW19 4EP(Ref. 15/P3366) (Hillside Ward) 137 - 162
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	Grant Permission subject to S.106 Obligation and conditions.	
10	222 Somerset Road, Wimbledon, SW19 5JE(Ref. 15/P2567) (Village Ward) Officer Recommendation: Grant Permission subject to conditions.	163 - 184
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Declarations of Pecuniary Interests

Members are reminded of the need to have regard to the items published with this agenda and, where necessary to declare at this meeting any Disclosable Pecuniary Interest (as defined in the The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012) in any matter to be considered at the meeting. If a pecuniary interest is declared they should withdraw from the meeting room during the whole of the consideration of that matter and must not participate in any vote on that matter. If members consider they should not participate because of a non pecuniary interest which may give rise to a perception of bias, they should declare this, withdraw and not participate in consideration of the item. For further advice please speak with the Council's Assistant Director of Corporate Governance.

Declarations of Pecuniary Interests – Members of the Design and Review Panel (DRP)

Members of the Planning Applications Committee (PAC), who are also members of the DRP, are advised that they should not participate in an item which has previously been to DRP where they have voted or associated themselves with a conclusion reached or recommendation made. Any member of the PAC who has also sat on DRP in relation to items on this PAC agenda must indicate whether or not they voted in such a matter. If the member has so voted they should withdraw from the meeting.

NOTES

- 1) **Order of items:** Please note that items may well be not considered in the order in which they are shown on the agenda since the items for which there are many observers or speakers are likely to be prioritised and their consideration brought forward.
- 2) **Speakers:** Councillors and members of the public may request to speak at the Committee. Requests should be made by telephone to the Development Control Admin. Section on 020-8545-3445/3448 (or e-mail: planning@merton.gov.uk) no later than 12 Noon on the last (working) day preceding the meeting. For further details see the following procedure note.
- 3) **Procedure at Meetings:** Attached after this page is a brief note of the procedure at Planning Application Committee meetings in relation to
 - a. requests to speak at meetings; and
 - b. the submission of additional written evidence at meetings. Please note that the distribution of documentation (including photographs/ drawings etc) by the public during the course of the meeting will not be permitted.
- 4) **Copies of agenda:** The agenda for this meeting can be seen on the Council's web-site (which can be accessed at all Merton Libraries). A printed hard copy of the agenda will also be available for inspection at the meeting.

Procedure at meetings of the Planning Applications Committee

- 1 Public speaking at the Planning Applications Committee
- 2 Submission of additional written evidence at meetings

1 Public speaking at the Planning Applications Committee

- 1.1 The Council permits persons who wish to make representations on planning applications to speak at the Committee and present their views. The number of speakers for each item will be at the discretion of the Committee Chair, but subject to time constraints there will normally be a maximum of 3 objectors (or third party) speakers, each being allowed to speak for a maximum of 3 minutes.
- 1.2 Following the issue of the agenda, even if a person has previously indicated their wish to address the Committee, they should contact either
 - the Planning Officer dealing with the application (or e-mail: planning@merton.gov.uk) or
 - the Development Control Admin. Section on 020-8545-3445/3448 (9am – 5pm); or
 - the Development Control hotline 020-8545-3777 (open 1pm – 4pm only).
- 1.3 Requests to speak must be received by 12 noon on the day before the meeting, and should include the person's name, address, and daytime contact phone number (or e-mail address) and if appropriate, the organisation they represent; and also clearly indicate the application, on which it is wished to make representations.
- 1.4 More speakers may be permitted in the case of exceptional circumstances/major applications, but representatives of political parties will not be permitted to speak. (See also note 1.10 below on Ward Councillors/Other Merton Councillors.)
- 1.5 If a person is aware of other people who wish to speak and make the same points, then that person may wish to appoint a representative to present their collective views or arrange that different speakers raise different issues. Permission to speak is at the absolute discretion of the Chair, who may limit the number of speakers in order to take account the size of the agenda and to progress the business of the Committee.
- 1.6 Applicants (& agents/technical consultants): Applicants or their representatives may be allowed to speak for the same amount of time as the sum of all objectors for each application. (For example, if objectors are allowed to speak for three minutes each, then if there was only one objector, the applicant may be allowed to speak for a maximum of 3 minutes; but if there were 2 objectors, the applicant may be allowed to speak for a maximum of 6 minutes and so on.)
- 1.7 Unless applicants or their representatives notify the Council to the contrary prior to the Committee meeting, it will be assumed that they will be attending the meeting and if there are objectors speaking against their application, will take the opportunity to address the Committee in response to the objections.

- 1.8 When there are no objectors wishing to speak, but the application is recommended for refusal, then the Applicants or their representatives will also be allowed to speak up to a maximum of 3 minutes.
- 1.9 Applicants will not be allowed to speak if their application is recommended for approval and there are no objectors speaking. An exception will be made if an applicant (or their representative) wishes to object to the proposed conditions; and in this case they will be allowed to speak only in relation to the relevant conditions causing concern.
- 1.10 Speaking time for Ward Councillors/Other Merton Councillors: Councillors, who are not on the Committee, may speak for up to a maximum of 3 minutes on an application, subject to the Chair's consent, but may take no part in the subsequent debate or vote. Such Councillors, however, subject to the Chair's consent, may ask questions of fact of officers.
- 1.11 Such Councillors, who are not on the Committee, should submit their request to speak by 12 noon on the day before the meeting (so that their name can be added to the list of speaker requests provided to the Chair). Such requests may be made to the Development Control Section direct (see 1.2 above for contact details) or via the Councillor's Group office.
- 1.12 Points of clarification from applicants/objectors: If needed, the Chair is also able to ask applicants/objectors for points of clarification during the discussion of an application.

2 Submission of additional written evidence at meetings

- 2.1 The distribution of documentation (including photographs/drawings etc) during the course of the Committee meeting will not be permitted.
- 2.2 Additional evidence that objectors/applicants want to provide Committee Members (i.e. Councillors) to support their presentation (when speaking) must be submitted to Merton Council's Development Control Section before 12 Noon on the day before the relevant Committee meeting.
- 2.3 If an applicant or objector wishes to circulate additional information in hard copy form to Committee Members, they are required to provide 16 hard copies to the Planning Officer dealing with the application before 12 Noon on the day before the meeting.
- 2.4 Any queries on the above should be directed to:
 - planning@merton.gov.uk or;
 - the Development Control hotline 020-8545-3777 (open 1pm – 4pm only).
 - Contact details for Committee Members and all other Councillors can be found on the Council's web-site: <http://www.merton.gov.uk>

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PLANNING APPLICATIONS COMMITTEE

10 DECEMBER 2015

(19.15 - 23.30)

PRESENT: Councillors Councillor Linda Kirby (in the Chair),
Councillor John Bowcott, Councillor Tobin Byers,
Councillor Ross Garrod, Councillor Daniel Holden,
Councillor Abigail Jones, Councillor Philip Jones,
Councillor Peter Southgate, Councillor Geraldine Stanford and
Councillor Najeeb Latif (Substitute for Councillor David Dean)

ALSO PRESENT: Councillors Mark Allison, Charlie Chirico, Andrew Judge, Abdul
Latif, Edith Macauley MBE, Oonagh Moulton, Judy Saunders, Jill
West and Martin Whelton

Councillor Andrew Judge (who was not present for the
discussion and voting on item 5 (Wimbledon Stadium))

Jon Buick (Climate Change Projects Officer)
Tara Butler (Future Merton programme manager)
Tim Catley (S106 Monitoring officer)
George Chesman (Legal representative)
Chris Chowns (Principal Transport Planner)
Mitra Dubet (Highways representative - Future Merton
Commissioning manager)
Paul Evans (Assistant Director Corporate Governance)
Sabah Halli (Principal Planning Officer)
Richard Lancaster (Transport Planning representative)
Jonathan Lewis (South Team Leader - Development Control) (*)
Paul McGarry (Head of Future Merton)
Neil Milligan (Development Control Manager, ENVR) (*)
Tom Sly (Flood Risk Management Engineer)
Eben van der Westhuizen (Policy Planner – Future Merton)
and Michael Udall (Democratic Services) (*)

(*) Above officers present primarily for Item 5 (Wimbledon
Stadium) except those asterisked.

1 FILMING (Agenda Item)

The Chair confirmed that, as stated on the agenda, the meeting would be filmed and broadcast via the Council's web-site.

2 APOLOGIES FOR ABSENCE (Agenda Item 1)

Apologies for absence were received from Councillor David Dean.

3 DECLARATIONS OF PECUNIARY INTEREST (Agenda Item 2)

Councillor Tobin Byers declared an interest in Item 6 (Land formerly occupied by the Nelson Hospital, 220 Kingston Road, Wimbledon Chase, SW20 8DB (Phase 2, McCarthy & Stone site) (Ref. 13/P2192) by reason that he regularly undertook work on behalf of the applicant and indicated that he intended to leave the room whilst this item was discussed.

4 MINUTES OF THE PREVIOUS MEETING (Agenda Item 3)

RESOLVED: That the Minutes of the meeting held on 12 November 2015 be agreed as a correct record.

5 TOWN PLANNING APPLICATIONS - COVERING REPORT (Agenda Item 4)

The published agenda and the modifications sheet tabled at committee form part of the Minutes.

(a) Modifications Sheet - A list of modifications for item 5 (Wimbledon Stadium, Plough lane) only and additional letters/representations and drawings received since agenda publication, were tabled at the meeting.

(b) Oral Representations – The Committee received oral representations at the meeting made by third parties and applicants/agents in respect of item 5 (*) and item 8 (applicant only - responding to officer recommendation for refusal). In each case where objectors spoke, the Chair also offered the applicants/agents the opportunity to speak; and the Chair also indicated that the applicants/agents would be given the same amount of time to speak as objectors for each item.

(*) For item 5 (Wimbledon Stadium, Plough Lane), the Chair indicated that the maximum number of objectors to be allowed to speak had been increased to 10; that only 7 objectors had requested to speak (for 3 minutes each), and therefore the applicant (or their representatives) would have up to 21 minutes to speak.

The Council also received oral representations at the meeting from the following Merton Councillors (who were not members of the Committee for this meeting) in respect of the items indicated below -

Item 5 – Councillors Charlie Chirico and Oonagh Moulton.

(c) Order of the agenda – Following consultation with other Members at various times during the meeting, the Chair amended the order of items to the following - 5, 8, 7 & then 6.

RESOLVED: That the following decisions are made:

6 WIMBLEDON STADIUM, PLOUGH LANE, TOOTING, SW17 0BL
(REF.14/P4361) (WIMBLEDON PARK WARD) (Agenda Item 5)

1. Proposal – Proposed demolition of existing buildings and erection of a 20,000 seat football stadium (initially 11,000 seat) with hospitality, crèche, café, and coach parking, pedestrian street, 1,273m² retail unit, 1,730m² squash and fitness club, 602 residential units with basement parking, refuse storage, 200 car parking spaces, 992 cycle parking spaces, and associated landscaping/open space and servicing.

2. Modifications – Officers introduced the report at length including the changes set out in the tabled modifications sheet, and also detailed some further minor changes as listed below.

2.1. Sport England – Proposed Extra Condition (page 1 of Modifications Sheet) – Officers explained that they did not support the extra condition proposed by Sport England which would impose requirements for community use of the proposed Squash and Fitness facility.

2.2 Head of Term 24 (page 2 of Modifications Sheet) – Officers explained that “Flood Warning and Evacuation Plan” should be added to Head of Term 24 (on page 250 of report)

2.3 Opening Hours (Stadium and Stadium shop) (page 3 of Modifications Sheet – Condition 20) – Officers explained that paragraph 18.64 on page 198 of the report should be amended so that the opening hours were the same as that shown for Condition 20 (namely 0800 – 2200).

2.4 Extra Condition – Thames Water – Officers advised that the report should include the extra condition suggested by Thames Water with the wording shown in 2nd paragraph on page 65 of report (starting “Development should not be commenced until: impact studies of the existing water infrastructure supply have been submitted to....” and ending “....this additional demand.”)

3. Wimbledon Park Residents Association (WPRAs) Representations – Apology - Officers drew attention to the e-mail from the WPRAs Chairman, Iain Simpson (previously circulated to Committee members) advising that (a) the letter (at para. 9.35 on page 85 of report) under the heading “Wimbledon Park Residents Association” which purports to represent the views of WPRAs, was in fact a letter written by a resident who happens to be member of WPRAs; and (b) the letter writer did not represent the views of the WPRAs, only his own, and as such the letter should not carry the heading it does. Officers apologised to Mr Simpson and the WPRAs for this not being made clear in the report.

4. Oral Representations – Further to Minute (5) above, the Committee heard oral representations from 7 objectors including local residents and a Wandsworth Councillor (for 3 minutes each) and then heard from the applicant (and their representatives) for the same amount of time in total, namely 21 minutes. As indicated in Minute (5) above, the Committee also heard oral representations from

Merton Councillors Charlie Chirico and Oonagh Moulton (who were not members of the Committee).

4.1 Following the above oral representations from objectors and the applicant, officers clarified a number of points including -

(a) Coaches – A specific location for coaches to park after they had dropped off passengers at the stadium had yet to be finalised, but officers would be talking to AFC Wimbledon regarding an appropriate location off site.

(b) Haydons Road Station– Officers were aware of concerns raised about access to the station (which was outside of the application site and was not part of the application) and confirmed that this would be investigated further, and there would be further talks with AFC Wimbledon regarding the transport of fans to the stadium, including by rail.

(c) Crossrail 2 – Officers were aware of this future proposal (for 2030) and the report took this into account.

(d) Police Costs – Officers understood that there would be no police costs for the Council to pay arising from this development

(e) Previous Council Resolutions – Officers advised that previous Council resolutions supporting AFC Wimbledon returning to Merton were not relevant to the current application which needed to be considered on town planning issues.

(f) Community Infrastructure Levy (CIL) – The amount of CIL monies to be received as result of the application, if approved, had yet to be finalised but a figure of about £15m was anticipated.

5. Discussion – The Committee then discussed the application at length by looking in turn at each of the key planning considerations (as listed at top of page 151 of report), namely –

Principle of Development

Urban Design

Landscaping

Conservation and Archaeology

Standard of Residential Accommodation

Residential Amenity

Development Operation and Transport

Refuse and Recycling

Inclusive Access

Secured by Design and Security

Hydrology and Flooding

Sustainability

Social Infrastructure

'Volante' (46-76 Summerstown) Site

5.1 Various specific issues were then highlighted during the Committee's discussion, including those detailed below.

5.2 Garratt Business Park – Reference was made to the request by the Business Park representative for the offer by AFC Wimbledon to provide a security officer for the Park on match days to be incorporated in a condition. Officers advised that they

considered this wouldn't be appropriate and referred to the safety plan required by all stadia and the opportunity for the Park to discuss the issue with AFC Wimbledon and those compiling the safety plan.

5.3 Design Review Panel (DRP) – Officers confirmed that the following initial proposals for the site being submitted to DRP, the proposals had been revised but that the DRP hadn't reconsidered the revised proposals; and advised that revised schemes were not always taken back to DRP.

5.4 Entrance Arch – A member expressed concern about the proposed design of the entrance arch on the new north/south street through the development. Officers advised that this would be looked at further and that there was a condition (5) requiring that details of the arch be submitted for approval (to officers). Reference was also made to the need for better signage at the entrance.

5.5 Landscaping – A member referred to a recent e-mail from Sustainable Merton recommending alternative planting and a greater mixture of trees and vegetation. Officers advised that this would be looked at further and that there was a condition requiring that details of landscaping be submitted for approval (to officers).

5.6 Residential Accommodation – There was considerable discussion about the standard of residential accommodation, including its high density, design, its height, the low number of single aspect flats and the public transport accessibility rating (PTAL) for the development. Officers also outlined specific measures for the road network in the area.

5.7 Residential Accommodation –Noise – A member referred to the increase in noise when the stadium expanded from 11,000 to 20,000 seats and car parking was also increased. Officers confirmed that there was a Management Plan for such an expansion, and this included requirements for the expansion proposals to be approved by the Council, including issues relating to noise.

5.8 Stadium – Use - Officers also highlighted that there would be restrictions on the use of the stadium and that it was not proposed to be used for non-match uses such as large scale music events (as detailed in para. 17.13, page 188).

5.9 In response to queries, officers confirmed that condition 39 (on page 261) would restrict the stadium's use to general sporting uses and football matches up to an average of twice weekly, and that whilst this would allow sports other than football to be played at the stadium, due to the number of football matches that would need to be played at the stadium, there would be insufficient dates remaining for other sports to be played at the stadium on a regular basis.

5.10 Residential Accommodation – Car Parking – There was discussion about the number car parking spaces for the residential accommodation being about 33% of the number of proposed flats. Officers advised that car ownership in the GLA area was about 40% and both the Council's Highways Section and TfL were satisfied as to the number of parking spaces proposed. Officers also advised that much of

surrounding area was covered by Controlled Parking Zones (CPZs) and this would help control any overspill parking.

5.11 In response to queries, officers advised that the allocation of car spaces would normally be a commercial matter between the developer and occupiers of the flats, and without Council involvement but that the issue of whether more than one parking space could be allocated to a residential unit could be looked at further by officers.

5.12 Hospital –Car Parking – Officers advised that the current use of the Stadium site for parking by hospital workers didn't have planning permission, and it would be for St Georges Hospital to sort out alternative arrangements if the stadium development proceeded.

5.13 Stadium expansion – Transport implications – In response to queries, officers confirmed that the proposed Heads of Terms included a requirement that prior to the stadium being expanded from 11,000 to 20,000 seats, various documents had to be resubmitted for approval to the Council, including proposals covering issues such as a revised transport assessment and requirements; and that this would allow the Council to reassess transport arrangements in the light of experience of the Stadium operating with 11,000 seats.

5.14 Stadium – Public transport access – There was considerable discussion of the public transport to access the stadium included monies allocated to TfL for improved bus services on match days; the adequacy of rail and tube services in the area; and the need to submit travel plans to encourage travel other than by car.

5.15 Stadium – Disabled persons parking –There was discussion of the proposed number of on-site disabled persons parking places proposed at the Stadium, with paragraphs 20.12 & 20.13 (pages 209/210) indicating that would be 4 disabled persons parking spaces compared to 150 wheelchair spaces within the new stadium (and 28 disabled persons parking spaces at Wimbledon AFC's current ground at Kingsmead). Officers undertook that the issue would be looked at and negotiated further as needed, and would check that the issue was covered in the new stadium's Car Parking Management Plan (and Travel Plans) if this wasn't already the case.

5.16 Residential Accommodation – Refuse collection – In response to queries, officers advised that the arrangements were similar to other developments and the Council's waste section were satisfied with the proposals.

5.17 Solar Panels – Officers advised that there was no condition or legal agreement proposed relating to the maintenance of the proposed solar panels as such maintenance would be an issue for the developer and occupiers of the flats.

5.18 Residential Accommodation – Ventilation – Officers confirmed that there would be mechanical ventilation in single aspect flats near the stadium, so that these flats could obtain ventilation without having to open a window, and undergo undue noise on match days.

5.19 Use of Rain Water – Councillor Daniel Holden queried whether rain water falling on the roofs would be used to flush loos etc. Officers advised that there were water use plans for the whole site and undertook to check and advise Councillor Daniel Holden whether such grey water harvesting was proposed.

5.20 Affordable Housing – There was considerable discussion regarding the proposed level of affordable housing of 9.6%. Officers explained that the applicant's viability assessment showed that it was not viable to provide affordable housing, but the applicants had decided nonetheless to provide 60 affordable units (i.e. 9.6%); that the Council's independent assessor advised that there was a possibility that more affordable housing might be possible and therefore the proposed Heads of Terms included a claw-back provision whereby the level of affordable housing could be reviewed in due course, and revised if appropriate.

5.21 LB Wandsworth –Sport/Leisure – Officers confirmed that there had been detailed discussions regarding enhancing Garratt Park in LB Wandsworth and provision was made in the S.106 Heads of Terms.

5.22 Health Facilities – A member requested that the monies to be allocated for health/GP facilities to be used in the area as soon as possible. Officers explained that the monies would be transferred to the NHS who would then be responsible for speed of allocation of such monies.

5.23 'Volante' (46-76 Summerstown) Site – It was noted that the Volante site was not part of the current application. A member expressed concern that any future redevelopment proposals for the Volante site should fit in with any proposals agreed for the Stadium site. Officers noted the concern and pointed out that any proposals for redevelopment of the Volante site would be subject to the usual town planning controls.

5.24 Road Closures – Officers advised that details of any temporary road closures on match days would form part of the Stadium Management Plan which would be subject to appropriate consultation with the police etc; and pointed out that such closures might possibly be of short duration or perhaps even not needed.

5.25 Residential Accommodation – Transport access – There was discussion about transport access for occupiers of the residential accommodation proposed. Officers referred to the monies to enhance bus services; the measures to improve the road network in the area; and other mitigation measures such as making the flats permit free, provision of a car club and cycle parking..

5.26 Controlled Parking Zones – Reference was made to the monies arising from the development for enhancing CPZ's if needed in the area. A member referred to some roads in the nearby area not being within a CPZ and requested that officers monitor the need for extra CPZ controls.

6. Approval – The application was approved unanimously as detailed below.

GRANT PERMISSION subject to -

(1) the completion of a Section 106 Agreement and subject to the conditions set out in the officer case report and the tabled modifications sheet (subject to (3) below)

(2) the requirements set out in paragraph 31.1 of the report including -

(a) The application being referred to the Mayor of London (as detailed in sub-paragraph 1); and

(b) the delegations to officers as detailed in sub-paragraphs 2 & 3.

(3) the following amendments made by officers at the meeting (as also detailed in paragraph 2 of the above preamble) -

(i) "Flood Warning and Evacuation Plan to be added to Head of Term 24 (on page 250 of report)

(ii) the addition of the extra condition suggested by Thames Water with the wording shown in 2nd paragraph on page 65 of report (starting "Development should not be commenced until: impact studies of the existing water infrastructure supply have been submitted to...." and ending "...this additional demand.")

7 MEETING BREAK (Agenda Item)

After consideration of item 5, at about 10.25pm, the Committee adjourned its discussions for about 10 minutes.

8 LAND FORMERLY OCCUPIED BY THE NELSON HOSPITAL, 220 KINGSTON ROAD, WIMBLEDON CHASE, SW20 8DB (PHASE 2, MCCARTHY & STONE SITE) (REF. 13/P2192) (MERTON PARK WARD) (Agenda Item 6)

1. Proposal – Application to discharge Condition 24 (Parking Management Strategy) (PMS) attached to Planning Permission ref 12/P0418.

2. Declaration of Interest: Prior to consideration of this item, further to his previously declared interest, Councillor Tobin Byers left the room while this item was discussed and voted upon.

3. Possible CPZ – Officers confirmed that the applicants for Phase 1 of the site had already made a contribution of £30k towards a possible CPZ (Car Parking Zone) in the area; and that officers were currently awaiting feedback from Ward Councillors

and residents regarding a possible CPZ. Reference was also made to a petition seeking such a CPZ submitted at the last Council meeting.

4. Car Parking provision for visitors – Members expressed concern that the Parking Management Strategy (PMS) proposed only 3 visitor spaces for this Phase 2 development of the site, whereas the extrapolation of existing data shows that visitor space demand is likely to be for 8 spaces (para. 3,2 refers).

4.1 Reference was made to the applicants surveys showing that there were on average 19 spaces available on surrounding roads between 15.30 and 17.30 (para. 3,2 refers). Members expressed concern that visitors may be working and be unable to visit during these hours. Officers pointed out that after 6.30pm, on-street parking was free; that there was a pedestrian crossing facility outside the hospital site; and that the development included a pick up / drop off point for visitors.

4.2 Members also expressed concern that the elderly residents of the phase 2 development may not be able to walk far and therefore (a) on-street parking a little distance away might not be appropriate, and (b) the number of visitor spaces on site needed to be increased, preferably to the 8 spaces.

4.3 It was also suggested that if 8 spaces were to be assigned as visitor spaces, but subsequent actual demand was for less than 8 spaces, then the applicants could then come back and request the Council to reduce the number of visitor spaces.

5. Deferral – As indicated below, the Committee decided that, in the circumstances, consideration of the proposals be deferred.

Decision: Item 6 - ref. 13/P2192 (Land formerly occupied by the Nelson Hospital, 220 Kingston Road, Wimbledon Chase, SW20 8DB)

That consideration of the application be DEFERRED to a future meeting in order that officers can seek to secure better provision of visitor parking spaces on site, with a target of 8 spaces if possible (as the extrapolation of existing data shows that visitor space demand is likely to be for 8 spaces).

9 THE OLD LIBRARY, 150 LOWER MORDEN LANE, MORDEN, SM4 4SJ
(REF. 15/P2982) (LOWER MORDEN WARD) (Agenda Item 7)

1. Proposal – Demolition of the existing office building and erection of a part two, part three storey building to provide 6 x self-contained flats (comprising 2 x 1 bed, 3 x 2 bed and 1 x 3 bed flats) with associated parking, servicing and landscaping.

2. Extra Plans – Officers circulated two extra (coloured) plans to members showing (a) the current proposal in 3D perspective; and (b) the scheme recently approved for the site. In response to queries, officers explained the differences between the two schemes.

3. Lost Refusal Motion - It was moved and seconded that the application be refused on the grounds that the proposal would be of inappropriate bulk and massing

contrary to Council policies. The motion was lost by 6 votes to 4 (Councillors John Bowcott, Tobin Byers, Daniel Holden and Najeeb Latif voting for the motion.) The application was subsequently approved as indicated below.

Decision: Item 8 - ref. 15/P152982 (The Old Library, 150 Lower Morden Lane, Morden, SM4 4SJ)

GRANT PERMISSION subject to the conditions set out in the officer case report.

10 80 MELBOURNE ROAD, SOUTH WIMBLEDON, SW19 3BA (REF. 15/P3587) (ABBEY WARD) (Agenda Item 8)

1. Proposal – Erection of roof extensions.

2. Officers Report – Officers introduced the item, including why officers recommended the application for refusal, namely that, as detailed in the report, officers considered that “the proposed roof extension by virtue of its bulk, form, scale, design and roof profile would constitute an obtrusive and incongruous form of development that would detract from the appearance of the original building and be out of keeping with, and detrimental to, the visual amenity and character of the area as a whole”.

3. Representations from Councillor Katy Neep – In the absence of Ward Councillor Katy Neep, the Chair read out the Ward Councillor’s written submission supporting approval of this application (previously already circulated to Committee members).

4. Representations from neighbours – Officers confirmed that no representations had been received from neighbours/local residents regarding the proposals.

5. Discussion – There was considerable discussion of the proposals, including its corner site location; possible impact on the street scene and neighbours in Melbourne Road and Brisbane Avenue; the contemporary nature of the design; that one side of the development would face the Nelson Trading Estate rather than other residential properties; and the lack of representations from neighbours.

6..Approval Motion (*overturning the officer recommendation for Refusal*) - It was moved and seconded that the Application be approved subject to any appropriate conditions which may be agreed further to (B) below. The motion was carried by 7 votes to 1 (Councillor Peter Southgate dissenting; and Councillors Linda Kirby and Geraldine Stanford abstaining).

Decision: Item 8 - ref. 15/P3587 (80 Melbourne Road, South Wimbledon, SW19 3BA)

(A) GRANT PERMISSION subject to appropriate conditions (to be agreed in accordance with (B) below)

(B) Delegation: The Director of Environment & Regeneration be delegated authority to attach any appropriate conditions to the planning consent for this Application.

(C) Reasons for not following Planning Officers' recommendation for refusal: The Committee disagreed with officers assessment of the visual impact of the proposal.

11 PLANNING APPEAL DECISIONS (Agenda Item 9)

RECEIVED

12 PLANNING ENFORCEMENT - SUMMARY OF CURRENT CASES (Agenda Item 10)

(i) 19 Laings Avenue, Mitcham, CR4 and 18 Morton Road, Morden, SM4 (para. 3.4 (a) & (b)) – Councillor Philip Jones thanked officers for their response to his queries on these items and indicated that he would be investigating both further.

(ii) Land formerly occupied by the Nelson Hospital, 220 Kingston Road, Wimbledon Chase, SW20 8DB (Phase 2, McCarthy & Stone site) (Item 6 of this meeting's agenda) – Councillor Peter Southgate advised that unexpected structures, including railings and poles/masts, had appeared on the roof on the new building on this site; and that photographs had been passed to Development Control (Leigh Harrington); and requested that the matter be investigated.

RECEIVED

13 MODIFICATIONS SHEET (FOR ITEM 5, WIMBLEDON STADIUM, ONLY)
(Agenda Item 11)

See above Minutes on

(a) Item 4 (Town Planning Applications – Covering Report); and

(b) Item 5 (Wimbledon Stadium, Plough Lane, Tooting, SW17 0BL) (Ref. 14/P4361)

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Agenda Item 4

Committee: PLANNING APPLICATIONS COMMITTEE

Date: 21st January 2016

Wards: ALL

Subject: TOWN PLANNING APPLICATIONS – Covering Report

Lead officer: James McGinlay - Head of Sustainable Communities

Lead member: COUNCILLOR LINDA KIRBY, CHAIR OF PLANNING APPLICATIONS COMMITTEE

Contact officer: For each individual application, see the relevant section of the report.

Recommendations:

A. The recommendations for each individual application are detailed in the relevant section of the reports. (NB. The recommendations are also summarised on the index page at the front of this agenda).

1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY.

1.1. These planning application reports detail site and surroundings, planning history, describe the planning proposal, cover relevant planning policies, outline third party representations and then assess the relevant material planning considerations.

2. DETAILS

2.1 This report considers various applications for Planning Permission and may also include applications for Conservation Area Consent, Listed Building Consent and Advertisement Consent and for miscellaneous associated matters submitted to the Council under the Town & Country Planning Acts.

2.2. Members' attention is drawn to Section 38(6) of the Planning and Compulsory Purchase Act 2004 which requires that if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.

- 2.3 In Merton the Development Plan comprises: The London Plan (March 2015) the Merton LDF Core Planning Strategy (July 2011), the Merton Sites and Policies Plan (June 2014), and The South West London Waste Plan (March 2012). The National Planning Policy Framework (“NPPF”) which came into effect in March 2012 and the National Planning Policy Guidance, published in March 2014 are also of particular relevance in the determination of planning applications.
- 2.4 Members’ attention is also drawn to Section 16 (2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (1990 Act), regarding applications for Listed Building Consent which places a statutory duty on the Council as local planning authority to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses”.
- 2.5 With regard to Conservation Areas, Section 72(1) of the 1990 Act provides that “special attention shall be paid to the desirability of preserving or enhancing the character or appearance” of the conservation area when determining applications in those areas.
- 2.6 Each application report details policies contained within the Development Plan. For ease of reference and to introduce some familiarity, the topics covered by the policies are outlined in brackets. In the event that an application is recommended for refusal the reasons will cover policies in the Development Plan.
- 2.7 All letters, petitions etc. making representations on the planning applications which are included in this report will be available, on request, for Members at the meeting.
- 2.8 Members will be aware that certain types of development are classed as "Permitted Development" and do not require planning permission.
- 2.9 The Council’s Scheme of Management provides for officers to determine generally routine, applications, including householder applications, applications for new housing that have not been the subject of local interest at consultation stage and with which there is an associated S106 undertaking, 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; and applications for advertisement consent.
- 3. SUSTAINABLE DEVELOPMENT AND ENVIRONMENTAL IMPACT ASSESSMENT**
- 3.1 There is a need to comply with Government guidance that the planning process should achieve sustainable development objectives. It is for this reason that each report contains a section on sustainability and environmental impact assessment requirements.

- 3.2 Resolution 42/187 of the United Nations General Assembly defined sustainable development as "development which meets the needs of the present without compromising the ability of future generations to meet their own needs. The NPPF states that "the purpose of the planning system is to contribute to the achievement of sustainable development" and that "there are three dimensions to sustainable development: economic, social and environmental".
- 3.3 The NPPF states that "pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in people's quality of life", and that "at the heart of the National Planning Policy Framework is a **presumption in favour of sustainable development**, which should be seen as a golden thread running through both plan-making and decision-taking".
- 3.4 It is also important that relevant applications comply with requirements in respect of environmental impact assessment as set out in the Town & Country Planning (Environmental Impact) Regulations 2011 (As amended). Each report contains details outlining whether or not an environmental impact assessment was required in the consideration of the application and, where relevant, whether or not a screening opinion was required in the determination of the application. Environmental impact assessments are needed in conjunction with larger applications in accordance with relevant regulations. In some cases, which rarely occur, they are compulsory and in others the Council has a discretion following the issue of a screening opinion. In practice they are not needed for the large majority of planning applications.

4 ALTERNATIVE OPTIONS

- 4.1. None for the purposes of this report, which is of a general nature outlining considerations relevant to the reports for specific land development proposals.

5. CONSULTATION UNDERTAKEN OR PROPOSED

- 5.1 Not required for the purposes of this report.

6 TIMETABLE

- 6.1. As set out in the body of the report.

6 FINANCIAL, RESOURCE AND PROPERTY IMPLICATIONS

- 6.1. None for the purposes of this report unless indicated in the report for a particular application.

7 LEGAL AND STATUTORY IMPLICATIONS

- 7.1. As set out in the body of the report.

8 HUMAN RIGHTS, EQUALITIES AND COMMUNITY COHESION IMPLICATIONS

- 8.1. These applications have been considered in the light of the Human Rights Act ("The Act") and in particular, the First Protocol of Article 1 (Protection of Property); Article 6 (Rights to a Fair Trial) and Article 8 (Private and Family

Life) which came into force on 2 October 2000.

- 8.2. Consideration has been given to the impact of each application on the people living and working in the vicinity of that particular application site and to the impact of the proposals on the persons who have made written representations on the planning merits of the case. A full assessment of material planning considerations has been included in each Committee report.
- 8.3. Third party representations and details of the application proposals are summarised in each Committee report. It may be that the policies and proposals contained within the Development Plan and/or other material planning considerations will outweigh the views of third parties and/or those of the applicant.

9 CRIME AND DISORDER IMPLICATIONS

- 9.1. As set out in the body of the report.

10 RISK MANAGEMENT AND HEALTH AND SAFETY IMPLICATIONS

- 10.1. As set out in the body of the report.

11 APPENDICES – THE FOLLOWING DOCUMENTS ARE TO BE PUBLISHED WITH THIS REPORT AND FORM PART OF THE REPORT

- 11.1 None for the purposes of this report.

12. BACKGROUND PAPERS

- Background papers – Local Government (Access to Information) Act 1985
- Planning application files for the individual applications.
- London Plan (2015)
- Merton LDF Core Planning Strategy (2011)
- Merton Sites and Policies Plan (2014)

- Appropriate Government Circulars and Guidance Notes and in particular the NPPF and NPPG.
- Town Planning Legislation.
- The Mayor of London's Supplementary Planning Guidance.
- Merton's Supplementary Planning Guidance.
- Merton's Standard Planning Conditions and Reasons.
- Town & Country Planning (Environmental Impact Assessment) Regulations 2011 (As amended).

PLANNING APPLICATIONS COMMITTEE
21st JANUARY 2016

Item No:

UPRN	APPLICATION NO.	DATE VALID
0093/103	15/P2776	31/07//2015

Address/Site Waitrose, Alexandra Road, Wimbledon SW19 7JY

(Ward) Hillside

Proposal: Variation of Condition 3 of Planning Permission 09/P2385 the sale of food and convenience goods and alterations and extension to the existing building and external curtilage – variation to remove the restriction preventing use of part of the premises for A3 cafe/restaurant purposes.

Drawing No.s Site location plan, Firstplan letter dated 19th October 2015, Firstplan letter dated 14th July 2015, Proposed layout plan 314-SDEV-GRA-REDLINE2

Contact Officer: Susan Wright (020 8545 3981)

RECOMMENDATION

GRANT Variation of Condition 3 of 09/P2385 subject to restriction on size of seating area/maximum number of seats

1. INTRODUCTION

The application comes before Members because of the number of representations received and also at the request of Councillor David Williams.

2. SITE AND SURROUNDINGS

2.1 The application site comprises the Waitrose supermarket building and its curtilage. Waitrose have operated as a food supermarket from the site since summer 2011. It was previously occupied by B&Q as a DIY/home improvement retail warehouse from the completion of the building in the 'eighties to its vacation in early 2009. It is situated on the south-eastern side of Alexandra Road, between the road and the

overground railway tracks serving Wimbledon station. It is a long thin rectangular site, over 260m in length and 35-40m wide.

- 2.2 Alexandra Road contains a mix of uses, but is predominantly residential. The north-west side of Alexandra Road and the roads leading from it are characterised by Victorian semi-detached properties. Wimbledon town centre and the junction with Wimbledon Hill Road lie to the south-west. Along Alexandra Road, separating the edge of the core shopping area from the boundary of the site, are a row of 21 houses, a Network Rail depot and the Magistrates' Court. The application site shares a vehicular access, served off a roundabout, with the car park for the Magistrates' Court.
- 2.3 To the north-east of the site boundary are residential flats, then the junction with Gap Road and Leopold Road. The shops either side of Leopold Road form a designated Neighbourhood Parade as defined within the Adopted Merton Sites and Policies Plan (July 2014). The parade contains a wide range of local shops including a butcher, florist and cafes. There are few vacancies. The parade also forms Leopold Road Conservation Area.
- 2.4 The vehicular access road runs past the service yard and between the supermarket and the railway, to the main customer car park beyond. The customer entrance is sited on the north-eastern elevation facing the car park and there is also a pedestrian entrance accessed directly from the footway on Alexandra Road, with stairs and a lift taking pedestrians from the level of the top of the embankment down to store level. Approximately halfway down the car park are a set of steps leading up the embankment to the footway on Alexandra Road.
- 2.7 The site is designated as Safeguarded Land 05TN within the Adopted Merton Sites and Policies Plan and Policies Maps (July 2014) which relates to Crossrail 2.

3. CURRENT PROPOSAL

- 3.1 The planning application proposes a variation of condition 3 attached to planning permission 09/P2385, granted on 26th November 2010. This planning permission allowed the use of the former DIY retail warehouse to be expanded from bulky goods to permit the sale of food and convenience goods subject to restrictions in the range of goods designed to protect both Wimbledon town centre and the local neighbourhood parade at Leopold Road.
- 3.2 Condition 3 states:

Any food store/convenience goods use shall not use any more than 20% of the retail sales area for the sale of comparison goods and no part of the premises shall be used for the purposes of a post office or

dry cleaners, for the preparation of wreaths, bouquets or other formal flower arrangements or the use for A3 café/restaurant purposes.

- 3.3 The restriction on the % of sales area to be used for sale of comparison goods was imposed in order to protect the vitality and viability of Wimbledon town centre, whereas the exclusion of certain uses altogether arose from concerns about the impact on the local neighbourhood parade in Leopold Road and was agreed with Waitrose as part of the negotiation process on the application.
- 3.4 The Waitrose store commenced trading in summer 2011 and has therefore been operating for just over 4 years. They now wish to introduce a small café area in the form of a small seating area adjoining the bakery which Waitrose describe as a 'grazing area' rather than a traditional café, where customers can purchase hot drinks and bakery items and consume them on the premises. The proposed area of this new facility would be 13.67 sq m and would provide a maximum of 6 tables providing 12 seats for the customers. They advise that it would be self-service and have a limited offer of drinks and items from the bakery with the addition of savoury items such as toast and porridge.
- 3.5 Officers advised that they considered that provision of the A3 'grazing area' would be in breach of Condition 3 of 09/P2385 and the current application has therefore been made to vary the condition. The agent advises, in the covering letter dated 14th July 2015, that Waitrose would like to vary the condition to remove the restriction against A3 use completely but if concerns remained about the impact of a traditional café in the store, are willing to control the café use and restrict it to a maximum of 12 seats and not more than 13.67 sq m to allow the new concept to be introduced into the store.

4. PLANNING HISTORY

MER 405/81(O) (Outline Planning Permission) : GRANTED. An outline consent was granted on 31st July 1981 with the following description – outline application to erect two buildings, one (Unit 1) for use as a Class X warehouse, the other (Unit 2) for use as a non-food cash and carry retail outlet, together with the construction of a new access road from Alexandra Road and formation of car parking areas. All matters were reserved, and a condition was attached restricting the range of goods to be sold to the 'retail sale on a cash and carry basis of bulky furniture and/or other durable goods only'. The reason for the restriction was that the location 'is only considered appropriate for retail use if such use is of the type which requires ample car parking facilities in close proximity to the building because of the bulky nature of the goods which are sold to, and transported away by the general public.'

Following the grant of outline, two planning applications were submitted concurrently – a reserved matters submission under the outline and a full application with a different description.

MER 405/81D (Reserved Matters) : GRANTED. The reserved matters submission pursuant to the outline was granted at Committee on 18/03/82 with the following description, 'Approval of details in respect of outline application MER 405/81 for the erection of one Class X warehouse unit and one cash and carry retail (non-food) unit, together with associated parking.

MER 25/82 (Full Planning Permission) : GRANTED. Submitted on the same day as the reserved matters application and granted planning permission at the same Committee on 18/03/82. The description is as follows - 'Erection of a Single Cash and Carry Retail Outlet for Bulk Merchandise (non-food) together with associated car parking'.

A condition was imposed restricting the range of goods to be sold as follows: The building hereby approved shall only be used as a DIY/home improvement centre and for no other cash and carry retail outlet or discount warehouse use without prior approval of the local planning authority. Reason: To enable the local planning authority to control the development in detail in the interests of minimizing any effects on local retail trade.

MER 930/82 : GRANTED. Planning permission was granted in February 1983 for an outdoor garden centre in the south west corner of the site described as 'formation of an outdoor garden centre on land adjoining south side of new DIY building including erection of 3m high weldmesh enclosure fence with cranked posts'.

03/P1891 Certificate of Lawful Use or Development : GRANTED. An application was submitted in 2003 in order to establish whether the retail warehouse had been constructed under the outline or the full planning permission, as set out above. Various anomalies in relation to the physical appearance and layout were referenced. The officer's report notes neither the reserved matters details nor the full application exactly match what exists on site and that therefore it was difficult to conclude that the application implemented was not the outline and reserved matters applications. A Certificate was therefore granted on 10th November 2003, concluding that the outline permission had been implemented and that the premises as constructed were lawful and use in accordance with Condition 12, restricting the range of goods (as para. 4.1 above) would also be lawful at the date of the application. The plan attached to the Certificate encompassed the entire building.

09/P0248 Certificate of Lawfulness for the Existing Use of the Premises for Unrestricted Retail Sales. REFUSED. An application was submitted in February 2009, shortly after the building had been vacated, which sought to 'confirm that the totality of the premises can be used for unrestricted retail sales (Use Class A1) without compliance with Condition 12 of Planning Consent MER/405/81(O) (which is the outline planning permission). The supporting statement submitted by the

applicants advised that their evidence related to two separate breaches of planning control; (i) the class X warehouse granted under the outline consent as Unit 1 has been in continuous Class A1 (retail) use for in excess of 10 years and (ii) since their occupation of the unit in 1982, B&Q have sold goods on a non-cash and carry basis; and sold a range of non-durable and semi-durable goods contrary to Condition 12 of MER/405/81(O).

The Council refused the Certificate on two grounds: 1) the lawfulness of the use in accordance with Condition 12 of MER/405/81(O) was conclusively presumed, as stated in the 1990 Act, when the 2003 CLOPUD was issued. 2) Notwithstanding the 2003 CLOPUD, the council does not accept that there has been a breach of Condition 12 restricting the use to retail sale on a cash and carry basis of bulky furniture and/ or other durable goods only or that Unit 1 has been used for retail sales of anything other than DIY/home improvement goods. The delegated report relating to the Certificate can be found under planning reference 09/P0248 on Planning Explorer at the Planning page on the Council's website.

09/P2385 GRANTED SUBJECT TO S.106 Members resolved to grant planning permission at Planning Applications Committee in July 2010 for a variation of condition 12 of Planning Permission MER405/81 to allow the sale of food and convenience goods subject to restrictions on sub-division, retail sales floorspace, restrictions on amount of comparison floorspace and uses for certain purposes and subject to a legal agreement requiring contributions to Wimbledon town centre management initiatives, environmental enhancements to Leopold Road, and highways, parking and sustainable transport requirements.

5. CONSULTATION

5.1 The applications were advertised by the dispatch of 146 individual letters to neighbouring residents.

5.2 35 objections have been received, raising the following concerns:

- Local residents are very supportive of Leopold Road shopping parade, which has already been damaged by Waitrose, with the previously existing newsagents and pet shop having gone out of business partly due to inability to compete and newsagents unit has been vacant for 2 years, which shows how difficult it is to replace traders and will get harder if cafes are lost. Newsagents who were already struggling found trading too difficult when Waitrose ran a promotion giving away free newspapers and went out of business
- Waitrose agreed to the original restrictions, nothing has changed that would warrant a change to the restrictions, this agreement was reached after consultation with the local community including Leopold Road traders and was meant to safeguard their livelihoods and promote the local economy. Waitrose are breaking their

promise. The application was only considered acceptable on the basis that a restriction prevented café use and that that a significant sum was spent on public realm

- Application does not even refer to Aromatica, the café-deli at 9 Leopold Road as well as the recently opened Café Rosi at 8 Leopold Road. These traders have invested knowing that a condition would prevent a café use at Waitrose.
- Other Leopold Road traders may suffer as Waitrose gains a greater local presence, encouraging shoppers to linger for all their needs which may include flowers, newspapers, meat as well as coffee and cakes, which are all available in Leopold Road.
- Leopold Road struggles against strong competition and should be protected from a retailer trading from a large unit with extensive car parking and money for promotions
- Leopold Road offers unique local facility
- Adverse impact on the parade will have adverse impact on the Conservation area, Leopold Road local shops have been there for generations and are an asset
- Café not necessary – Waitrose claim they need it for viability but the store is trading well without one, they already offer free coffee, the assertion that this facility is needed to maintain viability is not believable
- Cafes can currently distinguish from free coffee offer at Waitrose by offering seating, which Waitrose does not currently have – if they are allowed a ‘grazing area’ it will add to their advantages of extensive parking , wider offer and free coffee
- Cafes should not be located outside the town centre, fails the sequential test and should therefore be refused
- Will have an impact on cafes, will deter any new café venture, which will have a further knock on effect on other Leopold Road businesses and could reach a point where the parade slips into decline – others rely on passing trade from those who frequent the cafes, will be a waste of the money already spent on environmental improvements from the s.106.
- There are 2 small cafes in Leopold Road that add to the character and variety and their survival will be threatened if the restriction is lifted.
- Should spend money on maintaining their gardens first – current free coffee offer is leading to littering of the local area
- Misleadingly called B and Q not Waitrose on the Council website
- Area of Surface Interest for Crossrail 2 – enhanced Waitrose store will have implications for the taxpayer.
- People lingering over coffees will impact on car parking availability with the potential for queuing traffic
- There are enough chain retailers, Council should help independent shops by rejecting this application.

5.3 Wimbledon Society

The Wimbledon Society considers that the reasons for imposing Condition 3 in 2009 are undiminished, particularly as regards the viability of the shops in Leopold Road and therefore urges the Council to

a) refuse the application or

b) if the application were to be granted, to impose a new restriction to control the café use and restrict it to a maximum of 12 seats and not to take up more than 13.67 square metres of floorspace, as suggested in the agent's letter

The Council should review the parking arrangements in Leopold Road so as to maximum the number of short stay spaces to lessen the difficulty of car borne shoppers.

- 5.4 Councillor David Williams – directly contradicts all the assurances given by Waitrose when granted their original permission and should be rejected.

6. POLICY CONTEXT

6.1 National Planning Policy Framework – March 2012

6.2 Section 8 – Promoting Healthy Communities

Paras 69 and 70. Advises that the planning system can play an important role in facilitating social interaction and creating , healthy, inclusive communities, and that planning policies and decisions should aim to achieve places which promote ‘ opportunities for meeting between members of the community who might otherwise not come into contact with each other, including ‘ strong neighbourhood centres and active street frontages which bring together those who work, live and play in the vicinity.’

- 6.3 Para 70 advises that planning decisions should ‘ guard against the loss of valued facilities and services, particularly where this would reduce the community’s ability to meet its day-to-day needs.’

6.4 Section 12 – Conserving and Enhancing the Historic Environment

Para 131 advises that in determining planning applications, local planning authorities should take account of –
the desirability of sustaining and enhancing the significance of heritage assets and putting them to a viable use consistent with their conservation and
the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality

6.5 The London Plan – March 2015

6.6 Policy 4.8 Supporting a successful and diverse retail sector and related facilities and services

LDF’s should support convenience retail particularly in District, Neighbourhood and more local centres, to secure a sustainable pattern of provision and strong, lifetime neighbourhoods and also provide a policy framework for maintaining, managing and enhancing local and

neighbourhood shopping and facilities which provides local goods and services

- 6.7 Policy 4.9 Local shops
The policy states that in considering proposals for large retail developments (typically over 2,500 sq m), Boroughs should consider imposing conditions or seeking contributions to provide or support affordable shop units suitable for small or independent retailers, and that a lower threshold may be appropriate in relation to district and local centres.
- 6.8 Adopted Merton Sites and Policies Plan and Policies Map (July 2014)
Leopold Road is a designated Neighbourhood Parade in table 1.1 'Shopping areas and important shopping frontages' within the adopted Sites and Policies Plan and comprises 1-27 Leopold Road and 2a-32 Leopold Road.
- 6.9 Policy DM R1- Location and scale of development in Merton's Town Centres and Neighbourhood Parades, aims to protect viability and character of Merton's town centres and neighbourhood parades, resisting large increases in commercial floorspace in neighbourhood parades. The justification advises at 1.14 that the neighbourhood parades have been designated to ensure local access to a range of important local shops, easily accessible to people without a car or of restricted mobility.
- 6.10 Policy DM R2 – Development of town centre type uses outside town centres, aims to focus town centre type uses into the most sustainable locations whilst facilitating development of new small convenience local shops within walking distance of all residents to meet everyday needs. Part d) of the Policy relates to impact on vitality and viability of existing town centres and the use of conditions to prevent adverse impact, including control of the type of goods sold or type of activity.
- 6.11 Policy DM R4 Protection of shopping facilities within designated shopping frontages. Part of the policy aim is to provide consumer choice and opportunities for social interaction. It seeks to retain a minimum of 30% a1 retail uses in neighbourhood parades.
- 6.12 DM D4 Managing Heritage Assets
Leopold Road neighbourhood parade forms the designated Leopold Road Conservation area and is therefore a designated heritage asset. The policy seeks to preserve and protect them and it is noted at 6.44 that this policy helps to create a sense of place, encouraging belonging and a sense of pride in the borough.
- 6.13 Leopold Road Conservation Area Character Assessment March 2005
The Leopold Road Conservation Area covers only the shopping parades making up the neighbourhood centre and dates from between 1892 and 1908.

7. PLANNING CONSIDERATIONS

7.1 Impact on Leopold Road Neighbourhood Parade and Conservation Area

The key planning consideration in relation to this application is the potential for the provision of a small café area within the Waitrose supermarket on Alexandra Road to adversely impact upon the vitality and viability of the Leopold Road neighbourhood shopping parade. At the time when the original Waitrose application was considered, many of the shopowners and local residents expressed concern about the impact of the proposed food store on Leopold Road shops. There were independent butchers, grocers, florist, cafes, newsagents, dry cleaners, a pet food shop and a post office within the neighbourhood parade. There was concern that if any of these key uses are lost through impact on trade this will affect overall vitality and viability. London Plan and Merton planning policies seek to protect and enhance local and neighbourhood shopping facilities. The Leopold Road parade is an important local community hub and is a designated Conservation Area. Its continuing success is important in terms of both the maintenance of local facilities, provision of a community focus and physical contribution to the appearance of the area.

7.2 When the Council's retail consultants, NLP, reviewed the proposal for supermarket use in 2010, they considered that the food store would primarily attract main and bulk food shopping trips although some top up trade might be diverted from the parade's local catchment area, but they considered, on balance, that the food store was unlikely to harm this local centre. Waitrose advised that if they occupied the site, they would help to promote the local parade with signage and promotion of the services on offer within their store, as well as providing free 2 hour parking to encourage linked trips. The Council and many of the shopkeepers remained concerned about the potential of the store to reduce trade, and were sceptical about the potential to generate linked trips, given the physical and visual separation between the store and the parade. The financial viability of these small independent shops are usually finely balanced and even a small reduction in trade can have significant effects.

7.4 The applicants finally agreed to assist in mitigating any potential impact on the parade in two ways – restrictions on the range of goods that could be sold from the proposed store and physical improvements to increase the attractiveness of the parade environment by means of the following :

- A restriction on range of goods to prevent use of any part of a food store as a post office, drycleaners, preparation of wreaths, bouquets or other formal flower arrangements or use as an A3 café

- A £250, 000 contribution towards environmental enhancement of the local parade to include new paving, landscaping, street furniture, street audit focused on de-cluttering
- £105, 000 contribution towards façade enhancements including shopfront replacements/alterations/timber window reinstatements as part of the Council's existing Shopfront Improvement Grants Scheme.

It was considered that subject to the provisions set out above, the potential impact on the parade would not be sufficient to warrant refusal.

7.5 Since Waitrose has opened, both the newsagents and the pet food shop within the parade has closed, which many residents and shopowners within the parade believe can at least be partly attributed to loss of trade from being unable to compete with the offers of a large chain supermarket. Currently within Leopold Road parade, there is Aromatica at no. 9, a delicatessen and café, a new café - Café Rosi at no.8 and Temptations at no.26. which provides ancillary hot drinks in addition to its cakes, sweets and tarts. These uses are very important to the neighbourhood centre in many ways – they provide a destination in themselves, encourage linked trips to other traders within the parade, provide an opportunity for greater social interaction and create a sense of vitality and activity within the parade as a whole which is very important for its general attractiveness.

7.6 Waitrose response to objections

Waitrose now wish to vary the condition restricting uses to allow for a 12 seat 'grazing area' providing drinks and snacks. In response to the strong concerns of the local community and the local planning authority about their wish to change a restriction agreed through negotiation to meet real anxieties about the impact on Leopold Road parade, the planning agents have provided a further statement dated 19th October 2015 which is included as an Appendix and which is summarized as follows:

Perception that Waitrose is going back on its word
 They advise that in the 5 years since permission was granted, the nature of retailing has changed substantially, with growth of internet shopping and changes to shopping patterns and it has become increasingly important to innovate and invest in existing stores. Customer hospitality is seen as a key element of Waitrose's offer and they want the store to have the same facilities as their other stores. They stress the modest nature of the proposed café area, which they do not see as a café in the usual sense but as somewhere to grab a quick drink and bite to eat as part of their shopping mission. They advise that they need to continue to enhance the shopping experience to remain competitive with other stores.

Impact on Local facilities

Again they stress the small nature of the offer and define the concept as a 'grazing area', and more of a 'splash and dash'. They point to the fact that they introduced free coffee for myWaitrose members over 3 years ago, and that there still appears to be a wide range of traders in Leopold Road despite concerns about stores closing prior to Waitrose opening. They do not consider that removal of the condition would have any unacceptable harm to interests of acknowledged importance (ie the local parade).

Town Centre Use contrary to sequential test

This does not apply as the proposal cannot be operated separately from the store. They argue that it is only ancillary to the A1 use, and so modest that they consider it arguable whether or not it is 'de minimis'.

7.7 Officer's views

As set out in 7.1 – 7.5, officers consider the vitality and viability of the Leopold Road neighbourhood parade to be of major importance to the local area in terms of not just providing local facilities but maintaining a healthy local community with a sense of character and cohesion and providing opportunities for social interaction. Its healthy functioning is also vital to maintaining its attractiveness as a designated Conservation Area, retaining its original historic purpose. The existing small scale café and mixed café/retail uses within it are a key component in relation to all of the above.

7.8 Officers remain concerned about the effect of the proposed variation of the condition on A3 type uses within the parade and the ability of small scale retailers to withstand even the smallest diversion of trade, given their relatively low levels of turnover. The quick snack and coffee or 'splash and dash' as Waitrose's agents refer to it, is just as likely to be a feature of the trade of the three existing uses with an A3 element as part of a linked shopping trip to the town centre, Waitrose or the neighbourhood parade. In relation to the small size of the use and offer, again, the Leopold Road operators do not have large premises with a large number of chairs and tables and also vary in the range of food and drink offers.

7.9 Officers are disappointed about Waitrose's decision to apply to vary a condition negotiated in good faith at the time of the original approval only 4 and a half years after the store commenced trading. However, given the location of the café at the retail level of the store, requiring use of the staircase or lift to access the A3 area from the Alexandra Road footpath, which would deter passing trade, combined with Waitrose's agents' expressed willingness to accept a restriction to the size of the facility to 13.67 square metres and 12 seats, officers do not consider that a refusal could be substantiated at appeal if those restrictions were imposed.

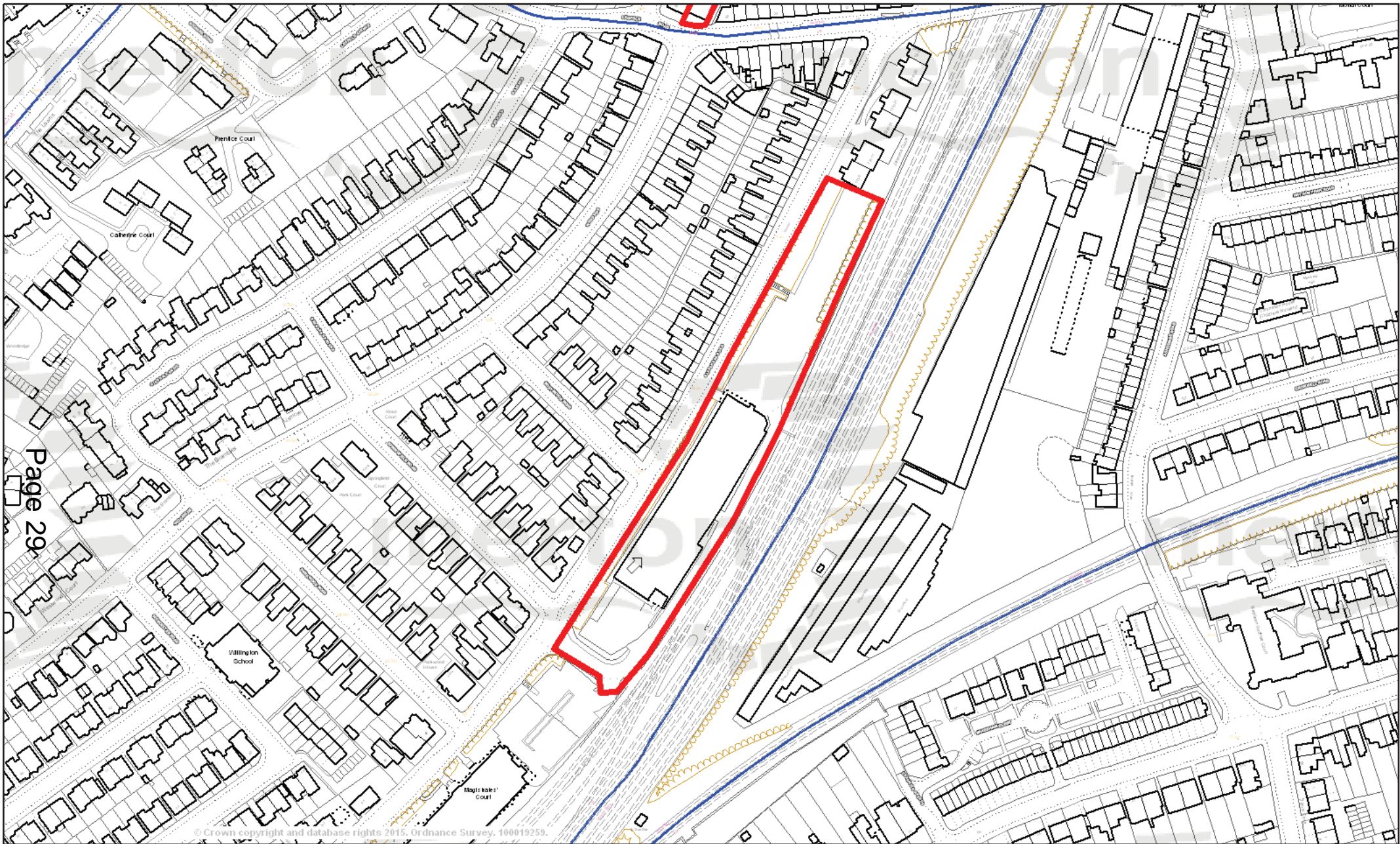
8.0 CONCLUSION

On balance, given the limited nature of the A3 area in terms of floor area and seating, and its location at below pavement level, embedded within the Waitrose store and therefore unlikely to attract much passing trade, officers do not feel able to substantiate a refusal that could be robustly defended at appeal in relation to adverse impact on the functioning of the neighbourhood parade and consequently the character of the Leopold Road Conservation Area.

9.0 RECOMMENDATION

GRANT PLANNING PERMISSION to vary Condition 3 Planning Permission 09/P2385 as follows;

Any food store/convenience goods use shall not use any more than 20% of the retail sales area for the sale of comparison goods and no part of the premises shall be used for the purposes of a post office or dry cleaners, for the preparation of wreaths, bouquets or other formal flower arrangements or the use for A3 café/restaurant purposes other than an area no greater than 13.67 square metres with no more than 12 customer seats in the location shown on drawing 314-SDEV-GRA-REDLINE2



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Waitrose

Alexandra Rd

Scale 1/2500

Date 29/9/2015

London Borough of Merton
100 London Road
Morden
Surrey
SM4 5DX



DEVELOPMENT CONTROL



Map Information

Scale 1:1250
 Date: 21/05/15
 Reference 15129
 Order No: 1513258

Location Plan
 Waitrose
 Alexandra Road
 Wimbledon
 SW19 7J



NON STANDARD EQUIPMENT FOUND IN STORE AND HAS BEEN REPLACED USING A 'BEST FIT' POLICY WHEN UPDATING TO STORE SPACE. STORE REQUIRES A FULL MEASURED SURVEY TO CONFIRM EXACT EQUIPMENT DETAILS AND SETTING OUT

History

Rev	Date	Description	By
-	17/03/14	PROPOSED LAYOUT CREATED	GM
A	03/04/14	SMALL FOSDU ADDED. SMALL SEASONAL ISLAND ADDED. HORTI RESITED.	GM
B	17/04/14	TILLS & FOS DESK RESITED. SEASONAL RESITED & NEWSPAPERS REDUCED BY ONE BAY. SCANNERS RESITED. HORTI REVERTED BACK TO 'LIVE'	GM
C	01/05/14	2No. NEW LADDER RACKS ADDED. MERCHANDISE UPDATED.	GM
D	06/05/14	1No. NEW PLANT QUAD ADDED TO HORTI. 1No. CPR SHOWN AS EXISTING (CONVERTED FROM SCO).	GM
	12/05/14	1No. SMALL FOSDU REMOVED. PERCHING ADDED. FOSDU RESITED.	GM
	19/05/14	EXISTING CUSTOMER BENCH RESITED. BAY NUMBERS ADDED. WALL ADDED BEHIND SCO.	GM
-	05/03/15	PROPOSED GRAZING FEASIBILITY LAYOUT CREATED	LB

Notes
 Last updated to Storespace:
 1) No dimensions to be scaled from this drawing
 2) All perimeter fixtures to be Class 1 Fire rated unless otherwise specified in the schedule

KEY

	New fixture and equipment
	Existing repositioned fixture and equipment
	Indicates removed, building elements, fixture and equipment

Area Schedule

Sales Area	XX,XXXsq.ft
Non Sales Area	XX,XXXsq.ft
Gross Area	XX,XXXsq.ft

Base Drawing
 XXX-SDEV-LIVE LAYOUT

Waitrose
 Store Development

Doncastle Road, Southern Industrial Area,
 Bracknell, Berkshire, RG12 8YA.
 Telephone: 01344 424680 Fax: 01344 824119

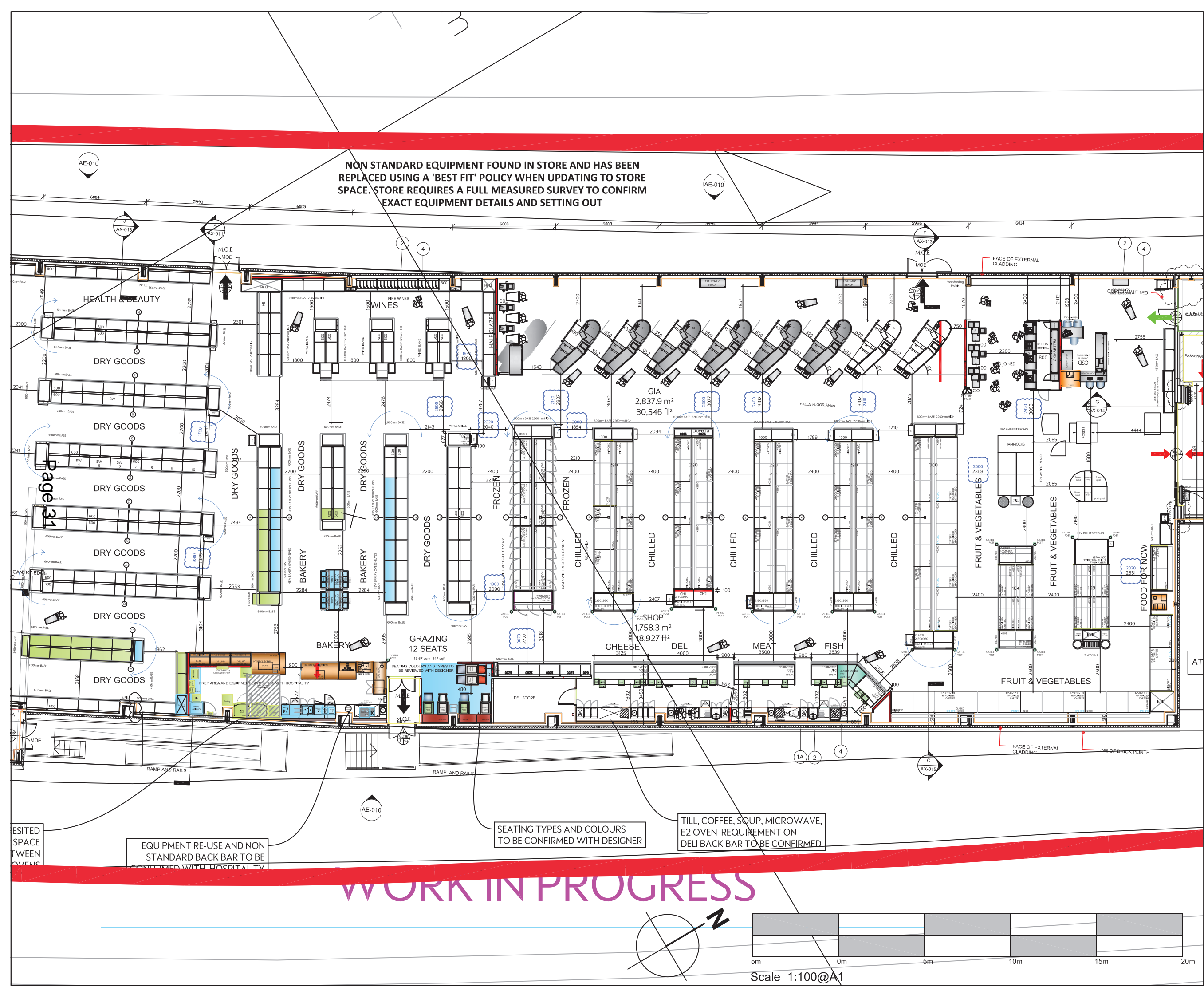
Branch
314 WIMBLEDON

Title
PROPOSED LAYOUT

Project
GRAZING FEASIBILITY

Scale	1:100@A1
Creation Date	17th MARCH 2014
Store Planner	LYNNE BOWMAN
Store Designer	TBC
CAD Planner	TBC

Drawing No.
314-SDEV-GRA-REDLINE2

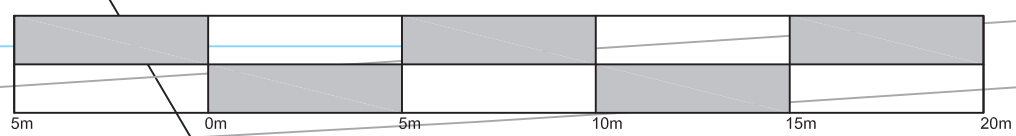
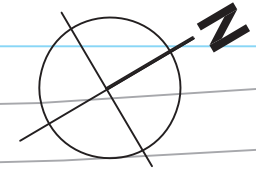


RESIDED SPACE BETWEEN OVENS
 EQUIPMENT RE-USE AND NON STANDARD BACK BAR TO BE CONFIRMED WITH HOSPITALITY

SEATING TYPES AND COLOURS TO BE CONFIRMED WITH DESIGNER

TILL, COFFEE, SOUP, MICROWAVE, E2 OVEN REQUIREMENT ON DELI BACK BAR TO BE CONFIRMED.

WORK IN PROGRESS



Scale 1:100@A1

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Our Ref: SLK/ 2015/15129
Your Ref:
Email: skarat@firstplan.co.uk
Date: 19th October 2015

Ms Susan Wright
Planning Department
London Borough of Merton
Civic Centre
London Road
Morden
SM4 5DX

Dear Ms Wright

VARIATION OF CONDITION (3) ON PLANNING PERMISSION 09/P2385 TO PERMIT AN AREA IN THE STORE FOR USE AS AN ANCILLARY CAFÉ - WAITROSE ALEXANDRA ROAD, WIMBLEDON SW19 7J

I write following your telephone conversation with Stephen Wright at the John Lewis Partnership, to discuss the objections received to the above application. You suggested to Stephen that it would be helpful if we provided a response to the concerns that have been raised.

Essentially the objections made to the application cover the following areas:

1. The perception that Waitrose is going back on its word

Waitrose secured planning permission in 2009 to operate a supermarket from the run-down former B&Q unit on Alexandra Road. There was a number of objections to the application at the time, from local residents and businesses, concerned that the new foodstore would have an unacceptable impact on local shops, and concerns from the Council that the proposals would adversely affect Wimbledon town centre.

Following substantial consultation and conversation with the Council and local residents, Waitrose offered and agreed to a package of planning conditions and obligations to seek to mitigate those concerns. Condition 3 was part of that package. Condition 3 sought to control various elements of the shop, including a restriction on “use for A3 cafe/restaurant purposes”. The reason for this particular condition was expressed to be the protection of “...the vitality and viability of Wimbledon town centre...”.

It has been suggested that the current application represents a renegeing by Waitrose on this previous position. On behalf of Waitrose, I make the following points in response:

- a. It is 6 years since that original planning application was submitted and 5 years since it was granted, during which time the nature of retailing has changed substantially. With greater take-up of internet shopping and changing shopping patterns, it has become increasingly

important that retailers continue to innovate and invest in their stores, in order to provide a pleasurable and attractive retail environment for customers who will otherwise not visit physical shops or will take their custom to those stores which do provide the services and environment they're seeking.

- b. It is Waitrose's experience that a customer hospitality offer is a key element in creating that attractive retail environment. As a result, customer hospitality is being rolled out nationally across the Waitrose core store estate. Waitrose is very keen that its Wimbledon branch does not get left behind in that roll-out.
- c. The hospitality offer proposed for Wimbledon is actually very modest in its scale. It is not intended as a significant generator of revenue. Rather, its presence and inclusion within the store contributes to the wider sense of appeal of the store – even to customers who don't use it. In other words, the hospitality offer contributes to the vitality and breadth of offer of the shop rather than being a key footfall driver per se.
- d. Waitrose is not proposing a cafeteria in the usual sense of that term. The scale of offer and the type of products available to customers will not compete directly with local cafes and restaurants. The offer is small and caters to customers already shopping in-store who want to grab a bite to eat or a quick drink as part of their grocery shopping mission.
- e. Waitrose knows that it has to keep investing in its stores if they are to remain successful in this dynamic, rapidly changing retail world. Waitrose wants to bring its Wimbledon store up to this current offer and standard, and hopes that the Council will welcome this investment, and the confidence it expresses in the Borough and in Wimbledon as a place to do business in the years to come.

It is nearly 6 years since Waitrose accepted the condition. Retailing is a dynamic business and it has changed significantly over this time. It is a very competitive business and the company needs to ensure it responds to customers' needs to ensure it remains competitive. But it is about more than simply responding to needs: it is about creating a sense of experience, enjoyment and leisure for customers – contributing to an offer and an atmosphere in-store that is compelling to those who visit. Waitrose needs to continue to invest in its stores and engage with its customers, or those customers will shop elsewhere, in competing supermarkets where these facilities are provided, or stay at home and order on-line.

2. Impact of the café on local facilities

A number of objections consider that the proposal will have an unacceptable impact on cafes in the local shopping centre of Leopold Road. In fact, as explained above, the proposal is **not** for a café in the traditional sense of that word, where the objective of customers is solely or principally to enjoy a meal, or to spend time relaxing and meeting friends to enjoy a drink or eat food.

The proposal is for just 12 seats in an area adjoining the bakery, where customers can take a break from their shopping to enjoy a coffee and pastry from the nearby counter, as part of their shopping trip. Waitrose has defined the concept as '*a grazing area*' rather than café.

However there is no such definition in planning terms, so it has been described on the planning application form as a café. In reality, it is a totally different concept, much more of a '*splash and dash*' experience than that offered in a more traditional café, such as those in Leopold Road. It is not designed to compete with such facilities, in terms of the food offer or the environment. It is just an ancillary facility to improve and enhance customer's shopping experience.

Waitrose introduced the free hot drink for myWaitrose members over three years ago, as their way of giving something back to their customers, during which time the two cafes in the local area have continued to trade. Prior to the store opening there was the perception that a number of local traders in Leopold Road would close when the store opened, but there still appears to be a wide

range of local shops open, including a butchers, florist, newsagents, bakery and two convenience shops.

Any condition should only be retained, if its removal would result in unacceptable harm to interests of acknowledged importance. In this case, the proposal will not have any impact on any cafes in the local shopping area.

3. Town centre use contrary to the Sequential Test

Objectors have suggested that the current proposal is for a 'town centre' use and should be assessed against the sequential test. As indicated above, this proposal is not for a separate standalone café. The café cannot be operated separately from the rest of the store and therefore in our view the sequential test does not apply.

Indeed, the wording of the original condition restricts use as an "A3 cafe/restaurant". As is perhaps evident from the summary above, the proposed hospitality offer here will not be an A3 use. It is very much an ancillary and inherent part of the site's A1 retail offer, modest in offer and arguable de minimis in size and scale.

Summary

Waitrose offered to accept the condition preventing the store from including a café over 6 years ago. Retailing has changed significantly since then. Waitrose needs to continually review its business and invest in its shops to remain competitive. If they are prevented from doing so, customers will migrate away from the store, choosing to shop elsewhere or online, which would be undesirable in terms of the local economy and the long term sustainable future of the shop at Alexandra Road.

Since opening, Waitrose has made a positive contribution to shopping in the area, not only through the 140 people employed at the branch and the community –giving programmes, but by providing customers with a service that encourages people to visit the area.

The proposal is not for a café in the traditional sense as explained above. The facilities are not intended to compete with local cafes in the area but provide an ancillary facility to improve the shopping experience of Waitrose customers. The proposal is therefore very unlikely to have any impact on local cafés, which provide a very different experience and offer.

We hope that the above helps the Council understand the rationale behind the application more fully and reassures you that the proposal is acceptable and should be supported.

Yours faithfully,

A handwritten signature in black ink that reads "Shirley Karat".

SHIRLEY KARAT
Director

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PLANNING APPLICATIONS COMMITTEE
21 January 2016

Item No:

<u>UPRN</u>	<u>APPLICATION NO.</u>	<u>DATE VALID</u>
	15/P3058	10/08/2015
Address/Site:	10 Dunstall Road, West Wimbledon, SW20 0HR	
(Ward)	Village	
Proposal:	Demolition of existing single storey rear extension and erection of a part single part two storey rear extension.	
Drawing No's:	Site Location Plan, Design and Access Statement, 660/LOC P1, 660/001 P1, 660/002 P1, 660/003 P1, 660/004 P1, 660/005 P1, 660/006 P1, 660/007 P1, 660/009 P3, 660/010 P4, 660/012 P2, 660/013 P3, 660/014 P3, 660/014 P5, 660/015 P3, 660/016 A, 660/017 A.	
Contact Officer:	Lucas Zoricak (0208 545 3112)	

RECOMMENDATION

GRANT Permission subject to Conditions

CHECKLIST INFORMATION

- Heads of Agreement: None
- Is a screening opinion required: No
- Is an Environmental Statement required: No
- Has an Environmental Statement been submitted: No
- Press notice: No
- Site notice: Yes
- Design Review Panel consulted: No
- Number of neighbours consulted: 2
- External consultations: No
- Controlled Parking Zone: No

1. **INTRODUCTION**

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 comprises a two storey detached property located along a well-established residential road of other detached properties of similar designs and materials. The property has been extended at ground floor level (single storey rear extension) and second floor level (rear roof extension) previously.

2.2 The existing house was constructed in the 1930s, on a sloping site on the north side of Dunstall Road, with ground floor raised approximately 3m above road level, over two storeys, with a garage at lower ground (road) level and steeply sloping front garden. The neighboring property no. 12 Dunstall Road, is set approximately 1.7m lower than no. 10.

2.3 The rear boundary facing Lady Jane's Wood is well vegetated with hedgerows and some trees. The neighbouring properties 12 and 8 Dunstall Road are separated from the application site by a high level timber fence and vegetation.

2.4 The application site is located in the Wool Road Conservation Area. The particular characteristics that merit this area's designation as a conservation area derives from the early 20th Century architecture and diverse styling of the large 'ornate' detached house, the uniform street design including grass verges, and natural landscaping of the surrounding area and views towards Wimbledon Common, particularly from Wool and McKay Roads.

3. **CURRENT PROPOSAL**

3.1 This application comprises the proposed demolition of the existing single storey rear extension and erection of a part single part two storey rear extension.

3.2 The proposed extension would be located at the rear of the property, which means it would also not be visible from the public domain. The single storey element would extend 5m from the rear main wall of the original dwelling house adjacent to the boundary with 8 Dunstall Road.

Adjacent to no.12, it would extend 3m from the rear main wall of the original dwelling house, before recessing in by 1m and extending for a further 2m. The extension would include a centrally located, two storey rear element (5m in depth, 4.3m in width, an eaves height of 5.1m and with a ridge height of 7m). The ground floor element would be 2.5m high at the eaves and 3.5m high at the ridge.

- 3.3 The ground floor element would comprise a kitchen and library/study and would also directly access the garden to the rear. The first floor element would comprise a gym.
- 3.4 The proposed extension would be sympathetic to the original building and would be constructed of brickwork at ground level and white render at first floor level to match existing, with a tiled roof for the upper storey, standing seam zinc roof for the single storey element, windows and sliding-folding doors of grey metal to match roof colour. Boundary treatments would remain as existing.

4. **PLANNING HISTORY**

07/P2798 – APPLICATION FOR A CERTIFICATE OF LAWFULNESS FOR PROPOSED NEW FRONT BOUNDARY WALL – Issued – 31/10/2007.

09/P1473 – ERECTION OF A REAR DORMER ROOF EXTENSION – Granted – 07/09/2009.

04/P2182 – PROPOSED SINGLE STOREY REAR EXTENSION AND ALTERNATIONS TO THE FRONT ELEVATION – Issued – 29/11/2004.

5. **CONSULTATION**

- 5.1 The proposal has been publicised by means of Conservation Area site and press notice and 2 individual neighbour notification letters.
- 5.2 In response to initial consultation 10 letters of objection have been received from neighbours in Dunstall Road and surrounding roads and from North West Wimbledon Residents' Association.
- 5.3 In response to the first reconsultation, 7 letters of objection have been received reiterating previous objections.

The stated objections and concerns relate to the following matters:-

- The proposal would project significantly deeper into the rear garden than any of the adjoining properties and would alter the character of

the rear gardens, it would set a damaging precedent, out of scale, adverse impact on Wool Road Conservation Area, overdevelopment of the site

- The proposal would block light and outlook to no.12 Dunstall Road because of the rear projection, and would result in loss of privacy and overlooking
- The development by reason of its size, depth, width, height and massing would have an unacceptably adverse impact on the amenities of the properties immediately adjacent to the site and surrounding area by reason of overlooking, loss of privacy and visual impact.

Further to the final revision, reducing the size of the ground floor element in relation to 12 Dunstall Road, a further representation has been received from the occupiers of 12 Dunstall Road.

The stated objections and concerns relate to the following matters:-

- The proposed extension would result in overshadowing and deprivation of light, spaciousness and privacy
- Bias in favour of the applicant
- The assessment of the aspect value calculation should have been carried out by a qualified expert at or on behalf of the Council. The applicant's sun/daylight assessments were not prepared by experts in sunlight and daylight impact
- The change in ground floor levels and construction of two storey extension would overshadow the conservatory and windows in the rear elevation
- The existing extension at 12 Dunstall Road would be exposed to the proposed side elevation window at first floor level and would result in overlooking
- The proposal by reason of its size, depth, width, height, bulk and massing would have an unacceptably adverse impact on the amenities of 12 Dunstall Road
- The applicant has not provided 3D aerial view of the proposal viewed from no. 12 Dunstall Road

6. **POLICY CONTEXT**

- 6.1 Adopted Merton Core Strategy (July 2011).
CS14 (Design)
- 6.2 Adopted Merton Sites and Policies Plan (July 2014).
DM D2 (Design Considerations in all Developments), DM D3 (Alterations and Extension to Existing Buildings), DM D4 (Managing Heritage Assets).
- 6.3 Supplementary Planning Guidance: Residential Extensions, Alterations and Conversions (2001). Supplementary Planning Document: Wool Road Conservation Area Assessment and Design Guide (2002).

7. **PLANNING CONSIDERATIONS**

- 7.1 The principal planning considerations in this case relate to the design and appearance of the development and its impact upon the character of the conservation area and the potential for the development to cause harm to the amenity of neighbouring properties.

7.2 **Design and Visual Amenity / Conservation Issues**

- 7.3 The site is located within the Wool Road Conservation Area and the character assessment states:

'The front gardens in particular are important in contributing to the character of the area, as together with the mature trees that line the roads they create an important softening of the street scene. Particularly significant to the conservation area is the open nature of the front garden areas. Rear gardens contribute significantly to the nature conservation/ecological value of the area.'

- 7.4 The proposed extension would be located to the rear of the property thus not visible from the public realm. Accordingly, the proposal would not have an adverse impact on the appearance and character of the conservation area.

- 7.5 The scheme has been amended since its original submission in the following ways:

- Significant reduction in size of two storey element, moving it to a central position and removing the first floor elements closest to the boundaries with 8 and 12, so that it sits 5.6m away from the boundaries

- Ground floor, the side wall facing no.12 has been reduced to the permitted development limits of 3m before stepping in by 1m to extend a further 2m
 - Reduction in height from an eaves height of 2.7m to an eaves height of 2.5m at the boundary with no. 12 and no. 8 Dunstall Road
- 7.6 The proposed extension would be sympathetic to the original dwelling house in terms of the design and materials used. Given the siting of the extension, there is considered to be no adverse impact on the application site and the Wool Road Conservation Area.
- 7.7 In light of the above, the proposed development is considered to be acceptable in terms of its design, layout, and form, and it is not considered that the proposed extension would result in harm being caused to the character of the Wool Road Conservation Area and would therefore comply with the aims and Policies DM D2, DM D3, DM D4 and CS14.
- 7.8 **Impact on Residential Amenity**
- 7.9 The provisions of policy DM D3 (Alterations and Extension to Existing Buildings) and the relevant Supplementary Planning Guidance's (SPGs) require there would not be a detrimental impact on the residential amenities of the occupiers of the adjoining properties as a result of a proposed development.
- 7.10 It is considered that there would not be a detrimental impact on the outlook or daylight/sunlight of the occupiers of the properties nearest to the site sufficient to warrant refusal. The first floor element is now substantially recessed away from both neighbouring properties. It would be set away approximately 5.6m from the boundary with no. 12 Dunstall Road and approximately 6.3m from the boundary with no. 8 Dunstall Road, and the single storey elements either side are also set away from the boundary. Although it is acknowledged that the impact on no 12 will be greater because of the 1.7m difference in ground levels, the proposed single storey extension replaces an existing flat roofed extension with a greater eaves height and is recessed by 1m for the final 2m of its 5m total depth. It meets the Council's Aspect Value Test and is not considered to have a significantly greater impact on outlook than the existing extension to be replaced.
- 7.11 There is a vertical window (1.3m x 0.6m) proposed in each side elevation. However, conditions are proposed prohibiting the insertion of any new windows/doors without planning permission, requiring the first floor side windows to be obscured glazed, fixed and permanently retained as such, and removing permitted development rights in order to protect residential

amenity. As such, there would not be a loss of privacy to the occupiers of the adjoining properties from the proposed windows in the side elevations.

- 7.12 In light of the above, the proposals would not result in any loss of amenity to occupiers of neighbouring properties and the proposal accords with policy DM D3 (Alternations and Extension to Existing Buildings).

8. **CONCLUSION**

- 8.1 It is considered that the proposed demolition of the existing single storey rear extension and erection of a part single part two storey rear extension is acceptable in conservation terms and design terms, would preserve the character and appearance of the conservation area. It is also considered that the proposed development would not result in a detrimental impact on the residential amenities of the occupiers of the adjoining properties. Accordingly, it is recommended that planning permission be granted.

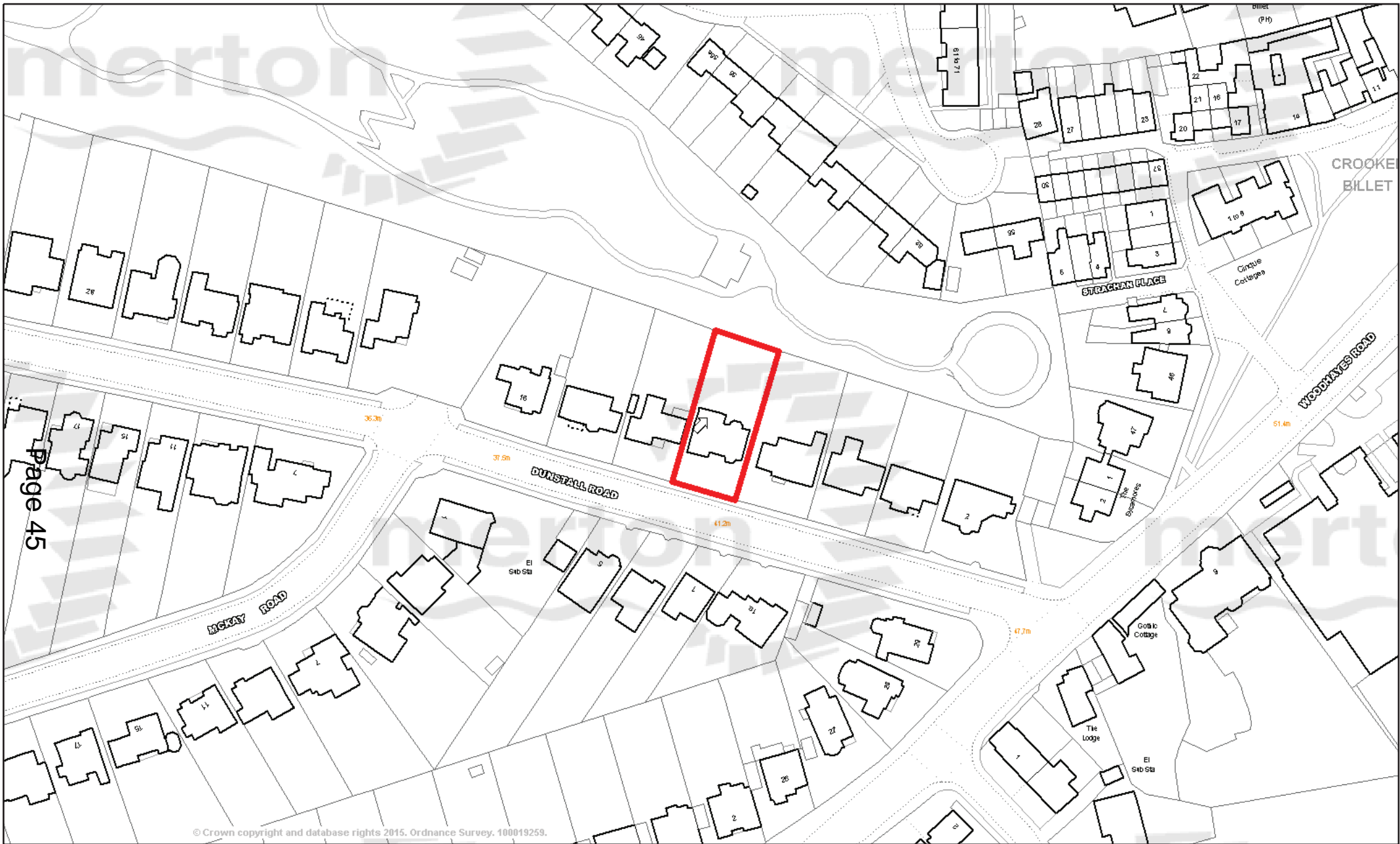
RECOMMENDATION

GRANT PLANNING PERMISSION subject to the following conditions:

1. A1 Commencement of Development (Full Application)
2. A7 Plans
3. B2 Matching materials
4. C2 No Additional Windows (In side elevations of new extension)
5. C3 Obscured Glazing (Fixed Windows)
6. D11 Hours of Construction

Informatives: Note 1

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10 Dunstall Road

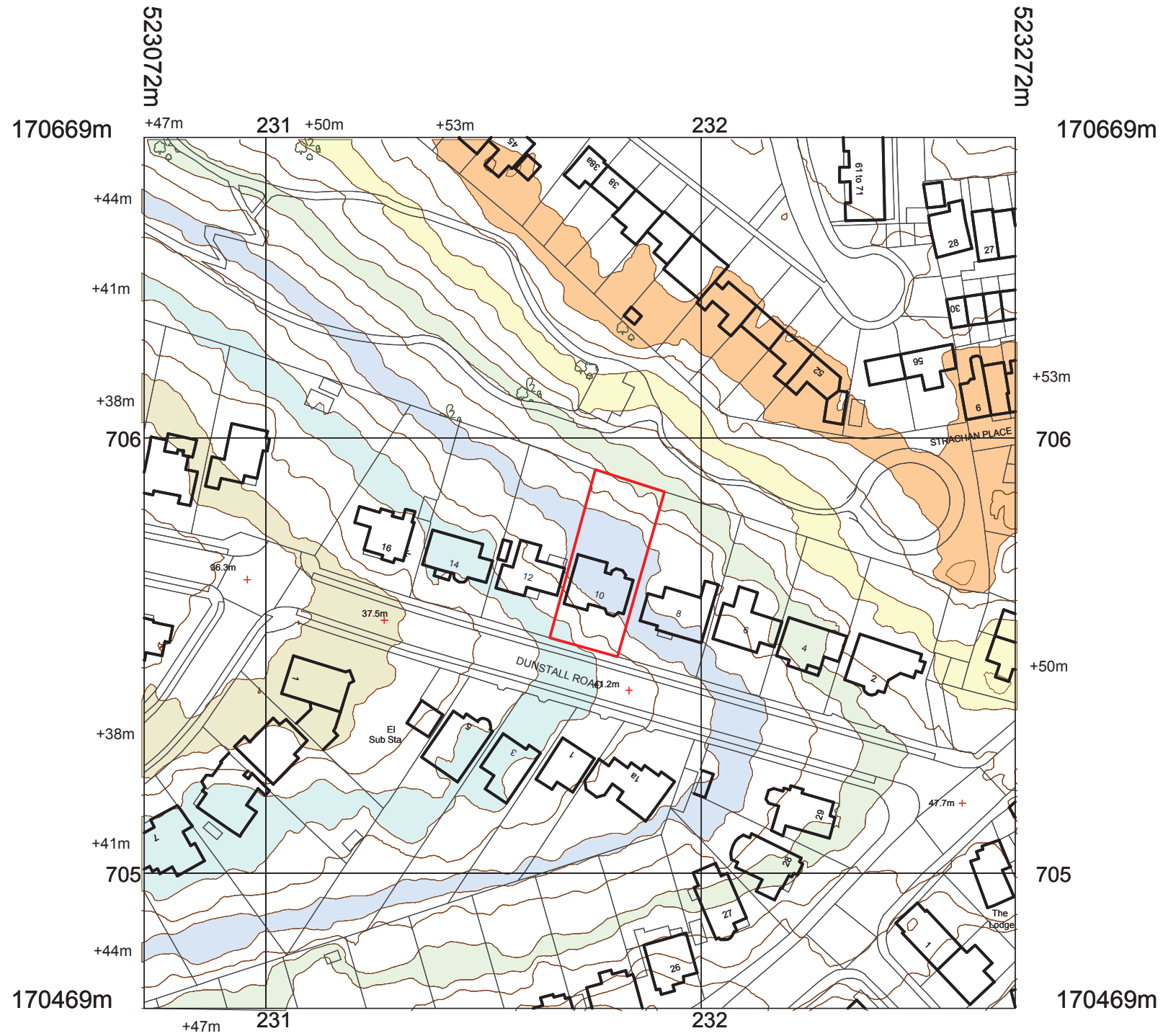
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Date 5/1/2016

London Borough of Merton
100 London Road
Morden
Surrey
SM4 5DX



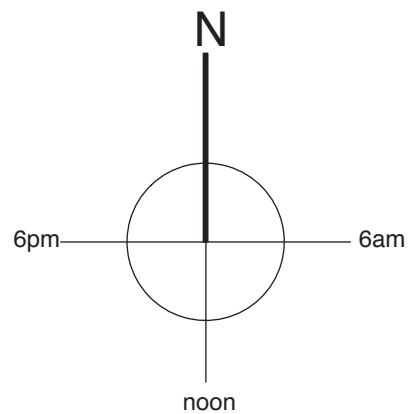
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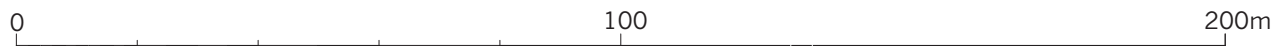
Datum Levels (m)
Key

Orange	52-53m
Yellow	49-50m
Light Green	46-47m
Light Blue	43-44m
Light Cyan	40-41m
Light Brown	37-38m

Coloured contours at 3m vertical intervals = approximately storey height



523072m
523272m
— Site boundary



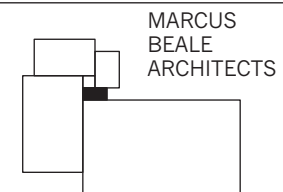
P1 - 05/08/15 - ISSUED FOR PLANNING

Revisions

MBA, 1 Compton Road
Wimbledon, London SW19 7QA

Phone +44 (0) 20 8946 4141
Fax +44 (0) 20 8946 2299
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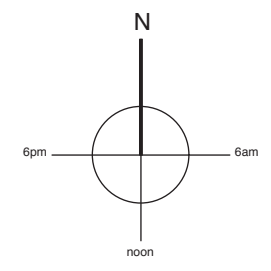
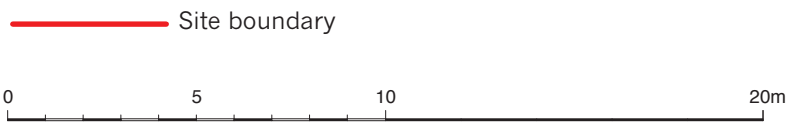
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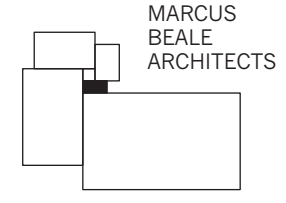
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Date 15/06/2015	Check CL	



Page 47



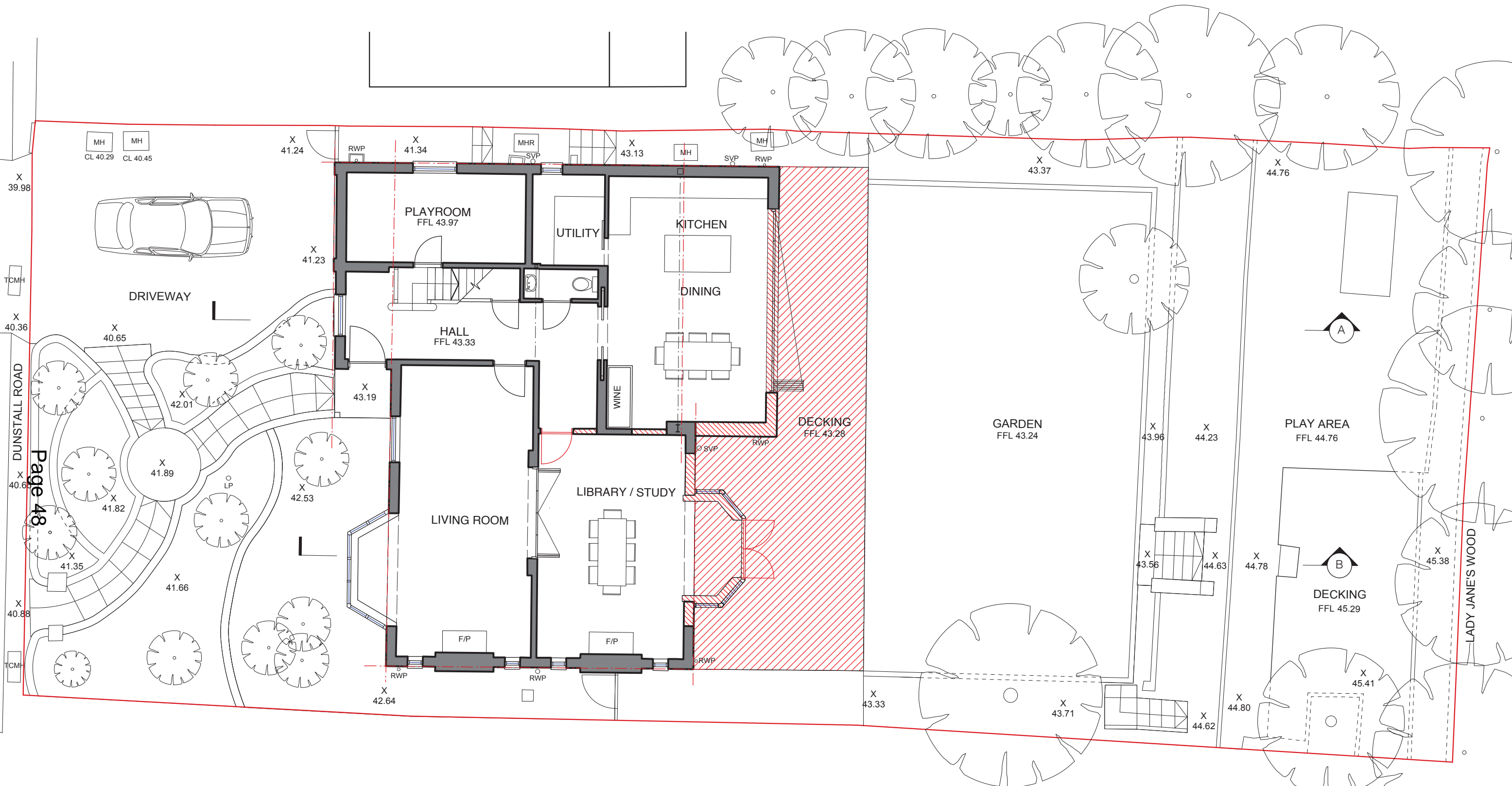
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Email mba@marcus-beale.co.uk
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



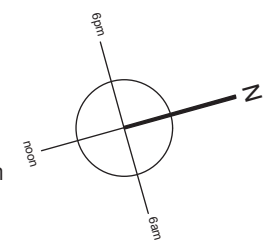
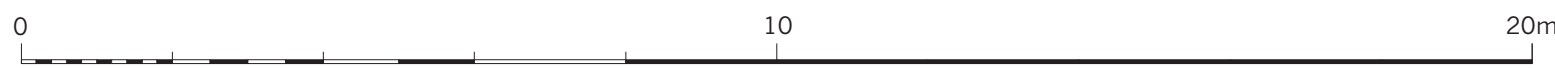
P1 - 05/08/15 - ISSUED FOR PLANNING

Revisions

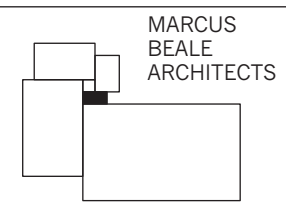
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SITE PLAN			
Scale 1:200@A3	Drawn SS	660/001 P1	
Date 27/07/15	Check CL		



- KEY**
-  DEMOLITION IN ELEVATION
 -  DEMOLITION IN SECTION



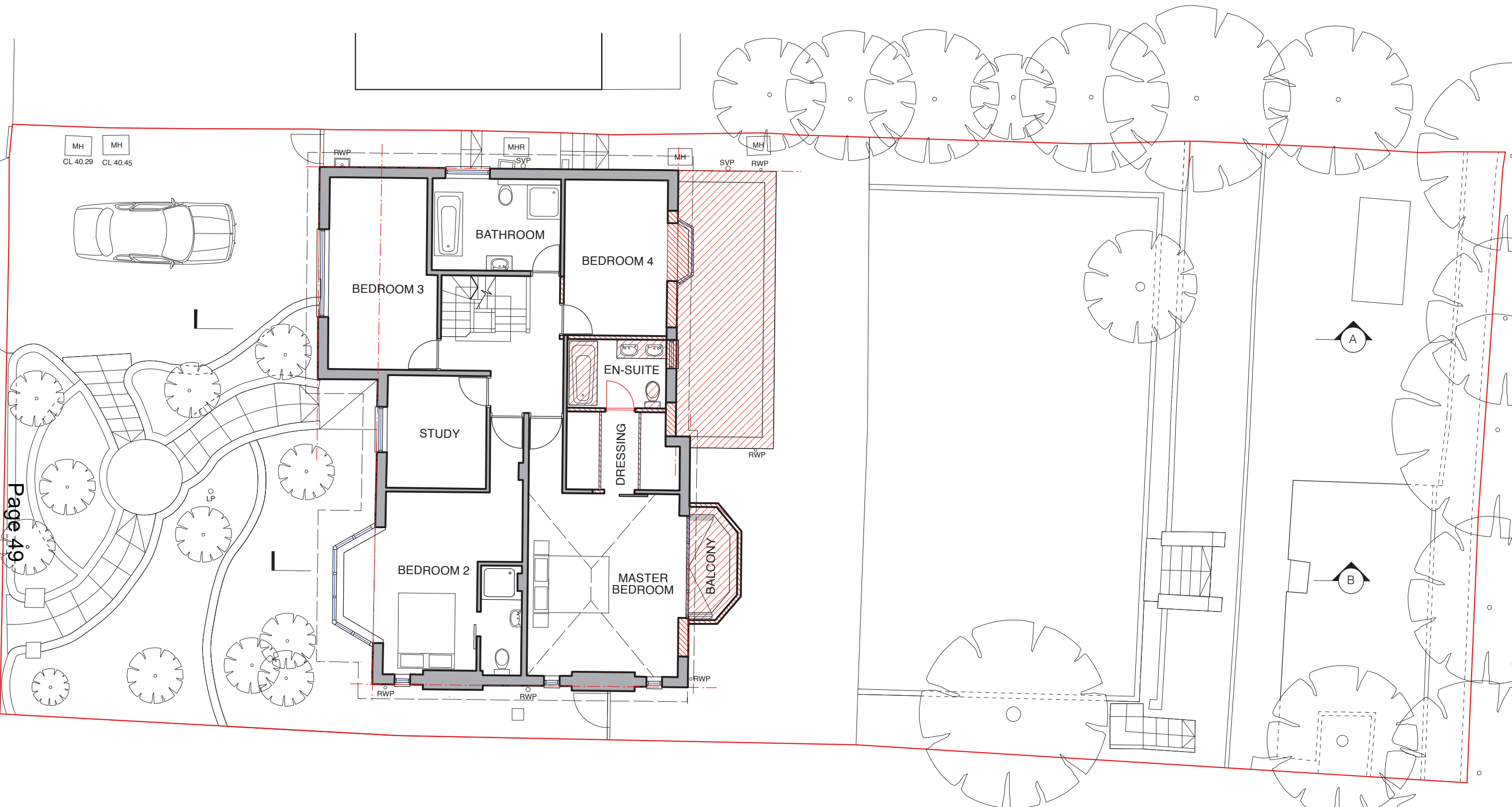
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

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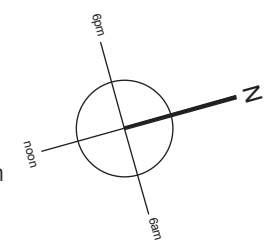
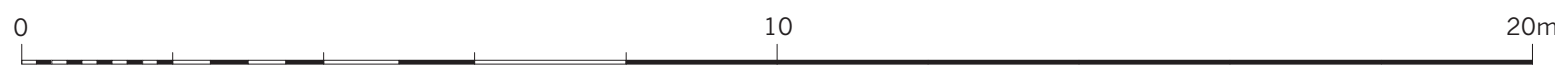
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Date	27/07/15	Check	CL
		660/002 P1	

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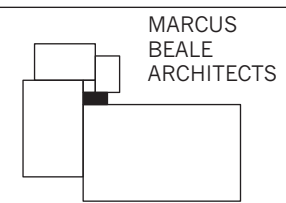


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- KEY**
-  DEMOLITION IN ELEVATION
 -  DEMOLITION IN SECTION



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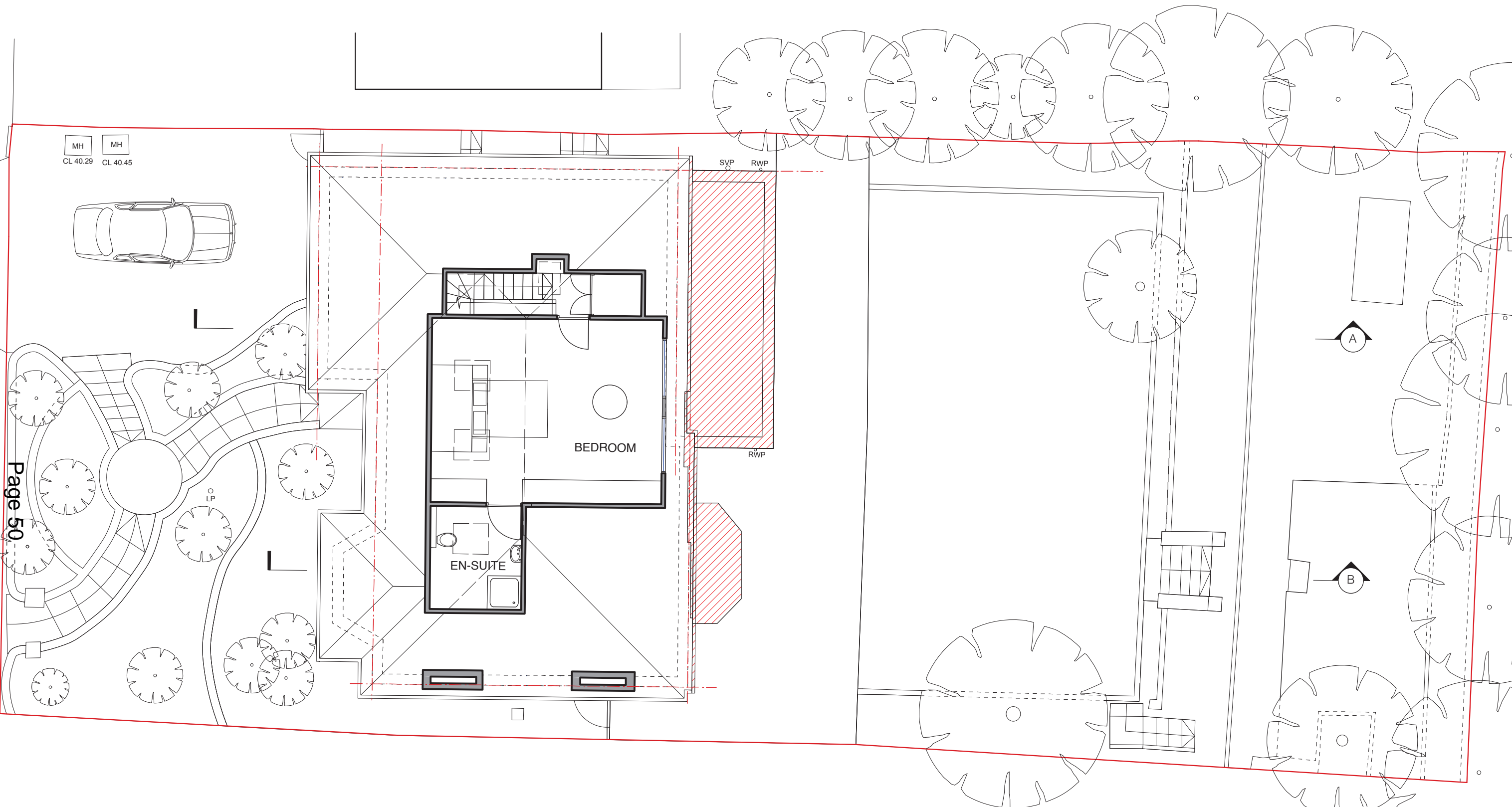


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

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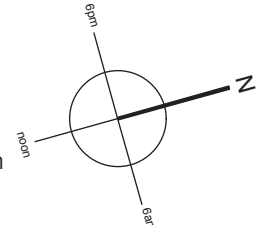
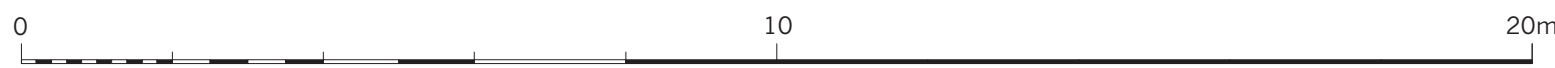
Revisions

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Date	27/07/15	Check	CL	

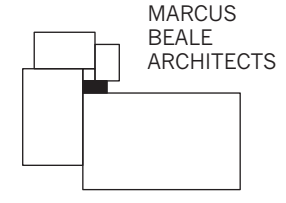


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- KEY**
-  DEMOLITION IN ELEVATION
 -  DEMOLITION IN SECTION



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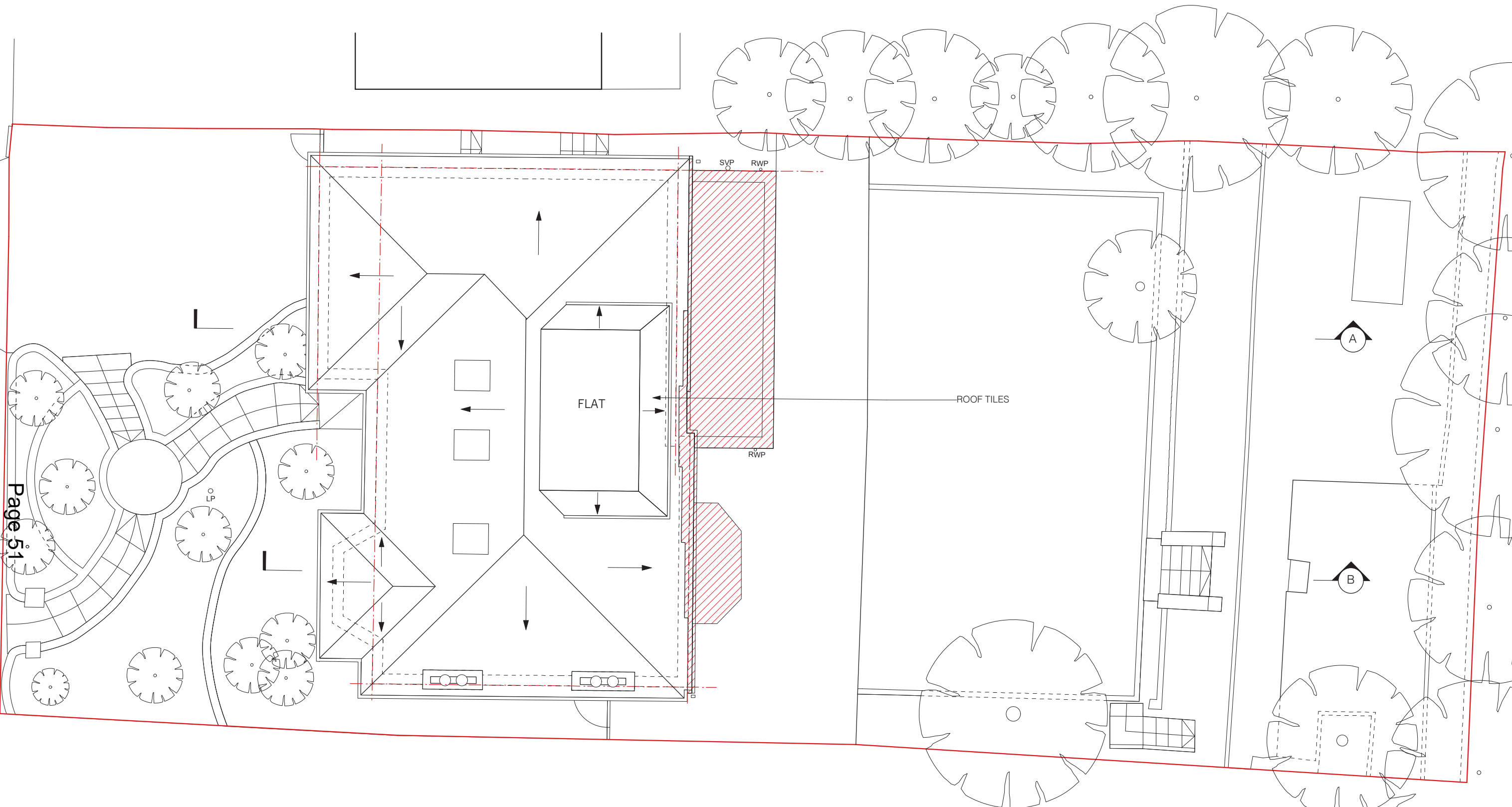


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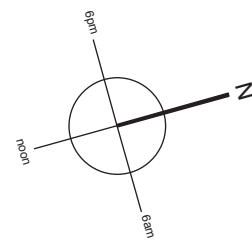
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Scale 1:100@A3	Drawn SS		
Date 27/07/15	Check CL		

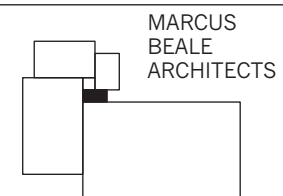


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-  DEMOLITION IN ELEVATION
-  DEMOLITION IN SECTION



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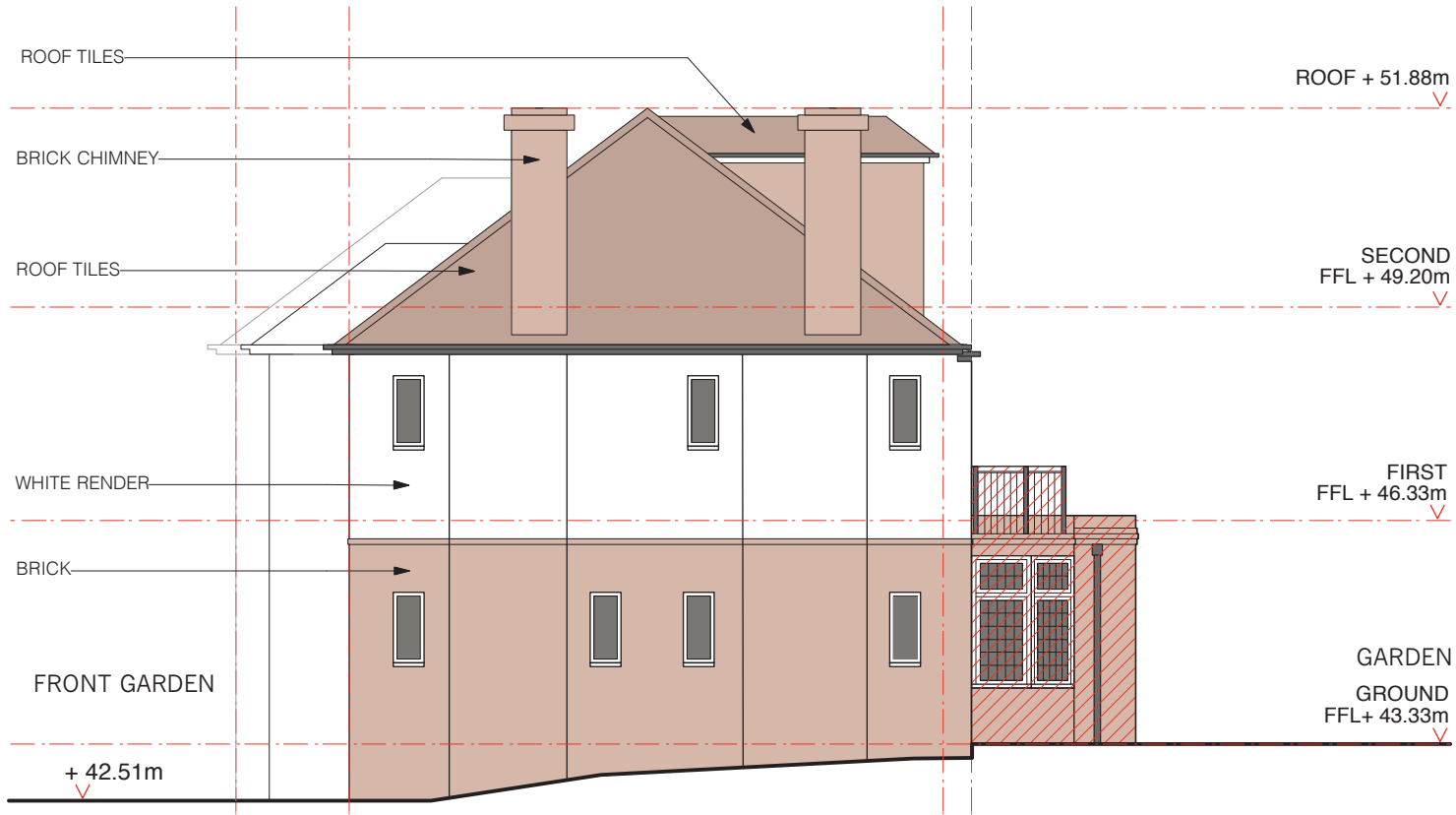


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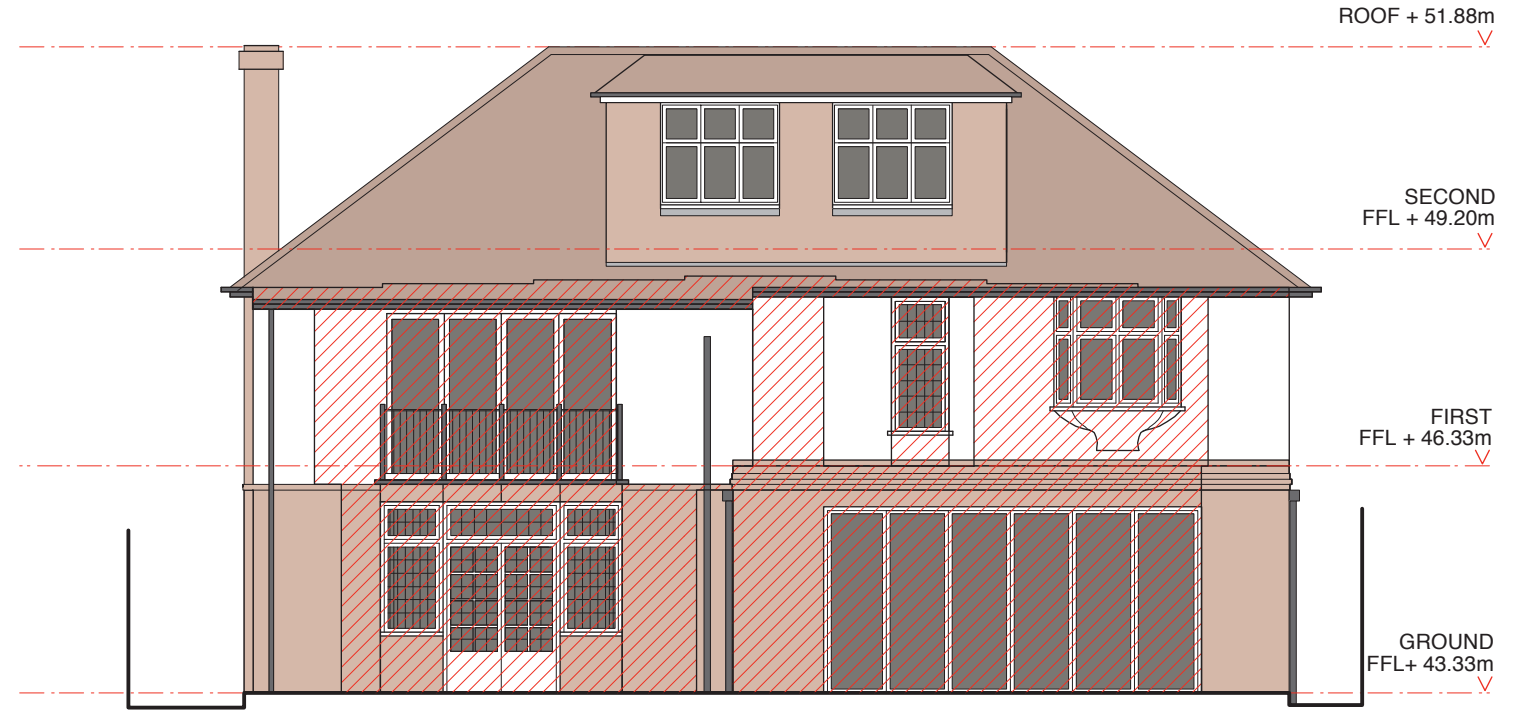
P1 - 05/08/15 - ISSUED FOR PLANNING

Revisions

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Scale 1:100@A3	Drawn SS	660/005 P1	
Date 27/07/15	Check CL		

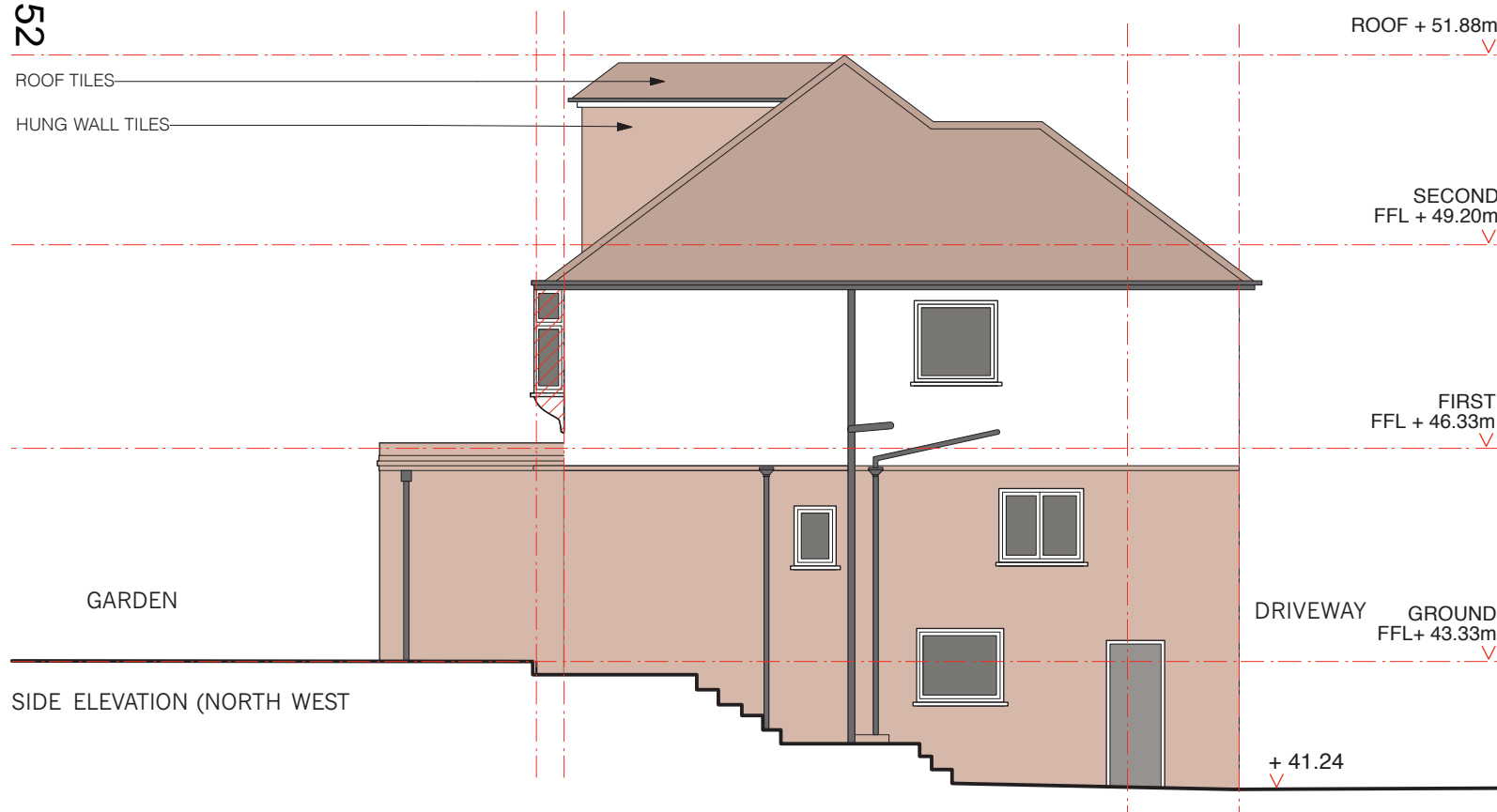


FRONT ELEVATION (SOUTH EAST)



REAR ELEVATION (NORTH EAST)

Note: All finished floor levels are approximate levels

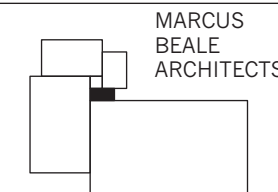


SIDE ELEVATION (NORTH WEST)

 DEMOLITION IN ELEVATION



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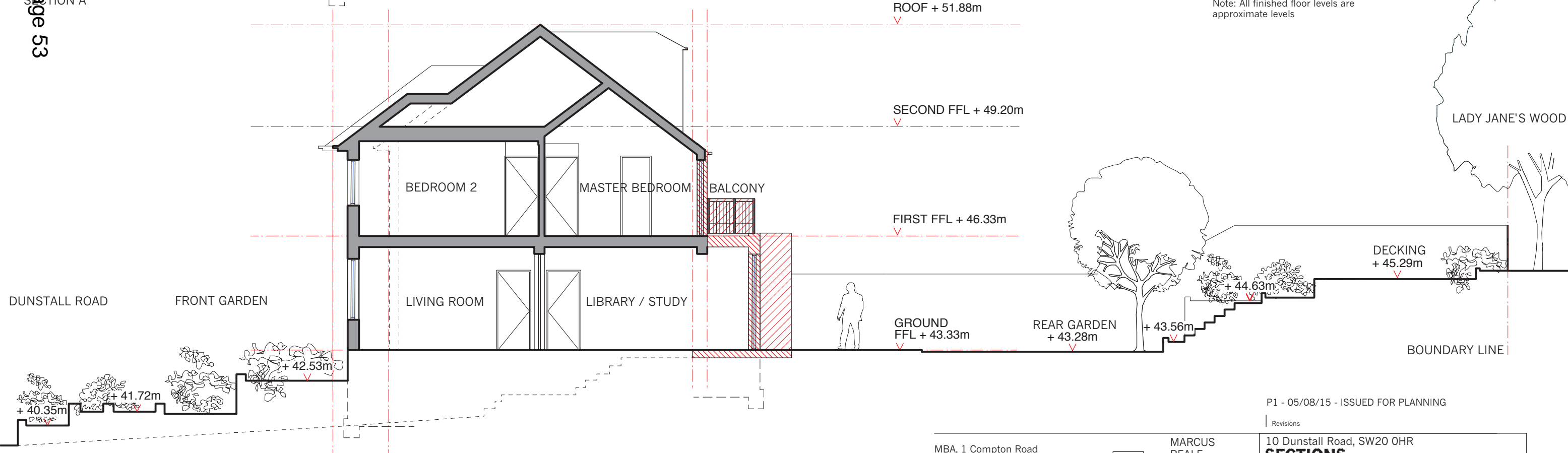
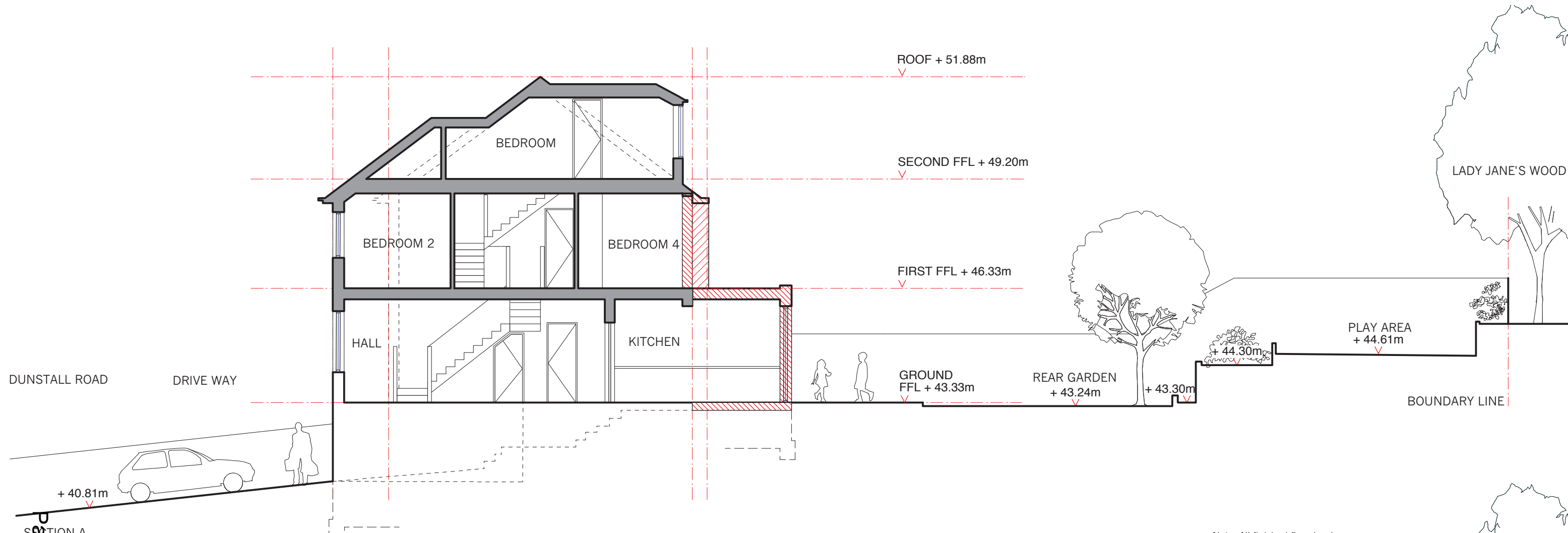


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P1 - 05/08/15 - ISSUED FOR PLANNING

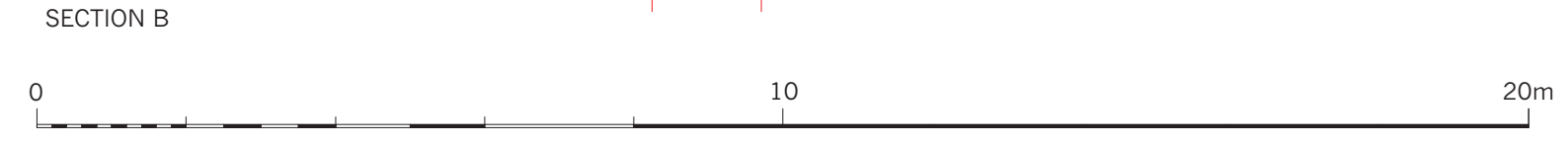
Revisions

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Scale 1:100@A3	Drawn SS		
Date 08/06/15	Check CL	660/007 P1	

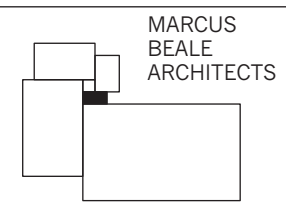


Note: All finished floor levels are approximate levels

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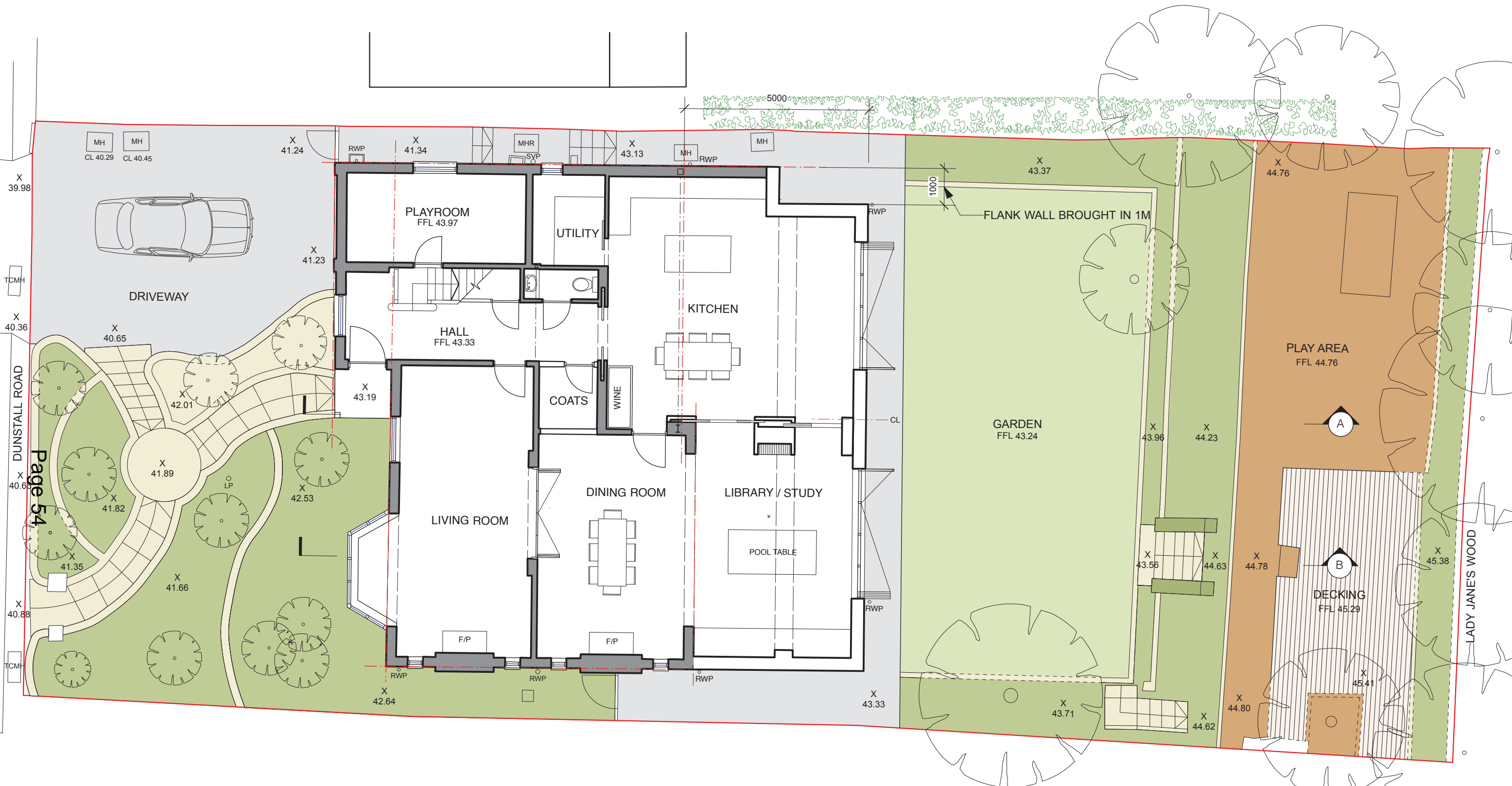


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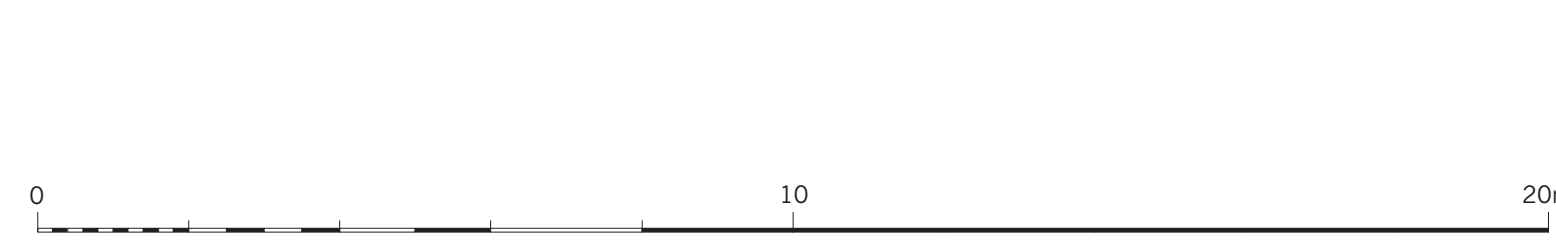


P1 - 05/08/15 - ISSUED FOR PLANNING

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Date 08/06/15	Check CL	660/006 P1



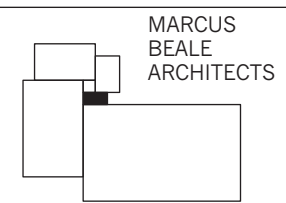
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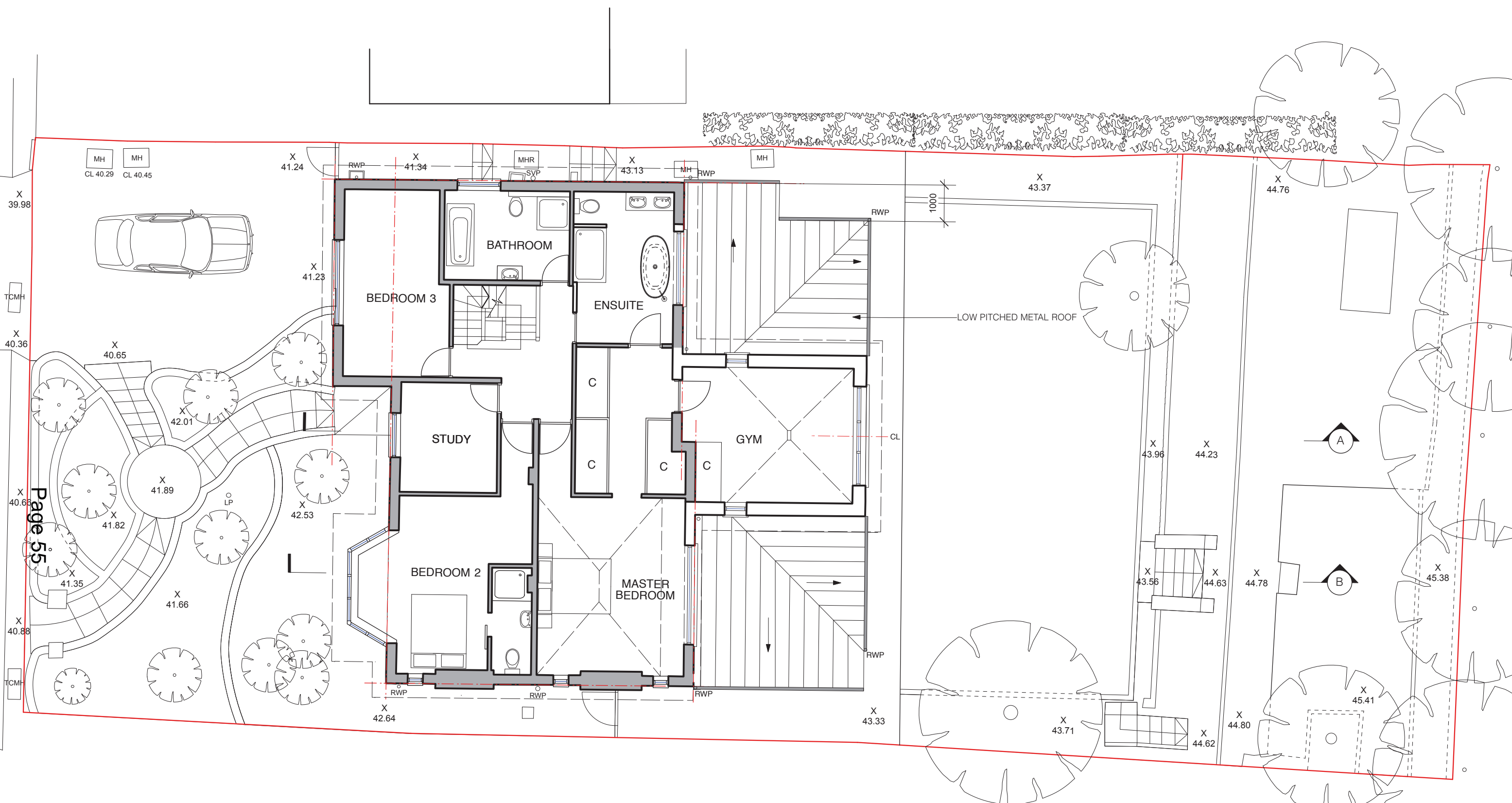
- P4 - 13/01/16 - REVISED ROOF
- P3 - 06/01/16 - ISSUED TO PLANNING OFFICER
- P2 - 12/10/15 - RWP POSITION AMENDED
- P1 - 05/08/15 - ISSUED FOR PLANNING

Revisions		10 Dunstall Road, SW20 OHR	
		GROUND FLOOR PLAN	
		PROPOSED	
Scale	1:100@A3	Drawn	SS
Date	27/07/15	Check	CL
		660/009 P4	

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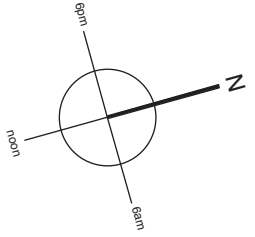
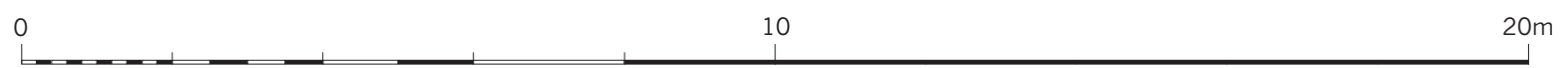
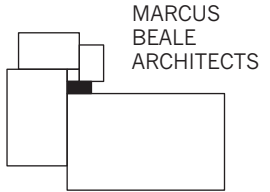


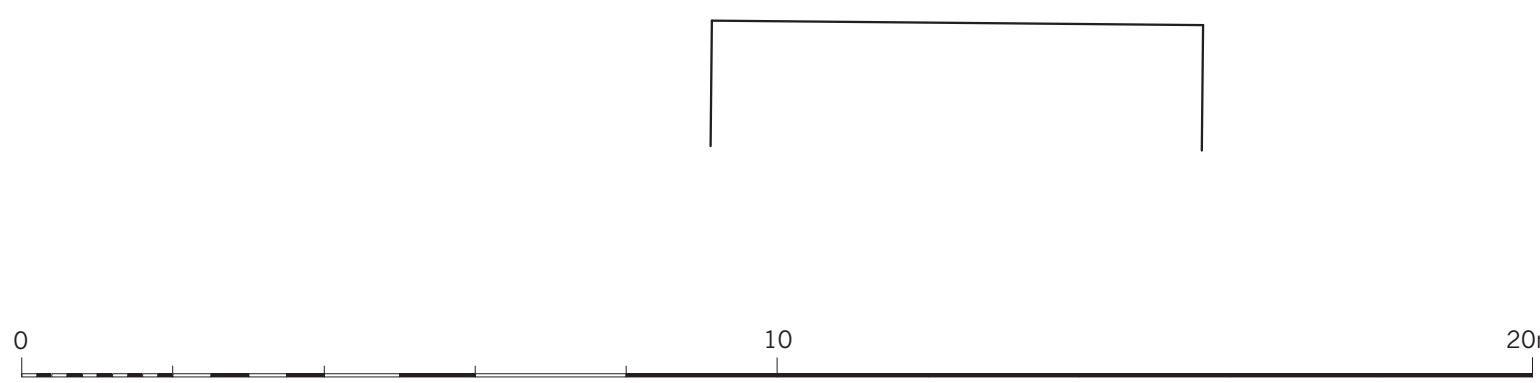
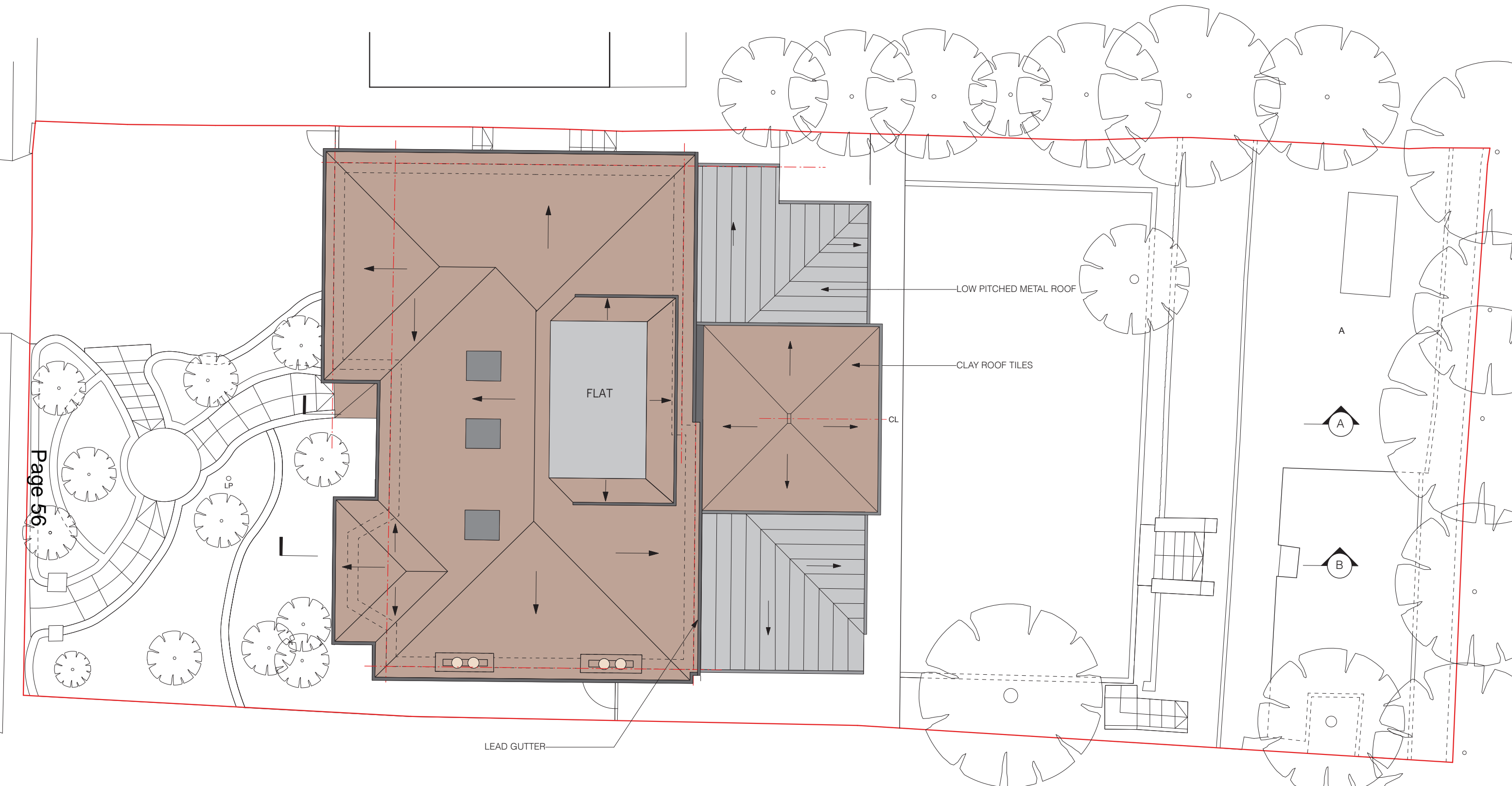
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- P5 - 13/01/16 - REVISED ROOF
- P4 - 06/01/16 - REVISED ROOF
- P3 - 12/10/15 - REVISED FIRST FLOOR
- P2 - 07/10/15 - ISSUED TO CLIENT
- P1 - 05/08/15 - ISSUED FOR PLANNING

Revisions		10 Dunstall Road, SW20 OHR		PROPOSED
FIRST FLOOR PLAN		Scale	1:100@A3	
Date	27/07/15	Drawn	SS	660/010 P5
		Check	CL	

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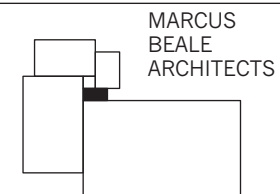




P3 - 13/01/16 - REVISED ROOF
 P2 - 12/10/15 - FIRST FLOOR EXTENSION REDUCED
 P1 - 05/08/15 - ISSUED FOR PLANNING

Revisions

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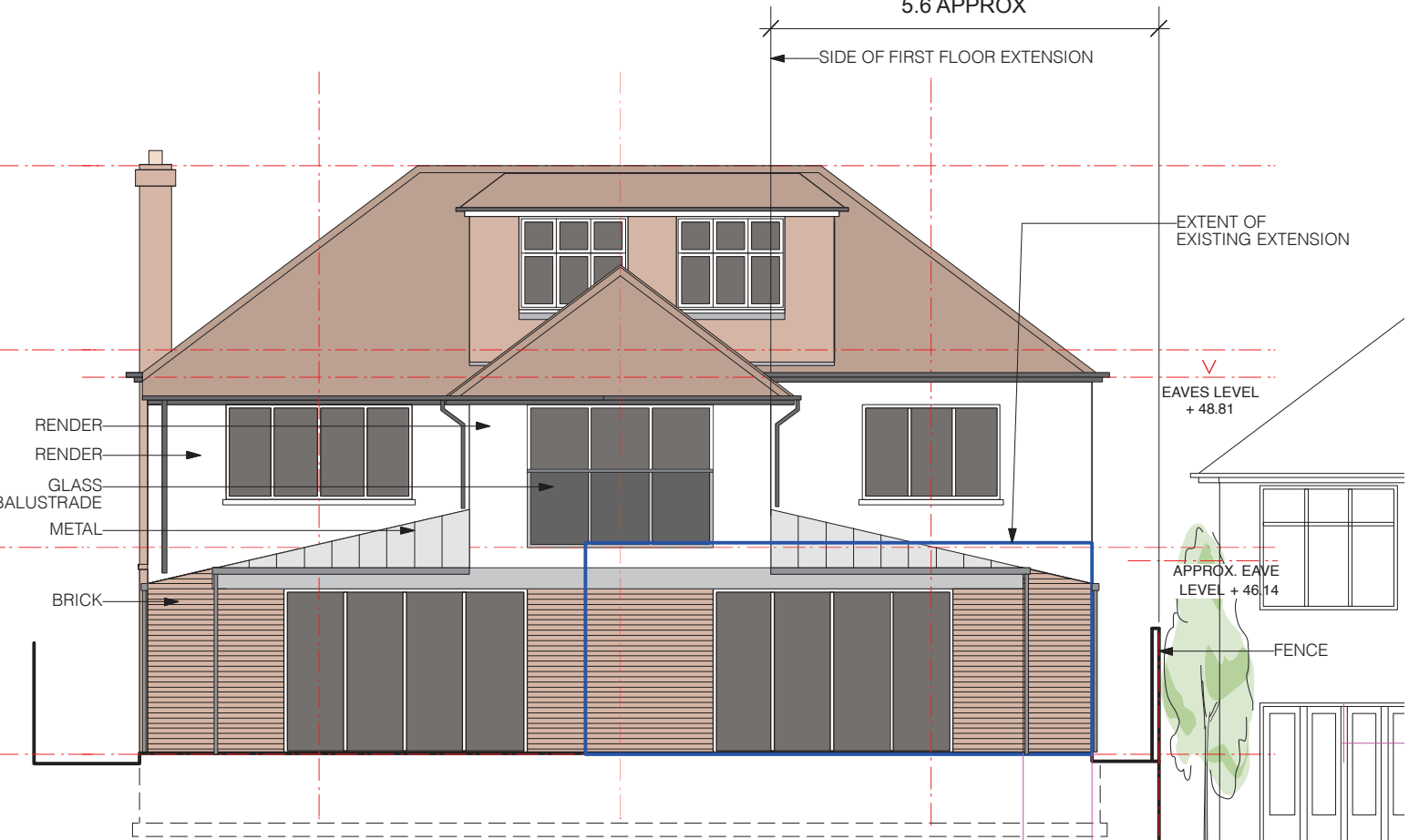


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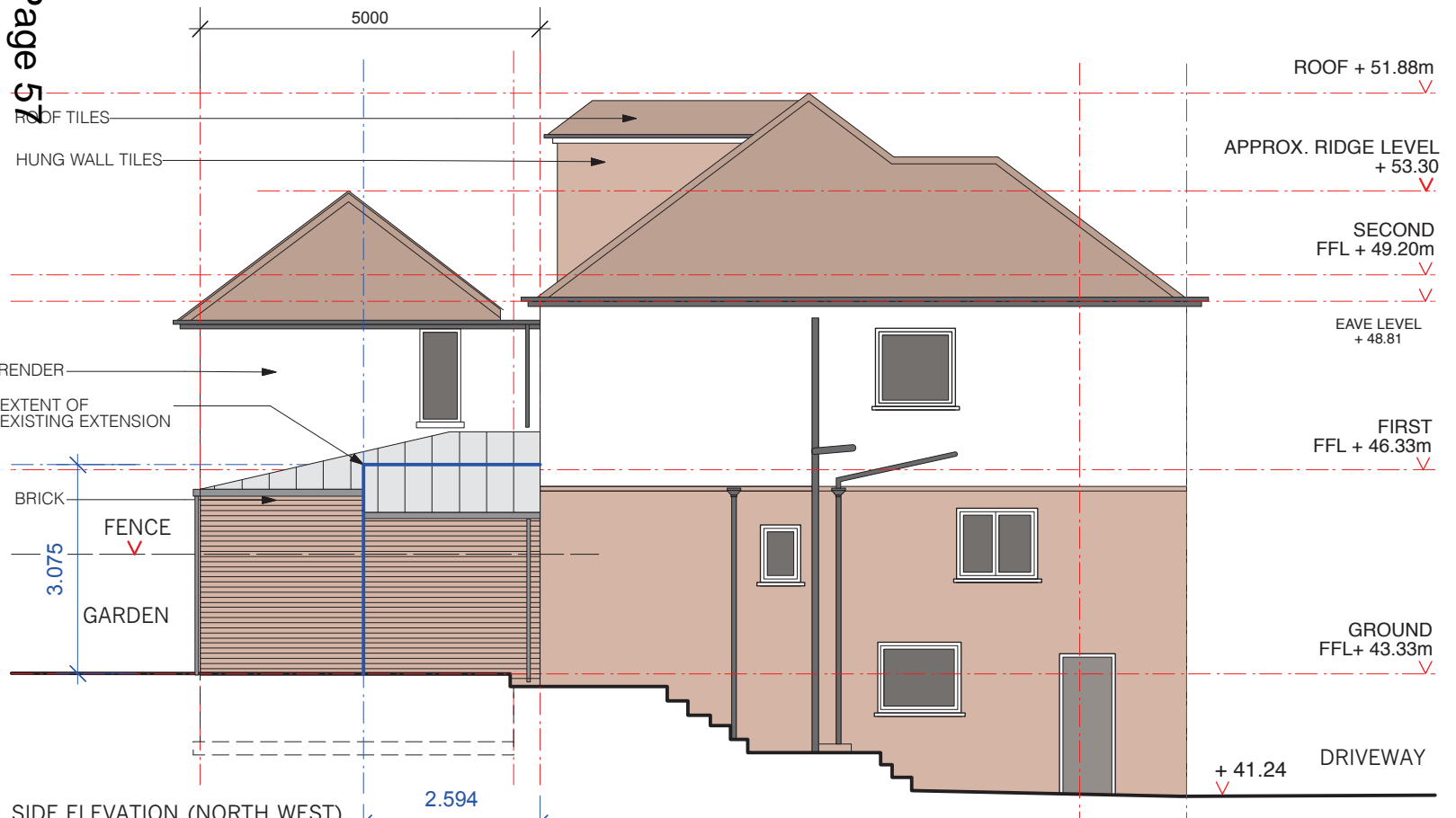
10 Dunstall Road, SW20 OHR		PROPOSED
ROOF PLAN		
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Date 27/07/15	Check CL	



SIDE ELEVATION (SOUTH EAST)

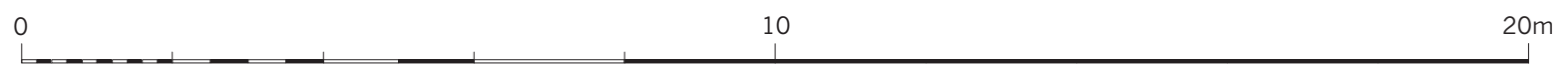


REAR ELEVATION (NORTH EAST)



SIDE ELEVATION (NORTH WEST)

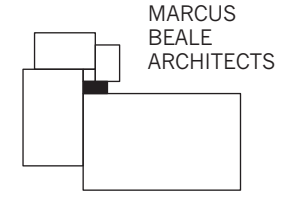
— INDICATING EXTENT OF EXISTING EXTENSION



Page 5

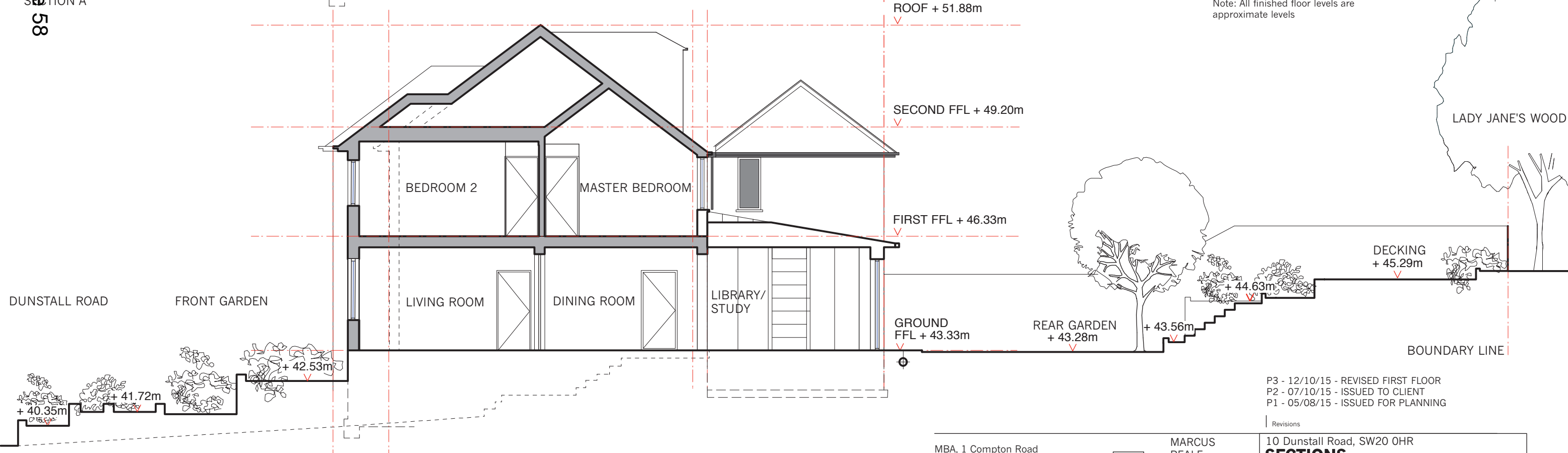
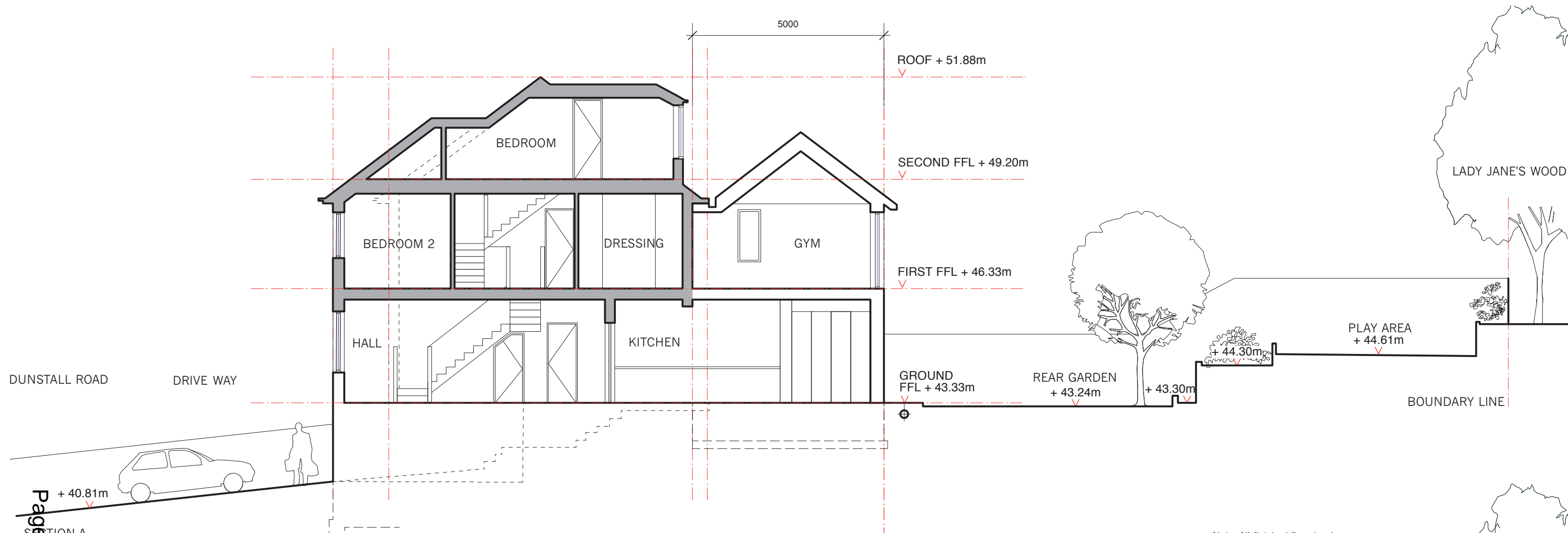
- P5 - 06/01/16 - ISSUED TO CASE OFFICER
- P4 - 06/11/15 - ELEVATION AMENDED, AND TO SHOW EXTENT OF EXISTING EXTENSION
- P3 - 12/10/15 - REVISED FIRST FLOOR
- P2 - 07/10/15 - ISSUED TO CLIENT
- P1 - 05/08/15 - ISSUED FOR PLANNING

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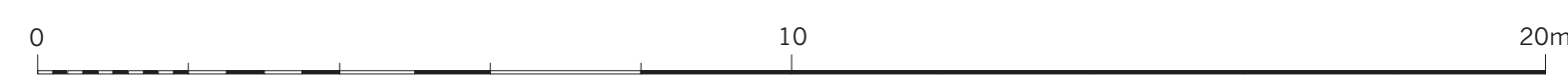
10 Dunstall Road, SW20 OHR		ELEVATIONS	PROPOSED
Scale 1:100@A3	Drawn SS		
Date 08/06/15	Check CL		



Note: All finished floor levels are approximate levels

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SECTION A

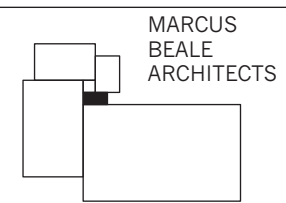
SECTION B



P3 - 12/10/15 - REVISED FIRST FLOOR
 P2 - 07/10/15 - ISSUED TO CLIENT
 P1 - 05/08/15 - ISSUED FOR PLANNING

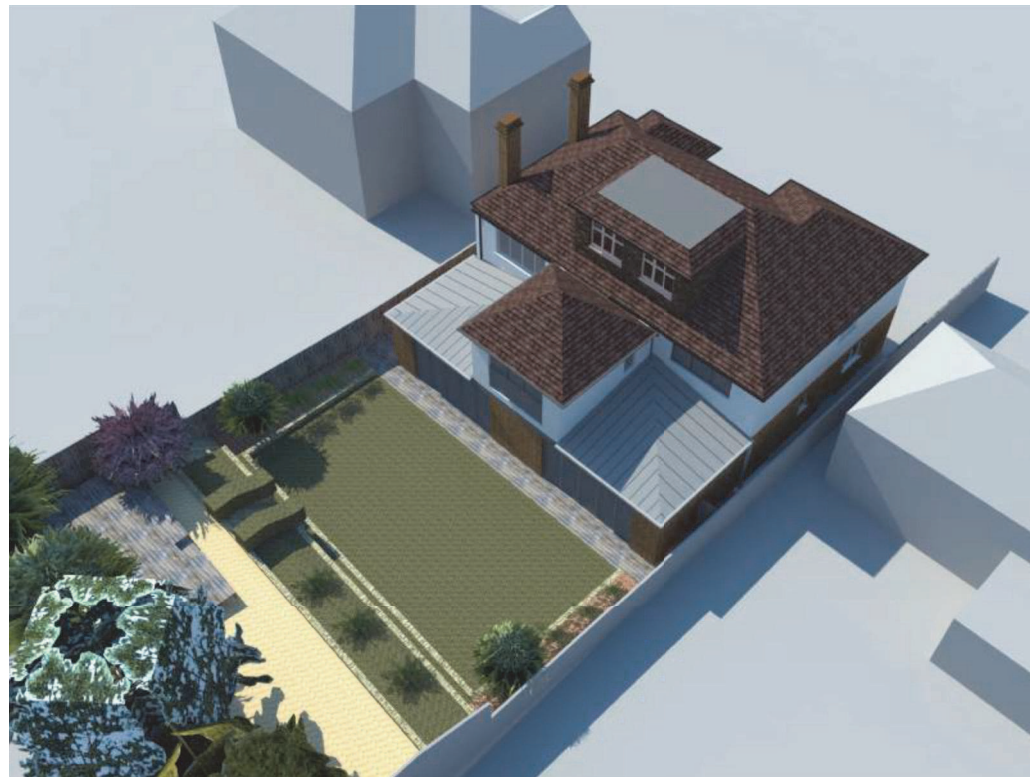
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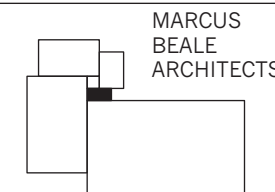
10 Dunstall Road, SW20 OHR		PROPOSED
SECTIONS		
Scale 1:100@A3	Drawn SS	660/013 P3
Date 08/06/15	Check CL	



P3 - 12/10/15 - REVISED FIRST FLOOR
 P2 - 07/10/15 - ISSUED TO CLIENT
 P1 - 05/08/15 - ISSUED FOR PLANNING

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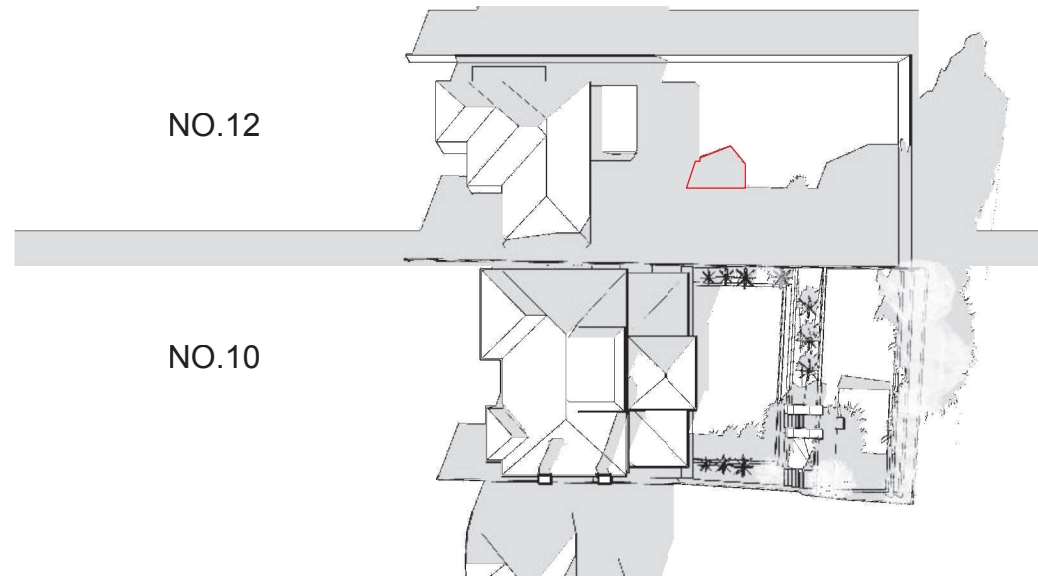


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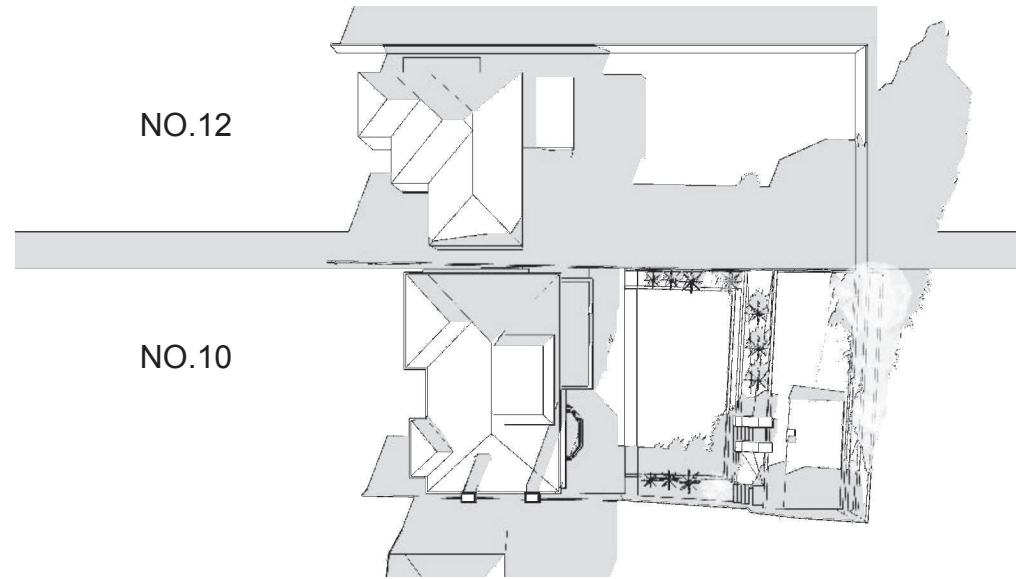
10 Dunstall Road, SW20 0HR		PROPOSED
PROPOSED VIEWS		
Scale 1:100@A3	Drawn SS	660/015 P3
Date 08/06/15	Check CL	

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PROPOSED MARCH 21 9AM



EXISTING MARCH 21 9AM



1 - Because of the orientation the only direct sunlight to the garden of No.12 near the extension is in the early morning in summer, because from 7 am GMT onwards the part of the garden is shaded by the existing houses. After 1pm GMT no part of No.10 Dunstall Rd can cast a shadow on no.12.

2 - Accordingly the diagrams show that there is no effect whatsoever at any time of the year after 1pm. The diagrams show existing and proposed shadows at 9am and 11am on March 21. You will see that the additional shadows outlined in red is minimal and will not have a significant effect on no.12.

3 - Additionally the building is already overstepped by shadows to a height of approximately 4m.

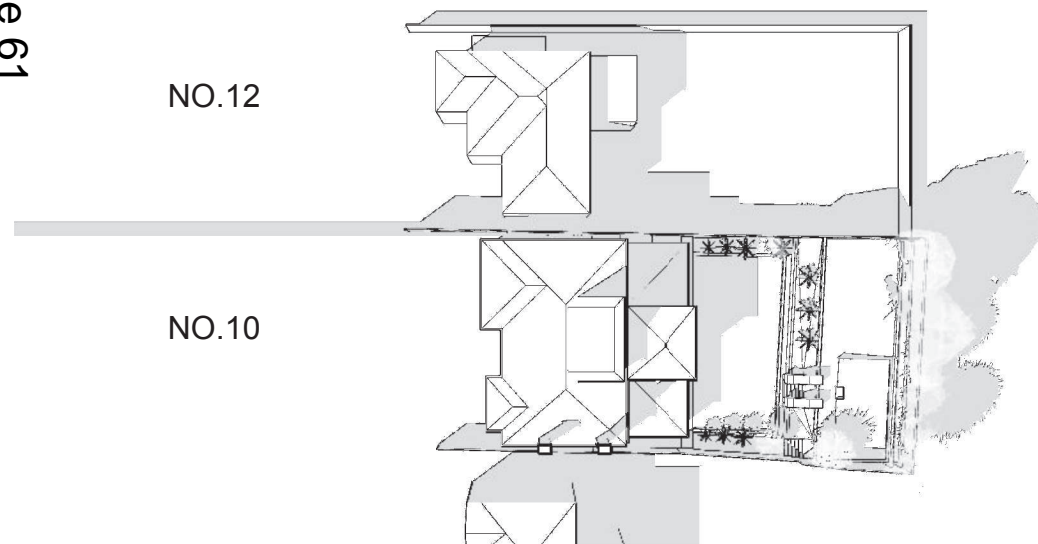
The additional shadows represents a very small percentage of the shadow area which is well below 20% identified as being noticeable in BRE (Site Layout Planning for Daylight and Sunlight, page 14, Date 1998)

NOTE: ADJACENT PROPERTY RIDGE AND EAVES HEIGHT SURVEYED, EXTERNAL GROUND LEVEL IN

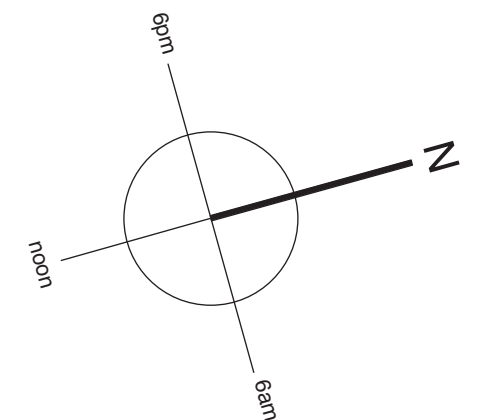
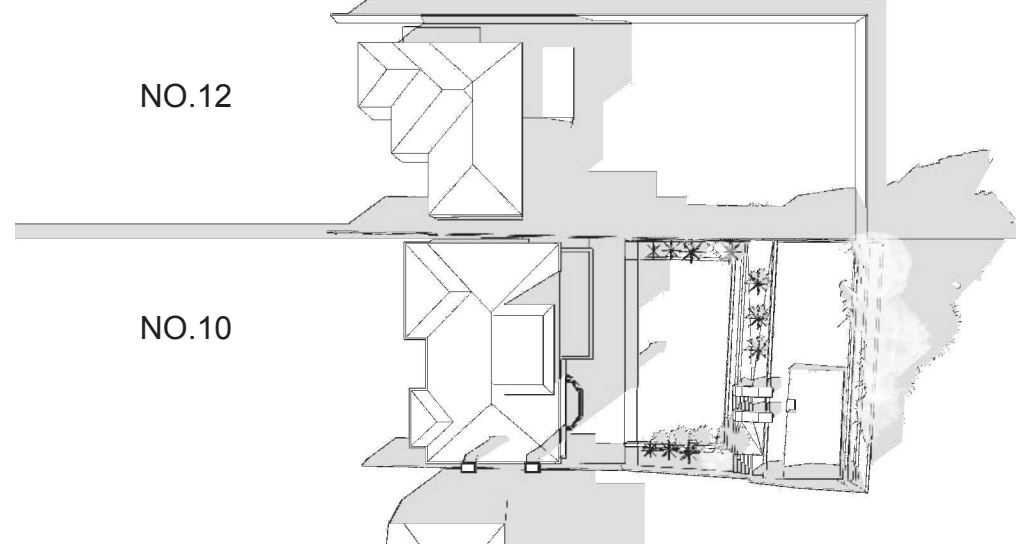
Diagram produced from computer model in sketchpad set for:

LATITUDE: 51.421065
LONGITUDE: -0.231072

PROPOSED MARCH 21 11AM



EXISTING MARCH 21 11AM



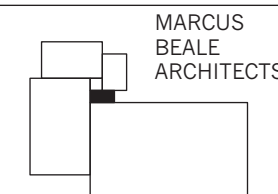
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REV A - 30/10/2015 - NOTE UPDATED

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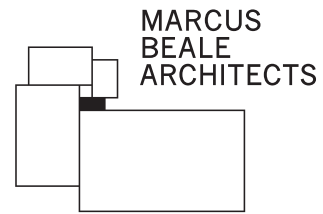
10 Dunstall Road, SW20 0HR		DAYLIGHT / SUNLIGHT DIAGRAM SHEET 2	PROPOSED
Scale 1:500@A3	Drawn SS		
Date 28/10/15	Check MB	660/017 A	

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660/CL



Front (South) elevation to Dunstall Road 2015

10 Dunstall Road, SW20 0HR
Design & Access Statement

Contents

1. Introduction and Summary
2. The Site and Setting
3. The Design
4. Access
5. Conclusion

Appendix

- A . Architectural Drawings

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87 Graham Road, London SW19 3SP
Registered in England & Wales number 3577512

1. Introduction and Summary

1.1. This report describes the thinking behind the design for the two storey extension to an existing detached house at 10 Dunstall Road, SW20 0HR. It describes the site, setting and the design response.

1.2. It should be read in conjunction with the architectural drawings at appendix A.

1.3. The existing house was constructed in the 1930s, on a sloping site on the north side of Dunstall Road, with ground floor raised approximately 3m above road level, over two storeys, with a garage at lower ground (road) level and steeply sloping front garden. A ground floor rear extension was added in 2005, and a loft extension in 2009.

1.4. The proposal is to remove the existing single storey rear extension and provide a new part two storey part single storey extension. The new building will extend 3m at first floor level and 5m at ground floor level behind the line of the original building.

1.5. The form of the building is in line with the acceptable limits of permitted development. However the single storey element of the extension is proposed to have a zinc roof, which is not similar in appearance to the materials of the existing house.

2. The Site and Setting

2.1. The property is at the east of Dunstall Road, where Dunstall Road meets Woodhayes Road. The site is within the Wool Road Conservation Area. Characteristics of this area include early 20th Century architecture, diverse styling of the large “ornate” detached houses, the uniform street design including grass verges, and natural landscaping of the surrounding area. To the north of the site is Lady Jane’s Wood, now part of Cannizaro Park, a Grade II* Listed historic landscape. (Fig.2).

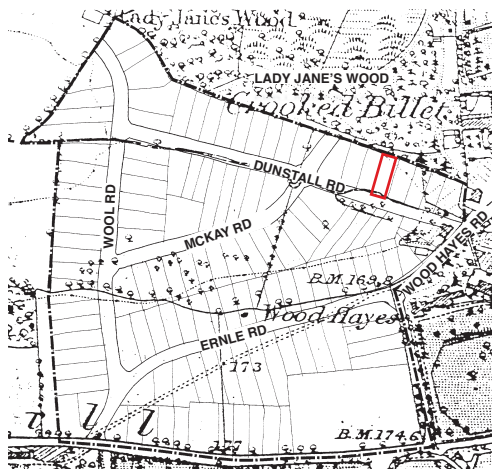


Fig. 1 1865 OS Map with building plot boundaries and the 1939 Estate Roads overlaid

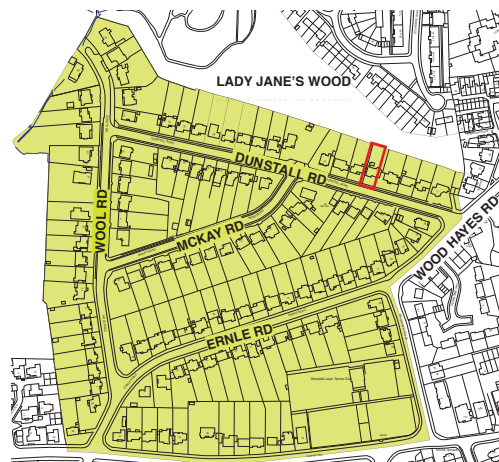


Fig. 2 Map showing the location of property within the Wool Road Conservation Area

2.2. Initially agricultural fields, the Wool Road Conservation Area was divided up into building plots during the 1920s to form what was then called the “Barnes Field Estate”. The building plot boundaries have remained for the most part unaltered since the completion of the Estate in 1939 (Fig.1).

2.3. The original house has stepped frontage with a 1.5m projection and a two storey bay window at the front with brick walls at ground floor and hung tiles above. The rear of the house has a ground floor bay with balcony above, and a single oriel window above the 2005 extension. The rear elevation is brick at ground floor with white render above. The house has a hipped tiled roof with a tile hung flat roofed loft extension overlooking the garden which terraces up towards the rear boundary with Lady Jane’s Wood. (Fig.3).



Fig. 3 Rear Elevation

3. The Design

3.1. Use

The existing use is a single private dwelling (class C3), which is being retained.

3.2. Amount

The existing property has an approximate GIA of 305m² over 3 floors.

The proposed extension has an approximate GIA of 73m².

This gives a combined approximate GIA of 378m².

3.3. Layout

The existing house is retained at the front and alterations will be to the rear of the building. The ground floor extension will increase the size of the existing kitchen/dining room and library. The proposal will allow interconnecting spaces to be created within the new extension between the kitchen and library. Book shelves and sliding doors are introduced to provide the option to separate the two rooms. (Fig.4).

The first floor extension is essentially three rooms: master bedroom, bathroom and the gym each with a rear facing window set in a gable. The existing ceiling in the master bedroom will be retained. New inward opening windows provide daylight into the master bedroom giving the feel of an internal balcony.

The master bedroom connects to a dressing area linking to the bathroom and gym. All rooms have good levels of daylight.

3.4. Appearance

The form and materials are designed to provide a high quality extension which complements the existing building. (Fig.5).

The external materials will be:

- Brickwork at ground level and white render at first floor level to match existing, with a tiled roof for the upper storey.
- Standing seam zinc roof for the single storey element. Zinc has been selected because it can work at a lower pitch than tiles, is durable and visually discreet.
- Windows and sliding-folding doors will be grey metal to match roof colour.
- Rainwater goods etc. painted black to match existing.

3.5. Scale

The proposed ground floor extension is 5m beyond the original building, with eaves height of approximately 2.81m. The first floor will extend beyond the original building by 3m with eaves height at approximately 5.36m and ridge height at approximately 7.4m above finished ground floor level, which is lower than the existing roof.

3.6. Landscaping

The front landscape and driveway remain unchanged. The timber decking at the rear garden will be removed. A new paved perimeter path of 1m wide connects the two passage ways at the side of the house.

3.7. Environmental sustainability

The new extension will be constructed to the current requirements of the Building Regulations and will therefore improve on the energy efficiency and use of the existing building.

3.8. Social Sustainability

The layout of the extension allows flexible use of the space created over the lifetime of the building.



Fig. 4 Proposed Interior View from the Library

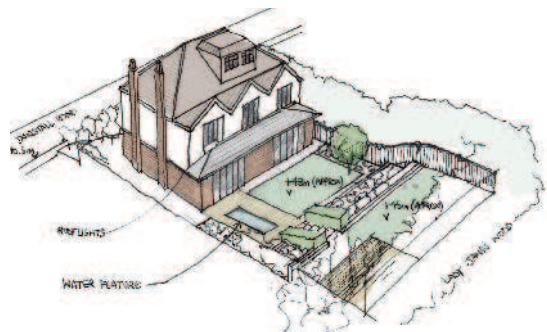


Fig. 5 Proposed Aerial View of Rear Elevation

4. Access

4.1. There are no proposed changes to the access to the property.

4.2. The site is about 300m from Ridgway and Copse Hill which are served by bus route 200 from Raynes Park to Mitcham. Direct access to the site is therefore by car, cycle, or walking. The PTAL rating is 1b, taken from the Transport for London Planning Information Database.

5. Conclusion

5.1. The proposal provides good quality residential accommodation that complements the existing property.

5.2. The zinc roof is visually discreet, and whilst not characteristic of the existing building, is an appropriate material for its intended use at the rear of a private dwelling.

5.3. The development is not visible from the public domain, and is sympathetic to the original building. It preserves the character of the Conservation Area.

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Agenda Item 7

PLANNING APPLICATIONS COMMITTEE 21st January 2016

<u>UPRN</u>	<u>APPLICATION NO.</u>	<u>Item No:</u> <u>DATE VALID</u>
	15/P3633	30/09/2015
Address/Site:	Wimbledon College Campion Centre - Playing Field A (Formerly St. Catherine's Playing Fields) Grand Drive Raynes Park SW20 9NA	
Ward:	West Barnes	
Proposal:	Erection of 2m high modular boundary fence and two sections of 6m high ball catch fencing	
Drawing No.'s:	2015-01, 2015-02, technical statement (received 11/11/2015), email with subject heading 'RE: St Catherines Sports Field – Planning Application' (received 11/11/2015) and site location plan.	
Contact Officer:	Jock Farrow (020 8545 3114)	

RECOMMENDATION

Grant planning permission subject to conditions.

CHECKLIST INFORMATION

- Is a screening opinion required: No
- Is an Environmental Statement required: No
- Has an Environmental Statement been submitted: No
- Press notice: Yes (major application)
- Site notice: Yes (major application)
- Design Review Panel consulted: No
- Number of neighbours consulted: 89
- External consultations: 2
- Controlled Parking Zone: No
- Flood zone: Zone 2

1. INTRODUCTION

- 1.1 This application is being brought to the Planning Applications Committee for determination due to the level and nature of objections received.

2. SITE AND SURROUNDINGS

- 2.1 Playing Field A, Wimbledon College Campion Centre (formerly known as 'St. Catherine's Playing Field') is a large playing field (1.9674 ha) on the western side of Grand Drive; the playing field is available for public use. Along the western boundary of the site is the Lower Pyl Brook Wildlife Site and Site of Importance for Nature Conservation (SINC). The site is located within Flood Zone 2. The site is designated Metropolitan Open Land and is part of the Green Corridor extending northwards from, and including, Morden Cemetery. There are no Tree Preservation Orders (TPO) on site.
- 2.2 To the north of the site is the St. Catherine's Close housing development, which is separated from the playing field by a low fence. The emergency access route runs down the eastern boundary of the site, between the access route and Grand Drive there is a hedge row approximately 3-4m in height; the hedge row is in need of maintenance. Further to the east (across Grand Drive), there is a row of two storey (with loft level) semi-detached residential dwellings (built along Grand Drive); there is a separation distance between the residential units and the near boundary of the site of approximately 14m. A sports pavilion is located near the southern boundary of the site; beyond the southern boundary is a primary school. To the west of the site are the King's College playing fields, which are separated by a mixture of vegetation and by the Pyl Brook (a designated 'main river').

3. CURRENT PROPOSAL

- 3.1 This application seeks planning permission for the erection a 2m high boundary fence down the eastern boundary of the site and two sections of 6m high ball catch fencing within the northern half of the site. The proposal also entails reducing the existing hedge to a height of approximately 1.6m.
- 3.2 The playing field was formerly a part of St. Catherine's Middle School, prior to its closure in 2004; at this time, the playing field was able to provide two pitches alongside one another (parallel to Grand Drive).
- 3.3 Following the school's closure and its replacement with a housing development, a section 106 agreement was implemented which required the developer to provide a sports pavilion with parking provisions and an emergency 'dry' access route from the housing development.
- 3.4 The provisions of a sports pavilion allowed the playing field to be used as a standalone field; however, the construction of the emergency access route reduced the dimensions of the field, allowing only one full sized pitch to be orientated parallel to Grand Drive. It was considered one pitch on a playing field of this size, with the provisions of a sports pavilion, was an underutilisation of the site. Thus, to ensure full utilisation of the playing field, the football club marked the field to provide 3 pitches, which was implemented in the 2015 season. However, to fit 3 pitches within the site, it was necessary

to rotate one pitch 90 degrees, so one end of the pitch backed on to Grand Drive. The rotation of one pitch to the north allowed two additional junior pitches to be positioned side by side within the southern half of the site, in an orientation parallel to Grand Drive.

- 3.5 The applicant has advised that following the re-orientation of the pitch in 2015, sport balls have been prone to straying onto Grand Drive; the applicant has advised this is a hazard for both drivers and for anyone seeking to retrieve the ball. Therefore, the ball catch fencing has been proposed; the applicant has advised that the full 72m (length) of ball catch fencing would be required not only for games, where it would service only one goal, but for practice where multiple goals would be lined up in front of the ball catch fencing.
- 3.6 One section of the proposed 6m high ball catch fencing would be positioned on the eastern side of the site with the other on the western side, the sections of fencing would be positioned immediately behind each goal of the re-orientated pitch; both sections would be 72m in length. The proposed fencing would use a twin wire configuration, with either 6mm vertical wires on 8mm horizontal wires, or 5mm verticals on 6mm horizontals. The proposed fencing would leave a gap between the bottom row of wire and the ground of approximately 50mm. The proposed posts would be metal with black, UV-resistant, polypropylene netting.
- 3.7 This application has been made by the Council's Facilities - Major Projects team in collaboration with the Council's Children Schools and Families department. The initiative has the support of the Council's Leisure & Culture Development team.

4. PLANNING HISTORY

- 4.1 There is extensive planning history on this site which largely relates to the previous use as a school. The planning history relevant to this application is summarised below:
- 4.2 06/P1933: DEMOLITION OF FORMER SCHOOL BUILDING AND REDEVELOPMENT OF THE SITE TO INCLUDE 87 FLATS WITH 90 PARKING SPACES AND A NEW SPORTS PAVILION WITH 39 PARKING SPACES – Planning permission granted on appeal decision subject to a legal undertaking relating to affordable housing and future sports field use and improvements.
- 4.3 07/P2709: REDEVELOPMENT OF THE SITE TO INCLUDE 79 FLATS IN 4 BLOCKS WITH 90 PARKING SPACES AND A NEW SINGLE STOREY SPORTS PAVILION WITH 38 PARKING SPACES – Planning permission granted subject to legal agreement relating to affordable housing and future sports field use and improvements.
- 4.4 10/P3337: ERECTION OF A SINGLE STOREY WATER PUMP ROOM WITH ACCESS STEPS IN CONNECTION WITH DEVELOPMENT OF PART OF THE FORMER ST CATHERINES SCHOOL SITE FOR 87 FLATS UNDER PERMISSION REF 06/P1933 – Planning permission granted.

5. CONSULTATION

- 5.1 Public consultation was undertaken by way of site and press notices and 89 neighbouring residents were notified directly by way of post – 14 representations were received, 13 raised objections to the proposal and 1 was in support.
- 5.2 The summary of objections is as follows:
- Loss of hedgerow. (The hedge would be retained).
 - Parking pressure.
 - Traffic flow.
 - Proposed fence extends across existing car park, thus reducing parking space. (The proposed fence would not extend across any car park).
 - Fence is unnecessary - unaware of balls going on to road.
 - No justification/explanation for proposal/fence heights.
 - Devalue property.
 - Entry gates are not wide enough to allow maintenance. (Access to the site would not change).
 - Excessive scale.
 - Loss of visual amenity.
 - Loss of outlook.
 - Flooding risk.
- 5.3 The summary of support is as follows:
- Every game, balls stray on to the road which has the potential to cause a major accident; kids often chase the ball on to the road.
 - Recently a lorry ran over a ball which caused the driver to stop in the middle of the road.
- 5.4 Raynes Park and West Barnes Resident's Association – Objections as follows:
- Errors on application form – in relation to number of vehicle parking spaces, proximity to watercourse, whether the site is in a flood zone and trees on site. (The application has been assessed in full, comments have been sought from Transport Planning, Flooding Engineers, the Environment Agency and Tree Officers, it is considered these matters have been addressed).
 - Increased parking pressure
 - Loss of hedge row - loss of visual amenity, noise mitigation and habitat. (The hedge would be retained).
 - Loss of visual amenity
 - Require wider entry gates for maintenance
 - Obscures safe access and maintenance access
 - If Planning Permission were to be granted the fence should be located west of the 'safe access route'
- 5.5 Merton Flood Risk Management Engineer – No objection. Advised that a Thames Water sewer runs across the field, any foundations would need to avoid damaging the sewer, consultation with Thames Water was also advised.

- 5.6 Tree Officer – No objection. Advised that temporary fencing should be installed to protect the existing vegetation on site, the contractor would need to be made aware that the area between the temporary fencing and the vegetation is off limits during the works.
- 5.7 Transport Planning – No objection.
- No recorded accidents along the adjacent stretch of Grand Drive for the past 3 years.
 - It is reasonable to assume that any ball straying on to Grand Drive would increase risk of an accident.
 - Reasonable to assume the proposed ball catch would decrease incidence of balls straying on to the road.
- 5.8 Children Schools and Families – Support proposals.
- Following the construction of the 'safe access route' along the eastern boundary of the site, the site was only able to accommodate one pitch if the orientation remained parallel to Grand Drive.
 - Given the site has a sports pavilion and given the site is extensive in area, it is considered that one sports field would be a poor use of the site.
 - To allow full utilisation of the site one pitch would need to be positioned perpendicular to Grand Drive thus allowing two junior pitches to be located side by side and parallel to Grand Drive.
 - To ensure road and pedestrian safety a ball catch fence would be required behind the goal lines of the pitch which is perpendicular to Grand Drive.
- 5.9 Leisure and Culture Development – Support proposals.
- Proposal seeks to increase the number of junior pitches on site.
 - Increasing accessibility to sport fields for children improves health and wellbeing and contributes to their positive growth and engagement in useful activities.
 - Concern regarding road safety and the potential for participants to inadvertently rush out on to the road.
- 5.10 Environment Agency – No objection.
- Given the location of the proposed fencing, it is not considered the proposal would constitute a risk to bio-diversity, or specifically, the Lower Pyl Brook Wild Life site.
 - It is not considered the proposal would obstruct the flow of flood water or lead to the loss of flood storage.

5.11 Thames Water – No objection.

6. POLICY CONTEXT

6.1 NPPF - National Planning Policy Framework (2012):

9. Protecting Green Belt land

10. Meeting the challenge of climate change, flooding and coastal change

11. Conserving and enhancing the natural environment

- 6.2 London Plan Consolidated 2015:
 2.6 Outer London: vision and strategy
 2.18 Green infrastructure: the multi-functional network of green and open spaces
 3.19 Sports facilities
 6.3 Assessing effects of development on transport capacity
 7.4 Local character
 7.5 Public realm
 7.6 Architecture
 7.17 Metropolitan open land
 7.18 Protecting open space and addressing deficiency
 7.19 Biodiversity and access to nature
- 6.3 Merton Sites and Policies Plan July 2014 policies (SPP):
 DMC1 Community facilities
 DMO1 Open space
 DMO2 Nature conservation, trees, hedges and landscape features
 DMD2 Design considerations in all development
 DMF1 Support for flood risk management
 DMT2 Transport impact of development
- 6.4 Merton Core Strategy 2011 policy (CS):
 CS11 Infrastructure
 CS13 Open space, nature conservation, Leisure and culture
 CS14 Design
 CS16 Flood risk management
 CS18 Transport
 CS20 Parking, servicing and delivery

7. PLANNING CONSIDERATIONS

Material Considerations.

- 7.1 The key issues in the assessment of this planning application are:
- Principle of development.
 - Design and impact upon character and appearance of MOL and the wider area.
 - Impact upon surrounding properties.
 - Impact upon flooding.
 - Impact upon transport and road safety.

Principle of development.

- 7.2 The principle of development should be considered in the context of the site's designation as Metropolitan Open Land (MOL). London Plan (2015) policy 3.19 seeks to increase participation in, and increase access to, sport and recreation in London, the policy states that development which increases or enhances sports facilities will be supported.
- 7.3 Policy 7.17 of the London Plan (2015), policy DM O1 of the SPP and policy CS13 of the CS seek to protect open space, especially MOL, from inappropriate development and to maintain its function. Policy 7.17 of the London Plan (2015) advises that appropriate development should be small

scale structures to support outdoor uses. Setting aside the consideration of design and the impact on the character and appearance of the MOL, it is considered that in principle, ball catch fencing is appropriate development on playing fields given it is ancillary to the existing use and as it would facilitate additional usability and functionality of the space.

- 7.4 Policy DM O1 of the SPP provides the key tests for whether development would be acceptable on MOL; the policy states that the proposal should not harm the character appearance or function of the open space and the proposal retains public access.
- 7.5 Given the proposed fencing is located along the border of the site and as it would have a high level of opacity, allowing light and sight to easily travel through the netting, there is not considered to be a loss to the open space. It is acknowledged that the proposed fencing would impact upon the character and appearance of the open space; however, given the open space's function as a playing field, such development is considered to be both typical and appropriate; in context of its function, it is not considered the proposed fencing would be detrimental to the character or appearance of the open space. In addition, the proposal is intended to enhance the usability and functionality of the existing open space, being a sport facility.
- 7.6 Given the above, it is considered the proposal is acceptable in principle; subject to compliance with the relevant London Plan policies, Merton Local Development Framework Core Strategy, Merton Sites and Policies Plan and supplementary planning documents.

Design and impact upon character and appearance of MOL and the wider area.

- 7.7 The NPPF, London Plan policies 7.4 and 7.6, Core Strategy policy CS14 and SPP policy DMD2 require well designed proposals that will respect the appearance, materials, scale, bulk, proportions and character of their surroundings. In addition, specifically in relation to development on open space, policy DM O1 of the SPP requires proposals to be of a high quality design and to not harm the character, appearance or function of open space.
- 7.8 Given the open space's function as a playing field, it is considered the proposed development is both typical and appropriate. The proposed development by its nature would increase the usability and functionality of the playing field, allowing an additional two junior pitches to be located on site. The proposed fencing would have a high level of opacity, allowing light and sight to easily travel through the netting, thereby preserving the character and openness of the MOL.
- 7.9 Objections were received in relation scale and loss of visual amenity; it is considered that the overall form and height of the proposed development is acceptable.

7.10 Given the above, it is considered that in the context of the sites function, the proposed fencing would not be detrimental to the character or appearance of the MOL or the wider area.

Neighbour amenity.

7.11 SPP policy DM D2 states that proposals must be designed to ensure that they would not have an undue negative impact upon the amenity of neighbouring properties in terms of loss of light, quality of living conditions, privacy, visual intrusion and noise.

7.12 The proposed fencing would have a separation distance of approximately 25m to the nearest residential buildings. The proposed fencing would have a high level of opacity, allowing light and sight to easily travel through the netting. Given the proximity and characteristics of the proposed fencing, it is not considered to result in any undue adverse effects on the amenity of surrounding properties.

Flood risk.

7.13 SPP policy DM F1 and CS policy CS16 require development to mitigate the effects of flooding.

7.14 The proposal has been reviewed by LBM Flood Risk Management Engineer and by the Environment Agency; both have advised that due to the limited length of the proposed fencing, it would not exacerbate flooding in the area.

Transport and road safety.

7.15 Core Strategy policy CS20 requires that development would not adversely affect pedestrian or cycle movements, safety, the convenience of local residents, on street parking or traffic management.

7.16 Merton's Transport Planning officers have reviewed the application and advised that it is reasonable to assume that the proposed ball catch would decrease incidence of balls straying on to the road, thereby increasing road safety.

7.17 Objections were received in relation to the proposal increasing parking pressure and obstructing traffic flow. The proposals do not change the parking capacity on site or the number of sports pitches and it is noted that Merton's Transport Planning officers have not objected to the proposal.

Other matters.

7.18 Objections were received in relation to the devaluation of surrounding properties, it is noted that this is not a planning consideration.

8. CONCLUSION

- 8.1 The principle of development is considered to be acceptable. The proposed development is considered to be acceptable in terms of its impact upon the character, appearance and function of the metropolitan open land and the wider area. It is not considered the proposed development would have an undue adverse impact upon the amenity of surrounding properties or flooding. It is considered the proposed development would have a positive influence upon road safety.

RECOMMENDATION

Grant planning permission subject to the following conditions:

1. A1 Commencement of Development (full application)
2. A7 Approved Plans
3. B3 Materials as Specified
4. Temporary fencing shall be installed in accordance with drawing No: 2015-02 prior to the commencement of the works and shall remain in place for the duration of the works; the temporary fencing shall be removed upon completion of the works.

No works in relation to the construction of the proposed permanent fencing shall be undertaken from the area beyond the temporary fencing (between the temporary fencing and hedge rows).

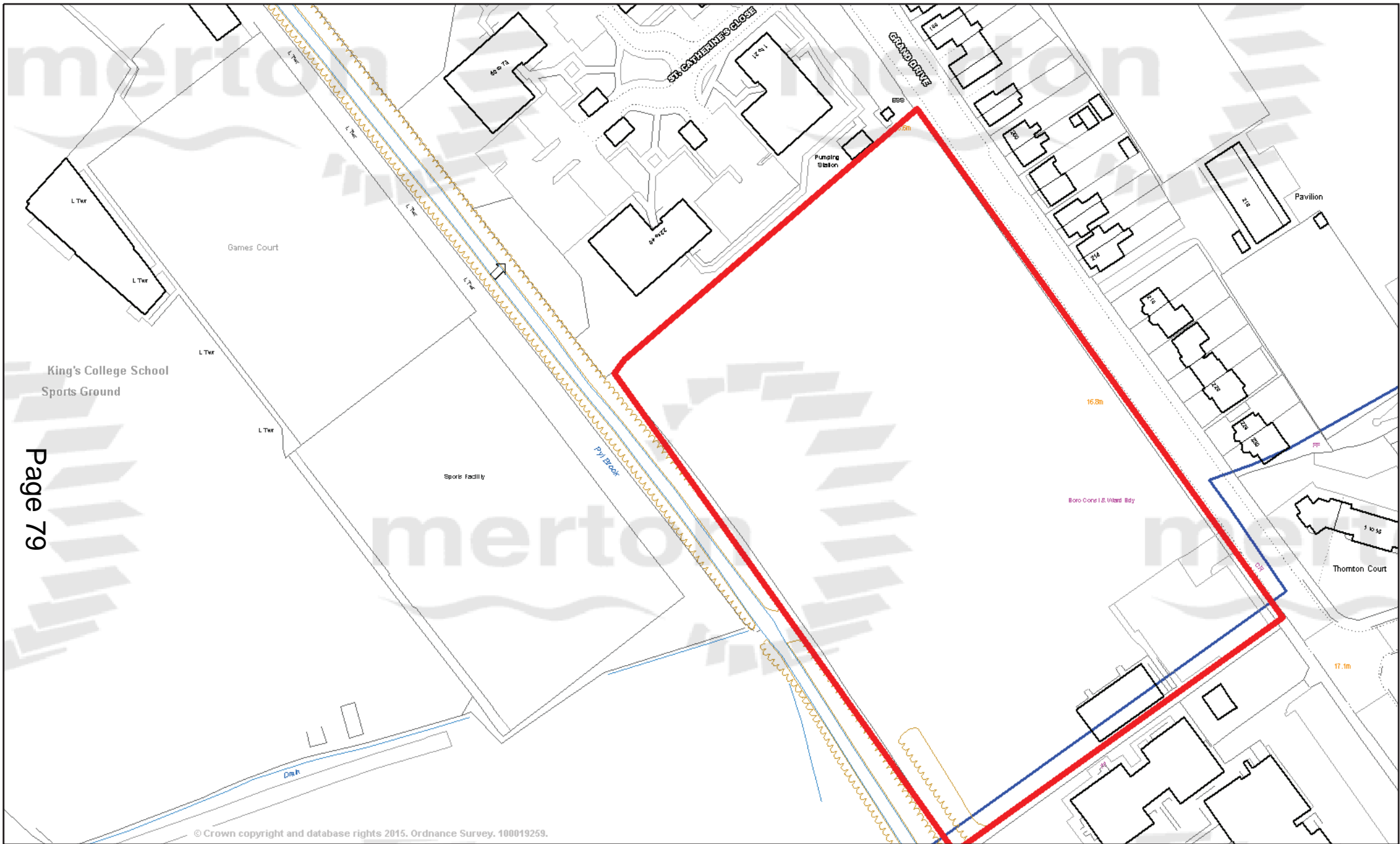
Reason: To protect and safeguard the existing retained trees in accordance with the following Development Plan policies for Merton: policy 7.21 of the London Plan 2011, policy CS13 of Merton's Core Planning Strategy 2011 and policies DM D2 and DM 02 of Merton's Sites and Policies Plan 2014.

5. The development hereby approved shall maintain a minimum separation distance of 1.5m from the existing hedgerow along the western boundary of the site.

Reason: To minimise the impact upon the habitat of the Pyl Brook Wildlife Site and SINC and protected species, in accordance with SPP policy DMO2, CS policy CS13 and London Plan policy 7.19.

Informative: The Council's contractor shall be briefed by the client prior to the commencement of the works to highlight that the area beyond the temporary fencing is strictly off limits during works to erect the ball catch fencing.

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Playing Fields

Wimbledon College, Grand Drive

Scale 1/1418

Date 5/1/2016

London Borough of Merton
 100 London Road
 Morden
 Surrey
 SM4 5DX

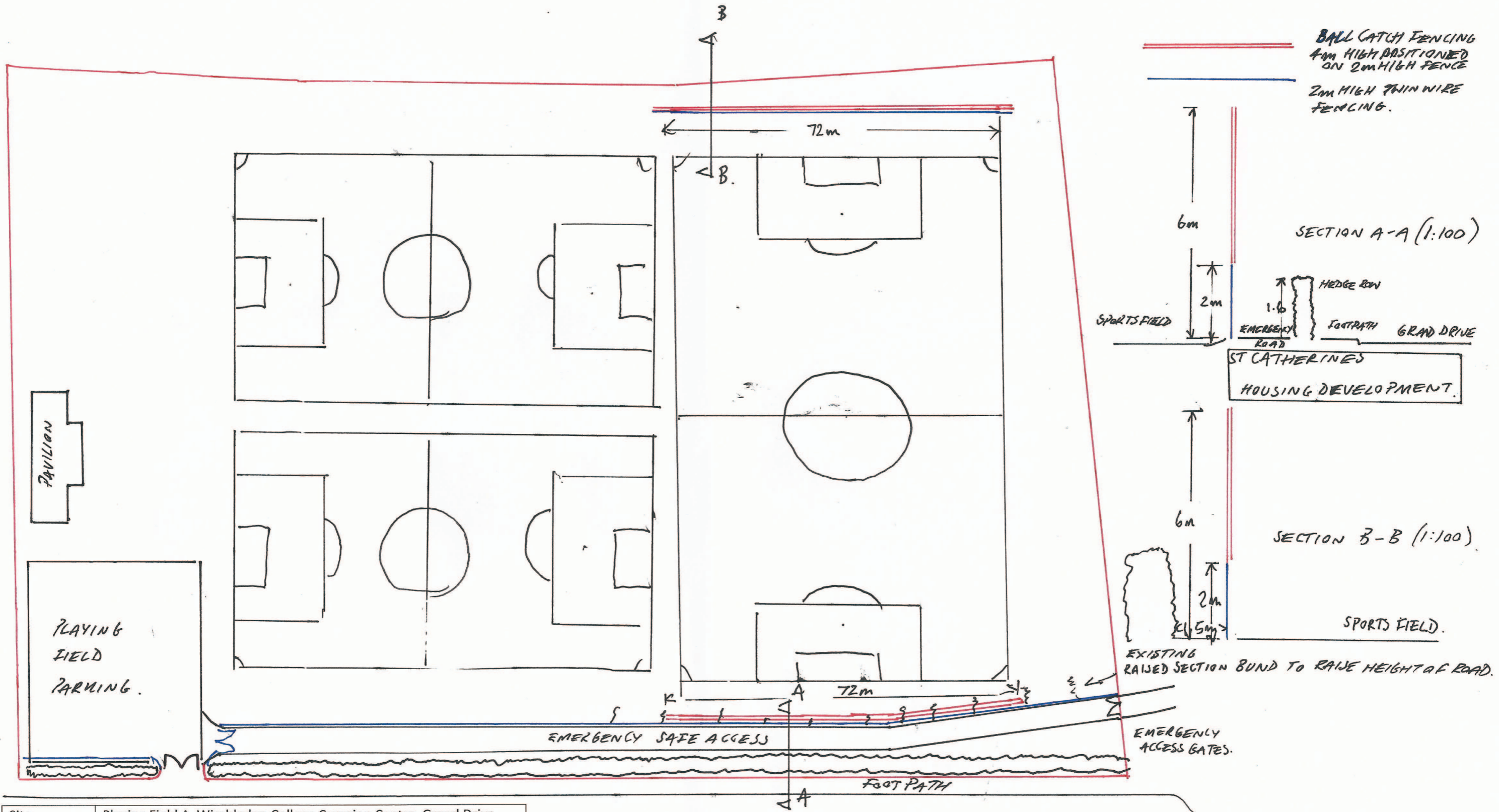


DEVELOPMENT CONTROL



RED = BALLCATCH FENCING 6M HIGH

BLACK = 2M HIGH TWIN WIRE METAL FENCING



Site	Playing Field A, Wimbledon College Campion Centre, Grand Drive
Title	Ball catch fencing at playing field
Drawing No.	2015-01



GRAND DRIVE

St Catherine's Playing Field

Grand Drive

Raynes Park

Surrey

SW20 9NA

Fencing Details

Low Level Fencing (Colour: Dark Green)

Twin Wire 200 x 50 Panel Fencing Systems

Description: To install a modular panel fencing system to height of 2 metres in front of existing hedge line on the playing field side.

Twin Wire typically uses 6 mm vertical wires welded between a pair of twin 8 mm horizontal wires, although a more lightweight panel is available using 5 mm verticals and 6 mm horizontals.

Ball Catch Fencing

Install Ball catch fencing to retain balls within a playing facility to prevent them damaging adjacent property and causing danger on the adjacent Grand Drive. It is positioned behind goal areas/ends, and above the proposed host fence. The posts and foundations of netting systems are structurally designed to take account of the wind loading requirements of the site (to BS6399 pt 2). Net aperture 146 mm (football and rugby), fences will be 6m high to inner side and 4m above host fence (Total 6m high) . Netting is manufactured from black knotted UV-resistant propylene.





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PLANNING APPLICATIONS COMMITTEE

21st January 2016

Item No:

	APPLICATION NO.	DATE VALID
	15/P3114	21/08/2015
Address/Site:	360-364 (Former Kwik Fit site) London Road, Mitcham, Surrey CR4 3ND	
(Ward)	Cricket Green	
Proposal	Demolition of existing building and the erection of a part 3, part 4 storey building comprising 22 residential units and 195 sqm (GIA) of ground floor flexible retail/commercial floorspace (use class A1, A2, A3, and B1) including the provision of car and cycle parking and other associated developments	
Drawing No's	Site location plan, Drawings D4100 08, D4101 06, D4103 06, D4500 02, D4700 02, D4701 02, D4702 02 & D4800 01	
Contact Officer	Leigh Harrington (020 8545 3836)	

RECOMMENDATION

GRANT PLANNING PERMISSION subject to a S106 Agreement and planning conditions

CHECKLIST INFORMATION

- Head of agreement: No
- Is a screening opinion required: No
- Is an Environmental Statement required: No
- Has an Environmental Impact Assessment been submitted: No
- Design Review Panel consulted - Yes
- Number of neighbours consulted - 91
- Press notice - Yes
- Site notice - Yes
- External consultations: Three
- Density – 200 Dwellings/ha
- Number of jobs created N/A
- Flood risk assessment – No

1. INTRODUCTION

- 1.1 This application is brought before the Planning Applications Committee due to the level of objection to the proposal, the planning history on the site including and earlier overturned officer recommendation by PAC that was subsequently allowed on appeal an proposed affordable housing contributions comprising an off-site financial contribution which, having regard to adopted policy and for the number of units proposed, would only be justified where there are exceptional circumstances.

2. SITE AND SURROUNDINGS

- 2.1 The application site is occupied by the vacant Kwik Fit (for tyre and exhaust replacement) building located on the northwest side of London Road in Mitcham. The site faces London Road and is sited directly opposite the Burn Bullock public house (grade II listed) on the southern side of the Cricket Green. The return frontage is along Broadway Gardens, a small residential side road characterised by two-storey terraced properties.
- 2.2 Adjoining the site to the north is the three-storey terrace comprising Highfield Court. This building has commercial premises on the ground floor with residential accommodation on the upper floors. The other side of this terrace is the grade II listed public house formerly known as the White Hart. On the opposite corner of Broadway Gardens is an open site providing a car wash. London Road is characterised by a variety of building styles and sizes, many of which do little to enhance the surrounding area.
- 2.3 The subject site is situated within the Mitcham Cricket Green Conservation Area and an Archaeological Priority Zone. The site has a PTAL rating of 3 and is not situated within a Controlled Parking Zone.

3. CURRENT PROPOSAL

- 3.1 The proposal is for the demolition of existing buildings and the erection of a part 3, part 4 storey building comprising 22 residential units and 195 sqm (GIA) of ground floor flexible retail/commercial floorspace (use class A1 (retail), A2 (offices for financial and professional services), A3 (restaurants and cafes), and B1 (business)) including the provision of car and cycle parking and other associated development. The proposal has been revised since its original submission to remove the D2 (assembly and leisure) use and a reduction in commercial space from the 290sqm originally proposed.

- 3.2 The commercial unit would be located on the ground floor London Road elevation with a glazed frontage on that elevation and the entrance on the junction with Broadway Gardens. The lobby and refuse area for the flats would face Broadway Gardens and, along with a plant rooms, the lift, staircase and the cycle stores, they would be attached to the side and rear of the commercial unit. An undercroft accessed via Broadway gardens would lead to the loading serving area to the rear of the commercial unit as well as five parking spaces, two of which would be allocated for disabled drivers.
- 3.3 On the other side of the undercroft facing Broadway Gardens there would be two 2 bedroom flats at ground floor level with access to the rear. On the first and second floors the layout would be identical with seven flats served by a central rear service core. The same service core would also allow access to the third floor where there would be a further six flats.
- 3.4 The building would be finished in exposed brickwork whilst the roof design has been amended from the original flat roof to incorporate a saw tooth design.

4. PLANNING HISTORY

- 4.1 Historic planning decisions, including refusals from 1986/7 relating to proposed use of former Allen's garage as a tyre and exhaust fitting centre involving erection of extension to form new tyre bays formation of new entrances and provision of car parking on London Road and Broadway Gardens frontages.
- 4.2 87/P1566 Planning permission granted on appeal for change of use of pair of premises to form motorists' centre involving demolition of buildings fronting Broadway Gardens construction of wall and provision of car-parking and landscaping.
- 4.3 92/P0202 Planning permission granted for variation of planning permission 87/P1566 to enable the premises to be open on Sundays between 10.00 and 16.00 hours)
- 4.4 05/P2607 Planning permission granted for use of premises to provide MOT testing in conjunction with existing use of premises as a motorists centre for the sale and fitting of tyres, exhausts, brakes and other "fast fit" motorist repairs.

- 4.5 06/P2352 & 2355 Planning permission and Conservation Area Consent REFUSED for redevelopment of site to provide 2 x 2 storey 3 bedroom houses, part 3 and part 4 storey building comprising of class b1 (business)/a2 (offices for financial and professional services)(536 sq.m) uses on ground floor and 1st floor, 2 maisonettes, 6 x 2 bedroom flats and 4 x 1 bedroom flats on the upper floors together with car and cycle parking. Vehicle access from Broadway Gardens to 3 parking spaces.

REASONS; 1) The proposals by reason of height, design, size, massing and siting would result in a visually intrusive and incongruous form of development, that would fail to achieve a high standard of design and would be harmful to the character and appearance of the Mitcham Cricket Green Conservation Area and to the amenities of neighbouring residential occupiers in Highfield Court in terms of loss of privacy and outlook and would be contrary to policies ST.17, ST.18, BE.1, BE.15, BE.16 and BE.22 of the Adopted Merton Unitary Development Plan (October 2003).

2) The proposed development, by reason of the size, massing and siting of the proposed houses, would fail to secure a satisfactory environment for future occupiers arising from poor outlook from habitable rooms, overshadowing and visual intrusion, thereby detracting from the quality of available amenity space, contrary to policies HS.1, BE.15 of the Adopted Merton Unitary Development Plan (2003).

3) The proposed B1/A2 floorspace would be an inappropriate form of development in this location for which the applicant has failed to demonstrate that there are exceptional circumstances to warrant its approval and would detract from the Council's objectives of directing economic activity towards the town centres to the detriment of achieving sustainable revitalisation of these areas, and would be contrary to policies ST.7, ST.28, ST.29 and TC.9 of the Adopted Merton Unitary Development Plan (October 2003).

APPEAL DISMISSED

- 4.6 07/P0647 & 0648 Planning permission and Conservation Area Consent REFUSED for redevelopment to provide 2 x 2 storey 3 bedroom houses; a three storey building comprising class B1 (business)/A2 (financial and professional services) (268 sq.m) uses on the ground floor, 2 maisonettes, 6 x 2 bed units & 4 x 1 bed units on the upper floors together with car & cycle parking provision. Access to parking spaces and servicing area from Broadway Gardens. **REASONS; 1) The proposals by reason of design, massing and siting would result in a visually intrusive and incongruous form of development, that would fail to achieve a high standard of design and would be harmful to the character and appearance of the Mitcham Cricket Green Conservation Area and to**

the amenities of neighbouring residential occupiers in Highfield Court in terms of loss of privacy and outlook and would be contrary to policies ST.17, ST.18, BE.1, BE.15, BE.16 and BE.22 of the Adopted Merton Unitary Development Plan (October 2003).

2) The proposed development, by reason of the layout, size, massing and siting, would fail to secure a satisfactory environment for future residential occupiers arising from poor outlook from habitable rooms, overshadowing, visual intrusion, poor internal layout, and poor access to available amenity space, contrary to policies HS.1, BE.15 of the Adopted Merton Unitary Development Plan (2003).

3) The proposed B1/A2 floorspace would be an inappropriate form of development in this location for which the applicant has failed to demonstrate that there are exceptional circumstances to warrant its approval and would detract from the Council's objectives of directing economic activity towards the town centres to the detriment of achieving sustainable revitalisation of these areas, and would be contrary to policies ST.7, ST.28, ST.29 and TC.9 of the Adopted Merton Unitary Development Plan (October 2003).

4.7 07/P2489 & 2490 Planning permission and Conservation Area Consent REFUSED for redevelopment to provide 2 x 2 storey 3 refused for bedroom houses; part 3 & part 4 storey building comprising class B1/A2 use on the ground & 1st floors; 2 maisonettes; 6 x 2 bed flats & 4 x 1 bed flats on the upper floors together with car & cycle parking.

REASONS; The proposed development, by reason of the design and layout would fail to secure a satisfactory environment for future residential occupiers arising from poor outlook from habitable rooms, overshadowing and poor internal layout, and would be harmful to the amenities of neighbouring residential occupiers in Highfield Court in terms of loss of outlook and visual intrusion contrary to policies HS.1 and BE.15 of the Adopted Merton Unitary Development Plan (2003). & The demolition of the existing building would be premature in the absence of an acceptable replacement building for the site and harmful to the appearance of the Mitcham Cricket Green Conservation Area and would be contrary to policies BE.1 and BE.2 of the Merton Unitary Development Plan (October 2003).

4.8 07/P3358 & 3416 Planning permission and Conservation Area Consent REFUSED for the redevelopment to provide two x 2 storey 3 bed houses, part 3 & part 4 storey building comprising class b1/a2 use on the ground & first floors, 2 maisonettes, 4 x 3 bed flats and 4 x 1 flats on the upper floors together with car & bicycle parking provision. **REASONS; The proposed development, by reason of the design and layout would provide a cramped and unsatisfactory standard of accommodation for future residential occupiers, arising from poor outlook from habitable rooms, overshadowing, poor internal layout and lack of amenity space for family sized flats, and would be harmful to the amenities of neighbouring residential occupiers in Highfield Court in terms of loss of outlook and visual intrusion contrary to policies HS.1 and BE.15 of the Adopted Merton Unitary Development Plan (2003) and the Council's Supplementary Planning Guidance - New Residential Development. & The demolition of the existing building would be premature in the absence of an acceptable replacement building for the site, and the resultant gap would be harmful to the appearance of the Mitcham Cricket Green Conservation Area contrary to policies BE.1 and BE.2 of the Merton Unitary Development Plan (October 2003).**

APPEAL DISMISSED

4.9 08/P2129 & 2130 Planning permission and Conservation Area Consent REFUSED for development of a part two, part three and part four-storey building comprising 2 ground floor b1 commercial units, 1 first floor b1 commercial unit, 11 [4 x3 bedroom & 7 x 2 bedroom] self contained flats and 3 terraced properties [2 x 3 bedroom & 1 two bedroom] along Broadway Gardens. **REASONS; The proposals by reason of their scale, bulk, massing and siting would detract from the views into and out of the Mitcham Cricket Green Conservation Area and would detract from the visual amenities of the London Road street scene contrary to Policies BE.3 and BE.22 of the Adopted Merton Unitary Development Plan (October 2003).**

ALLOWED ON APPEAL

5. CONSULTATION

5.1 The application was advertised by means of a press notice, neighbour notification letters and site notice.

5.2 There were eight letters of objection to the proposal which raised the following issues;

- Inadequate parking provision for the number of flats, problems for residents particularly of Broadway Garden which is a Fire Lane, already high use of unauthorized parking to rear of the pub.
- It will ruin the image of Mitcham Cricket Green.
- No need for new housing; should be commercial only.

- No provision for affordable housing.
- Visually intrusive.
- Loss of light and there are faults with the light report.
- Noise disturbance for balcony activities.
- Balconies not a feature of the area and will overlook Cricket Green.
- DRP commented on a three step not two step building.
- Building out of scale with its surroundings and fails to complement the conservation area.
- Houses would be better in this location.

5.3 The Mitcham Cricket Green Community & Heritage group.

Concerns to the original design;

- There were no changes as a result of public consultation despite claims to the contrary.
- Proposals too large and will overwhelm neighbouring properties.
- Will have a significant imposition on the key view from Mitcham Cricket green and damage its setting.
- Sits uneasily alongside neighbouring development.
- The commercial space may remain vacant, little demand in the area.
- Parking is inadequate.
- Unclear if the materials will be of suitable quality.
- Token approach to green landscaping.
- Balconies will be cluttered and have negative impact on visual integrity of the Cricket Green.
- Any development should provide s106 monies to improve the road junction.

Comments on the revised design.

- The scheme increases the overall height and does not address excessive scale and bulk of the new development which is unsuited to the site.
- Does not address relationship with adjacent buildings.
- Jagged roof design is without precedent and is an incongruous gateway to the Conservation Area.
- Roofline bears no relationship to the lines of the rest of the building and does not respond to or complement the surrounding buildings.

5.4 Merton Highways section raised no objection subject to the imposition of conditions relating to parking, servicing and construction.

5.5 Merton Transport planning section were consulted and made the following observations;

- Trip generation is not expected to be significantly greater than the existing use provided non-residential is restricted to A1, A2, A3 or B1 use.
- Based on the 2011 Census car ownership is expected to increase such that by 2010 the occupants of the 22 residential dwellings would be

expected to own approximately 14 vehicles. The 200 metre survey provided by the applicant suggests that unrestricted local roads could accommodate the 9 extra vehicles.

- The on-site parking requires management and a parking management plan should be required by condition.
- The proposed 36 cycle storage spaces comply with the London Plan standards. Details of the provision of two visitor cycle spaces and details of the resident's cycle storage method should be secured through condition.
- The proposed onsite servicing area is constrained and would impact vehicle movements as they would have to reverse around a right angled corner. The use of the area in front of the site for deliveries causes concerns that this could impact on traffic flows on the approach to the junction with Cricket Green (A239). To address this concern a Servicing and Delivery management plan should be secured by condition. Refuse collection would be similar to the existing method for servicing the houses in Broadway Gardens whereby the refuse vehicle has to wait on the carriageway for the operators to collect the refuse.

5.6 Historic England.

The Archaeology adviser at the Greater London Archaeological Advisory Service requests that an archaeological watching brief be a requirement of any approval with scope for excavation and recoding where significant remains are encountered and that this should be carried out during all groundworks in order to safeguard the archaeological interest.

5.7 Metropolitan Police Safer by Design Officer.

- The rear elevation should also have a hedge buffer
- The undercroft should be fitted with an automated gate with a separate pedestrian access.
- Gates and communal entrance doors should be fitted with access control
- Cycles stores need to be adequately anchored and designed so that people cannot be locked in accidentally.

5.8 Thames Water.

No objections to the principle of the development subject to the imposition of a condition relating to impact piling and informatives.

5.9 The Design Review Panel discussed the proposal pre submission at their meeting on May 21st 2015 and commented:

'The Panel liked the rationality of the architectural approach, the plan form and the overall composition and proportions of the building. It generally felt that the height and massing was right. It was felt that the building showed some stylishness and that the internal layouts were good.

There was a question raised about the visual impact of the building on the adjacent house in Broadway Gardens, and its rear garden but it is understood that the existing building overbears the garden of this property at the moment.

The Panel felt that the composition of the secondary elevation to Broadway Gardens was more successful than that of the more important primary elevation facing London Road. The stepping form was welcomed but lacked depth and it was felt the sections of different colour bricks would not be very noticeable. It needed more depth in some way, maybe by increasing the stepping, doing something with the balconies or introducing some subtle disruption in the rational form.

A key concern the Panel had was regarding the corner. It was felt the building came very close to the edge of the pavement and there was ambiguity about the accuracy of the drawings relating to the site boundary, existing kerb lines and those shown on the OS maps. This needed to be clarified, possibly on a single plan.

Although the pavement had been widened in a colonnade under the corner, it was felt this would not be a pleasant place to be, as it was well recessed, shady, and obscured by substantial brick piers. This corner needed to feel generous, bright and welcoming. The entrances to the flats and the commercial unit are shown on this corner, making this even more critical.

On the main elevation there was a concern there could be dead frontage where an active one is most needed and a suggestion the commercial entrance could be on this elevation. The plans also did not show how the architecture would accommodate shop signage, particularly above windows. A clear signage strategy should be shown and enforced, i.e. built into leases and covenants. The plans should reconcile what the architect wants and what the retailer wants.

On the Broadway Gardens frontage, it was felt the public-private interface was a bit awkward, with narrow 'garden' space adjacent to bedrooms facing the street. These units did not have front doors onto the street. Balconies were prominent in the elevations and need a management plan to avoid them becoming cluttered or unsightly.

The Panel noted the sensitive heritage location and felt more needed to be done to show how the building relates to these and draws on local contextual cues. It was felt the cricket-jumper pattern in the brickwork was a good start, but that there were other, deeper references that could reflect the unique sense of place and identity of the area. It was also important to

show a contextual elevation, from the site northwards to Vestry Hall, to show how the building's form and materials relate to those in the area.

Overall the Panel felt that whilst the architecture was simple and stylish, it needed a number of subtle changes to the elevations and the corner in order to make it 'sing' more.'

VERDICT: **AMBER**

Officers note that in response to these comments changes have included the saw tooth effect for the roof design, the provision of signage facilities and active window frontage for the commercial space and the setting of the ground floor bedrooms behind the private amenity spaces.

5.10 Merton Environmental Health.

Requested conditions be imposed in relation to matters involving, air quality, noise, land contamination, demolition and construction method statements, delivery & construction hours and external lighting.

6. **POLICY CONTEXT**

6.1 The relevant policies in the Council's Adopted Sites and Policies Plan (July 2014) are:

DM D1 (Urban design)

DM D2 (Design considerations)

DM D4 (Heritage assets)

DM E3 (Protection of scattered employment sites),

DM T2 (Transport impacts of developments)

DM T3 (Car parking and servicing standards)

Merton Supplementary Planning Guidance for New Residential Development 1999

6.2 London Plan 2015

3.3 (Increasing housing supply)

3.4 (Optimising housing potential)

3.5 (Quality and design of housing developments)

6.9 (Cycling)

6.13 (Parking)

7.4 (Local character)

7.6 (Architecture)

7.8 (Heritage assets and archaeology)

London Housing Supplementary Planning Guidance 2012

- 6.3 LDF Core Strategy 2011
CS.2 (Mitcham Town Centre and surrounding area).
CS 9 (Housing provision)
CS 14 (Design)
CS 20 (Parking, servicing and delivery)

7.0 PLANNING CONSIDERATIONS

- 7.1 The main issues for consideration are the loss of potential employment floor space, the provision of housing, the design of the flats, the impact on neighbour amenity, the appearance and character of the Cricket Green Conservation Area, archaeology , parking and .

7.2 Loss of employment floorspace and the provision of housing:

The existing Kwik Fit garage has been closed for a number of years, has fallen into disrepair and has been the subject of a number of applications for redevelopment including the scheme allowed on appeal in 2009. The principle of a mixed use development has been accepted on the site and this proposal is consistent with that. While the former use does not fall strictly within those classes of uses that SPP policy DM E3 (Protection of scattered employment sites) seeks to safeguard, as with the allowed appeal application, the current application will reintroduce employment generating uses on part of the site that are appropriate given the context of the site.

- 7.3 Policy CS. 9 of the Council's Adopted Core Strategy [July 2011] and policy 3.3 of the London Plan [July 2015] state that the Council will work with housing providers to provide a minimum of 4,107 additional homes [411 new dwellings annually] between 2015 and 2025. The proposal will provide twenty two new flats of which nearly half will be suitable for small family accommodation and is therefore considered to accord with these policies.

7.4 Affordable housing

LDF policy CS.8 seeks the provision of a mix of housing types including affordable housing. For developments providing more than 10 units the Council requires seeks 40% of the development to provide on-site affordable housing of which 60% should be social rented and 40% Intermediate. Only in exceptional circumstances will the Council consider financial contributions in lieu of provision on site. The applicant submitted a viability report that stated the proposal could not sustain any affordable housing contribution. This was independently assessed by a third party assessor, the Valuations Office (VO). The Valuations Office advised that it was unlikely that a Registered Provider would want one or two small flats in isolation and the cost of including them in the scheme would be likely to make the scheme unviable. An off-site financial contribution was

considered feasible. Officers consider this approach is justifiable in this specific instance and the applicant has agreed to make such a contribution (£200,500).

7.5 Housing standards and amenity space provision.

The proposal would provide 1 x three bedroom, 9 x two bedroom and 12 x one bedroom flats. The 3 bedroom unit (No. 22) would accommodate 6 persons on one floor and with a Gross Internal Area of over 110m² which easily exceeds the 95m² minimum Gross Internal Area requirements of the London Plan 2015. The 9 x 2 bedroom units accommodate 4 persons on one floor and with GIAs of between 73 & 78m² and these easily exceed the minimum requirement for 70m². The 12 x 1 bedroom units accommodate 2 persons on one floor and will have GIAs of between 51 and 54m² which exceed the required minimum of 50m². Each unit is also to be provided with amenity space in accordance with London Housing SPG standards. Consequently it is considered that the proposal would provide additional housing capacity to an acceptable standard and accords with relevant planning policies.

7.6 The impact on neighbour amenity

London Plan policy 7.6 and SPP policy DM D2 require that proposals do not have a negative impact on neighbour amenity in terms of loss of light, privacy, visual intrusion or noise and disturbance. There have been objections from neighbouring occupiers raising a number of concerns with regards to the impact on their amenity.

7.7 Loss of light. The applicant has commissioned a Daylight and Sunlight report and subsequent addendum for the proposal which addresses the impact on various surrounding properties and follows a recognized methodology for the purposes of the assessment.

- With regards to 9-11 Broadway Gardens (opposite the site) the report states that all the windows which face over the development meet the BRE recommendations in relation to the Vertical Sky Component (VSC) form of daylight assessment and that with the exception of one window which fails by less than 1%, all the windows meet the BRE recommendations in relation to the amount of sky view and all meet the relevant sunlight assessment.
- For 10-16 Broadway Gardens (adjoins the site to the west) the report is able to conclude that the rear of these houses would benefit from the demolition of the existing warehouse on the boundary and that with the exception of a small reduction in VSC for one first floor window at the rear of Number 10 all the windows meet the BRE recommendations for sunlight and daylight.
- 1-17 Highfield Court is a block of flats to the rear of the application site. This block was built with a number of overhanging walkways such that light is already restricted to a number of the existing windows. While the

proposals would result in some technical breaches of guidelines to six of the windows in the block the primary reason is due to the limitations in place by the existing external walkways above the windows. The breaches are only marginal and as a matter of judgement it is considered that it may be unreasonable to withhold permission on this basis.

Similarly the analysis shows the proposals would reduce sunlight to the same windows. However, while there may be seasonal shortfalls in sunlight to these rooms during Winter months, overall sunlight levels would be satisfactory.

356 London Road. The report was subject to an addendum after objections claimed the report was inaccurate to include windows on the facing elevation at that site. The building has been subdivided into a number of flats and studios but the applicant's research shows that the windows most affected by the scheme, those facing the site, would be either serving staircases, separate bathroom windows for the studio flat or in a dual aspect studio flat.

- 7.8 Visual intrusion has been a cause of concern for neighbours the proposal being bigger than the existing structures on site. However, in order to mitigate the impacts of this the rear of the London Road facing element is further from Highfield Court than is the existing structure and the third floor has been pulled in from the boundary with 10 Broadway Gardens by 4m.
- 7.9 Noise and disturbance has also been raised but the use of the site primarily for residential purposes is considered likely to result in far lower levels of noise and disturbance than the previous use of the site for a garage and MOT testing facility.
- 7.10 With regards to loss of privacy the majority of balconies face the street elevations so that only bedroom windows and the access walkways face residential properties to the rear to the north west and these are around 17m away. This is less than the Council's standard requirement for a 20m separation distance and, notwithstanding the submitted plans, officers recommend that the design of the bedroom windows and the treatment of the walkway are conditioned so as to mitigate against the potential for overlooking and loss of privacy.
- 7.11 Impact on Mitcham Cricket Green Conservation Area
London plan 7.8 and SPP policy DM D4 seek to ensure that developments within conservation areas should conserve and where appropriate enhance such areas whilst Core strategy policy CS14 and SPP Policy DMD3 require well designed proposals that will respect the appearance, materials, scale, bulk, proportions and character of the original building and its surroundings. London Plan 2015 policy 7.6, Core Strategy policy

CS14 and SPP policies DM D1 and DM D2 require well designed proposals to utilise materials and design that will respect the siting, rhythm, materials and massing of surrounding buildings as well as complementing, responding to and reinforcing, local architectural character, locally distinctive patterns of development as well as the character and local distinctiveness of the adjoining townscape.

7.12 A number of objections raised concerns relating to the impact of the appearance of the proposed building on the street scene, in particular being out of keeping with the local area. The design was submitted to the DRP at pre-application stage and received an Amber light with recommendations for further works to improve the design and its impact on the corner. The bulk, scale and massing has been designed to respect and complement the surrounding buildings on this corner and following further discussions with Council design officers the applicant revised the scheme to include features such as the saw tooth roof design and the use of complementary but contrasting brick colours which officers consider would conserve and enhance the conservation area. Officers note that a scheme of similar scale and bulk was allowed on appeal in 2009, a copy of the appeal decision and drawings is appended to this report.

7.13 Parking, servicing and deliveries.

Core Strategy Policy CS.20 is concerned with issues surrounding pedestrian movement, safety, serving and loading facilities for local businesses and manoeuvring for emergency vehicles as well as refuse storage and collection whilst SPP policy DM T3 requires the provision of parking and servicing suitable for its location and that is managed to minimise its impact on local amenity and the road network.

7.14 A number of objections were raised because of the levels of on-site parking provision for this development (5 spaces for 22 flats. The appeal scheme had 6 parking spaces for 14 units comprising a mix of flats and houses). London Plan maximum standards recommend no more than 1 space per unit given the site's location and PTAL score and all developments in areas of good public transport should aim for significantly less. The applicant has provided information to the effect that there is sufficient space on the surrounding streets to accommodate what Transport Planners anticipate to be the additional cars (9) likely to be generated by the scheme. They also draw attention to the previous appeal decision where the Inspector was of the opinion that the transport impacts would be no greater than the lawful use of the site as a garage and MOT centre.

Appeal scheme: 4 x 3b flats, 7 x 2b flats, 2 x 3b house, 1 x 2b house = 34 bedrooms.

Current scheme: 12 x 1b flats, 9 x 2b flats, 1 x 3b flat = 33 bedrooms.

- 7.15 While on-site parking would be limited, on the basis of the available information for parking spaces locally and the predicated parking demand based on census data there would not appear to be sound grounds to withhold permission on parking.
- 7.16 There would be no on-site provision for parking for staff from the commercial unit, the exact use of which is not known at this stage. Given the size of the unit, and the reasonable levels of public transport accessibility increased pressure from staff for parking would be unlikely to impact on the amenities of neighbouring residents and would be insufficient grounds to refuse. However, in order to ensure that on-site parking and serving and deliveries are managed effectively it is recommended that relevant plans are provided and approved by means of condition.
- 7.17 Core Strategy policy CS18 and London Plan policy 6.9 encourage the provision of adequate secure cycle spaces. The proposal meets the residential requirements set out in the London Plan. The commercial element should provide two cycle spaces for visitors but given that there is no confirmed end user at this stage it is considered that it would be appropriate to secure the provision and approval of details by condition prior to occupation of that unit.
- 7.18 Archaeology
SPP policy DM D4 and London Plan policy 7.8 seek to protect heritage assets including archaeological assets. The Archaeology advisor requested conditions to be attached requiring a watching brief for archaeology.

8. SUSTAINABILITY AND ENVIRONMENTAL IMPACT ASSESSMENT REQUIREMENTS

- 8.1 The proposal does not constitute Schedule 1 or Schedule 2 development. Accordingly there is no requirement for an EIA submission.
- 8.2 The new dwellings would be required to be built to Lifetime Homes Standards.

9. CONCLUSION

The existing site has been vacant and neglected for a number of years. While the permission has lapsed, a relatively contemporary application for a mixed commercial and residential use in a part four storey building has been allowed on appeal (LBM Ref 08/P2129 & 08/P2130) establishing the acceptability of a more intensive mixed use development of the site. This proposal follows a similar foot print and whilst at a higher density with more flats but less bedrooms, it is within a similar basic outline to the

permitted appeal application. There is an identified need for additional housing within the borough and this proposal provides 22 new flats. The design and appearance has been developed through consultation with officers and the Design Review Panel and is considered to conserve and enhance the Mitcham Cricket Green Conservation Area. The design is also considered to satisfactorily address issues of loss of light, privacy and visual intrusion and is not considered to be harmful to the amenity of local residents. The applicants have provided information to show that there is capacity on local roads for the anticipated additional vehicles and this level of residential development on the site has been considered previously by the Inspector to be no more problematical than the lawful use of the site as a garage and MOT centre. For these reasons the proposal is recommended for approval subject to conditions

10. **RECOMMENDATION**

Grant planning permission subject to planning conditions and the completion of a S106 agreement covering the following heads of terms:

- 1) Off-site financial contribution towards affordable housing contribution. (£202,500).
- 2) The applicant agreeing to meet the Council's costs of preparing drafting and monitoring the section 106 obligations

Conditions

1. A1 Commencement of Development

2. A7 Construction in accordance with plans Site location plan,

3. B1 The materials to be approved

No development shall take place until details of particulars and samples of the materials to be used on all external faces of the development hereby permitted, including window frames and doors (notwithstanding any materials specified in the application form and/or the approved drawings), have been submitted to the Local Planning Authority for approval. No works which are the subject of this condition shall be carried out until the details are approved, and the development shall be carried out in full accordance with the approved details.

Reason; To ensure a satisfactory appearance of the development and to comply with the following Development Plan policies for Merton: policy 7.6 of the London Plan 2015, policy CS14 of Merton's Core Planning Strategy 2011 and policies DM D2 and D3 of Merton's Sites and Polices Plan 2014.

4. B8 Piling Condition
Piling or any other foundation design using penetrative methods shall not be permitted other than with the express consent of the Local Planning Authority, in liaison with the relevant utility providers, which may be given where it has been demonstrated that there is no resultant unacceptable risk to below ground utility infrastructure. The development shall be carried out in accordance with the approved details. Reason; To ensure that the piling design is protective of below ground utility infrastructure assets and controlled waters.
5. C6 Details of the provision to be made for the storage of refuse and recycling shall be submitted to and approved
No development shall take place until a scheme for the storage 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.
Reason; To ensure the provision of satisfactory facilities for the storage of refuse and recycling material and to comply with the following Development Plan policies for Merton: policy 5.17 of the London Plan 2015, policy CS17 of Merton's Core Planning Strategy 2011 and policy DM D2 of Merton's Sites and Polices Plan 2014
6. D5 Soundproofing of Plant and Machinery; Noise levels, (expressed as the equivalent continuous sound level) LAeq (10 minutes), from any new plant/machinery associated with each separate commercial unit shall not exceed LA90-10dB at the boundary with the closest residential or noise sensitive property. 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 7.15 of the London Plan 2015 and policies DM D2, DM D3, DM EP2 and DM EP4 of Merton's Sites and Polices Plan 2014.
7. D8 Delivery hours Deliveries to the commercial unit associated with the development shall not be undertaken outside of the hours of 07.30 hours to 21:00 hours Monday to Saturday, and 08:30 to 20:00 hours on Sunday and Public Holidays. 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 7.15 of the London Plan 2015 and policies DM D2, DM D3, DM EP2 and DM EP4 of Merton's Sites and Polices Plan 2014
8. D10 External lighting Any external lighting shall be positioned and angled to prevent any light spillage or glare beyond the site boundary. 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 7.15 of the London Plan 2015 and policies DM D2, DM D3, DM EP2 and DM EP4 of Merton's Sites and Polices Plan 2014

9. D11 Construction times.

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.

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 7.15 of the London Plan 2011 and policy DM EP2 of Merton's Sites and Polices Plan 2014.

10. F1 Landscape details be approved (amended)

The development hereby approved shall not be occupied until full details of a landscaping and planting scheme has been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved before the commencement of the use or the occupation of any building hereby approved, unless otherwise agreed in writing by the Local Planning Authority. The details shall include on a plan, full details of the size, species, spacing, quantities and location of proposed plants, together with any hard surfacing, means of enclosure, and indications of all existing trees, hedges and any other features to be retained, and measures for their protection during the course of development.

11. F9 Hardstandings

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 5.13 of the London Plan 2015, policy CS16 of Merton's Core Planning Strategy 2011 and policy F2 of Merton's Sites and Polices Plan 2014.

12. H1 New Vehicle Access – Details to be submitted (amended)

No construction shall commence until details of the proposed vehicular access to serve the development have been submitted in writing for approval to the Local Planning Authority. No works that are subject of this condition shall be carried out until those details have been approved, and

the development shall not be occupied until those details have been approved and completed in full.

13. H4 Provision of Vehicle Parking

The vehicle parking area shown on the approved plans shall be provided before the commencement of the buildings or use hereby permitted and shall be retained for parking purposes for occupiers and users of the development and for no other purpose. The parking area shall include 20% provision for electric vehicles with an additional 20% for passive provision in the future and space for disabled people. Reason. To ensure adequate provision for on-site parking, to accord with the Mayor's objectives for electric vehicle infrastructure, to ensure an inclusive environment and to accord with London Plan policies 3.1 and 6.13 and Merton LDF policy CS.20.

14. H6 Cycle Parking - Details to be Submitted (amended)

The commercial unit hereby approved shall not be occupied until details of secure cycle parking facilities for the occupants of, and visitors to, that element of the development have been submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be fully implemented and made available for use prior to the first occupation of the commercial development and thereafter retained for use at all times. Reason; To ensure satisfactory facilities for cycle parking are provided and to comply with the following Development Plan policies for Merton: policy 6.13 of the London Plan 2015, policy CS18 of Merton's Core Planning Strategy 2011 and policy DM T1 of Merton's Sites and Polices Plan 2014

15. H7 Cycle parking implementation

The development hereby permitted shall not be occupied until the residential 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 6.13 of the London Plan 2015, policy CS18 of Merton's Core Planning Strategy 2011 and policy DM T1 of Merton's Sites and Polices Plan 2014.

16. H9 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 6.3 and 6.14 of the London Plan 2015, policy CS20 of Merton's Core Planning Strategy 2011 and policy DM T2 of Merton's Sites and Polices Plan 2014.

17. H11 Parking Management Strategy (amended)

Construction shall not commence until a Parking Management Strategy has been submitted in writing for approval to the Local Planning Authority. No works that is subject of this condition shall be carried out until this strategy has been approved, and the development shall not be occupied until this strategy has been approved and the measures as approved have been implemented. Those measures shall be maintained for the duration of the use unless the prior written approval of the Local Planning Authority is obtained to any variation.

Reason To ensure the provision of a satisfactory level of parking and comply with the following Development Plan policies for Merton: policy 6.13 of the London Plan 2015, policy CS20 of Merton's Core Planning Strategy 2011 and policy DM T3 of Merton's Sites and Polices Plan 2014.

18. H12 Delivery and Servicing Plan to be Submitted (amended)

The commercial unit hereby approved shall not be occupied until a Delivery and Servicing Plan (the Plan) has been submitted in writing for approval to the Local Planning Authority. No occupation of the development shall be permitted until the Plan is approved in writing by the Local Planning Authority and implemented in accordance with the approved plan. The approved measures shall be maintained, in accordance with the Plan, for the duration of the use, unless the prior written approval of the Local Planning Authority is obtained to any variation.

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 6.3 and 6.14 of the London Plan 2015, policy CS20 of Merton's Core Planning Strategy 2011 and policies DM T2, T3 and T5 of Merton's Sites and Polices Plan 2014.

19. Non standard condition

Prior to the commencement of development an investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to

the approval in writing of the Local Planning Authority. This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'. Reason In order to protect the health of future occupiers of the site and adjoining areas in accordance with the following Development Plan policies for Merton: policy 5.21 of the London Plan 2015 and policy DM EP4 of Merton's Sites and Polices Plan 2014.

20. Non standard condition

Subject to the site investigation for contaminated land, if considered necessary by the Council a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. Any approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development, unless otherwise agreed in writing by the Local Planning Authority. Reason; In order to protect the health of future occupiers of the site and adjoining areas in accordance with the following Development Plan policies for Merton: policy 5.21 of the London Plan 2015 and policy DM EP4 of Merton's Sites and Polices Plan 2014.

21. Non standard condition

Following the completion of any measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority. Reason; In order to protect the health of future occupiers of the site and adjoining areas in accordance with the following Development Plan policies for Merton: policy 5.21 of the London Plan 2015 and policy DM EP4 of Merton's Sites and Polices Plan 2014.

22. Non standard condition

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Reason; In order to protect the health of future occupiers of the site and adjoining areas in accordance with the following Development Plan policies for Merton: policy 5.21 of the London Plan 2015 and policy DM EP4 of Merton's Sites and Polices Plan 2014.

23. Non standard condition

No development shall take place until a Demolition and Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the demolition and construction period. Reason; In order to protect the health of future occupiers of the site and adjoining areas in accordance with the following Development Plan policies for Merton: policy 5.21 of the London Plan 2015 and policy DM EP4 of Merton's Sites and Polices Plan 2014.

24. Non standard condition

No demolition shall take place until a written scheme of historic building investigation (WSI) has been submitted to and approved by the local planning authority in writing. For buildings that are included within the WSI, no demolition or development shall take place other than in accordance with the agreed WSI, which shall include the statement of significance and research objectives, and

A. The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works

B. The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI

Reason; Built heritage assets on this site may be affected by the development. The planning authority wishes to secure building recording in line with NPPF, and publication of results, in accordance with Section 12 of the NPPF and policies 7.8 in the London Plan 2015 and DM D4 of the Merton Sites and Policies Plan 2014.

25. Non standard condition Sustainable Drainage

No development approved by this permission shall be commenced until a scheme for the provision of surface water drainage has been implemented in accordance with details that have been submitted to and approved in writing by the local planning authority. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system (SuDS) to ground, watercourse or sewer in accordance with drainage hierarchy contained within the London Plan Policy 5.13 and the advice contained within the National SuDS Standards. Where a sustainable drainage scheme is to be

- provided, the submitted details shall:
- i. provide information about the design storm period and intensity, the method employed to delay (attenuate) and control the rate of surface water discharged from the site as close to greenfield runoff rates (8l/s/ha) as reasonably practicable and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
 - ii. include a timetable for its implementation; and
 - iii. provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by a public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.
26. **Non Standard Condition (Sustainability)** 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.
Reason for condition: To ensure the development achieves a high standard of sustainability and makes efficient use of resources and to comply with policies 5.2 of the Adopted London Plan 2015 and CS 15 of the Adopted Merton Core Planning Strategy 2011.
27. Amended standard condition (Lifetime homes)
Prior to first occupation of the proposed new dwellings, the applicant shall provide written evidence to confirm the new dwelling units meet Lifetime Homes Standards based on the relevant criteria. Reason for condition: To meet the changing needs of households and comply with policy CS8 of the Adopted Core Strategy (July 2011).
28. Prior to occupation of the flats hereby approved, details of the mechanical ventilation and filtration system and the impact of the building heating system on air quality for the apartment block shall be submitted and approved in writing by the Local Planning Authority. The scheme shall detail how the system will adequately mitigate against air pollutants in the Air Quality Management Area. Details of the high specification and air tight glazing on both the windows and doors for the facades along London Road shall be submitted and approved prior to the use/occupation of the development. Reason; In order to protect the health of future occupiers of the site and adjoining areas in accordance with the following Development Plan policies for Merton: policy 5.21 of the London Plan 2015 and policy DM EP4 of Merton's Sites and Polices Plan 2014.

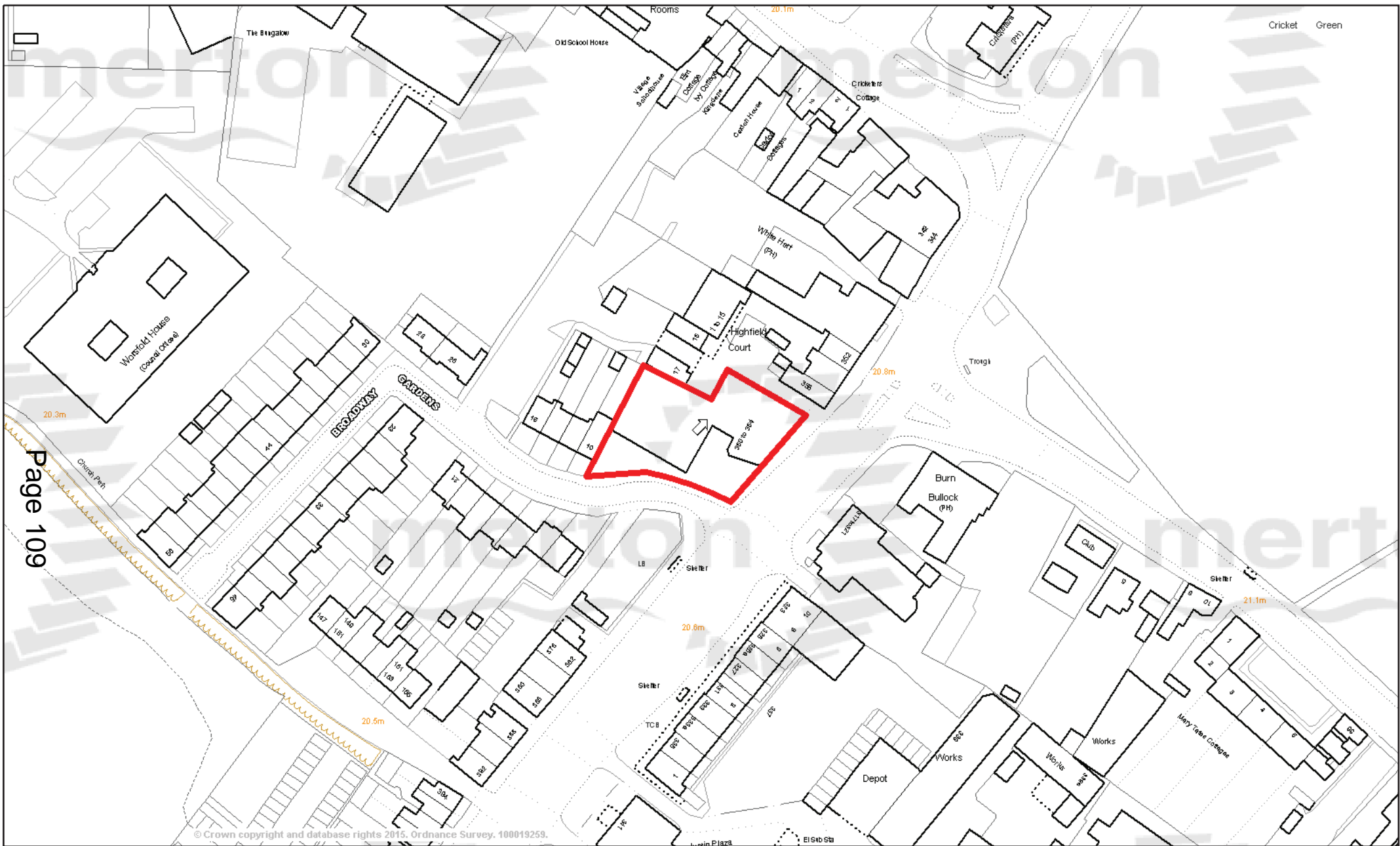
29. Non standard informative

The written scheme of investigation will need to be prepared and implemented by a suitably professionally accredited heritage practice in accordance with Historic England's Guidelines for Archaeological Projects in Greater London. The works should conform to Historic England Historic Building Guidance Level 2-3.

30. Informative:

Evidence requirements in respect of condition 26 are detailed in the "Schedule of evidence required for Post Construction Stage from Ene1 & Wat1 of the Code for Sustainable Homes Technical Guide".

31. NPPF Informative



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360-364 London Road, Mitcham

Scale 1/1250

Date 5/1/2016

London Borough of Merton
100 London Road
Morden
Surrey
SM4 5DX



DEVELOPMENT CONTROL



Do not scale this drawing. Contractor to confirm all dimensions on site. Notify architect immediately of any discrepancies.

Note:

Revisions:
00 SB 07.08.15 For Information

Planning

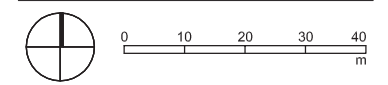
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Key plan:



Project: 360-364 London Road
Mitcham

Client: Caerus

Drawing Title: Existing
Location Plan

Drawn by: SB

Checked by: MT

Scale: 1:1250@A3

Drawing no: 6509 D1000 Rev: 00

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Note:

- Revisions:
- 00 SB 15.03.15 For Information
 - 01 SB 08.05.15 General Amendments
 - 02 SB 22.06.15 General Amendments
 - 03 SB 01.07.15 General Amendments
 - 04 SB 07.08.15 General Amendments
 - 05 SB 10.08.15 General Amendments
 - 06 AV 22.10.15 Cycle storage and bins
 - 07 SB 03.11.15 Parking Arrangement
 - 08 SB 07.01.16 Emergency exit to commercial



Page 111

Planning

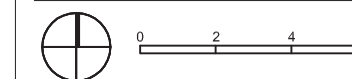
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Key plan:



Project: 360-364 London Road
Mitcham

Client: Caerus

Drawing Title: Proposed
Ground Floor Plan

Drawn by: SB

Checked by: MT

Scale: 1:200@A3

Drawing no: 6509 D4100 Rev: 08

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Note:

- Revisions:
- 00 SB 15.04.15 For Information
 - 01 SB 08.05.15 General Amendments
 - 02 SB 22.06.15 General Amendments
 - 03 SB 01.07.15 General Amendments
 - 04 SB 07.08.15 General Amendments
 - 05 SB 10.08.15 General Amendments
 - 06 AV 27.10.15 Cycle storage and bins

Planning

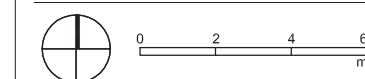
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Key plan:



Project: 360-364 London Road
Mitcham

Client: Caerus

Drawing Title: Proposed
First and Second Floor Plan

Drawn by: AV

Checked by: MT

Scale: 1:200@A3

Drawing no: 6509 D4101 Rev: 06

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Note:

- Revisions:
- 00 SB 15.04.15 For Information
 - 01 SB 08.05.15 General Amendments
 - 02 SB 22.06.15 General Amendments
 - 03 SB 01.07.15 General Amendments
 - 04 SB 07.08.15 General Amendments
 - 05 SB 10.08.15 General Amendments
 - 06 AV 27.10.15 Cycle storage and bins

Planning

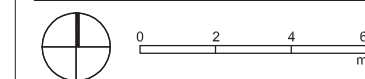
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Key plan:



Project: 360-364 London Road
Mitcham

Client: Caerus

Drawing Title: Proposed
Third Floor Plan

Drawn by: AV

Checked by: MT

Scale: 1:200@A3

Drawing no: 6509 D4103 Rev: 06

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Note:

Revisions:
00 SB 07.08.15 For Information
01 SB 10.08.15 For Information
02 AV 22.10.15 Sawtooth roof



Planning

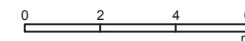
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Key plan:



Project: 360-364 London Road
Mitcham

Client: Caerus

Drawing Title: Proposed
East and South Elevation

Drawn by: AV

Checked by: MT

Scale: 1:200@A3

Drawing no: 6509 D4701 Rev: 02

Page 14

South Elevation



East Elevation

Do not scale this drawing. Contractor to confirm all dimensions on site. Notify architect immediately of any discrepancies.

Note:

Revisions:
00 SB 29.07.15 For Information
01 SB 10.08.15 For Information
02 AV 22.10.15 Sawtooth roof



Planning

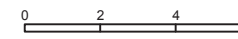
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Key plan:



Project: 360-364 London Road
Mitcham

Client: Caerus

Drawing Title: North and West Elevation

Drawn by: AV

Checked by: MT

Scale: 1:200@A3

Drawing no: 6509 D4702 Rev: 02

Page 115
North Elevation

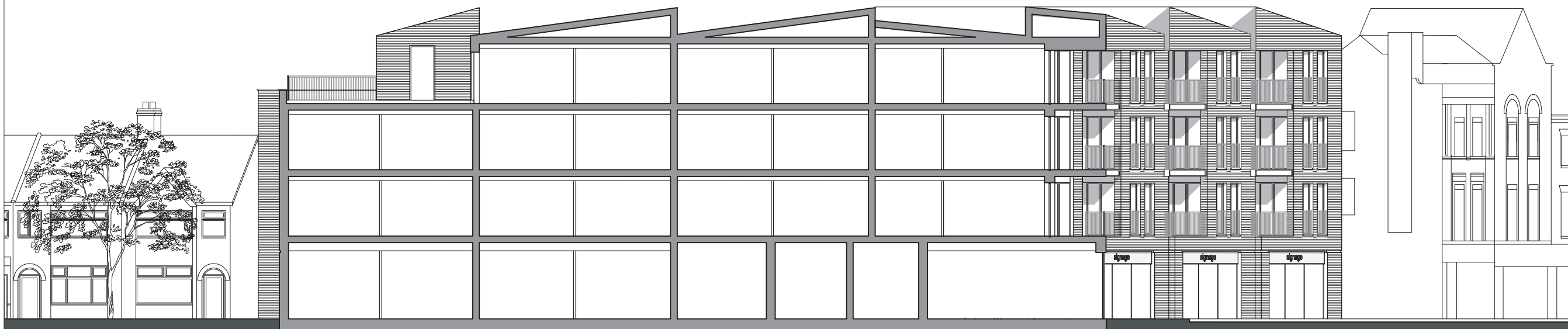


West Elevation

Do not scale this drawing. Contractor to confirm all dimensions on site. Notify architect immediately of any discrepancies.

Note:

Revisions:
00 SB 07.08.15 For Information
01 SB 10.08.15 For Information
02 AV 22.10.15 Sawtooth roof



Planning

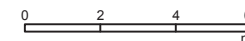
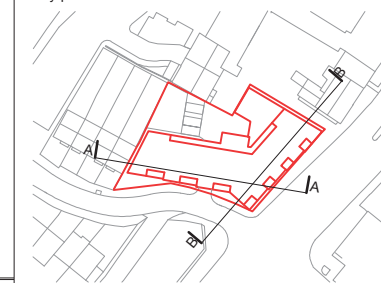
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Key plan:



Project: 360-364 London Road
Mitcham

Client: Caerus

Drawing Title: Proposed
Section A-A and B-B

Drawn by: AV

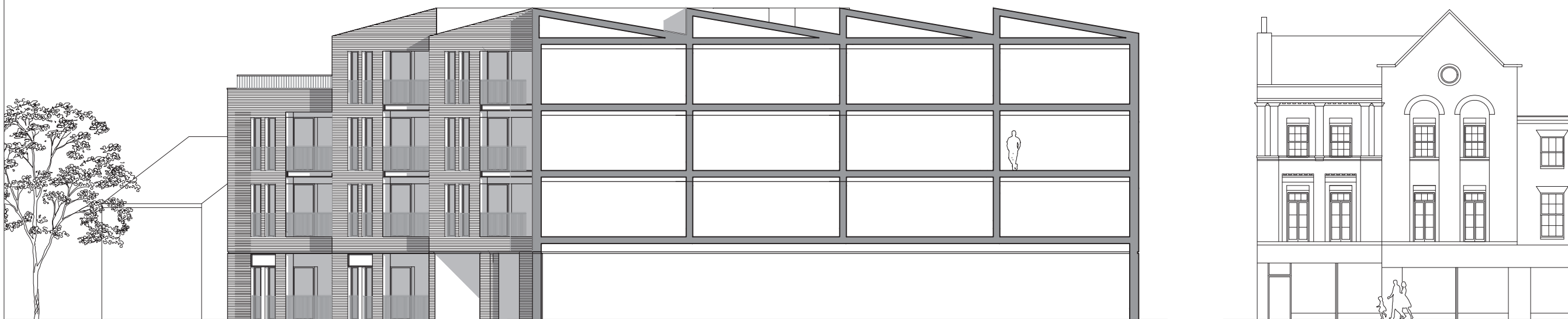
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Scale: 1:200@A3

Drawing no: 6509 D4500 Rev: 02

Page 1/6

Section A-A



Section B-B

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Note:

Revisions:
00 SB 07.08.15 For Information
01 SB 10.08.15 For Information
02 AV 22.10.15 Sawtooth roof



Broadway Gardens

Site

London Road

Planning

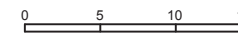
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Key plan:



Project: 360-364 London Road
Mitcham

Client: Caerus

Drawing Title: Proposed
Context Elevations

Drawn by: AV

Checked by: MT

Scale: 1:200@A3

Drawing no: 6509 D4700 Rev: 02



Site

London Road



KEY:

- 1. Mid red brick
- 2. Dark red brick
- 3. Buff brick
- 4. Bronze coloured panels
- 5. Bronze coloured window frames
- 6. Bronze coloured metal balconies
- 7. Bronze coloured balustrades

Do not scale this drawing. Contractor to confirm all dimensions on site. Notify architect immediately of any discrepancies.

Note:

Revisions:
 00 SB 10.08.15 For Information
 00 AV 22.10.15 For Information

Planning

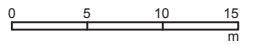
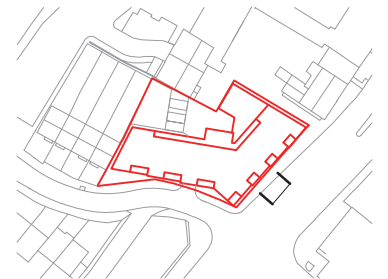
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Key plan:



Project: 360-364 London Road
 Mitcham

Client: Caerus

Drawing Title: Proposed
 Elevation Materials

Drawn by: AV

Checked by: MT

Scale: 1:50@A3

Drawing no: 6509 D4800

Rev: 01



Appeal Decision

Hearing held on 24 November 2009

Site visit made on 24 November 2009

by **P W Clark MA MRTPI MCI**

an Inspector appointed by the Secretary of State
for Communities and Local Government

The Planning Inspectorate
4/11 Eagle Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

☎ 0117 372 6372
email: enquiries@pins.gsi.gov.uk

Decision date:
15 December 2009

Appeal Ref: APP/T5720/A/09/2109245 360 London Road, Mitcham, Surrey CR4 3ND

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Majorlink Ltd against the decision of the Council of the London Borough of Merton.
- The application Ref 08/P2129, dated 28 July 2008, was refused by notice dated 30 April 2009.
- The development proposed is the demolition of an existing commercial unit and the development of a part two, part three and part four storey building comprising two ground floor B1 commercial units, one first floor B1 commercial unit, eleven (4 x 3 bedroom and 7 x 2 bedroom) self-contained flats and three terraced properties (2 x 3 bedroom and 1 x 2 bedroom) along Broadway Gardens.

Application for costs

1. At the Hearing an application for costs was made by Majorlink Ltd against the Council of the London Borough of Merton. This application is the subject of a separate Decision.

Decision

2. I allow the appeal, and grant planning permission for the demolition of an existing commercial unit and the development of a part two, part three and part four storey building comprising two ground floor B1 commercial units, one first floor B1 commercial unit, eleven (4 x 3 bedroom and 7 x 2 bedroom) self-contained flats and three terraced properties (2 x 3 bedroom and 1 x 2 bedroom) along Broadway Gardens at 360 London Road, Mitcham, Surrey CR4 3ND in accordance with the terms of the application, Ref 08/P2129, dated 28 July 2008, the plans numbered jw357-101, 102, 103b, 104d, 105c, 106e, 107b, 108e, 109c and 110c and the details of materials and finishes submitted on 23 October 2008, subject to the conditions appended to this decision.

Procedural matters

3. The application was amended during its consideration by the Council. At the hearing, amended plans were submitted to reconcile inconsistencies in the drawings previously submitted. Following the hearing, further amended plans were submitted to correct an error in the earlier amendments. As these simply resolve errors without introducing any matter not included in the plans previously submitted to the Council, nobody would be prejudiced by my basing my decision on the amended plans, so I have considered the case and taken the decision accordingly.

4. Prior to the hearing, a signed and dated planning obligation was submitted. It provides for affordable housing and payments for education provision, children's play facilities, open space improvements, consultation on and possible implementation of an extended controlled parking zone (cpz), sustainable transport improvements and for monitoring the implementation of these provisions. I have taken this into account in reaching my decision.
5. Both parties agree that a previous appeal on this site was for a scheme so different to that now proposed that that appeal decision is not relevant to the current case. I have no reason to disagree. Both parties agree that the reference to policy BE3 in the Council's reason for refusal is an error and that BE1 is meant.

Main issue

6. The one main issue is the effect of the proposal on the character and appearance of the area including views into and out of the Mitcham Cricket Green Conservation Area.

Reasons

Character and appearance

7. Both parties are agreed that the existing buildings on site detract from the character and appearance of the conservation area. Conservation Area Consent has been granted for their demolition subject only to the provision of a screen around the site pending redevelopment. Even with the existing buildings in place, the blank gable end of the adjoining terraced house in Broadway Gardens and the raw materials of its rear extension are exposed to public view. Demolition and screening of the site would not remedy that circumstance and would expose to view aspects of other surrounding buildings not designed to be seen from a public viewpoint. Although the demolition of the existing buildings is a precondition for enhancing this element of the appearance of the conservation area, further development is necessary to complete the enhancement, which the development proposed would provide.
8. The Council's Mitcham Cricket Green Conservation Area Design Guide published in November 1996 is dated but its definition of the conservation area as more a collection of distinct localities than a specific place still rings true. It accurately points out that the range, age and character of the buildings contained within the conservation area is surprisingly and refreshingly diverse. It explains that the character and diversity of these buildings is one of the particular features which merit the area's designation as a conservation area. The more recent conservation area appraisal, issued for public consultation in 2007, also comments on the range and variety of building styles around the green. I concur with its comment that their diverse scale and form combine to create the attractive character of the area.
9. These include a number of buildings which are good examples of their type and time such as the three storey 1960s police station and the four storey red brick 1930s Bramcote Court. In this context, the modern style of the current proposal and the materials chosen for its external appearance would be entirely appropriate. Its height and the dimensions which define its bulk and mass are consistent with others which contribute to the character of the area.

10. On London Road, its siting is at the back edge of the pavement. This is consistent with adjacent buildings and is a feature of the south side of Cricket Green and Lower Green West noted in the 2007 conservation area appraisal. The return elevation to Broadway Gardens is set back from the pavement in the same manner as the rest of that street. In similar fashion, the scale of the proposal would change appropriately from that in London Road, consistent with the job centre building opposite, to the domestic scale of the three terraced houses in Broadway Gardens. Their repeated rhythm would be similar to that of the other houses in Broadway Gardens.
11. From certain viewpoints on the east side of Cricket Green, the proposal would close an existing view out of the conservation area but so would any development of the site which did not retain the open forecourt and single storey building height of the previous use. However, the London Borough of Merton Unitary Development Plan (the UDP), adopted in October 2003, designates the site within an urban village area. Policies U1 and U4, amongst others, apply in such areas and require new development to provide a mix of uses including a minimum density of housing. The form and intensity of development proposed on the appeal site is consistent with those policies. In any event a view south along London Road, out of the conservation area, would still remain from points further north along the east side of Cricket Green.
12. For the same reason, the development would close the reverse view, from Broadway Gardens across the site into the conservation area, but there is no special significance in such a view. Its closure would tend to benefit Broadway Gardens by increasing its seclusion from the noise and bustle of London Road. When viewed along London Road from the south, the position of the proposal, set back slightly behind the building line of buildings to its north, would mean no reduction in the clear view into the conservation area. Rather, its form and size would balance the job centre building on the opposite side of the street to form a gateway into the conservation area beyond.
13. I conclude that the proposal would have a beneficial effect on the character and appearance of the area and so would preserve or enhance the Mitcham Cricket Green Conservation Area. It would be consistent with UDP policies BE1 and BE22 which require developments to preserve or enhance the character or appearance of conservation areas and to respect the siting, rhythm, scale, density, proportions, height, materials and massing of surrounding buildings.

Conditions and other matters

14. The Council expressed concerns that the affordable housing would not be provided in an easily managed cohesive unit, that the unilateral undertaking made the transfer of the affordable units conditional on an agreement as to price, which might not be reached, and that if an agreement on price was not reached within 6 months, then the affordable units could be sold on the open market.
15. Although it was demonstrated at the hearing that the affordable housing could be provided in a coherent and manageable group, the unilateral undertaking does not identify the affordable housing by reference to a plan as would be usual. Clause (3) of the schedule attached to the undertaking does not make clear the timing of provision. Clauses (4), (5) and (8) would leave much room

for dispute over valuation of the units. The undertaking lacks an arbitration provision. Clause (6) would allow the release of the affordable housing units to the open market in the event of disagreement persisting. As the formulation of the undertaking leaves a risk of disagreement persisting, I am not convinced that the requirements of the undertaking, taken in the round, are robust enough to ensure that the affordable housing would be provided in accordance with policy 3A.9 of the London Plan February 2008. For these reasons, and notwithstanding the existence of the undertaking, I impose condition (3), as discussed at the hearing.

16. The other provisions of the unilateral undertaking are not challenged by the Council. They would be necessary to provide for the effects of the development on local infrastructure in accordance with UDP policies C13, L8, L9, LU5 and ST36. The sums have been calculated with reference to published formulae which lead to figures proportionate to the assessed impact of the development and are therefore reasonable. Mechanisms are in place to ensure that the sums provided would be spent for their intended purpose. I am therefore content that in these respects the undertaking complies with government guidance and policy.
17. The Council suggested that a number of conditions would be necessary in the event of the appeal being allowed. I have considered these in the light of government advice set out in circular 11/95, *the use of conditions in planning permissions*, preferring the wording of the model conditions therein, where appropriate.
18. Details of materials, hard surfaces, boundary fencing, refuse storage and recycling, cycle and car parking facilities and the access and turning provision are included with the application; all that is needed is conditions requiring that they be carried out as shown, keeping pedestrian visibility splays clear of obstruction and, in the case of the car parking, appropriately managed. Third parties are concerned about traffic generated by the development but I have no evidence to show that this would be any greater than that generated by the previous use.
19. Details of the soft landscaping of common parts, measures to provide on-site renewable energy, noise insulation and noise emission from any plant installed in the B1 units, ground decontamination, external lighting and archaeological works are not provided with the application. These measures would be needed to comply with various UDP policies. Limitations on the hours of operation of the business units would be needed to accord with government advice contained in Planning Policy Guidance Note 24 but I am not convinced that construction or demolition method statements would be necessary in view of their likely duplication of other legislation. I have no information to justify any condition requiring measures to deal with air pollution.

P. W. Clark

Inspector

Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the details of external materials, hard surfacing and boundary treatment shown in the illustrations submitted on 23 October 2008 and in the approved drawings.
- 3) Notwithstanding the provisions of the unilateral undertaking dated 16 November 2009 the development shall not begin until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the local planning authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex B of PPS3 or any future guidance that replaces it. The scheme shall include:
 - i) the numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than three three-bedroomed units and four two-bedroomed units;
 - ii) the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
 - iii) the arrangements for the transfer of the affordable housing to an affordable housing provider;
 - iv) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
 - v) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.
- 4) The development hereby permitted shall not be occupied until the facilities for refuse storage and recycling, car and cycle parking, access and turning have been constructed in accordance with the details shown on the approved drawings. The facilities shall thereafter be retained for their intended purpose.
- 5) Prior to the occupation of any part of the development details of the management of the parking spaces shall be submitted to and approved in writing by the local planning authority. The parking spaces shall thereafter be managed in accordance with the approved details.
- 6) No gate shall be erected across the vehicular access to the site.
- 7) Within pedestrian visibility areas on either side of the access measured 2m along the back edge of pavement and 2m along the kerb line of the access no object shall be permitted to exceed a height of 0.6metres.
- 8) No external lighting shall be installed without the prior written approval of the Local Planning Authority.
- 9) No development shall take place until the implementation of a programme of archaeological work has been secured in accordance with a written scheme of investigation which has been approved in writing by the local planning authority.

- 10) No development shall take place until full details of soft landscaping to communal areas have been submitted to and approved in writing by the local planning authority. The details shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; implementation programme. These works shall be carried out as approved prior to the occupation of any part of the development or in accordance with the approved programme.
- 11) No development shall take place until details of measures to achieve a 20% reduction in carbon dioxide emissions from the use of on-site renewable energy production (which must be compatible with the London Borough of Merton's monitoring system) have been submitted to and approved in writing by the local planning authority. The baseline for such calculations is to be the current Building Regulations at the date of this permission together with the carbon dioxide emissions associated with other energy uses not covered by the Building Regulations. The development shall be constructed in accordance with the approved details which shall be permanently retained thereafter.
- 12) Construction work shall not begin until a scheme for protecting the proposed dwellings from noise from the external environment has been submitted and approved in writing by the local planning authority; all works which form part of the scheme shall be completed before any dwelling is occupied.
- 13) Before any plant and/or machinery is used in any of the B1 units approved, it shall be enclosed with sound-insulating material and mounted in a way which will minimise transmission of structure borne sound in accordance with a scheme to be approved in writing by the local planning authority.
- 14) The level of noise emitted from any B1 unit shall not exceed 2dBA above the background noise level, L90dBA (5 minute measurement period), as measured at the nearest residential property and there shall be no increase in one third octave band dB between 50 Hz and 160 Hz.
- 15) Prior to the commencement of development; a detailed site investigation shall be completed to survey and assess the extent of potential ground contamination on the site and from the surrounding environment (including any controlled waters), considering historic land use data and the proposed end uses; the site investigation report (detailing all investigative works and sampling, together with the results of analysis, risk assessment to any receptors and proposed remediation strategy detailing proposals for remediation) shall be submitted to and approved in writing by the local planning authority. The approved remediation measures/treatments shall be implemented in full prior to the first occupation of any residential unit hereby approved.
- 16) No machinery shall be operated, no process shall be carried out and no deliveries taken at or despatched from the B1 units outside the following times 08.00 – 23.00.

APPEARANCES

FOR THE APPELLANT:

Christine Sullivan BSc MRTPI
Jason Watkins RIBA

Principal, Sullivan Land and Planning
jdw architects

FOR THE LOCAL PLANNING AUTHORITY:

Eben van der Westhuizen
Joyce Ffrench
David Maples

Case officer, London Borough of Merton
Planning technician, London Borough of Merton
Senior Housing Development Officer, London
Borough of Merton

DOCUMENTS

- 1 Notification of date, time and place of hearing
- 2 Extracts from Mitcham town centre development brief
- 3 Mitcham Cricket Green Conservation Area Design Guide Nov 1996
and extract from Conservation Area appraisal 2007
- 4 Merton UDP policy U3



Costs Decision

Hearing held on 24 November 2009
Site visit made on 24 November 2009

by **P W Clark MA MRTPI MCMl**

an Inspector appointed by the Secretary of State
for Communities and Local Government

The Planning Inspectorate
4/11 Eagle Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

☎ 0117 372 6372
email: enquiries@pins.gov.uk

Decision date:
15 December 2009

Costs application in relation to Appeal Ref: APP/T5720/A/09/2109245 360 London Road, Mitcham, Surrey CR4 3ND

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
- The application is made by Majorlink Ltd for a full award of costs against the Council of the London Borough of Merton.
- The hearing was in connection with an appeal against the refusal of planning permission for the demolition of an existing commercial unit and the development of a part two, part three and part four storey building comprising two ground floor B1 commercial units, one first floor B1 commercial unit, eleven (4 x 3 bedroom and 7 x 2 bedroom) self-contained flats and three terraced properties (2 x 3 bedroom and 1 x 2 bedroom) along Broadway Gardens.

Summary of Decision: The application fails and no award of costs is made.

The Submissions for Majorlink Ltd

1. The claim is made because of the Council's failure to substantiate the single reason for refusal. The decision was made contrary to officer recommendation and contrary to advice from almost all consultees. Circular 03/2009 paragraph B20 (which has superseded Circular 8/93, Annex 3 paragraph 9) advises that when this happens, authorities will need to show reasonable planning grounds for taking a contrary decision and produce relevant evidence on appeal to support the decision in all respects.
2. The Council's concern appears to be that the proposal would appear discordant. Through the application process the applicant has been at pains to respond to concerns from the Council and has made amendments so as to ensure that the building proposed would not be discordant in context. In its appeal statement, the Council's elaboration of its ground for refusal is descriptive of the site but does not demonstrate or explain how the proposal would be more discordant than the current situation.

The Response by the council

3. The refusal is reasonable, specifying in detail why the application should be refused. During the appeal the Council has elaborated on the reason given and will continue to demonstrate its points on site.
 4. Assessment of character and appearance may be objective but assessment of harm is subjective. The Council has behaved reasonably in refusing the scheme as part of the democratic process. Its Design Review Panel is not a statutory body and the Council has the right to accept or to reject its advice.
-

Conclusions

5. I have considered this application for costs in the light of Circular 03/2009 and all the relevant circumstances. This advises that, irrespective of the outcome of the appeal, costs may only be awarded against a party who has behaved unreasonably and thereby caused another party to incur or waste expense unnecessarily.
6. The Council's reason for refusal emphasises the effects of the proposal on views into and out of the conservation area. My site visit showed that from certain viewpoints, existing views would be blocked. Although I have come to the conclusion that these are not significant to the character and appearance of the conservation area and that the proposal has other positive effects which would preserve or enhance the conservation area, the evidence of my eyes shows that the Council's concerns were factually based. It follows that the Council has not behaved unreasonably and so no award of costs is justified.

Formal Decision

7. I refuse the application for an award of costs.

P. W. Clark

Inspector

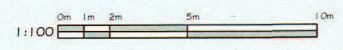
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① side elevation
Page 131

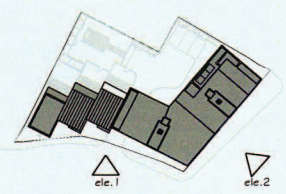


② london road elevation



- 1. natural patterned zinc rainscreen
- 2. autumn russett sovereign stock facing brickwork by Baggedge
- 3. blue sovereign stock facing brickwork by Baggedge
- 4. aluminum windows ral 9024 (dark grey) with shallow square edge profile
- 5. horizontal wrought cedar boarding
- 6. simple powder coated metal railings ral9024 (dark grey), perimeter frame to be 45mm x 6mm fluk framing with 30mm x 6mm square section rails at max. 100mm centres, top rail is to have a bolted half round capping in cedar finish
- 7. polycarbonate sectional garage door with anodised frames ral9024 (dark grey) and panels
- 8. glazed prefabricated canopy
- 9. 75mm deep zinc shallow profile to top of wall

Notes:
 All dimensions are to be checked on site before the commencement of work.
 Any discrepancies are to be reported to the Architect for verification.
 Figured dimensions only are to be taken from this drawing.
 This drawing is to be read in conjunction with all other relevant design documentation.



key

REVISIONS:
 rev a 14 october 2008 material information amended
 rev b 12 jan 2009 planning set amended prior to design review panel
 rev c 14 may 2009 planning set amended prior to appeal hearing
 rev d 14 may 2009 planning set amended prior to appeal decision

Planning Set

street:
major link limited

project:
residential development
former kwik fit
360-364 london road
london cr4 3nd

description:
elevations



Head office:
 one old stone masons, 10 st johns at
 abingdon, oxon oxfordshire sp7 9sl
 tel: 01235 851125 fax: 01235 851127

south office:
 newport
 8th floor, 128 queenston road
 newport, south wales, np18 7jn
 tel: 01633 245000 fax: 01633 246812

e-mail: info@jdwarchitects.co.uk
 or: www.jdwarchitects.co.uk

Drawn: jw **Scale:** 1:100@A1
Date: july 08 **Sheet:** of:

Job #/Rev #: jw357 - 108

Appeal London Road Elevations

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Highfield Court

Notes:
 All dimensions are to be checked on site before the commencement of work.
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 This drawing is to be read in conjunction with all other relevant design documentation.

- design principals
1. respond to the scale rhythm and proportions of surrounding buildings. provide a visual cut off.
 2. architecturally express the front corners with the roof scape and format of the fenestration.
 3. clearly distinguish the front and backs.
 4. quality materials.
 5. layering of the facades.
 6. prevent overlooking.
 7. improve and visually extend the nature of highfield court.
 8. clearly define residential entrances.
 9. ensure quality outlook from all habitable rooms.
 10. enhance the continuity of the street scene.
 11. cohesive and visually interesting architecture which is an enhancement to the character of the conservation area
 12. provide quality private and communal amenity which is secure and self monitored by overlooking.
 13. quality internally planned layouts

REVISIONS:
 rev 1 - 20 sept 08 additional parking provision added
 rev 2 - 10 oct 08 site information added
 rev 3 - 10 oct 08 gates removed in line with planning officers comments
 rev 4 - 20 oct 08 planting cut amended prior to address reserve grant

existing access to highfield court

House no.	Total area (sqm)	House Area's					
		Kitchen	Living Room	Kitchen / Dining	Living / Dining	BR1	BR2
Unit 1	74.4	8.0	-	-	14.1	9.5	-
Unit 2	89.1	-	16.2	16.2	-	10.8	11.8
Unit 3	89.4	-	16.6	16.2	-	10.6	11.8

Floor Areas	Units		
	Unit 1	Unit 2	Unit 3
Ground Floor	34.6	37.7	37.1
1st Floor	34.8	36.2	36.0
2nd Floor	-	33.2	33.4

Density	318.1/HADSHA
---------	--------------

NET (basic amenity)	225m ²
Private	152m ²
Communal	73m ²

Total commercial	141 m ²
Commercial unit A	111 m ²
Commercial unit B	30 m ²

Planning Set

CLIENT:
 major link limited

PROJECT:
 residential development
 former kwik fit
 360-364 london road
 london cr4 3nd

DESCRIPTION:
 ground floor



head office:
 the old stone mansion, 10 st james at
 aberystwyth, mmonouthshire, np23 5rt
 tel: 01873 851125 fax: 01873 851127

available offices:
 newport
 first floor, 128 castle street
 newport, south wales, np23 5ps
 tel: 01632 245200 fax: 01632 248812

e-mail: info@jdwarchitects.co.uk
 w: www.jdwarchitects.co.uk

drawn by:	scale:
jr	1:100 @A1
date:	sheet of:
July 08	
job drawing no:	
357 - 104	
rev:	d

1500mm high powder coated metal railings along highfield Court boundary

dry riser hydrant

1500mm high powder coated metal railings along frontage of communal garden

turning fibreglass concrete setts

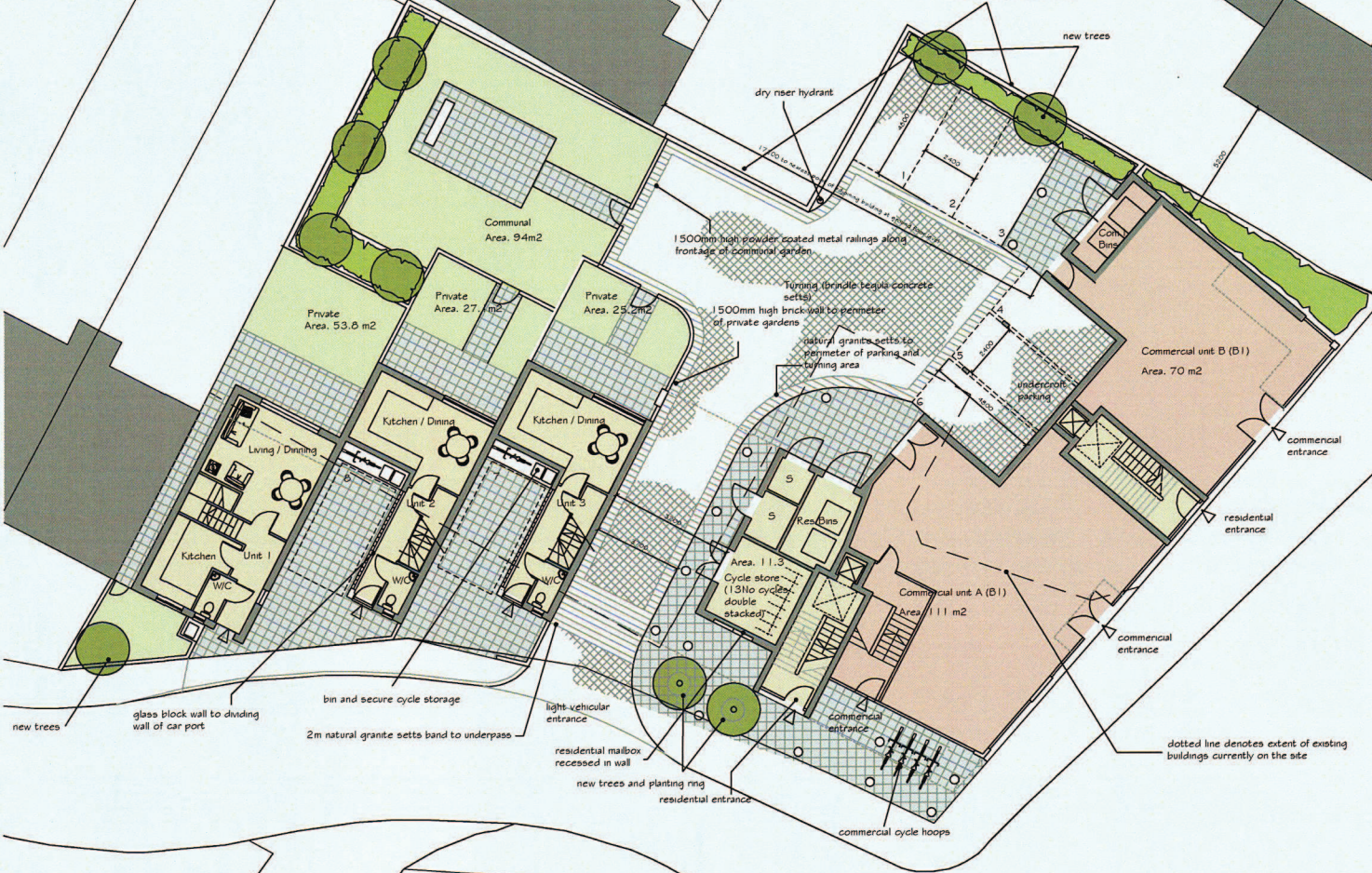
1500mm high brick wall to perimeter of private gardens

natural granite setts to perimeter of parking and turning area

Area: 11.3
 Cycle store (1310 cycle double stacked)

Commercial unit A (B1)
 Area: 111 m²

Commercial unit B (B1)
 Area: 70 m²



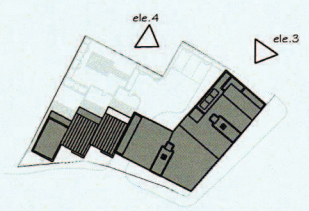
1:100 ground floor plan

Appeal floor plan

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- material schedule
1. natural patterned zinc rainscreen
 2. autumn russett sovereign stock facing brickwork by Baggeridge
 3. blue sovereign stock facing brickwork by Baggeridge
 4. aluminium windows ral 9024 (dark grey) with shallow square edge profile
 5. horizontal wrought cedar boarding
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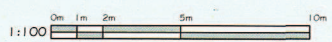
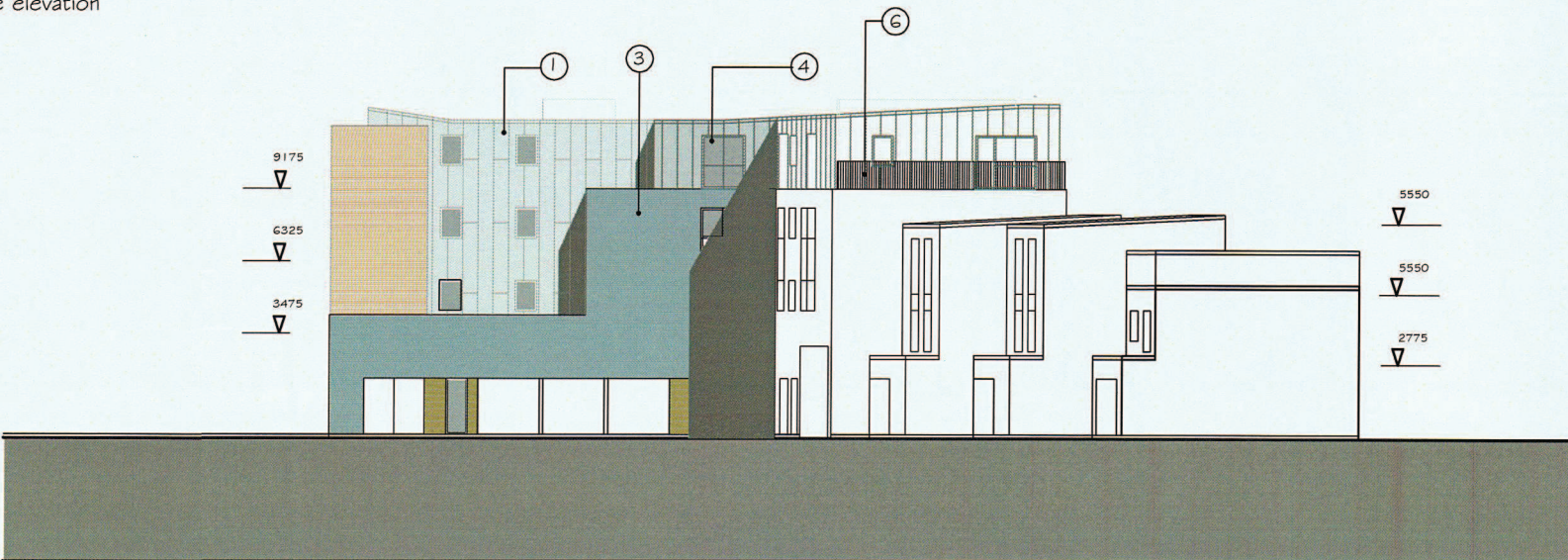


key

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 Figure dimensions only are to be taken from this drawing.
 This drawing is to be read in conjunction with all other relevant design documentation.

Revisions:
 rev 1 by october 2008 material information amended
 rev 2 - per 108 planning submitted prior to design review panel
 rev 3 - by rev 108 planning submitted prior to appeal hearing

④ london road elevation



Planning Set

client:
 major link limited

project:
 residential development
 former kwik fit
 360-364 london road
 london cr4 3nd

description:
 elevations



head office:
 the old stone manors, 10 al jilwa st
 aberystwyth, mmonmouthshire np23 5r
 tel: 01872 851225 fax: 01872 851227

satellite office:
 Newport
 81st floor, 128 ceafalon road,
 newport, south wales, np23 7za
 tel: 01632 245000 fax: 01632 246812

e-mail: info@jdwarchitects.co.uk
 www.jdwarchitects.co.uk

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JW	1:200@A1
date	sheet of
July 08	
proj no	
JW357 - 109	

Appeal Elevations

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PLANNING APPLICATIONS COMMITTEE
21st January 2016

Item No:

UPRN

APPLICATION NO.

DATE VALID

15/P3366

28/08/2015

Address/Site:

28 & 30 Ridgway Place, Wimbledon, SW19 4EP

(Ward)

Hillside

Proposal:

Demolition of existing two houses and erection of 4 x 4 bedroom semi-detached houses with basement accommodation.

Drawing Nos:

640/010 P10, 040 P4, 041 P4, 042 P4, 043 P4, 044 P5, 050 P4, 060 P5, 061 P5, Basement Construction Method Statement (Ref: 3845-ST-ST001 P3) & Flood Risk and SuDs Assessment (Ref: 3845-FR001D).

Contact Officer:

David Gardener (0208 545 3115)

RECOMMENDATION

GRANT Planning Permission Subject to a S106 Legal Agreement and Conditions

CHECKLIST INFORMATION

- Heads of agreement: Permit free, Affordable housing
- 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: 28
- External consultations: None

1. INTRODUCTION

- 1.1 The applications have been brought before the Planning Applications Committee due to the number of objections received.

2. SITE AND SURROUNDINGS

- 2.1 The application site comprises two detached houses (Nos. 28 & 30), which are located on the northeast side of Ridgway Place, Wimbledon. No.28 is a two-storey house with a gable roof, whilst No.30 is an L-shaped bungalow.
- 2.2 The application site is located on a steep section of Ridgway Place, with the road following the gradient of the hill, which slopes downwards from northwest to southeast.
- 2.3 The surrounding area is generally characterised by low-density detached residential houses.
- 2.4 The application site has a PTAL rating of 6a (excellent) and is not located in a conservation area. The site is also located in a controlled parking zone (CPZ).

3. CURRENT PROPOSAL

- 3.1 The current application is for full planning permission to demolish the two existing detached houses and erect four semi-detached houses. The proposed houses are numbered 28, 28A, 30 & 30A on the submitted plans.
- 3.2 The proposed houses would be arranged over four floors, with accommodation at basement, ground, first floor and roof levels. Each semi-detached pair of houses would feature a house with a projecting gable end addressing the street and a house with a double height front bay window and front dormer. Three houses would also feature rear dormers. One off-street parking space per house is provided within the front curtilage.
- 3.3 The application follows the previous refusal of a planning application under delegated powers in April 2015 (Ref: 15/P0663) for the demolition of the two houses and erection of four semi – detached houses. The key differences are
 - reduction in height
 - depth of houses adjacent to Nos. 26 and 32 Ridgway Place reduced at either ground or first floor level or both
 - size of front gable ends reduced in both size and number from four to two.
 - mixture of render and brick facing materials instead of just brick, and clay tile instead of slate
- 3.4 All the houses in the latest proposal feature basements and front lightwells. It should be noted that the current application has been amended since its initial submission with the front elevation of each house moved back 50cm, the gable and double height bay windows swapped over on the northwest pair of houses and the single storey rear element of the house closest to No.26 stepped in, to reduce impact on neighbours. The applicant has also confirmed that the roofs of the houses would be clay rather than slate as originally submitted.

4. PLANNING HISTORY

The following planning history is relevant:

- 4.1 No.28
No Planning history.
- 4.2 No.30
- 4.3 WIM2891 – Erection of 1 x Bungalow and garage. Granted - 14/08/1956
- 4.4 15/P0663 - Demolition of existing 2 x houses and erection of 4 x semi detached houses with associated landscaping. Refused - 13/04/2015, for the following reasons:
- “ The proposal, by reason of its height, depth, and siting would be visually intrusive, overbearing and result in an unacceptable loss of daylight/sunlight to the detriment of the amenities of occupiers of Nos. 26 and 32 Ridgway Place, contrary to policy DM D2 of the Adopted Sites and Policies Plan and Policies Maps (July 2014).”
- And
- “ The proposed houses by reason of their excessive height, bulk, and massing, would not relate positively and appropriately to the siting, rhythm, scale, density, proportions, height, materials and massing of surrounding buildings, and would have a detrimental impact on the Ridgway Place street scene, contrary to policy DM D2 of the Adopted Sites and Policies Plan and Policies Maps (July 2014).”
- 4.5 Pre –application advice for the demolition of the two houses and erection of four semi-detached houses was sought in May 2015 (Ref: 15/P1808/NEW)

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 F2 (Sustainable urban drainage systems (SuDS) and; Wastewater and Water Infrastructure), DM T1 (Support for sustainable transport and active travel), DM T3 (Car parking and service standards)
- 5.2 Adopted Merton Core Strategy (July 2011) are:
CS.8 (Housing Choice), CS.9 (Housing Provision), CS.14 (Design), CS.20 (Parking, Servicing and Delivery)
- 5.3 London Plan (March 2015) are:
3.3 (Increasing Housing Supply), 3.5 (Quality and Design of Housing Developments), 3.8 (Housing Choice), 5.3 (Sustainable Design and Construction), 6.13 (Parking)
- 5.4 The following Supplementary Planning Guidance (SPG) is also relevant:
New Residential Development (September 1999)

6. CONSULTATION

6.1 The application was publicised by means of Conservation Area press and site notice procedure and individual letters to occupiers of neighbouring properties. In response, 27 letters of objection have been received, including an objection letter from the Ridgway Place Residents Association, raising the following concerns:

- The proposal is an overdevelopment of plot; does not relate positively to the height, massing, rhythm and density of surrounding properties; out of keeping; too high and prominent, doesn't follow roof lines, excessive bulk, two detached houses more appropriate, goes beyond established building line
- Object to loss of two on-street parking bays. Permit free requirement ineffective in preventing new occupiers from successfully applying for permits; one off-street car parking space is not sufficient for houses of this size;
- Unsafe part of the road for cars to access off-street parking bays because of crest of the road, which means there is a collision risk with oncoming traffic such as car and cyclists. This could also raises safety concerns during construction;
- Construction of basements would pose a risk to stability of adjacent houses; the hydrology report does not make provision for how water would flow downhill from No. 32 Ridgway Place; Impact on groundwater flow has not been adequately assessed; approving a development with basement would set an undesirable precedent for the road; a structural assessment and land stability investigation has not been provided - an informed decision cannot be made about structural stability impact; construction methodology unclear/lacking in detail;
- Noise, disturbance and inconvenience caused during construction;
- Overlooking/loss of privacy, loss of views, overshadowing/loss of daylight/sunlight, visually obtrusive and overbearing
- No information in relation to Merton's policy on Carbon reduction;
- Proposed trees in front curtilage compromised by location of sewerage and drainage facilities, limited landscaping and impact on wildlife;
- Limited outdoor amenity space;
- Lack of consultation;

6.3 Future Merton

The Flood and structural engineers have assessed the proposal and are satisfied with the details submitted so far. They have requested further conditions area attached with any approval.

6.4 Transport planning

No objections subject to relevant conditions.

7. PLANNING CONSIDERATIONS

The main planning considerations are the impact that the proposed houses would have on the streetscene and character of the area, impact on residential amenity (including impact of the basements), the standard of accommodation and impact on parking/highways.

7.1 Design and Impact on Street Scene

- 7.11 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.
- 7.12 The existing development pattern of this part of Ridgway Place is mainly medium density detached houses with heights that generally step down following the steep road gradient. The previous scheme was refused in part because it was considered that the combination of the excessive height and amount of development was out of keeping with the pattern of development pattern in this part of Ridgway Place.
- 7.13 It is considered that the current proposal has addressed the grounds for refusal relating to the previous scheme by reducing the size of the houses and designing them so that they are more in keeping with the style of houses along this part of Ridgway Place. The houses would now appear much less prominent in the street scene with their heights substantially reduced so that they step down more in rhythm with the other houses along this part of the road and with a reduced number and size of front gables. The front elevations have also been moved back a further 50cm.
- 7.14 The proposed houses in the current scheme will feature a mixture of render, brick, and clay tiles, which further breaks down their massing, whilst providing a pallet of materials which better reflects the street. The houses also comprise design features, which are common on a number of houses along this part of Ridgway Place with for example rendered front gables featured on the adjoining property, No.32 and a number of houses on the other side of the road. Overall, it is considered that the current proposal would complement the character of the Ridgway Place street scene and the wider area in general and as such accords with policy DM D2 of the Adopted Sites and Policies Plan and Policies Maps (July 2014).

7.3 Standard of Accommodation

- 7.31 The London Plan was published in July 2011 and sets out a minimum gross internal area standard for new homes as part of policy 3.5. It provides the most up to date and appropriate minimum space standards for Merton.

- 7.32 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.
- 7.33 As the proposed houses would comfortably exceed the minimum space standards set out in the London Plan, with each habitable room providing good outlook, light and circulation, it is considered the proposal would provide a satisfactory standard of accommodation. In addition, the proposed houses would provide a minimum of 80sqm of private amenity space, which is in excess of the minimum of 50sqm required in policy DM D2. The proposed house would therefore comply with policy 3.5 of the London Plan (July 2011), CS.14 of the Core Planning Strategy (July 2011) and DM D2 of the Adopted Sites and Policies Plan and Policies Maps (July 2014).

7.4 Residential Amenity

- 7.41 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.
- 7.42 It is considered that the current proposal has addressed the concerns from the previous application in terms of its impact on No. 26 and 32 Ridgway Place. This part of Ridgway Place is located on a steep gradient, which means the ground level of the house closest to No.26 Ridgway Place is considerably higher. In the previously refused scheme, the house closest to No. 26 projected 3.3m at ground floor and 2.3m at first floor beyond the two-storey rear wing of this property. This degree of projection would normally be considered acceptable on a flat site. However, given the steep gradient of the land it was considered on balance that it would result in an unacceptable level of visual intrusion when viewed from this property. For the current proposal, the first floor of house No.28 has been pulled back by 1m from the rear so that it would only project 1.3m beyond the rear of the two-storey projecting wing at No.26 and the ground floor has been stepped in adjacent to the boundary to project by only 2.3m. As the house is also sited 1m from the side boundary with No.26, the impact of the scheme is now considered to be acceptable in relation to this property. Windows in the side elevation of proposed House No.28 would also be obscure glazed to prevent any overlooking of No.26.
- 7.43 The previous scheme was also considered to be unacceptable in terms of its impact on No.32 Ridgway Place. No.32 Ridgway Place sits at a much higher

ground level than that of the closest proposed house (No.30A). However, in the previously refused scheme, it was considered that as this house would project approx. 2.6m beyond the rear of the conservatory of No.32 at first floor level, it would be visually intrusive and overbearing when viewed from this property whilst resulting in an unacceptable loss of daylight/sunlight. The current application is considered to address these concerns by stepping in part of the flank wall of the first floor by 2.3m, which means the flank wall, which hasn't been stepped in would not project beyond the rear of the conservatory at this property. It should also be noted that at the request of the Council's Planning section, the front elevation of the proposed houses have been set back by 50cm and the double height front bay window and front facing gable swapped over between Nos.30 and 30A. This means the depth of the side wall extending beyond the front elevation of No.32 has been reduced from 3m to 1.3m. Given the gap between the proposed house and No.32, combined with the lower ground of the application site, this is considered acceptable.

- 7.44 Overall, it is considered that the impact of the proposed houses, in terms of any loss of outlook, daylight/sunlight, or visual intrusion, is insufficient to warrant refusal of the application. The proposal therefore accords with policy DM D2 of the Adopted Sites and Policies Plan and Policies Maps (July 2014).

7.5 Basement Construction

- 7.51 The applicant has provided a basement construction method statement and flood risk and SuDs assessment demonstrating how the stability of ground conditions will be maintained in relation to adjoining properties and details of a drainage strategy in relation to surface water and ground water flows.
- 7.52 The basement construction method statement states that a ground investigation has been undertaken and no groundwater strikes occurred during the investigation, however, subsequent monitoring recorded standing groundwater at depths of 1.13m and 2.34m below ground level. It is considered that this is likely to be because the groundwater is perched, sitting above the clay, considering the geology found at this location. The Council's Flood Engineer has assessed the application and has recommended that passive drainage measures are provided around the structure to avoid a backwater effect (rise in levels upstream) even though the results are shown to be in clay with low permeability, as there have been some records of underground springs in the wider area and the site investigation results show perched shallow groundwater.
- 7.53 The surface water drainage strategy proposes to discharge water to the sewer at a restricted rate of 5l/s and to provide no less than 15.2m³ of attenuation through the implementation of a Sustainable Urban Drainage system in the form of permeable paving to external hard landscaping areas such as the driveways/patios and through rainwater harvesting tanks of approx. 0.4m³ for each dwelling. A condition will be attached requiring a detailed scheme for the provision of ground water and surface water drainage, which is designed in accordance with the proposed drainage strategy (Ref: 3789-DR-DR001) is

submitted and approved in writing prior to the commencement of the development.

- 7.54 The submitted basement construction method statement outlines how the land can be supported during construction work close to the boundaries with adjoining properties. The Council's structural engineer has assessed the submitted details and is satisfied with the information, which has been provided so far. A condition will however be attached requiring the submission of a detailed method statement, which has been reviewed/agreed by a chartered engineer prior to commencement of works. Overall, it is considered that the proposal would accord with policies DM D2 and DM F2 of the Adopted Sites and Policies Plan and Policies Maps (July 2014)

7.6 Parking and Traffic

- 7.61 The application site has a PTAL rating of 6a, which means it has excellent access to public transport. The scheme proposes the provision of one off-street parking space per house, which would result in the loss of 2 on-street permit only parking bays.
- 7.62 Policy DM T3 of the Adopted Sites and Policies Plan and Policies Maps (July 2014) states that development should only provide the level of car parking required to serve the site taking into account its accessibility by public transport (PTAL) and local circumstances in accordance with London Plan standards unless a clear need can be demonstrated. Policy 6.13 Table 6.2 of the London Plan (March 2015) allows for up to 1 space per unit with 4 bedrooms or more where there is a PTAL rating of 5-6. The level of parking provision is therefore in accordance with London Plan policy.
- 7.63 Although the applicant suggests that the on-street permit bay outside No.32 Ridgway Place could be extended south to partially compensate for the loss of the two on-street bays, it is unlikely that the bay could be extended far enough to accommodate an additional vehicle. Due to the loss of the two bays and in accordance with Policy DM T3 of the Adopted Sites and Policies Plan and Policies Maps (July 2014) all four dwellings will be required to be permit free so that the development does not create any additional parking stress in the area.
- 7.64 The proposal does not show any cycle parking provision. Policy DM T1 of the Adopted Sites and Policies Plan and Policies Maps (July 2014) states that development must provide cycle parking in accordance set out in the London Plan. It states that residential cycle parking facilities should be provided in secure, covered and conveniently sited positions with good access to the street. Policy 6.13 of the London Plan states that developments must meet with minimum cycle parking standards set out in Table 6.3 which in this instance requires 2 spaces per dwelling. A condition will therefore be attached requiring details of secure cycle storage are submitted prior to commencement of development.

7.7 Landscaping

- 7.71 The proposed houses would each feature raised planting beds with a tree, which would soften the houses appearance when viewed from the street. Further planting and landscaping would be provided at the rear of the houses. A condition would be attached requiring details of landscaping including the species of the proposed tree. The condition would also require that the trees are permanently retained.

8. SUSTAINABILITY AND ENVIRONMENTAL IMPACT ASSESSMENT REQUIREMENTS

- 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 both the Mayoral and Merton Community Infrastructure Levies (CIL). The funds will be spent on the Crossrail project, with the remainder spent on strategic infrastructure and neighbourhood projects.

10. SECTION 106 LEGAL AGREEMENT

10.1 Affordable Housing

- 10.11 In terms of affordable housing, Policy CS.8 of the Core Planning Strategy (July 2011) requires developments of 1 – 9 units to make an off-site financial contribution for provision of affordable housing in the borough. The affordable housing contribution is calculated based on a formula using the median open market valuation of the completed development based on three independent valuations. The proposal would result in a net increase of two residential units in this instance. After applying the formula a figure of £337,364 would be sought as a S106 planning obligation.

10.2 Permit Free

- 10.21 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.

- 10.22 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>

11. CONCLUSION

- 11.1 It is considered that the proposed houses would be acceptable in terms of their size and design and would not have an unacceptable impact on the Ridgway Place street scene or the wider area. The houses are also considered to have an acceptable impact on neighbor amenity, traffic/parking and the proposed basements are not considered to be detrimental to flooding or structural stability of adjoining houses. 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 a S106 legal agreement with the following heads of terms:

1. That the residential units are 'Permit Free';
2. Financial contribution for affordable housing (£337,364)
3. The developer agreeing to meet the Council's costs of preparing, drafting and monitoring the Section 106 Obligations.

And the following conditions:

1. A.1 (Commencement of Development)
2. A.7 (Approved Plans)
3. B.1 (External Materials to be Approved)
4. B.4 (Details of Site/Surface Treatment)
5. B.6 (Levels)
6. C.1 (No Permitted Development (Extensions))
7. C.2 (No Permitted Development (Windows and Doors))
8. C.4 (Obscured Glazing (Opening Windows))
9. C.8 (No Use of Flat Roof)
10. C.10 (Hours of Construction)
11. F.1 (Landscaping/Planting Scheme)
12. F.2 (Landscaping (Implementation))
13. F.9 (Hardstandings)

14. No part of the development hereby approved shall be occupied until evidence has been submitted to the council confirming that the development has achieved not less than the CO2 reductions (ENE1), internal water usage (WAT1) standards equivalent to Code for Sustainable Homes level 4. Evidence requirements are detailed in the "Schedule of evidence Required for Post Construction Stage from Ene1 & Wat1 of the Code for Sustainable Homes Technical Guide. Evidence to demonstrate a 25% reduction compared to 2010 part L regulations and internal water usage rates of 105l/p/day must be submitted to, and acknowledged in writing by the Local Planning Authority, unless otherwise agreed in writing.

Reason: To ensure that the development achieves a high standard of sustainability and makes efficient use of resources and to comply with the following Development Plan policies for Merton: policy 5.2 of the London Plan 2011 and policy CS15 of Merton's Core Planning Strategy 2011.

15. Prior to the commencement of the development details of the provision to accommodate all site operatives, visitors and construction vehicles and loading / unloading arrangements during the construction process shall be submitted and approved in writing with the Local Planning Authority. The approved details must be implemented and complied with for the duration of the construction process.

Reason: To safeguard the amenities of the occupiers of neighbouring properties.

16. H.2 (Vehicle Access to be provided)
17. H.3 (Redundant crossovers)
18. H.5 (Visibility splays)
19. H.6 (Cycle Parking – Details to be Submitted)
20. J.1 (Lifetime Homes)
21. The raised planter beds adjacent to the car parking spaces shown on the approved plans shall be implemented before the development is first occupied and retained permanently thereafter.

Reason: To ensure a satisfactory appearance of the development and to comply with the following Development Plan policies for Merton: policy 7.6 of the London Plan 2011, policy CS.14 of Merton's Core Planning Strategy 2011 and policies DM D2 and D3 of Merton's Sites and Policies Plan 2014.

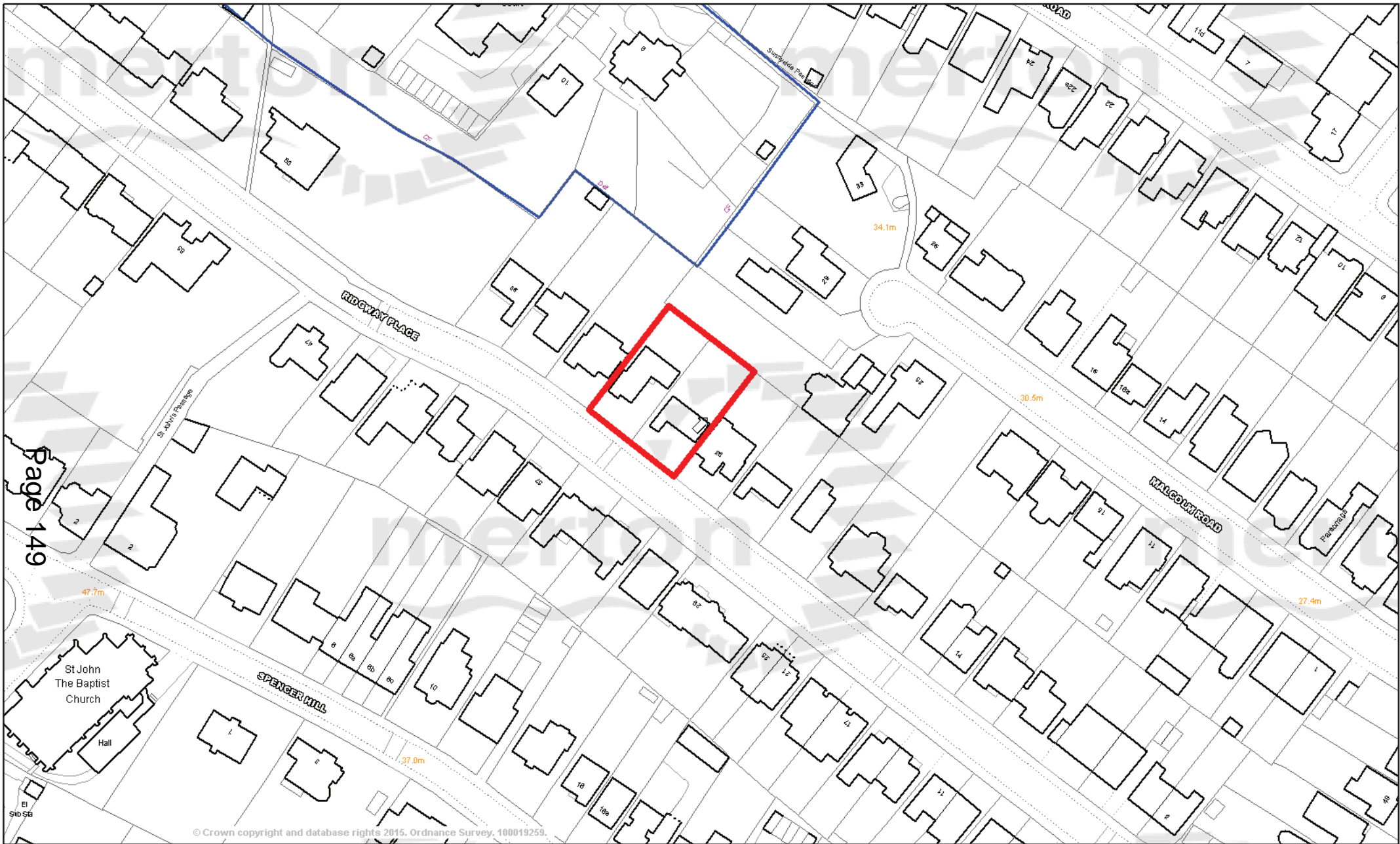
22. No development approved by this permission shall be commenced until a detailed scheme for the provision of ground water and surface water drainage has been implemented in accordance with details that have been submitted to and approved in writing by the local planning authority. The final drainage scheme shall be designed in accordance with the submitted Surface Water

Drainage Strategy (ref: 3789-DR001 dated June 2015) and will dispose of surface water by means of a sustainable drainage system (SuDS) to ground, watercourse or sewer 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 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 5.13 of the London Plan 2011, policy CS16 of Merton's Core Planning Strategy 2011 and policy DM F2 of Merton's Sites and Polices Plan 2014.

23. No development approved by this permission shall be commenced until a detailed method statement has been submitted produced by the contractor and reviewed/agreed by a chartered engineer. The details shall include construction working drawings, temporary support drawings/details showing how the adjacent land would be supported during construction, and construction sequence drawings.

Reason: To ensure that structural stability of adjoining houses is safeguarded and neighbour amenity is not harmed and to comply with policy DM D2 of Merton's Sites and Polices Plan 2014.



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28-30 Ridgway Place

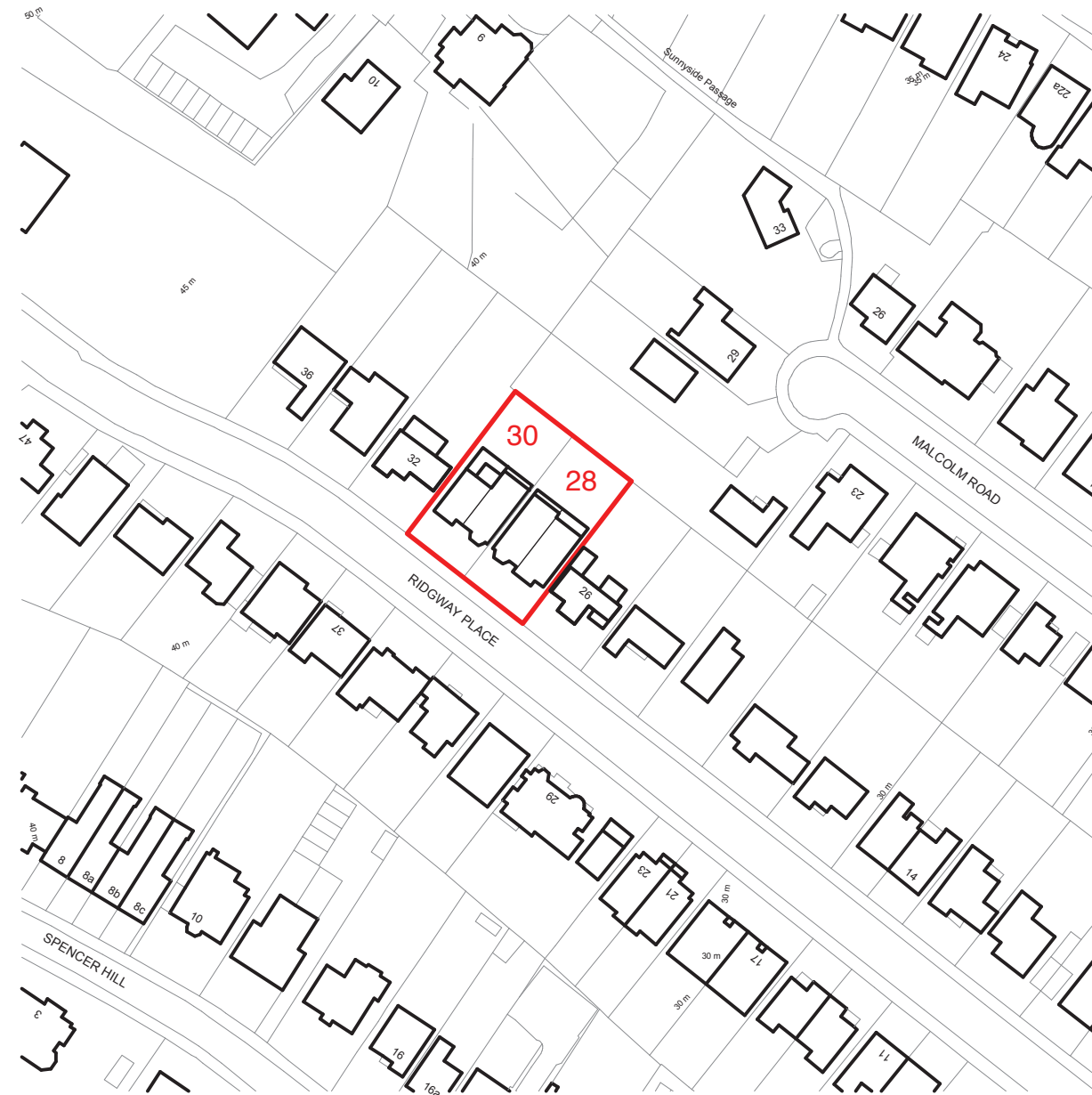
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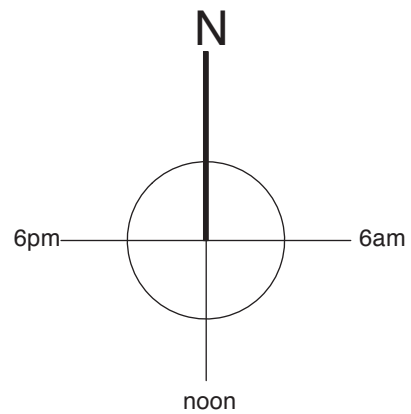
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100 London Road
Morden
Surrey
SM4 5DX



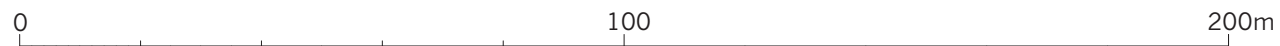
DEVELOPMENT CONTROL



AERIAL PHOTOGRAPH OF THE SITE



— Site boundary



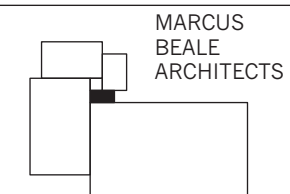
- P3 - 25/08/15 - ISSUED TO PLANNING
- P2 - 15/05/15 - ISSUED TO PLANNING FOR PRE-APP
- P1 - 12/02/15 - ISSUED TO PLANNING

Revisions

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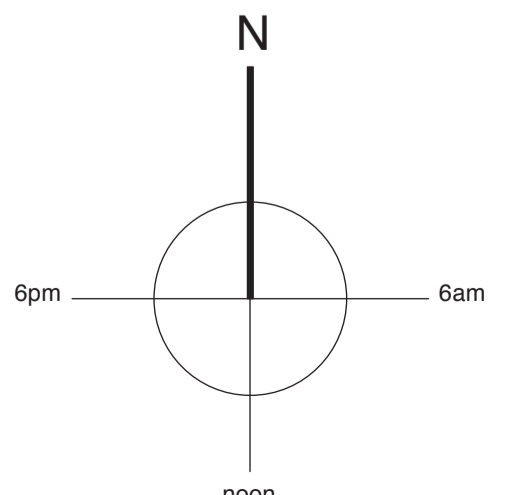


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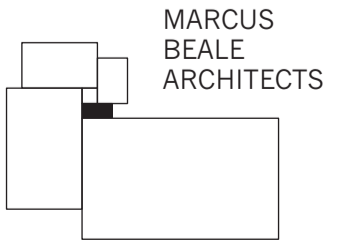
28 & 30 RIDGWAY PLACE, SW19 4EP		PROPOSED
LOCATION PLAN		
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Date 03/10/2014	Check MB	



- KEY**
- SITE BOUNDARY
 - DEMOLITION IN PLAN
 - DEMOLITION IN ELEVATION
 - TREES AND VEGETATION TO BE RETAINED



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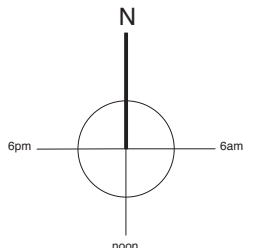
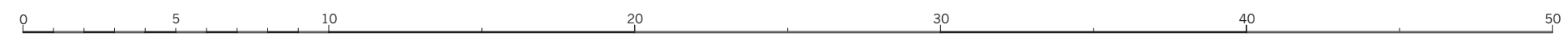


P2 - 25/08/15 - ISSUED TO PLANNING
P1 - 12/02/15 - ISSUED TO PLANNING

28 & 30 RIDGWAY PLACE, SW19 4EP		EXISTING	
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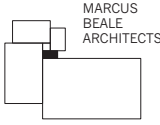


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- SITE BOUNDARY
 - GRASS
 - PLANTING
 - PAVING
 - BOUND GRAVEL
 - PROPOSED TREES



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- I - 24/12/15 - BUILDINGS REDUCED 500mm TO THE RIDGEWAY, 30 RW GABLE AND BAY SWAPPED, 1m REDUCED FROM 28 RW
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- P2 - 15/05/15 - ISSUED TO PLANNING FOR PRE-APP
- P1 - 12/02/15 - ISSUED TO PLANNING

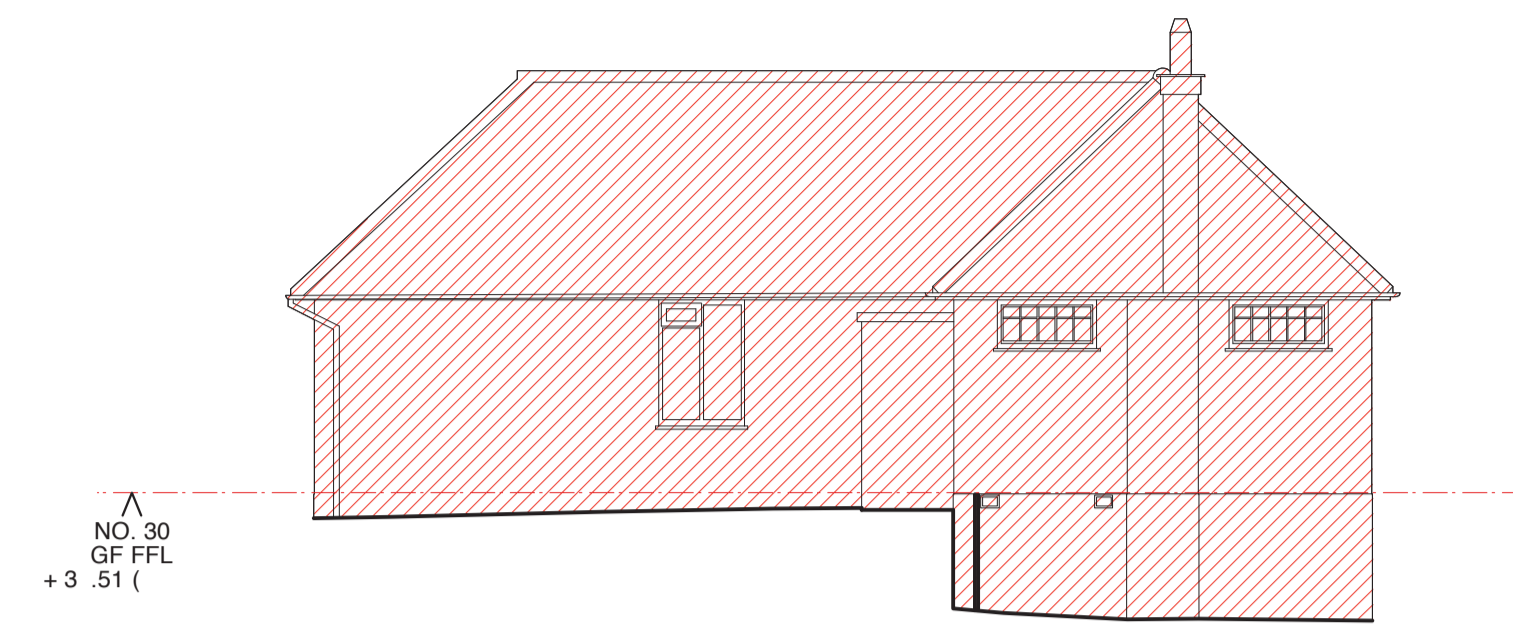
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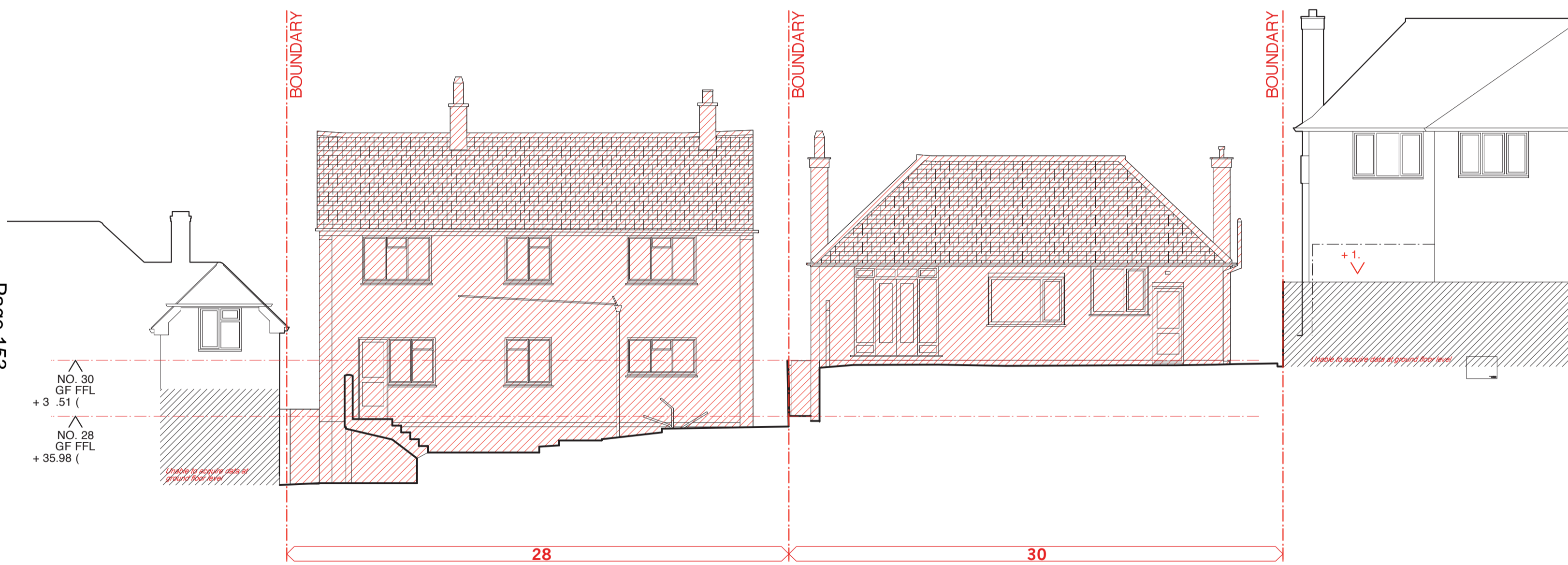
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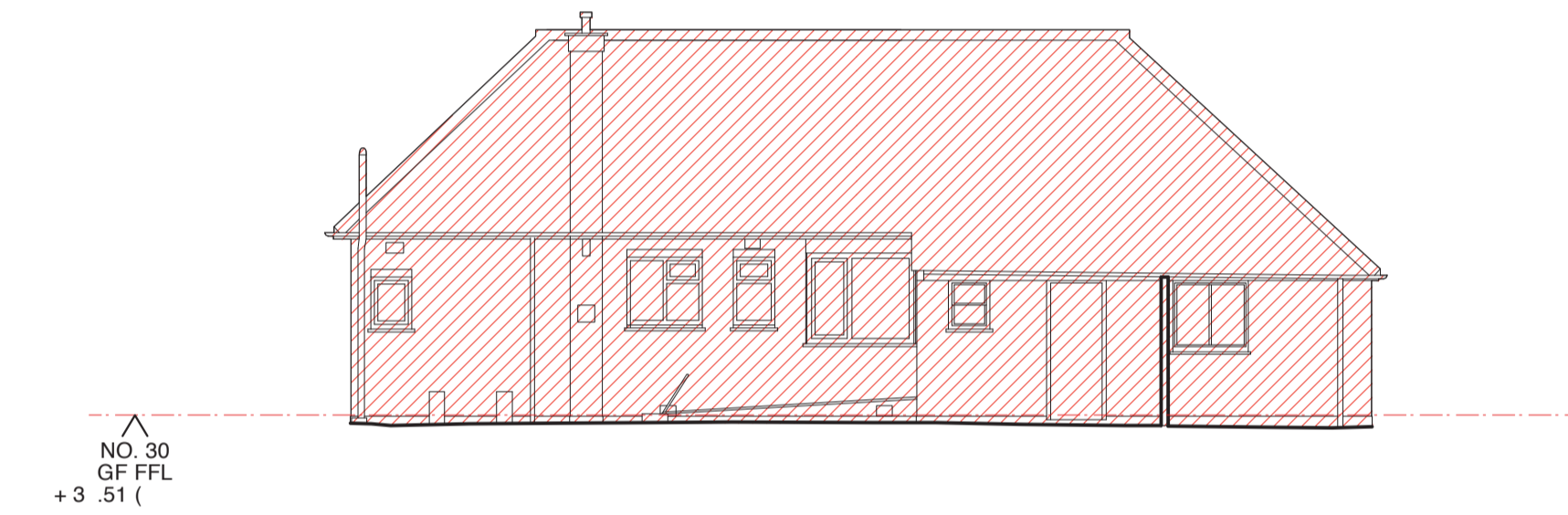
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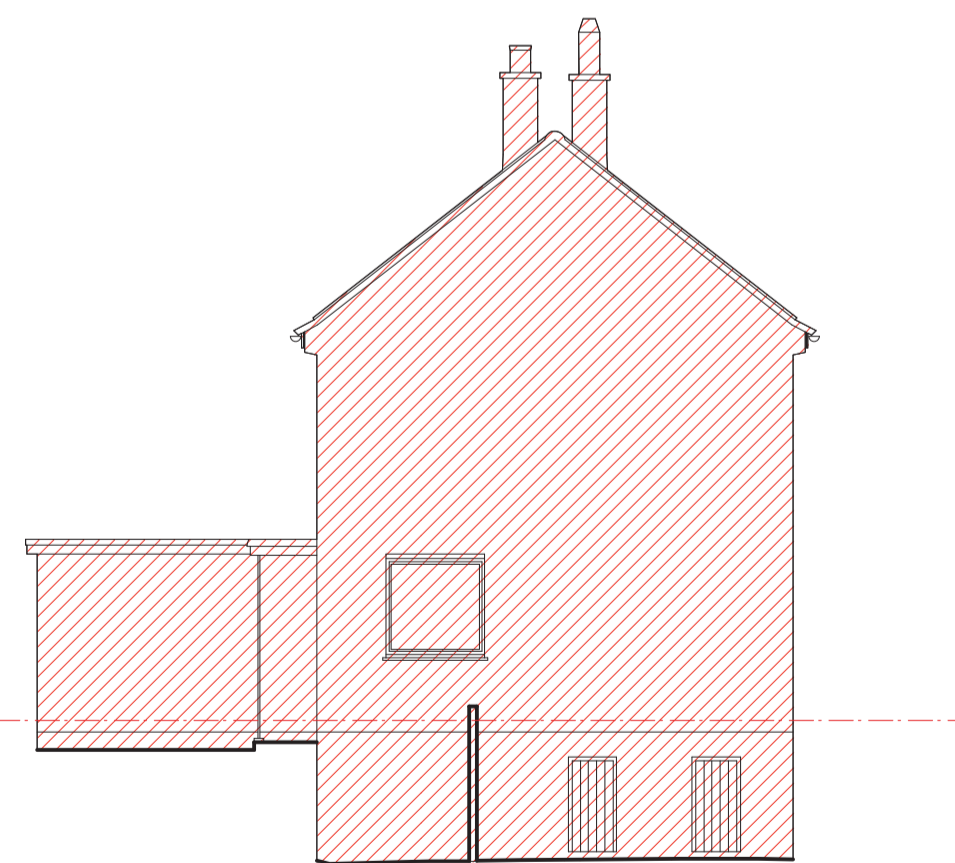
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REAR ELEVATION



NO.30 SIDE ELEVATION



NO.28 SIDE ELEVATION



NO.28 SIDE ELEVATION

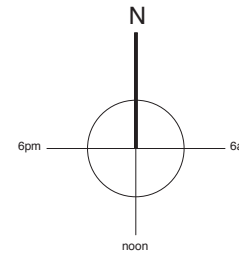
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- KEY**
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 - DEMOLITION IN SECTION

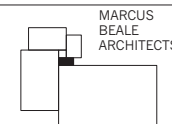


P2 - 25/08/15 - ISSUED TO PLANNING
P1 - 12/02/15 - ISSUED TO PLANNING

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Phone +44 (0) 20 8946 4141 Fax +44 (0) 20 8946 2299 Email mba@marcus-beale.co.uk www.marcus-beale.co.uk				EXISTING
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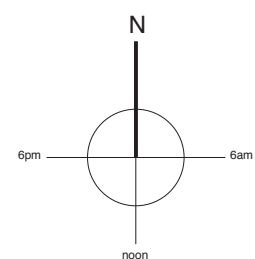


- P4 - 24/12/15 - BUILDINGS REDUCED 500mm TO THE RIDGEWAY, 30 RW GABLE AND BAY SWAPPED, 1m REDUCED FROM 28 RW
- K - 24/12/15 - BUILDINGS REDUCED 500mm TO THE RIDGEWAY, 30 RW GABLE AND BAY SWAPPED, 1m REDUCED FROM 28 RW
- P3 - 25/08/15 - ISSUED TO PLANNING
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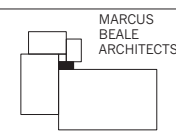
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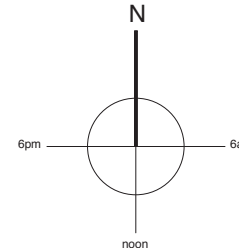
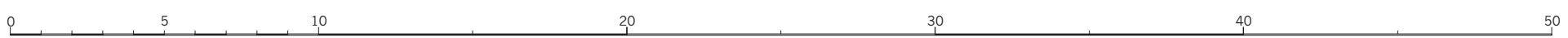
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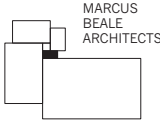
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KEY
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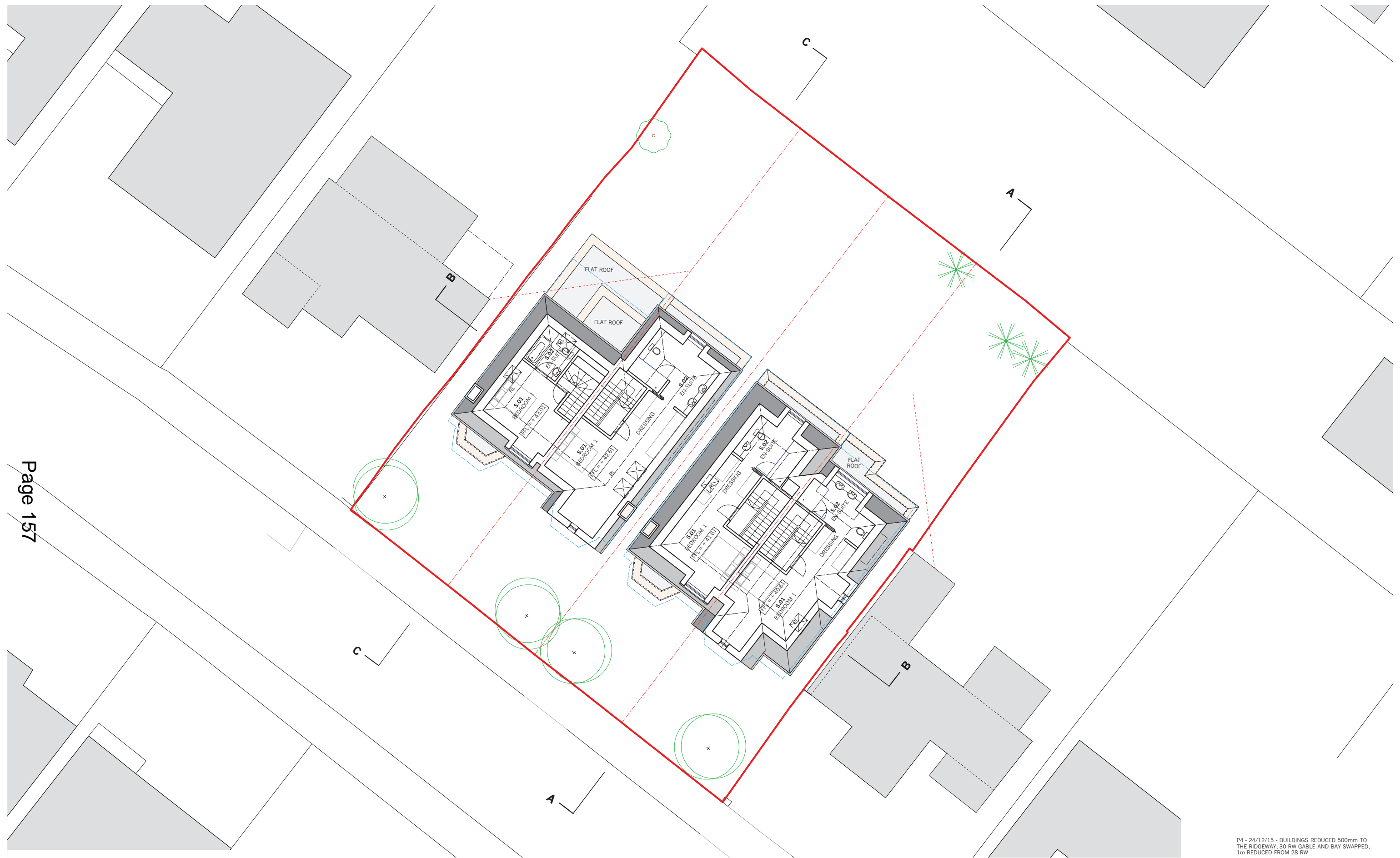


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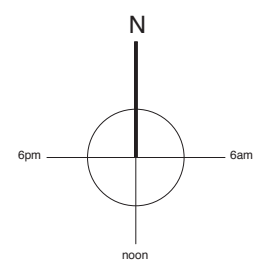
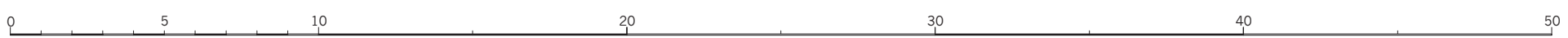


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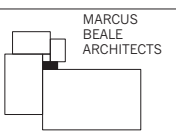
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KEY
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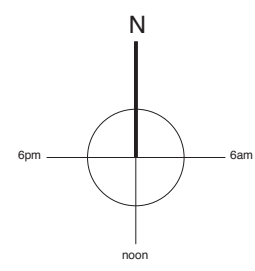
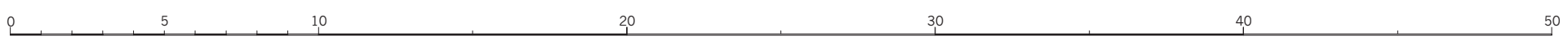


P4 - 24/12/15 - BUILDINGS REDUCED 500mm TO THE RIDGEWAY, 30 RW GABLE AND BAY SWAPPED, 1m REDUCED FROM 28 RW
 H - 24/12/15 - BUILDINGS REDUCED 500mm TO THE RIDGEWAY, 30 RW GABLE AND BAY SWAPPED, 1m REDUCED FROM 28 RW
 P3 - 25/08/15 - ISSUED TO PLANNING
 P2 - 15/05/15 - ISSUED TO PLANNING FOR PRE-APP
 P1 - 12/02/15 - ISSUED TO PLANNING

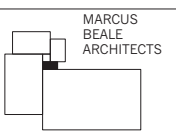
28 & 30 RIDGWAY PLACE, SW19 4EP		SECOND FLOOR PLAN		PROPOSED
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Date 29/10/2014	Check MB			



KEY
 - - - - - OUTLINE OF PREVIOUS SCHEME (APPLICATION NO. 15/P0663)



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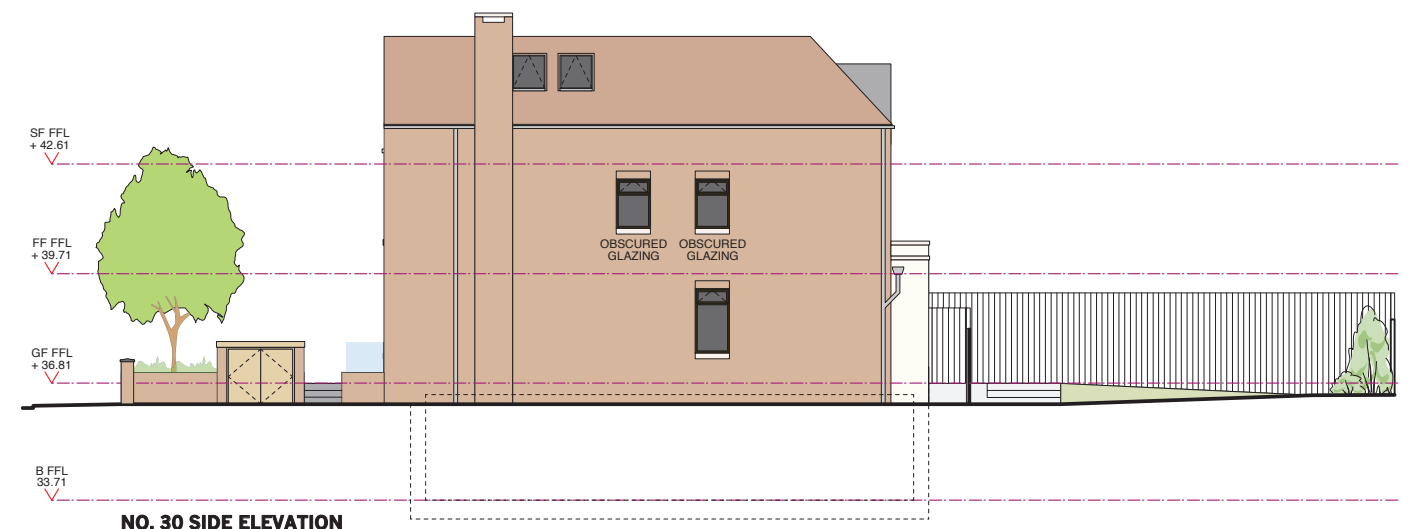


- P5 - 11/01/15 - ROOF TILES CHANGED TO CLAY TILES
- P4 - 24/12/15 - BUILDINGS REDUCED 500mm TO THE RIDGEWAY, 30 RW GABLE AND BAY SWAPPED, 1m REDUCED FROM 28 RW
- C - 24/12/15 - BUILDINGS REDUCED 500mm TO THE RIDGEWAY, 30 RW GABLE AND BAY SWAPPED, 1m REDUCED FROM 28 RW
- P3 - 25/08/15 - ISSUED TO PLANNING
- P2 - 15/05/15 - ISSUED TO PLANNING FOR PRE-APP
- P1 - 12/02/15 - ISSUED TO PLANNING

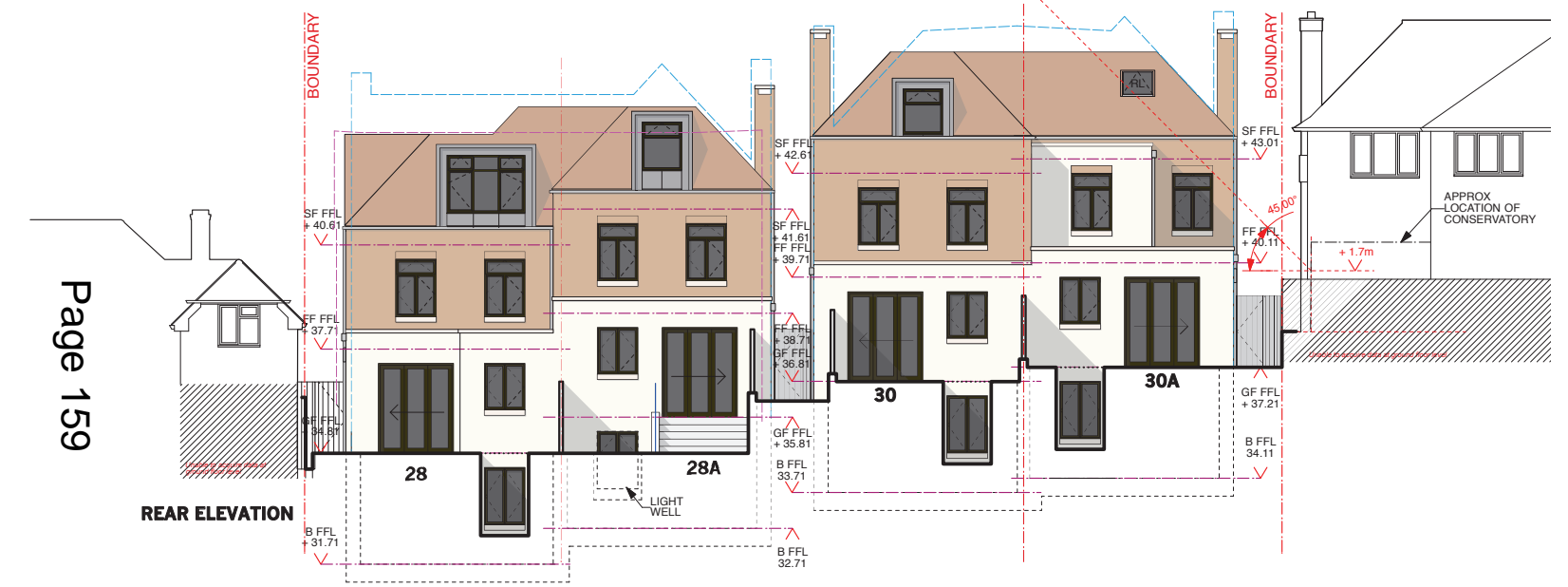
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Date 06/02/2014	Check MB		



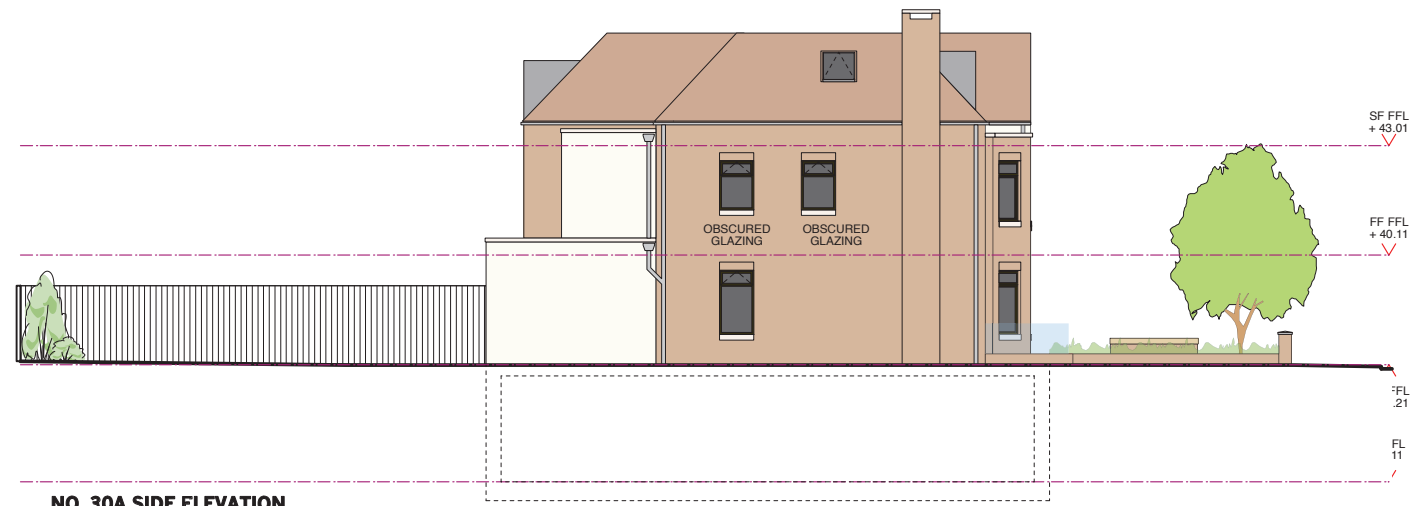
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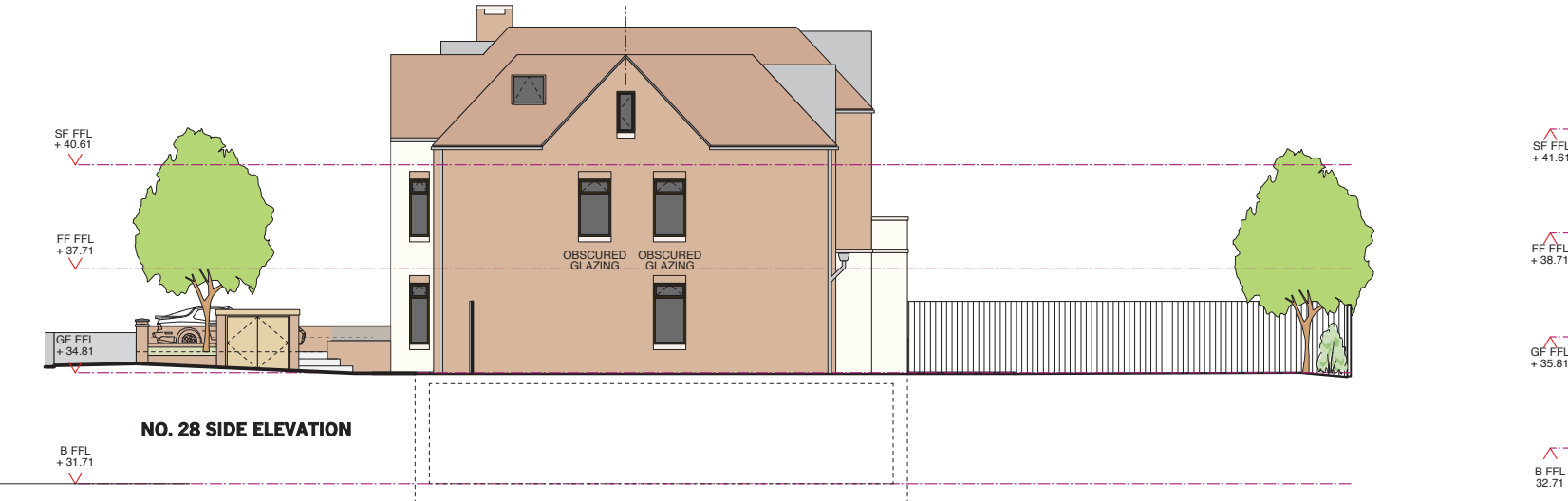
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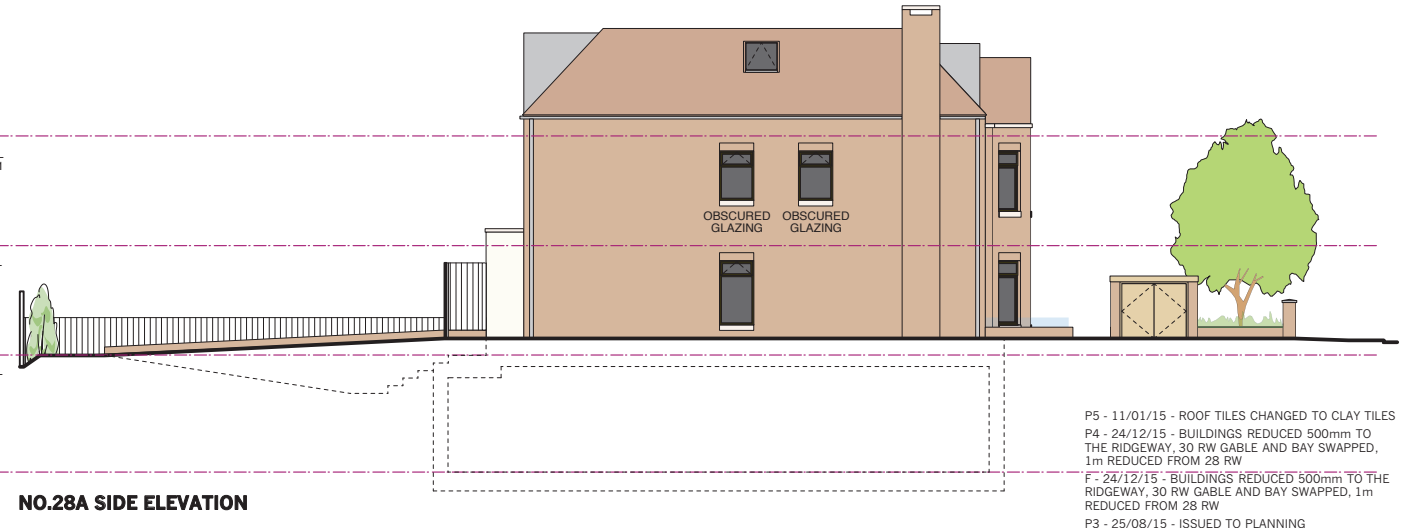
REAR ELEVATION



NO. 30A SIDE ELEVATION



NO. 28 SIDE ELEVATION



NO. 28A SIDE ELEVATION

- P5 - 11/01/15 - ROOF TILES CHANGED TO CLAY TILES
- P4 - 24/12/15 - BUILDINGS REDUCED 500mm TO THE RIDGEWAY, 30 RW GABLE AND BAY SWAPPED, 1m REDUCED FROM 28 RW
- F - 24/12/15 - BUILDINGS REDUCED 500mm TO THE RIDGEWAY, 30 RW GABLE AND BAY SWAPPED, 1m REDUCED FROM 28 RW
- P3 - 25/08/15 - ISSUED TO PLANNING
- P2 - 15/05/15 - ISSUED TO PLANNING FOR PRE-APP
- P1 - 12/02/15 - ISSUED TO PLANNING

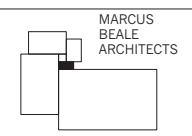
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 - WHITE RENDER
 - CLAY TILE
 - ZINC
 - STONE
 - TIMBER

- KEY**
- OUTLINE OF PREVIOUS SCHEME (APPLICATION NO. 15/P0663)
 - OUTLINE OF EXISTING No. 28



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28 & 30 RIDGEWAY PLACE, SW19 4EP		PROPOSED	
ELEVATIONS			
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Date 09/02/2014	Check MB		



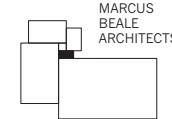
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- OUTLINE OF PREVIOUS SCHEME (APPLICATION NO. 15/P0663)
- OUTLINE OF EXISTING No. 28

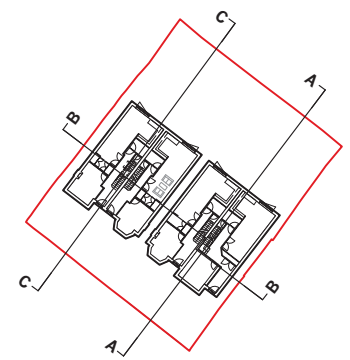


- P5 - 11/01/15 - ROOF TILES CHANGED TO CLAY TILES
- P4 - 24/12/15 - BUILDINGS REDUCED 500mm TO THE RIDGEWAY, 30 RW GABLE AND BAY SWAPPED, 1m REDUCED FROM 28 RW
- P3 - 25/08/15 - ISSUED TO PLANNING
- P2 - 15/05/15 - ISSUED TO PLANNING FOR PRE-APP
- P1 - 12/02/15 - ISSUED TO PLANNING

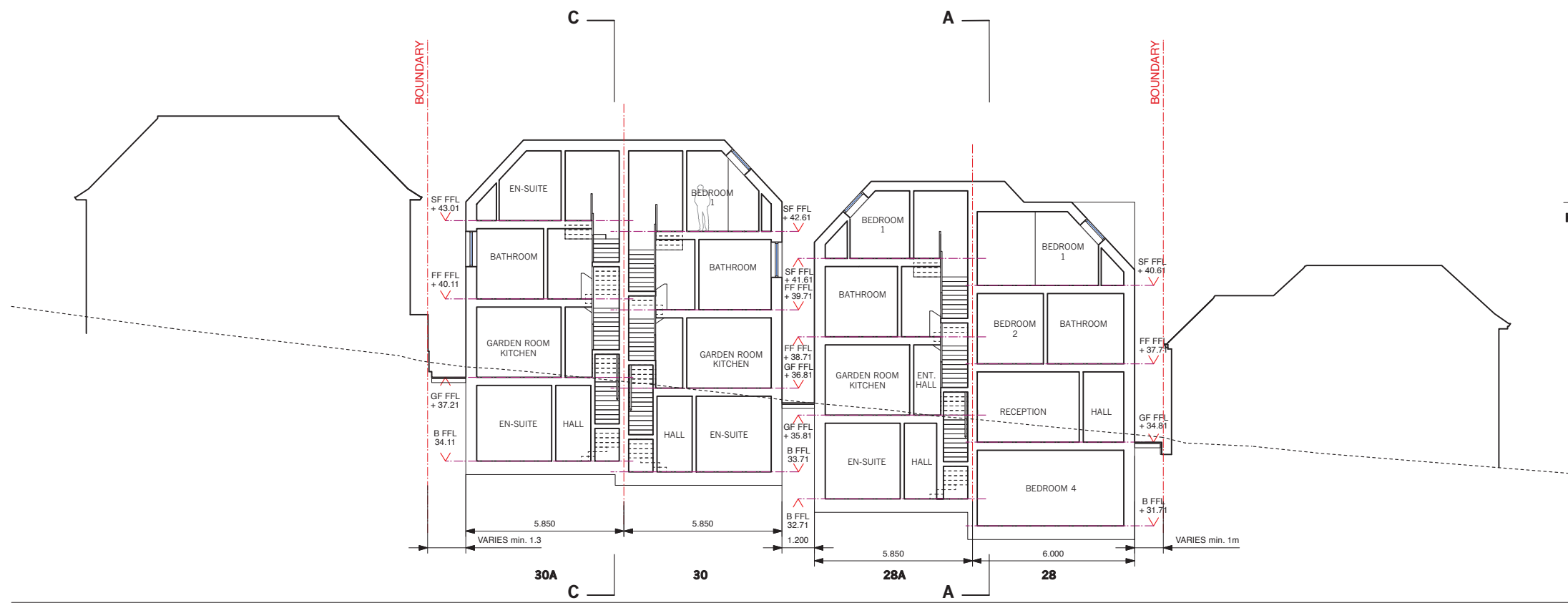
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28 & 30 RIDGWAY PLACE, SW19 4EP		STREET ELEVATION		PROPOSED
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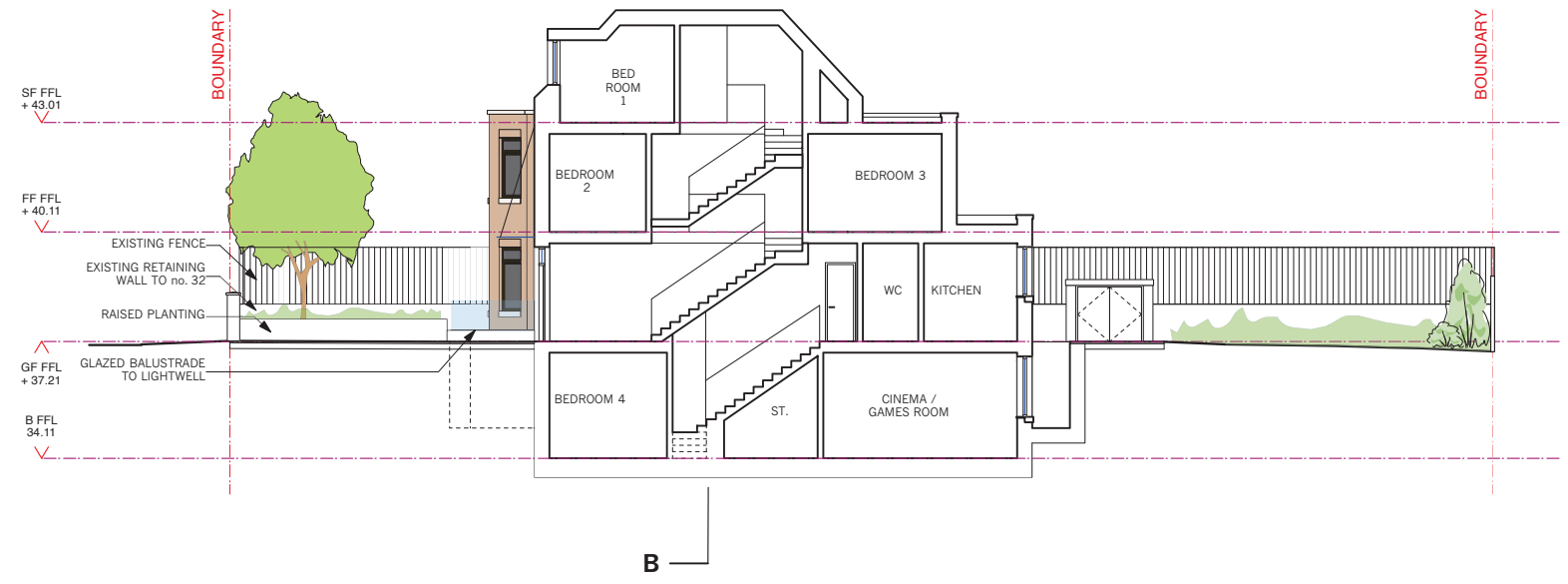


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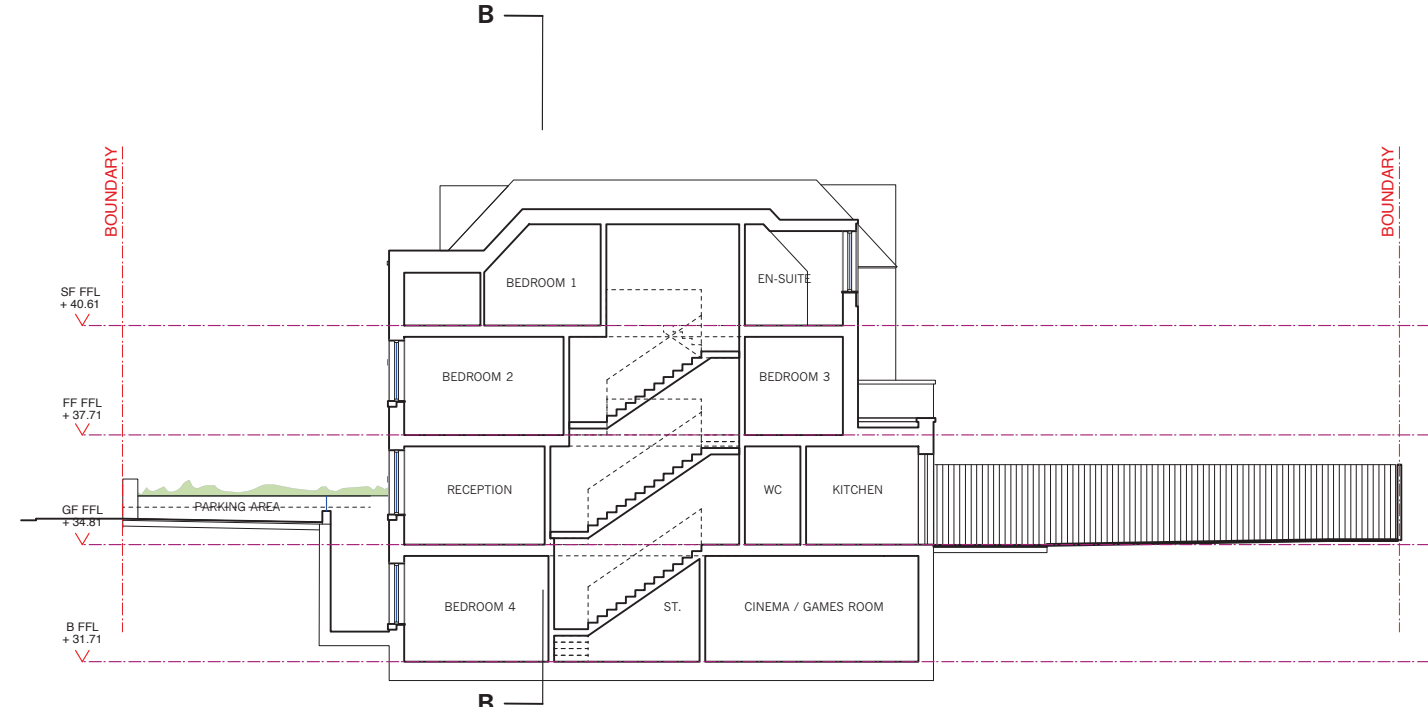


SECTION BB

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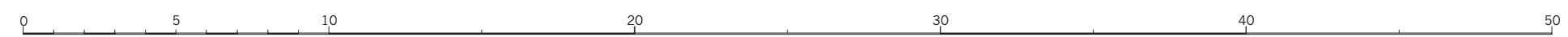


SECTION CC

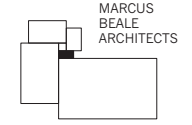


SECTION AA

- P4 - 24/12/15 - BUILDINGS REDUCED 500mm TO THE RIDGEWAY, 30 RW GABLE AND BAY SWAPPED, 1m REDUCED FROM 28 RW
- G - 24/12/15 - BUILDINGS REDUCED 500mm TO THE RIDGEWAY, 30 RW GABLE AND BAY SWAPPED, 1m REDUCED FROM 28 RW
- P2 - 25/08/15 - ISSUED TO PLANNING
- P1 - 12/02/15 - ISSUED TO PLANNING



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28 & 30 RIDGWAY PLACE, SW19 4EP		PROPOSED	
SECTIONS			
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Date 29/10/2014			

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PLANNING APPLICATIONS COMMITTEE
21st January 2016

Item No:

<u>UPRN</u>	<u>APPLICATION NO.</u>	<u>DATE VALID</u>
	15/P2567	30/06/2015

Address/Site 222 Somerset Road, SW19 5JE

(Ward) Village

Proposal: Demolition of existing house and erection of a new part two/part three-storey 5/6 bedroom detached house with basement. .

Drawing Nos Site location plan, 04c; 05a; 06a; 07a; 08b; 09a;; Design & Access statement dated June 2015; Construction method statement Rev B dated September 2014; Basement Impact Assessment dated June 2015; code for sustainable homes pre-assessment report dated March 2015; daylight, sunlight and overshadowing assessment dated July 2014, planning addendum statement

Contact Officer: Mark Brodie (0208 545 4028)

RECOMMENDATION

Grant Planning Permission subject to conditions

CHECKLIST INFORMATION

- Is a screening opinion required: No
- Is an Environmental Statement required: No
- Has an Environmental Statement been submitted: No
- Press notice: Yes
- Site notice: Yes
- Design Review Panel consulted: No
- Number of neighbours consulted: 14
- External consultations: 1

- 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 comprises a double fronted six bedroomed, two-storey detached dwellinghouse positioned on the western side of Somerset Road. The plot which has a width of approx. 15m & hosts a deep garden (approx. 34m) which narrows to the rear of the plot. Positioned at the end of the long rear garden is the flank gabled end of 38 Welford Place, a three-storey end of terrace property, with its ground floor set some 3m above garden level.
- 2.2 The neighbouring house to the north is no 220 Somerset Road, a large two-storey detached house, also with long rear garden and set some 0.7 to 1.2m lower than no.222. To the south on Somerset Road are no.s 224 and 226 Somerset Road, a pair of two-storey semi-detached properties which are raised some 1m higher than no.222.
- 2.3 To the rear of nos.224 & 226 Somerset Road is Renshaw Court, a four-storey locally listed detached Victorian Villa, sub-divided into flats, which takes its access from, and whose principal elevation fronts towards, Church Road. Its rear boundary is the side rear garden boundary of the application site.
- 2.4 The western side of this part of Somerset Road, between Church Road and Marryat Road, is characterised by detached and semi-detached houses. The eastern side is occupied by the All England Lawn Tennis Club with Wimbledon Park on the other side of Church Road beyond. The application site is at the end of Somerset Road where it rises upwards to meet Church Road. Four properties including the application site –nos 220, 222, 224 and 226 Somerset Road – form a spur at the end of Somerset Road which is a cul-de-sac, separated from Church Road by a footpath and a line of bollards.
- 2.3 The site is not located within a Conservation Area, although its southern side boundary marks the boundary of the Wimbledon North Conservation Area. There are no Tree Preservation Orders on the site.
- 2.4 The houses in this stretch of Somerset Road are a mixture of styles and materials. Although there is a predominance of white render and off-white, 224-226 are red brick, 208 is a mixture of render and brick and 204 is

wholly brick. The majority are traditional in appearance but 210 and 214 are both of modern flat roofed design constructed over 3-storeys.

3. **CURRENT PROPOSAL**

- 3.1 The current application is for full planning permission to demolish the existing two-storey double fronted house and garage and replace it with a new six bed roomed detached house on a similar footprint to the existing house.
- 3.2 The proposed house would be double fronted and arranged over four floors with accommodation at basement, ground, first floor and roof levels. The internal layout of the house consists of bedrooms on upper levels with ensuite bathrooms and more formal dining and reception areas at ground level with an open plan family lounge, kitchen, dining area, gym and utility rooms at lower ground floor level
- 3.3 The proposed house would be “L” shaped and have an eaves height of 6.3m, height at ridge 8.7m, depth in part 7.2m, overall depth 12m. The design of the house would be contemporary in design, constructed of predominantly brick elevations with grey metal windows; stone window surrounds; with grey metal capping and glass balustrade to the front viewing platform. The roof would incorporate glazing with zinc cladding. The rear elevation would be white render with dark grey aluminum windows. To the rear at ground and lower ground levels would be a double height glass façade.
- 3.4 Amended Scheme: The application has been through a series of amendments since originally submitted, involving a reduction in the width of the proposed basement setting off the southern and northern boundaries by 1.2m & 0.8m respectively; the submission of a construction traffic management plan; reduction in massing at roof level to site to reduce impact on 224, the introduction of obscured glazing to specific rear facing windows and changes to size and position of rear facing windows.

4. **PLANNING HISTORY**

- 4.1 MER399/74 Erection of a single storey extension at rear and side of dwelling.
- 4.2 87/P0051 Erection of a first floor extension and single-storey conservatory at rear of dwellinghouse - granted
- 4.3 99/P0348 Erection of a two-storey side extension and alterations to front roof forming gable above existing bay window.

5. **CONSULTATION**

5.1 Site and press notices placed. Letters of notification to the occupiers of 14 neighbouring properties (original scheme). 10 representations have been received of which 3 are from residents of Renshaw Court, 157 Church Lane; 6 from residents in Somerset Road; 1 from a resident in Welford Place.

- Drainage/Flooding – Ground levels vary substantially as the site and neighbouring properties are positioned on a steep hill; during normal rainfall the sheer volume of water which runs down both Church and Somerset Road is immense and often can be seen spewing from the drain covers; the proposed basement is likely to create a backing up of groundwater; the hydrological report acknowledges that “there will be an increase in water level at the southwest of the site due to the damming effect of the basement”, There is no explanation of how this increase in water level will be controlled. If basement is allowed and a precedent set in the road flooding could become a significant problem to all properties in Somerset Road & Renshaw Court.
- Construction Traffic/Noise & Disturbance – Residents already experience considerable disturbance for four months of the year from the All England Tennis Club and the proposal will exacerbate this disturbance; the sheer number of skips necessary will impede access and generate considerable traffic causing disturbance to residents through added noise, vibration, pollution and related safety hazards. If allowed restrictions over controlled hours of operation would make disturbance more bearable. Proposal should be accompanied by a construction Traffic management plan
- Structural Risk - Renshaw Court which is a building of architectural interest & is likely to be at structural risk due to proposed excavation and potential changes to water table; contrary to policy DM D2b(iii) “ not involve excavation...or any nearby excavation that could affect the integrity of the listed building, except on sites where the basement would be substantially separate from the listed building...”. The existing foundation support line for Renshaw Court will be seriously compromised by any basement excavation thus putting the stability of this four-storey historic building at risk.
- Loss of privacy and overlooking – the wall of windows of the third floor rear viewing platform will overlook neighbouring properties resulting in the loss of privacy.

- Parking – the proposal would result in an unacceptable increase in demand for parking both during construction and after completion.
- Style & Streetscape – there are a variety of architectural styles along Somerset Road many of which incorporate a pebble dash or stucco finish painted in a shade of off white providing a synergy to the whole of the street; the integrity of the streetscape would be broken by the construction of a large, brick façade house which is completely out of keeping with the architecture of the area.*
- Loss of Daylight/sunlight ; loss of daylight to north facing side ground floor window at no.224 Somerset Road .
- Loss of Privacy and overlooking – the wall of windows of the 3rd floor rear viewing platform will result in a loss of privacy.
- Environmental Impact – once constructed permanent artificial ventilation and pumping systems/equipment will be required which will create constant noise and environmental disruption resulting in a greater Carbon emission from basement in respect to materials and extensive use of artificial light
- Basement would set an undesirable precedent for similar proposals with the subsequent associated disturbance to residents;

- 5.2 14 Neighbours re-consulted on amended scheme involving the submission of a construction management plan and a reduction in the width of the proposed basement setting off the southern and northern boundaries by 1.2m & 0.8m respectively. 4 objections received of which 3 are from residents of properties in Somerset Road and 1 from Renshaw Court. Objections reiterate original concerns outlined above.
- 5.3 14 Neighbours re-consulted on further amendment involving reduction in size of roof extension over proposed two-storey rear addition; the introduction of obscured glazing to some rear facing second floor windows and changes to rear facing windows at second floor level. 3 objections of which 2 are from residents of properties in Somerset Road and 1 from Renshaw Court. Objections reiterate original concerns outlined above
- 5.4 Environment Agency – No comments
- 5.5 Transport Officer – No transport objections but would comment in respect to concerns raised by neighbours and the submission of the Construction Traffic Management Traffic Plan (CTMP) as follows: The CTMP states that the anticipated working hours will be between 8am and 5pm Monday to Friday and 8am to 1pm Saturday. As part of the condition LBM could request that all deliveries and vehicle movements associated with demolition and construction are restricted to outside of peak hours and school closing times ie. 9.30 – 3pm. The CTMP will need to include a commitment to maintaining access to 226 and other neighbouring properties at all possible times. The speed cushion is on Church Road

and was introduced as a road safety measure. Church Road is already a bus route and the cushions are designed so as to minimize noise and impact from larger vehicles such as buses and HGVs. The swept path analysis undertaken shows that larger vehicles can reverse into the road to undertake loading/unloading, however this will require the loss of an on-street parking outside 222 and 220 for the period of the works. The CTMP condition will need to require the contractor consult and liaise with neighbours about access and parking outside the site to ensure minimal disruption is caused.

- 5.6 Environmental Health – No comment or observations to make regarding this application.
- 5.7 Building Control – The report demonstrates a construction method that if undertaken in accordance with the guidance to safe guard the adjacent properties from any structural damage or ground movement with the construction of a perimeter piled wall to form the new basement. The proposal takes account of the migration of ground water across the site from higher to lower levels with provision for diversion of the water around the basement discharging water back into the sub soil at the lower level. I believe that the construction of the new property with a basement can be completed without undue risk to the adjacent properties without changing the general water content and support arrangements that exist at present for the adjacent properties.
- 5.8 The flood and structural engineers have assessed the proposal and are satisfied with the details submitted so far. They have requested further conditions are attached

6. **POLICY CONTEXT**

- 6.1 The relevant policies within the Adopted Merton Core Strategy (July 2011) are:

CS 8 (Housing Choice),
CS 9 (Housing Provision),
CS 14 (Design),
CS 15 (Climate Change),
CS 20 (Parking, Servicing, and Delivery)

- 6.2 The relevant policies within the Sites & Policies Plan & Policies Maps (09th July 2014)
DM D1 (Urban Design & The Public Realm);
DM D2 (Design considerations in all developments)
DM D4 (managing heritage assets)

DM F2 (suds)
DM H4 (demolition and redevelopment of a single dwelling house)

Design – SPG

6.3 The relevant policies in the London Plan (2011) are:

3.3 [Increasing housing supply];
3.4 [Optimising housing potential];
3.5 [Quality and design of housing developments];
3.8 [Housing choice]
5.3 [Sustainable Design & construction]

6.4 London Plan Housing SPG

6.5 National Planning Policy Framework (2012)

The National Planning Policy Framework (NPPF) is a key part of central government's reforms "...to make the planning system less complex and more accessible, and to promote sustainable growth.

The NPPF supports the plan led system stating that development that accords with an up to date plan should be approved and proposed development that conflicts should be refused. The framework also states that the primary objective of development management should be to foster the delivery of sustainable development

7. **PLANNING CONSIDERATIONS**

7.1 The main planning considerations related to this application are the principle of demolition, the design of the new house and its impact upon the Somerset Road street scene & the setting of the adjacent Wimbledon North Conservation Area; standard of accommodation provided; construction of the basement; impact on neighbouring amenity and parking/highways considerations.

7.2 **Principle of Development.**

7.3 The current application seeks to demolish the existing house and create a new replacement house. The existing house is not locally or statutorily listed, is not considered to be of any significant architectural quality, and is not within a Conservation Area. there is no in principle objection to its demolition and replacement with a new house, subject to the acceptability of the replacement building.

8.0 Design & Impact on Adjacent Conservation Area

8.1 Policy DM D2 of the Adopted Sites & Policies Plan & 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.

8.2 In relation to the street and surrounding properties it is not considered that the proposed house would be excessive in terms of its height, bulk or massing. There are a variety of architectural styles prevalent within Somerset Road, including traditional and contemporary. The amended scheme would be contemporary in character with predominantly brick elevations fronting Somerset Road and symmetrically laid out. Both no's.210 and 214 employ a modern flat roofed design over ground first and second floor. The simple modern design, and the massing, with an eaves height which provides a transition between nos 224 and 220, is considered to be acceptable in relation to the existing street scene and the setting of the adjacent Wimbledon North Conservation Area.

9.0 Standard of Accommodation.

9.1 The consolidated London Plan was published in March 2015 and sets out a gross minimum standard for new homes as part of policy 3.5. It provides the most up to date and appropriate minimum space standards for Merton.

9.2 In addition, adopted policy CS14 of the Core Strategy and DM D2 of the adopted Sites & 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 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 and disturbance.

9.3 As the proposed house would comfortably exceed the minimum space standards set out in the London Plan, with each habitable room providing good outlook, light and circulation, it is considered the proposal would provide a good standard of accommodation. The proposed house would fulfil the relevant criteria in achieving Lifetime Homes compliance. In addition the proposed house would have over 250 sq.m of private amenity space which is considerably in excess of the minimum of 50 sq.m required in policy DM D2. The proposed house would therefore comply with policy 3.5 of the London Plan, CS14 of the Core Strategy and DM D2 of the

Adopted Sites & Policies Plan & Policies Maps in relation to quality of accommodation.

10. Residential Amenity

- 10.1 Policy DM D2 of the Adopted Sites & Policies Plan and Policies Maps (July 2014) states that proposals for development will be required to ensure 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.
- 10.2 The proposed development would not result in a significant loss of sunlight or daylight to neighbouring properties. The submitted daylight, sunlight and overshadowing assessment report advises that the development will not cause any materially noticeable effects on the accommodation within nos. 200 & 224 Somerset Road and Renshaw Court. Amendments to the scheme involving a reduction in the massing above the back addition of the proposed house will ensure that the single window within the side flank wall of no.224 at ground level would enjoy improved levels of daylight to that currently experienced. Overall the proposed development would not result in any materially unacceptable loss of daylight and sunlight in relation to neighbouring properties and gardens.
- 10.3 The existing garden to the rear of no.224 Somerset Road splays in part at an angle to the rear of no.222 in an elevated position and as such there is a degree of existing mutual overlooking between the two properties and gardens. In order to mitigate against increased overlooking, the proposed first and second floor rear facing windows closest to the boundary with 224 can be conditioned to be obscured glazed. The first floor window serves an ensuite bathroom and the second floor windows serve an ensuite and a bathroom. The remaining windows would be set behind the rear elevation of no.224 and would look down the garden in a conventional fashion. It is considered that the proposed house would not have an unacceptable impact on the amenities of adjoining properties and as such accords with policy DM D2 of the Adopted Sites & Policies Plan and Policies Maps (July 2014).

11. Basement Construction

- 11.1 Several of the objections refer to part b) of planning policy DM D2 (Design Considerations in all developments) of the Sites & Policies Plan (July 2014) which precludes basements under or near listed buildings. Members are advised that the definition of listed buildings for the interpretation of planning policy DM D2 has been confirmed by the

Council's Planning Policy section to refer to Statutory Listed Buildings only, not locally listed buildings, so there is no conflict with policy DM D2 in this respect, and in any event, the basement is not in such close proximity to the locally listed building at Renshaw Court for this to be considered an issue.

- 11.2 With regards to the basement the applicant has submitted a subterranean impact assessment report, drainage strategy and surface water and groundwater report. These were carried out by suitably qualified structural and civil engineers and soil and groundwater specialists. The reports were informed by on site borehole investigations. The Council's structural and flood engineers have assessed the proposal and are satisfied with the details submitted subject to the imposition of suitable conditions on any planning approval relating to groundwater, surface water drainage and a detailed method statement being submitted to the LPA for approval prior to commencement of development. It is therefore considered that the proposal would accord with policies DM D2 and DM F2 of the Adopted Sites and Policies Plan and Policies Maps (July 2014).

12. Parking & Traffic

- 12.1 The application site has poor access to public Transport with a PTAL rating of 1b. However no increase in the number of units is proposed and the parking provision would remain unchanged from the current situation. The Transportation officer has confirmed that there is no objection to the scheme on Transport grounds but have recommended that a revised Construction Management Plan is required by way of a condition to secure the following:- ensure hours of construction works and deliveries are acceptable; ensure an on-going communication plan that sets out how the applicant/contractor will keep neighbours informed and up to date with the works programme; to require contact numbers of key personnel involved in the development be provided and distributed to neighbours, including how to make complaints or raise concerns; include anticipated start date; to include estimated number of vehicle movements expected to take place as part of the construction/demolition process including frequency and type of vehicle.

13 ENVIRONMENTAL IMPACT ASSESSMENT REQUIREMENTS

- 13.1 The proposal is for minor residential development and an Environmental Impact Assessment is not required in this instance.
- 13.2 The application does not constitute Schedule 1 or Schedule 2 development. Accordingly, there are no requirements in terms of an EIA submission.

14. **SUSTAINABILITY**

- 14.1 The Council's Core Strategy reinforces the wider sustainability objectives of the London Plan with policy CS15 requiring all development to demonstrate how the development makes effective use of resources and materials and minimises water use and CO2 emissions. On the 25th March 2015 the Government issued a statement setting out steps it is taking to streamline the planning system. The changes in respect of sustainable design and construction energy efficiency and forthcoming changes to the Building Regulations are relevant to the current application. Amongst its provisions is the withdrawal of the Code for Sustainable Homes.
- 14.2 Until amendments to the Building Regulations come into effect the Government expects local authorities not to set conditions with requirements above a code level 4 equivalent. Where there is an existing plan policy with references to 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.
- 14.3 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.

15. **MAYORAL COMMUNITY INFRASTRUCTURE LEVY**

- 15.1 The proposed development is liable to pay the Mayoral Community Infrastructure Levy, the funds for which will be applied by the Mayor towards the Crossrail project. The CIL amount is non-negotiable and planning permission cannot be refused for failure to agree to pay CIL.

16. **MERTON'S COMMUNITY INFRASTRUCTURE LEVY**

- 16.1 Merton's Community Infrastructure Levy was implemented on 1st April 2014. This will enable the Council to raise, and pool, contributions from developers to help pay for things such as transport, decentralised energy, healthcare, schools, leisure and public open spaces - local infrastructure that is necessary to support new development. Merton's CIL has replaced Section 106 agreements as the principal means by which developer contributions towards providing the necessary infrastructure should be collected.

17 **CONCLUSION**

- 17.1 In conclusion, it is considered that the principle of the development is acceptable and the proposed works would not detract from the character and appearance of the adjacent conservation area or streetscene. The design, siting, size, height and materials of the proposed house would contribute positively to the varied character of the surroundings and streetscene. The residential amenities of the occupiers of the adjoining residential properties will not be adversely affected or implicated to a degree that would warrant a refusal of planning permission.

RECOMMENDATION

GRANT PLANNING PERMISSION

subject to the following conditions:-

1. A1 Commencement of Development (full application)
2. A7 Approved Plans
3. B1 External Materials to be approved
4. B4 Details of surface treatment
5. B5 Details of walls/fences
6. B6 Levels
7. C1 No permitted development (extensions)
8. C2 No permitted Development (windows and doors)
9. C3 Obscured Glazing (fixed windows) (First and second floor rear facing windows serving an ensuite bathroom at first floor level and ensuite and landing room at second floor level)
10. C6 Refuse & Recycling (Details to be submitted)
11. C7 Refuse & Recycling (implementation)
12. D11 Construction Times
13. F1 Landscaping/Planting scheme

14. F2 Landscaping (implementation)
15. J1 Lifetime Homes
- 16 No part of the development hereby approved shall be occupied until evidence has been submitted to the council confirming that the development has achieved not less than the CO2 reductions (ENE1), internal water usage (WAT1) standards equivalent to Code for Sustainable Homes Level 4. Evidence requirements are detailed in the “Schedule of Evidence Required” for Post Construction Stage from Ene1 & Wat1 of the Code for Sustainable Homes Technical Guide (2010). Evidence to demonstrate a 25% reduction compared to 2010 part L regulations and internal water usage rates of 105l/p/day must be submitted to, and acknowledged in writing by the Local Planning Authority, unless otherwise agreed in writing.’ Evidence requirements are detailed in the “Schedule of Evidence Required - Post Construction Stage” under Category 1: Energy and Carbon Dioxide Emissions (ENE1: dwelling emissions rate) and Category 2: Water (WAT1: Indoor water use) of the Code for Sustainable Homes Technical Guide (2010).
- 17 No development approved by this permission shall be commenced until a scheme to reduce the potential impact of groundwater ingress both to and from the proposed development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall address the risks both during and post construction, as highlighted in the GO Contaminated Land Solutions Ltd report (dated June 2015, ref: 0600-BIA-1-E Rev ED).
Reason:
- To ensure the risk of groundwater ingress to and from the development is managed appropriately and to reduce the risk of flooding in compliance with the following Development Plan policies for Merton: policy 5.13 of the London Plan 2011, policy CS16 of Merton's Core Planning Strategy 2011 and policy DM F2 of Merton's Sites and Polices Plan 2014
18. No development approved by this permission shall be commenced until a scheme for the provision of surface water drainage has been implemented in accordance with details that have been submitted to and approved in writing by the local planning authority. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system (SuDS) to ground, watercourse or

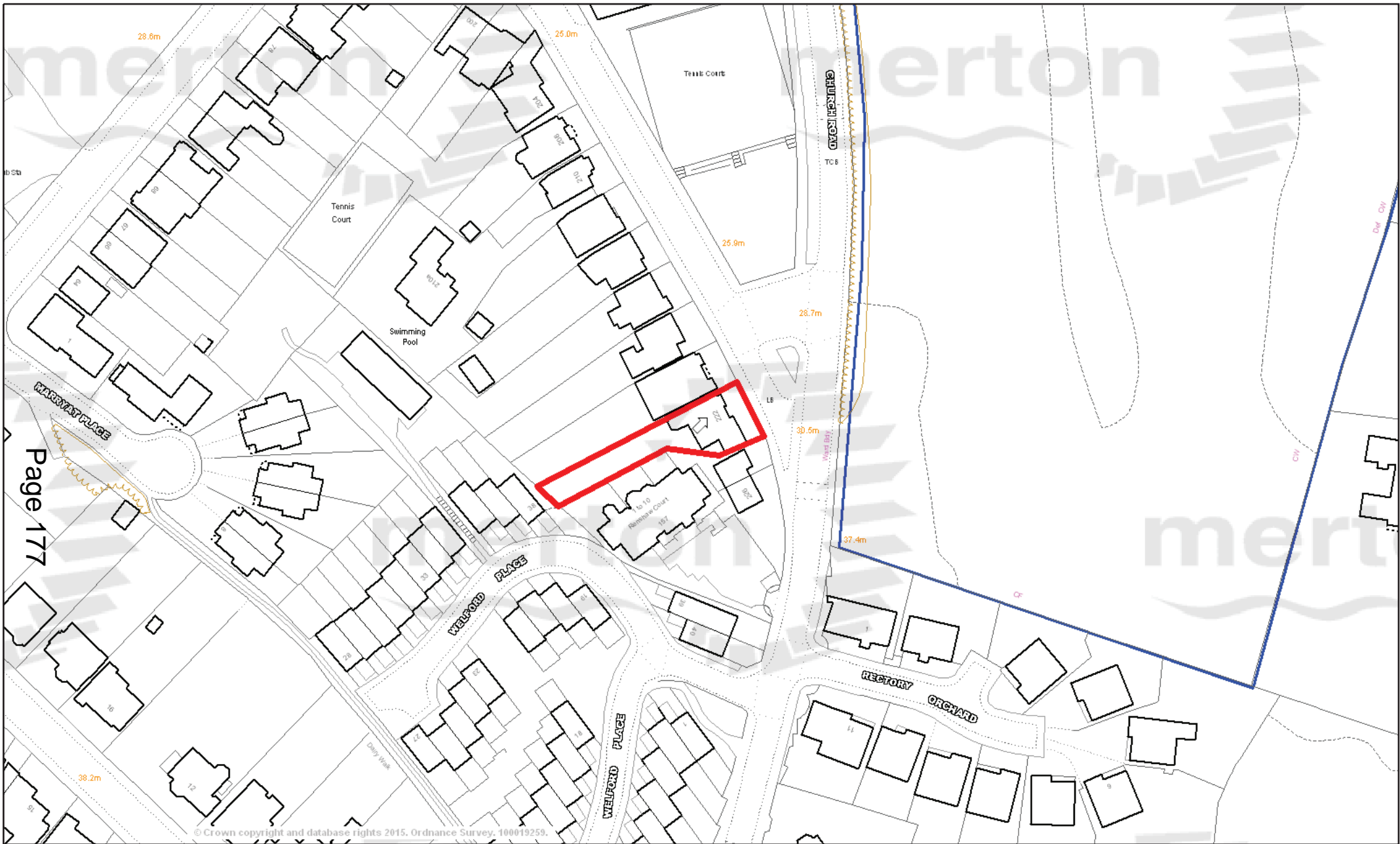
sewer in accordance with drainage hierarchy contained within the London Plan Policy 5.13 and the advice contained within the National SuDS Standards. Where a sustainable drainage scheme is to be provided, the submitted details shall:

provide information about the design storm period and intensity, the method employed to delay (attenuate) and control the rate of surface water discharged from the site as close to greenfield runoff rates, as reasonably practicable, and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;

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 5.13 of the London Plan 2011, policy CS16 of Merton's Core Planning Strategy 2011 and policy DM F2 of Merton's Sites and Policies Plan 2014.

- 19 No development approved by this permission shall be commenced until a construction method statement (CMS) detailing the construction sequence has been submitted to and approved by the Local Planning Authority. The CMS shall include structural calculations using the design assumptions set out in the submitted Construction Method Statement dated June 2015. The retaining wall and base design should use the worse case soil and water information derived from the bore hole surveys.
- 20 No development approved by this permission shall be commenced until a Construction Traffic Management Plan has been submitted to and approved by the Local Planning Authority to accommodate:-
- (i) On-going communication plan that sets out how the applicant/contractor will keep neighbours informed and up to date with the works programme.
 - (ii) Estimated number of vehicle movements expected to take place as part of the construction /demolition process including frequency and type of vehicle.



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222 Somerset Road

Scale 1/1250

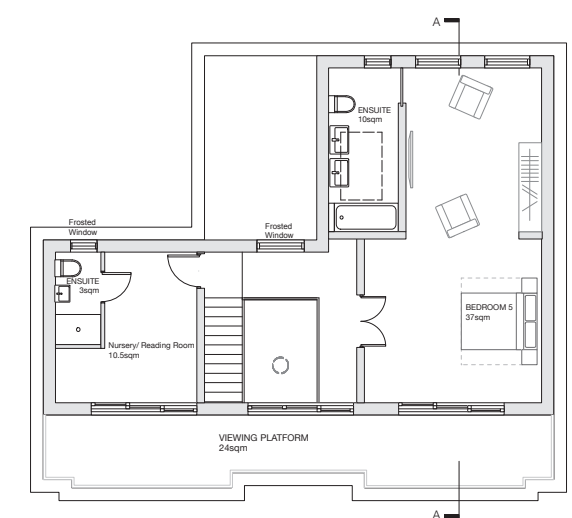
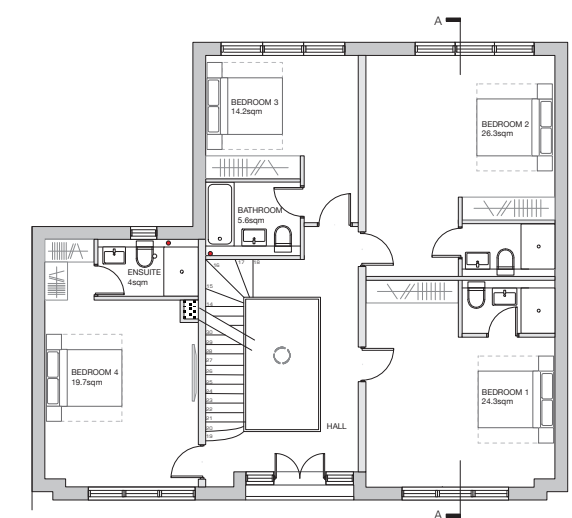
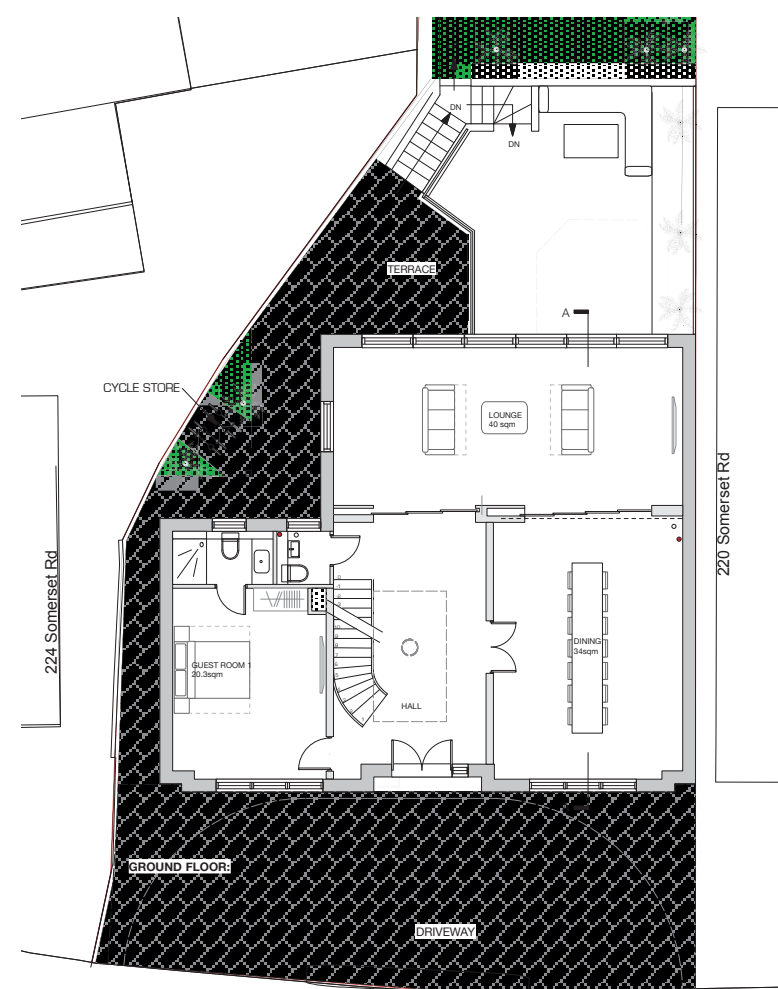
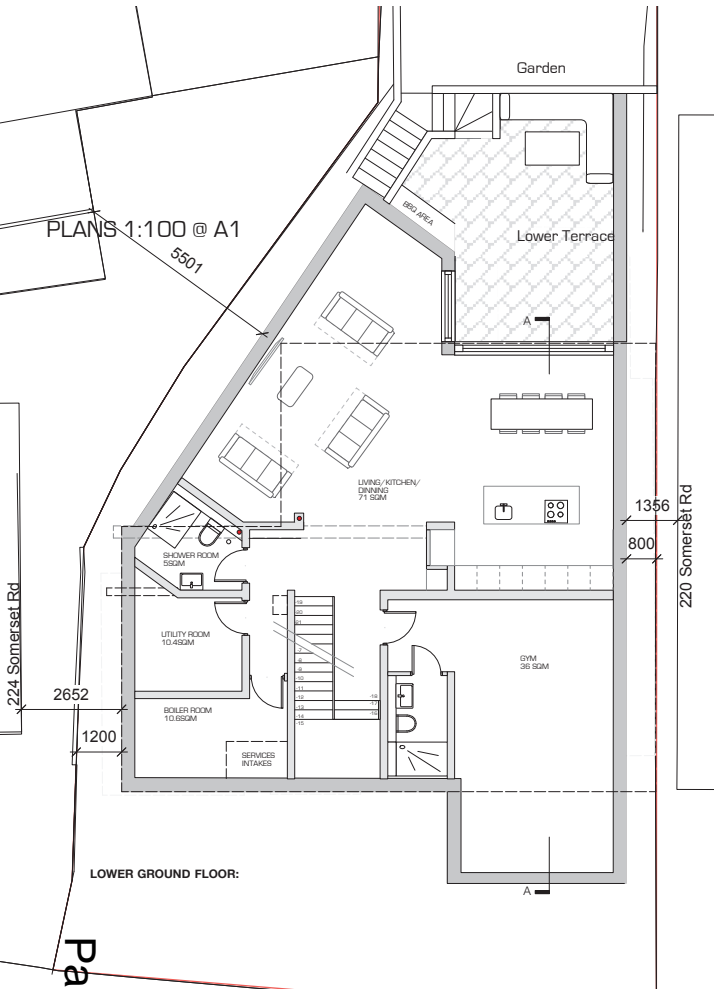
Date 27/10/2015

London Borough of Merton
 100 London Road
 Morden
 Surrey
 SM4 5DX



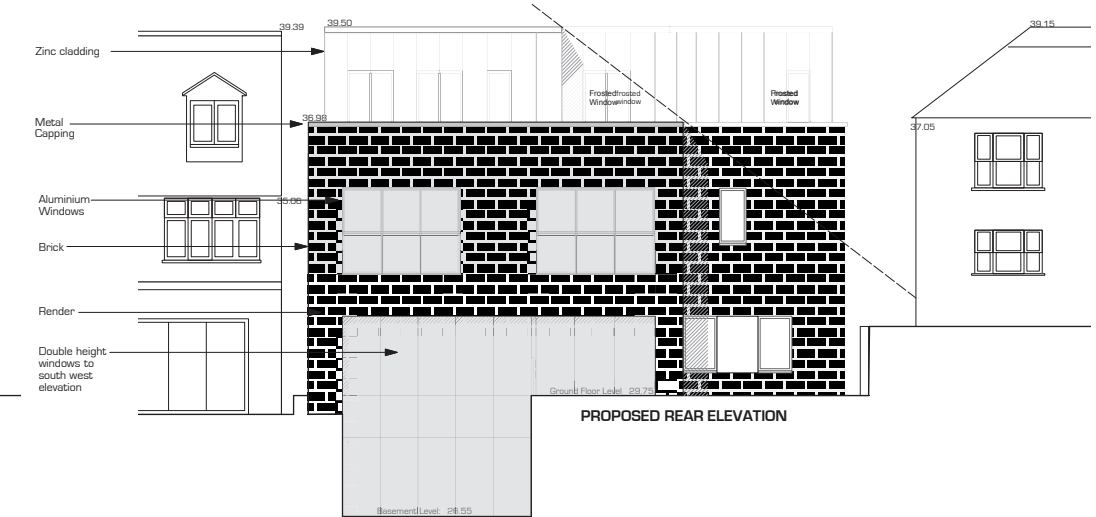
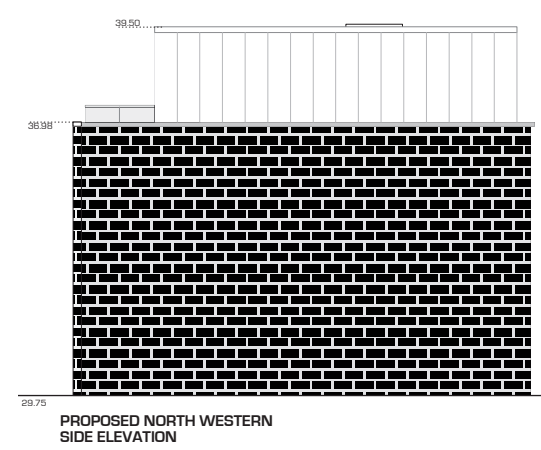
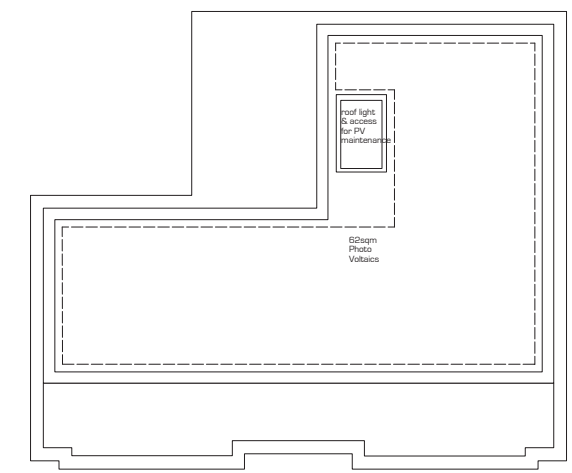
DEVELOPMENT CONTROL

Page 177



LOCATION PLAN 1:1250 @ A1

Page 178



A	29/09/15 Reduced Basement

Status: **PLANNING**

ORN Architects

a 3 Rundell Tower Portland Grove London SW8 1JB
e info@ornarchitects.co.uk t +44 (0)7796 104 287

Project: 222 Somerset Road Wimbledon London SW19 5JE

Client: Mr. K Mahmood

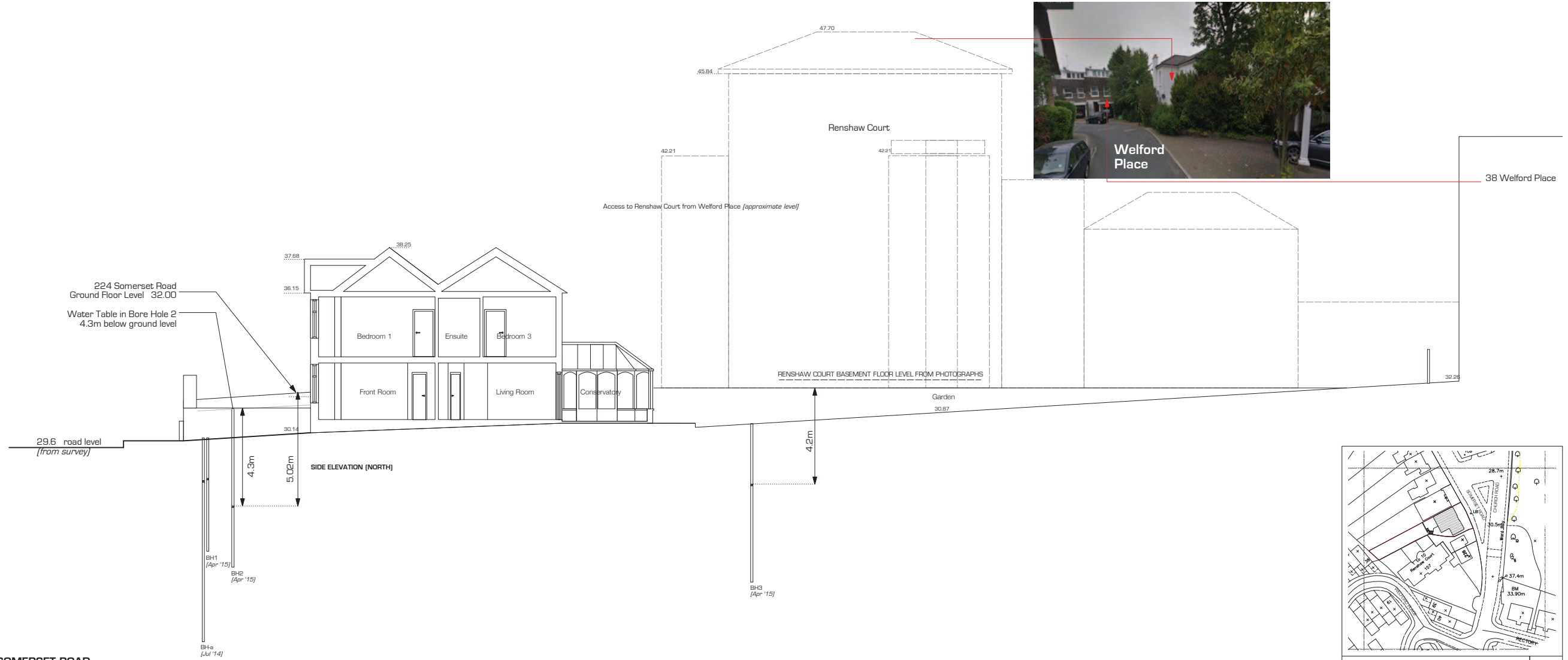
Drawing: **PROPOSED PLANS**

Project No:	Drawing No:	Revision:
1308	04	C
Scale:	Drawn by:	Date:
@A1 1:1250 1:100	RO	JUN '15

NOTE
OR ARCHITECTS
 33 RUNDLE TOWER PORTLAND GROVE LONDON SW8 1JB
 TEL: +44 (0)7796 104 287
 WWW.ORNARCHITECTS.CO.UK

PROPOSED SITE SECTION A

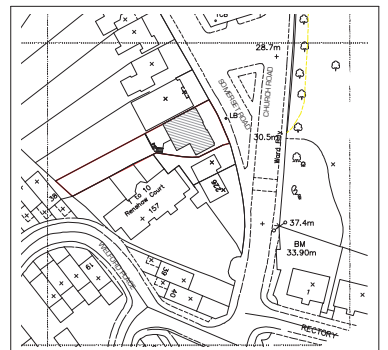
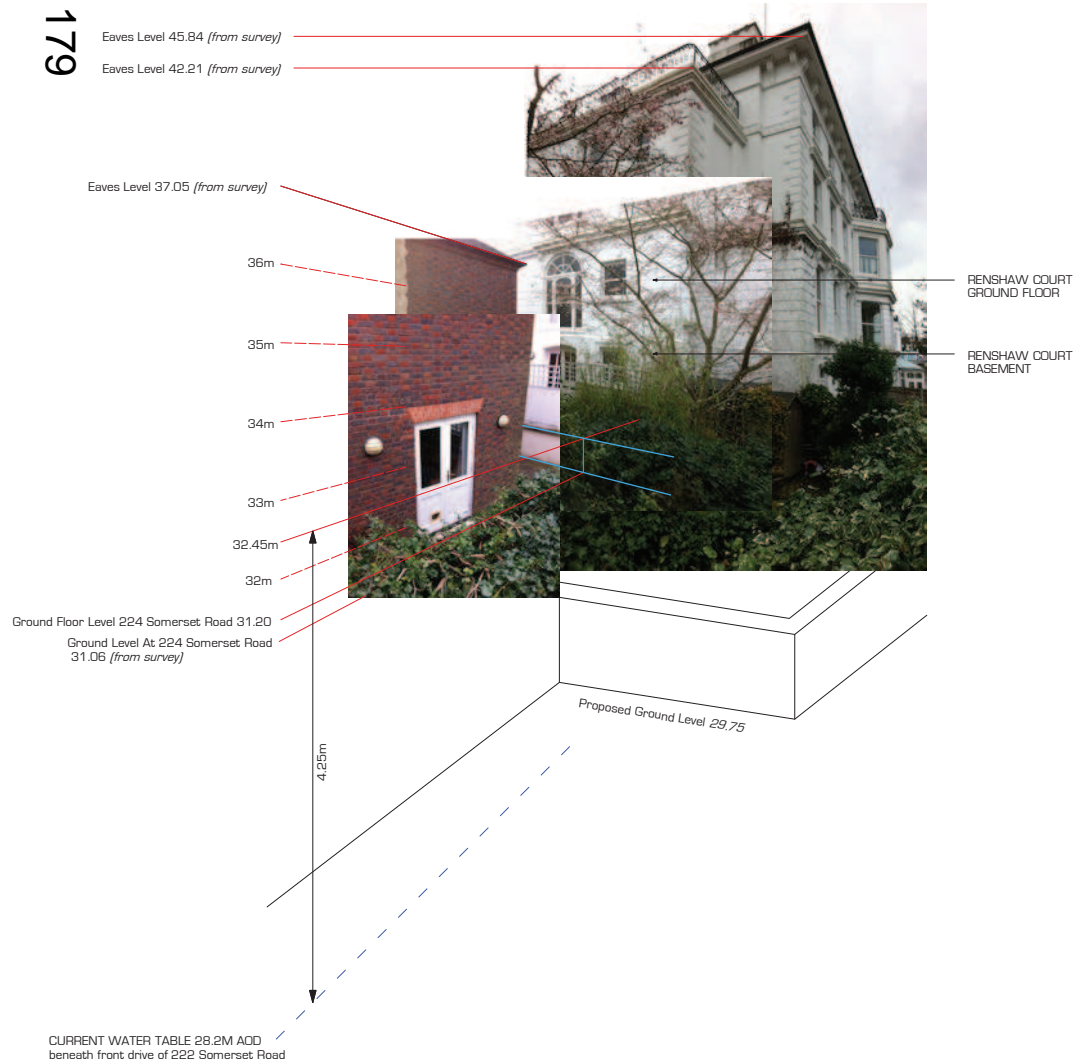
1:100 @ A1
1:200 @ A3



VIEW FROM FIRST FLOOR WINDOW 222 SOMERSET ROAD

Eaves Level 45.84 (from survey)
Eaves Level 42.21 (from survey)

Eaves Level 37.05 (from survey)



LOCATION PLAN 1:1250 @ A1



1:200 @ A1
1:400 @ A3

Status: **PLANNING**

ORN Architects
a 3 Rundell Tower Portland Grove London SW8 1JB
e info@ornarchitects.co.uk t +44 (0)7796 104 287

Project: 222 Somerset Road Wimbledon London SW19 5JE

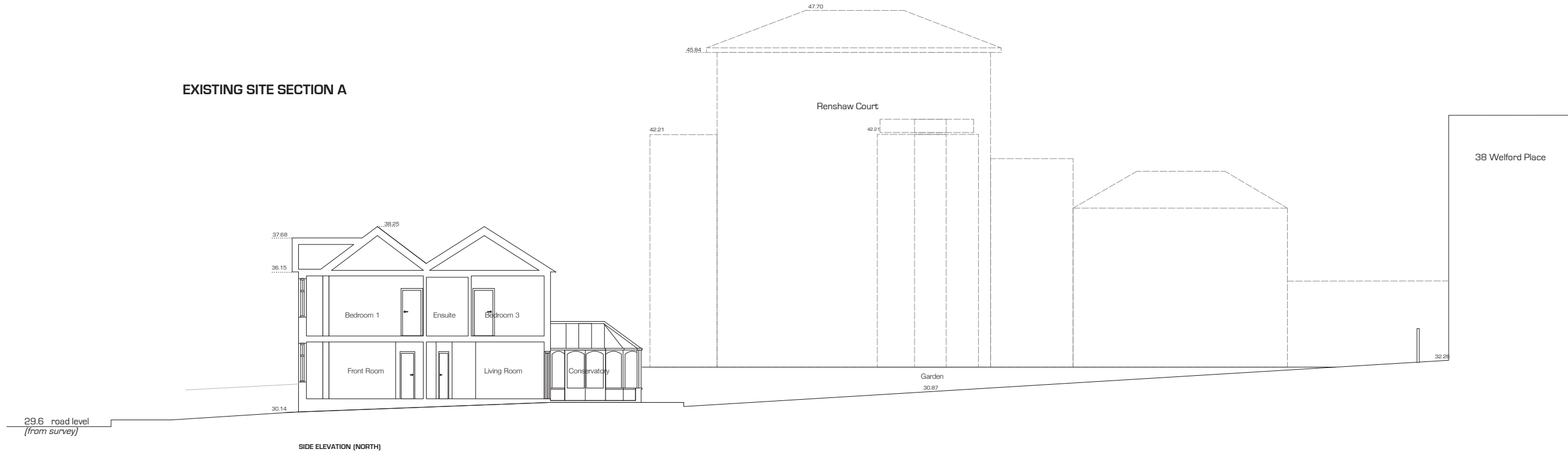
Client: Mr. K Mahmood

Drawing: **SITE SECTION - EXISTING**

Project No: 1308	Drawing No: 06	Revision: -
Scale: as noted	Drawn by: RO	Date: JUN '15

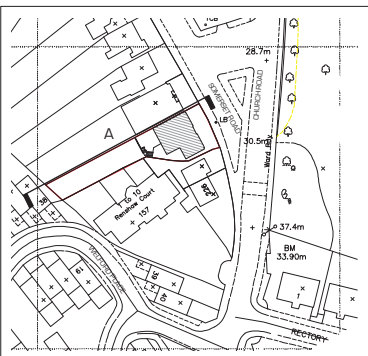
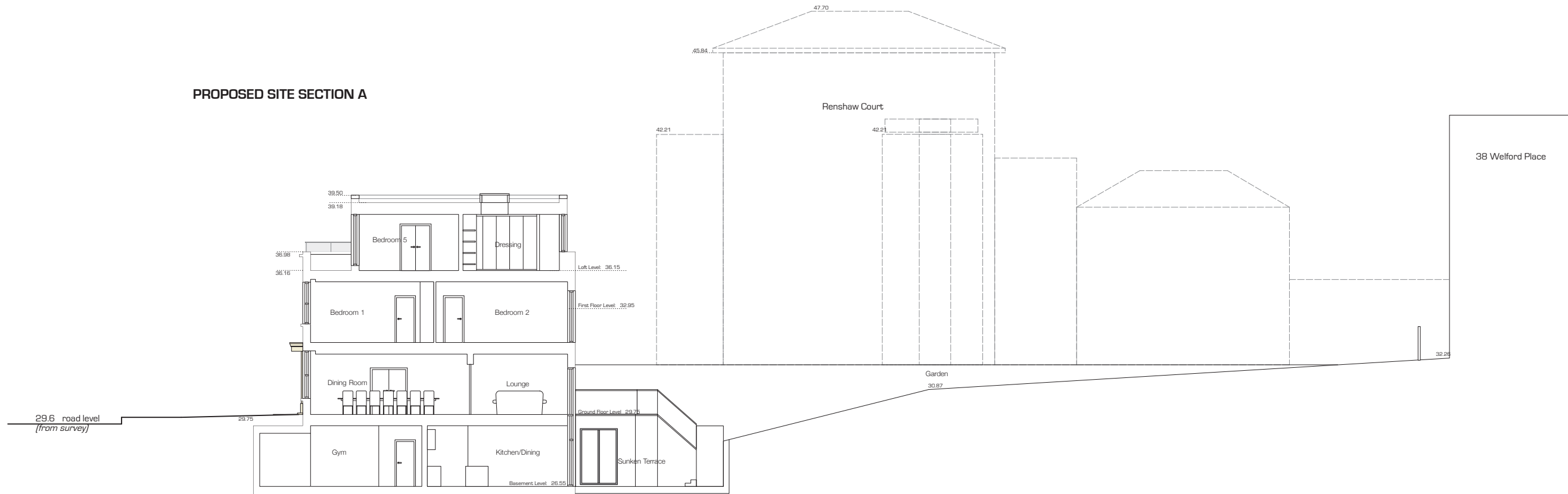
NOTE
ORN ARCHITECTS
100 RUNDLE TOWER PORTLAND GROVE LONDON SW8 1JB
TEL: +44 (0)7796 104 287
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EXISTING SITE SECTION A



SIDE ELEVATION (NORTH)

PROPOSED SITE SECTION A



LOCATION PLAN 1:1250 @ A1

Status: **PLANNING**

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e info@ornarchitects.co.uk t +44 (0)7796 104 287

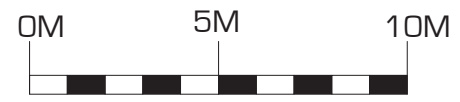
Project: 222 Somerset Road Wimbledon
London SW19 5JE

Client: Mr. K Mahmood

Drawing: **SITE SECTION A**

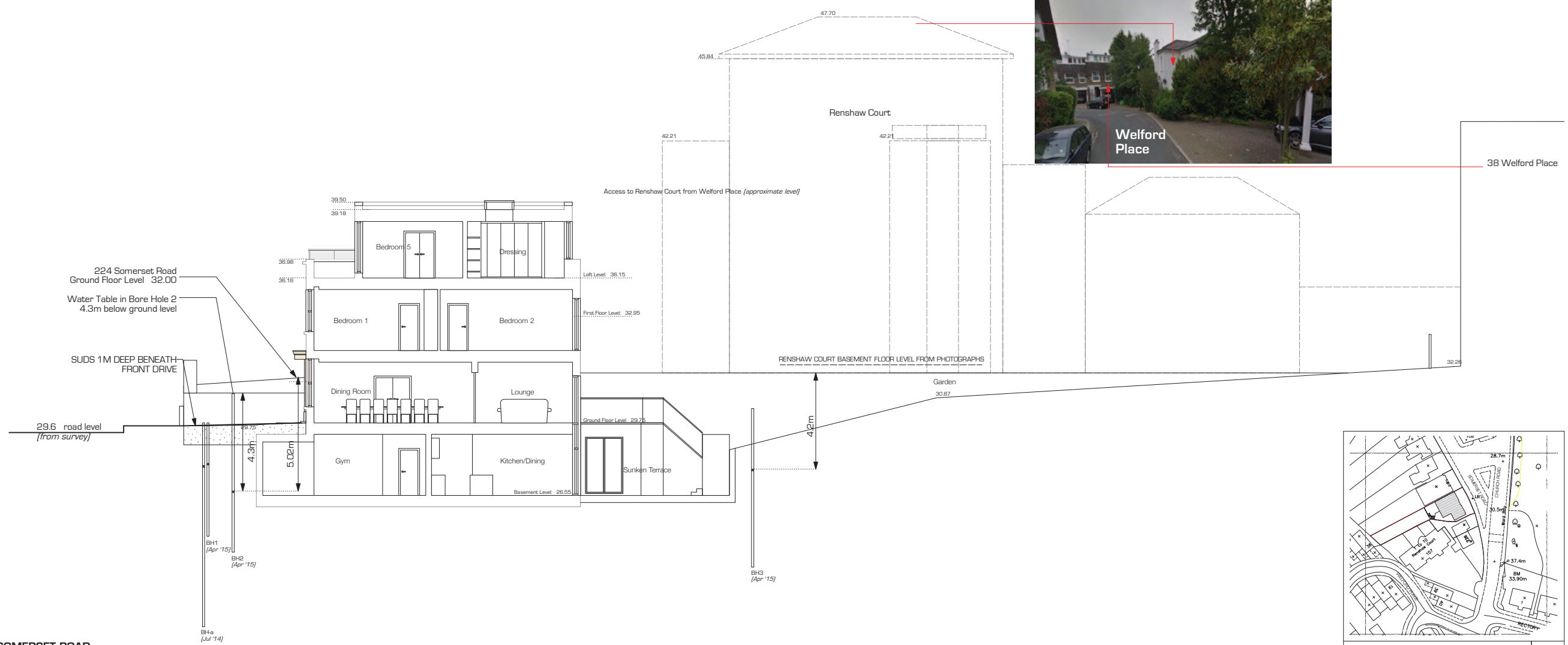
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Scale: @A1 1:1250 1:100	Drawn by: RO	Date: JUN '15

NOTE
OR ARCHITECTS
 100% RESPONSIBLE FOR THE DESIGN AND CONSTRUCTION OF THE BUILDING
 OR ARCHITECTS IS NOT RESPONSIBLE FOR THE DESIGN AND CONSTRUCTION OF ANY OTHER WORKS
 OR ARCHITECTS IS NOT RESPONSIBLE FOR THE DESIGN AND CONSTRUCTION OF ANY OTHER WORKS



PROPOSED SITE SECTION A

1:100 @ A1
1:200 @ A3

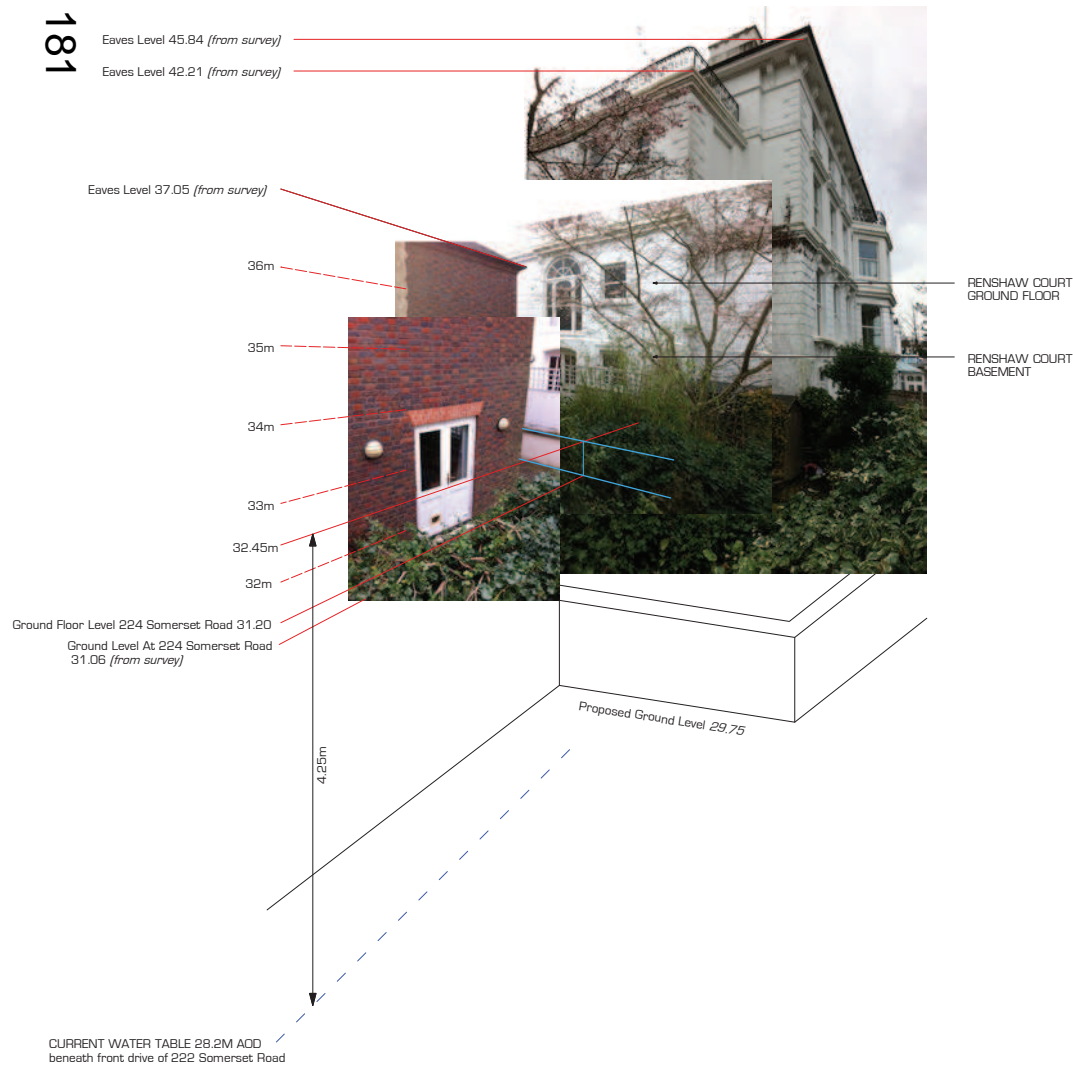


38 Welford Place

VIEW FROM FIRST FLOOR WINDOW 222 SOMERSET ROAD

Eaves Level 45.84 (from survey)
Eaves Level 42.21 (from survey)

Eaves Level 37.05 (from survey)



LOCATION PLAN 1:1250 @ A1

Status: PLANNING

ORN Architects
a 3 Rundell Tower Portland Grove London SW8 1JB
e info@ornarchitects.co.uk t +44 (0)7796 104 287

Project: 222 Somerset Road Wimbledon London SW19 5JE

Client: Mr. K Mahmood

Drawing: SITE SECTION - PROPOSED

Project No:	Drawing No:	Revision:
1308	07	-
Scale:	Drawn by:	Date:
as noted	RO	JUN '15

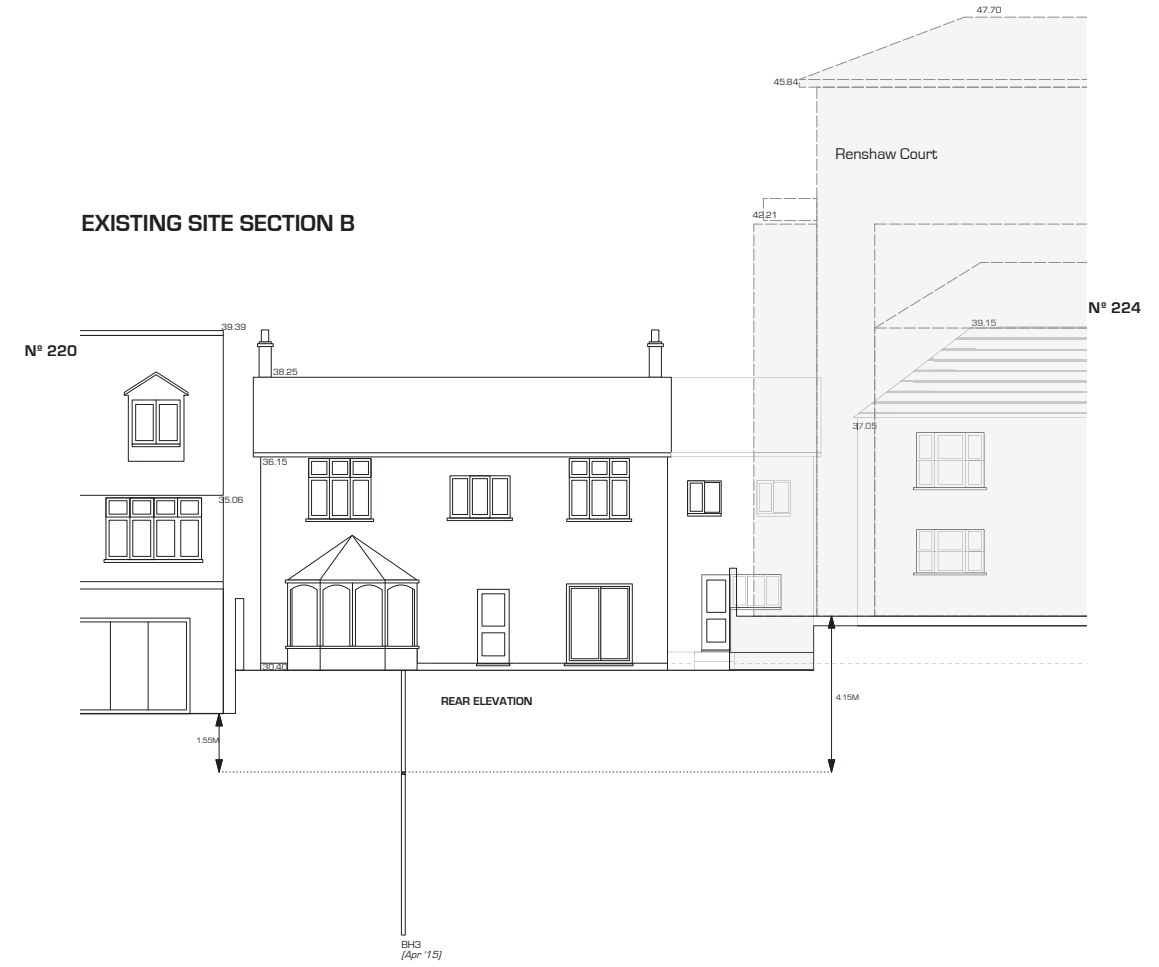
NOTE
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100 RUNDLE TOWER PORTLAND GROVE LONDON SW8 1JB
TEL: +44 (0)7796 104 287
WWW.ORNARCHITECTS.CO.UK



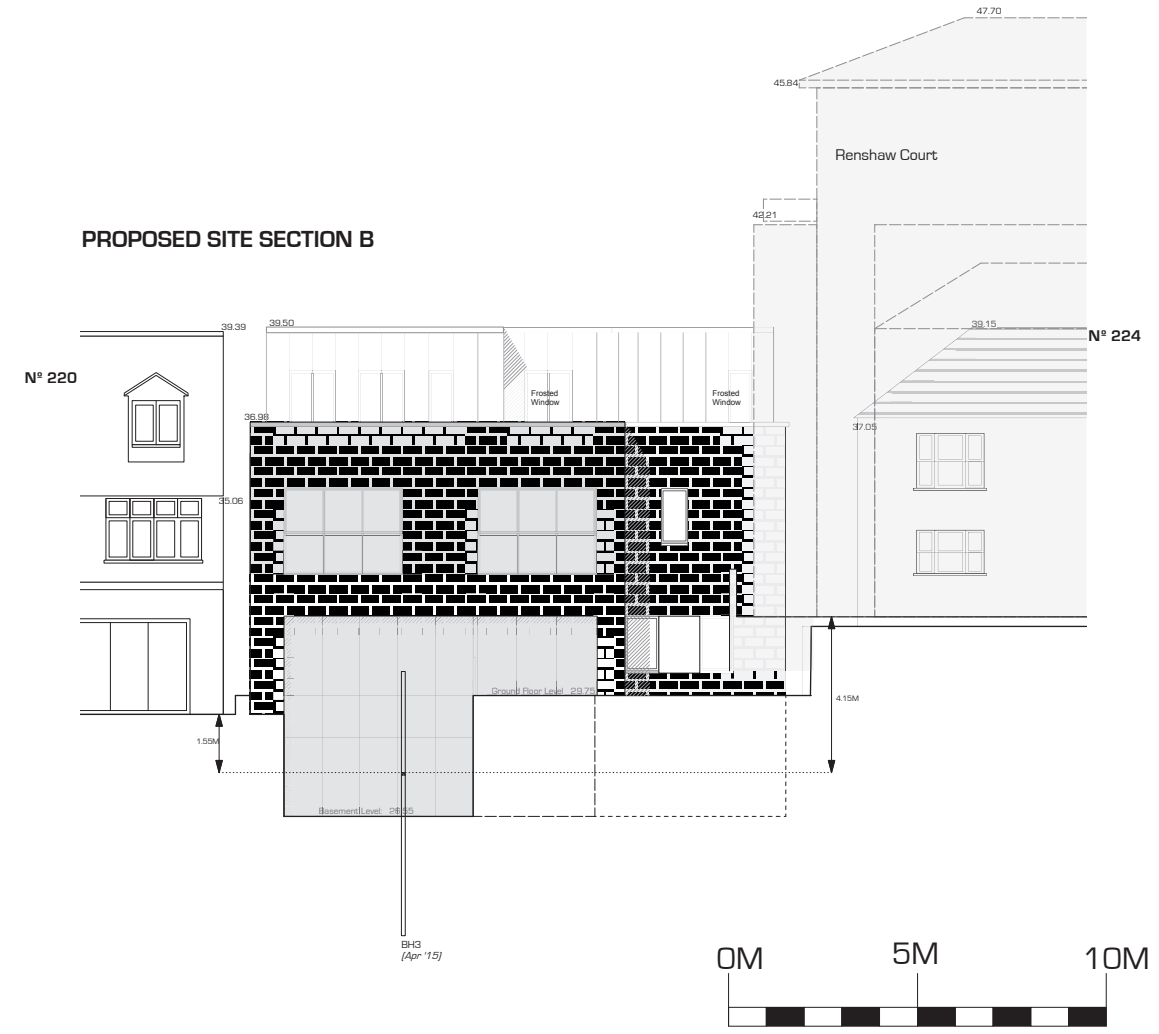
Page 182



EXISTING SITE SECTION B

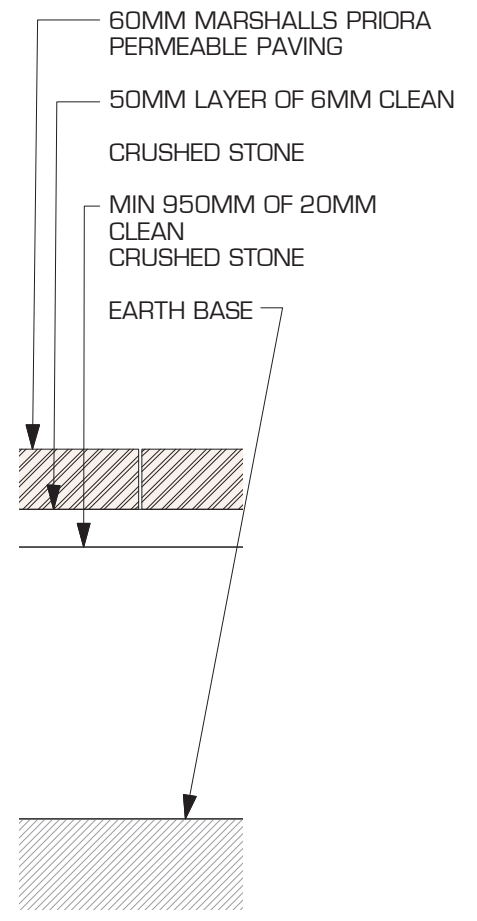
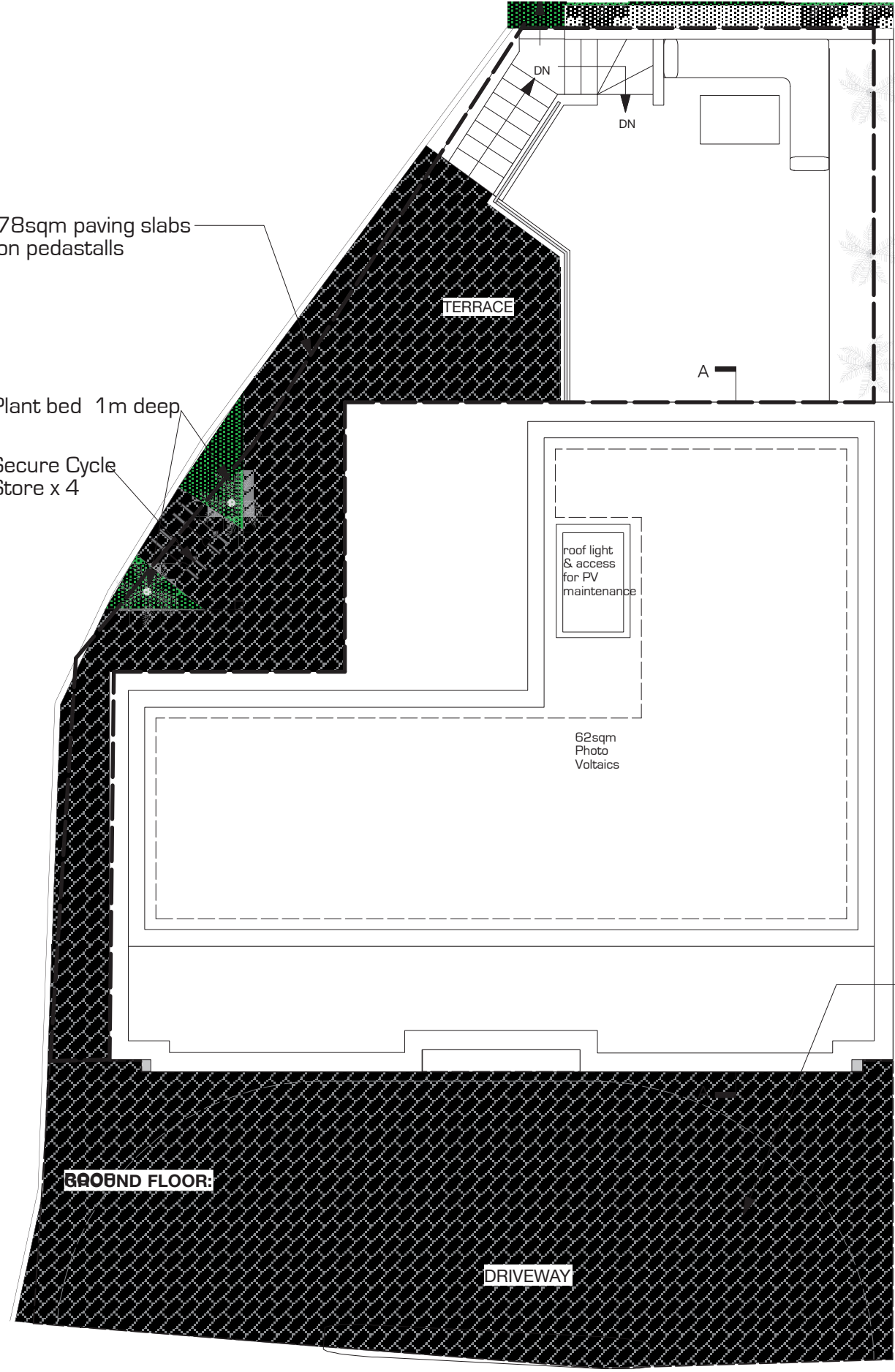
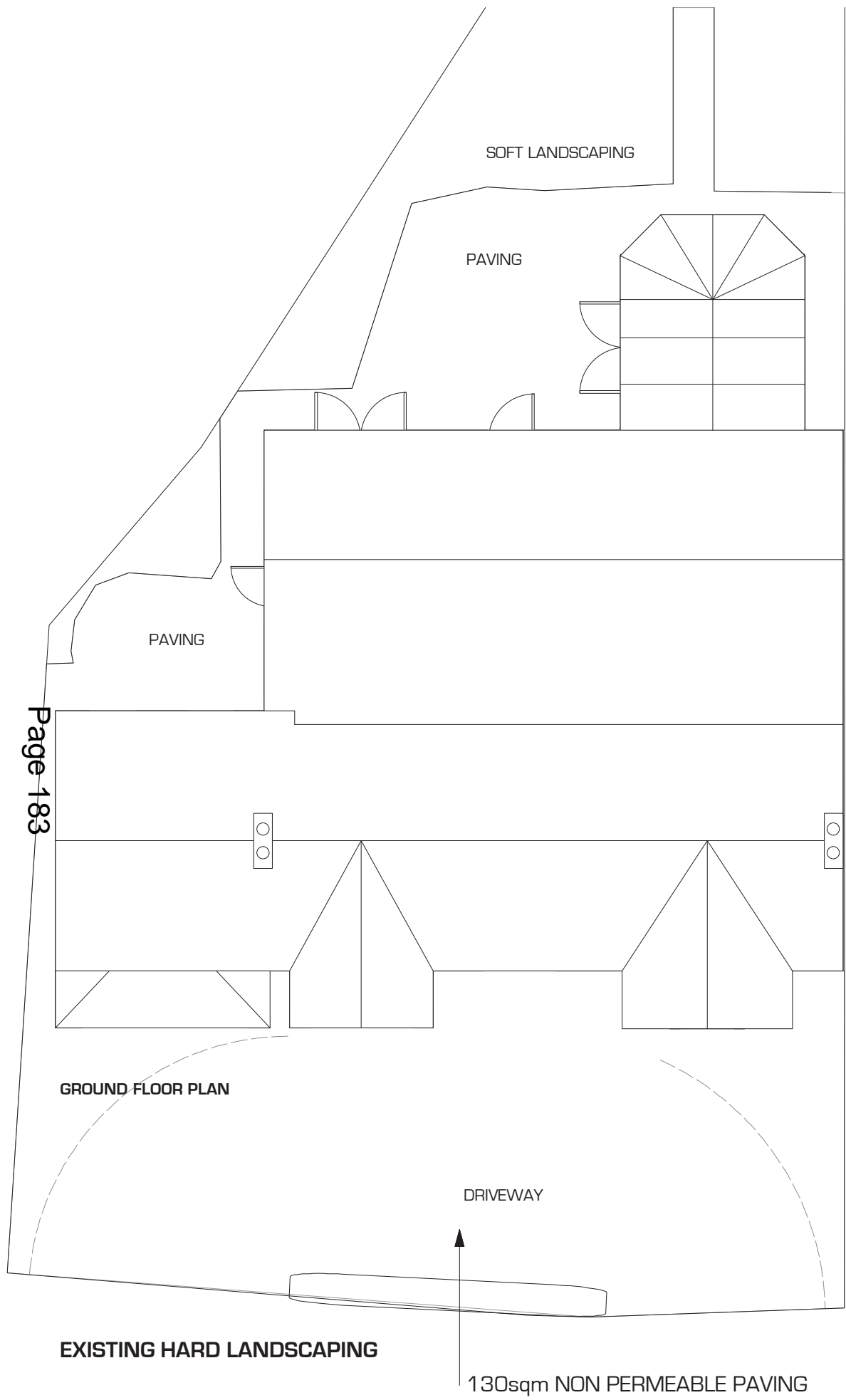


PROPOSED SITE SECTION B



LOCATION PLAN 1:1250 @ A1

A 29/09/15 Reduced Basement.		
Status: PLANNING		
ORN Architects		
a 3 Rundell Tower Portland Grove London SW8 1JB e info@ornarchitects.co.uk t +44 (0)7796 104 287		
Project: 222 Somerset Road Wimbledon London SW19 5JE		
Client: Mr. K Mahmood		
Drawing: SITE SECTION B		
Project No: 1308	Drawing No: 08	Revision: B
Scale: @A1 1:1250 1:100	Drawn by: RO	Date: JUN '15
NOTE		



80sqm MARSHALS 60MM PRIORA PERMEABLE PAVING WITH INFILTRATION LAYER TO 1M DEEP TO FRONT DRIVE.

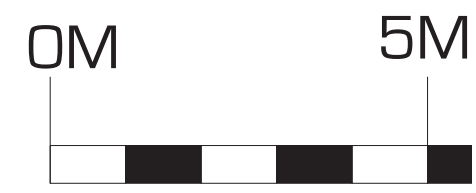
PROPOSED HARD LANDSCAPING

SITE:
222 SOMERSET ROAD
LONDON
SW19 5JE

DRAWING:
09a Hard Landscaping

DATE:
JUNE 2015

SCALE:
1:100@ A3



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PLANNING APPLICATIONS COMMITTEE
21st January 2015

<u>UPRN</u>	<u>APPLICATION NO.</u>	<u>Item No:</u>	<u>DATE VALID</u>
	15/P4308		06/11/2015
Address/Site:	7 Streatham Road, Mitcham CR4 2AD		
Ward:	Figges Marsh		
Proposal:	Erection of a single storey side/rear extension and alterations to the roof, involving the erection of 1 x dormer window to the front roof slope, the enlargement of 1 x existing dormer on the side roofslope and the removal of 2 x chimney stacks		
Drawing No.'s:	2290/1, 2290/2, 2290/3, 2290/4, 2290/5, 2290/6 Rev B, 2290/7 Rev E, 2290/8 Rev D, 2290/9 Rev D		
Contact Officer:	Felicity Cox (020 8545 3119)		

RECOMMENDATION

Refuse planning permission.

CHECKLIST INFORMATION

- Is a screening opinion required: No
- Is an Environmental Statement required: No
- Has an Environmental Statement been submitted: No
- Press notice: No
- Site notice: Yes
- Design Review Panel consulted: No
- Number of neighbours consulted: 3
- External consultations: 0
- Controlled Parking Zone: No

1. INTRODUCTION

- 1.1 This application is being brought to the Planning Applications Committee for determination at the request of Councillor Geraldine Stanford.

2. SITE AND SURROUNDINGS

- 2.1 The application site is located at 7 Streatham Road which is on the corner of Streatham Road and Graham Road. The site is located opposite Figges Marsh, a public park, and is situated slightly north of the intersection of London Road, Streatham Road, Lock's Lane and Eveline Road. The site is rectangular in shape and is occupied by a two storey (plus loft level) detached dwellinghouse. Due to the corner location, the host dwelling has two street frontages and a highly visible roofscape.
- 2.2 The dwelling is best described as 'Edwardian' in style and features a distinctive hipped roof with front, side and rear projecting gables, and three prominent chimney stacks. The Streatham Road elevation is considered to be the principal elevation of the dwellinghouse, featuring bay and casement windows and providing pedestrian access to the dwelling. In comparison, the Graham Road elevation features minimal windows/openings and provides vehicular access to the garage at the rear of the site.
- 2.3 Two modest dormer extensions have been constructed on the south-west and south-east roofslopes, and a third dormer extension has been constructed on the north-east roofslope.
- 2.4 Adjoining the north-eastern boundary of the site along Streatham Road is a dental surgery (part of a semi-detached pair of houses); to the south-east of the site along Graham Road the site adjoins a row of terrace houses. The site is not located within a conservation area.

3. CURRENT PROPOSAL

- 3.1 This application seeks planning permission for a single storey side/rear extension and roof extensions, involving the erection of 1 x dormer to the front roof slope fronting Streatham Road, the enlargement of 1 x existing dormer on the side (north-east) roofslope and the removal of 2 x chimney stacks.
- 3.2 The proposed ground level extension would be located adjacent to the existing single storey outrigger at the rear of the dwelling house. The extension will have a depth of approximately 4.1m, width of approximately 1.9m and height of 3m. The walls will be rendered to match existing and the roof would feature clay tiling to match the roofing.
- 3.3 Roof extensions, each with a mansard roof are proposed either side of the gable fronting Streatham Road. The roof extensions will be visible from both Streatham Road and Graham Road and beyond from Figges Marsh. The extension would have windows to the south-west elevation (towards the Graham Road frontage).
- 3.4 The roof extensions will also involve the enlargement of the existing 'blind' dormer on the north-eastern roofslope, increasing the length of the dormer from approximately 2.8m to 5.9m. No windows are proposed to the dormer. The dormer will feature tile hanging to match existing.
- 3.5 It is understood from previous discussions with the applicant that the purpose

of the extensions is to provide additional living space for the applicant's disabled daughter, who requires a large amount of space for use of medical equipment.

- 3.6 The proposed roof extensions are identical to those refused under LBM planning application 14/P2865. No amendments to the design have been undertaken in response to the reasons for refusal (other than the addition of the ground level extension).

4. PLANNING HISTORY

- 4.1 The planning history of the site is as follows:

14/P2865 – Erection of a dormer extension to the north/east side roof and erection of a new dormer to the south/east side roof – Permission refused on the following grounds:

The proposed roof extension, by reason of size, siting and design, would result in a visually prominent and unduly dominant addition to the roofscape and would fail to respect or enhance the character and appearance of the subject property or the surrounding streetscene to the detriment of the visual amenities of the area. The proposals would be contrary to the objectives of policy CS.14 of the Merton LDF Core Planning Strategy (2011) and policies DM.D2 and DM.D3 of the Merton Sites and Policies Plan (2014).

10/P1580 – Erection of a 2-bed house on the site of an existing garage and rear store – Planning permission refused.

89/P0503 – Conversion of existing outbuildings to provide a 1 bedroom dwelling and erection of a garage for use by existing dwelling – Planning permission refused

88/P0403 – Alterations to property involving formation of side roof extension and side dormer window and installation of four windows and door in side elevation – Planning permission granted.

MER993/81 – Conversion of garage and outbuildings and erection of single storey extension to form single storey dwelling – Planning permission granted.

MER391/81 – Use of garage and outbuildings as a two storey house including the erection of a first floor extension over garage – Planning permission refused.

Other historic decisions between 1951 and 1981 including non-residential uses of building, erection of a garage, boundary walls and rooms in roof.

5. CONSULTATION

- 5.1 3 neighbouring properties were consulted by letters and a site notice was displayed. No representations were received.

- 5.2 Councillors:
Councillor Geraldine Stanford – Cllr Stanford has not offered an opinion on the merits proposal but has asked that the application be considered by Committee.

6. **POLICY CONTEXT**

- 6.1 NPPF - National Planning Policy Framework (2012):
Part 7. Requiring Good Design
- 6.2 London Plan Consolidated (2015).
7.4 Local character
7.6 Architecture
- 6.3 Merton Sites and Policies Plan (July 2014).
DM D2 Design considerations in all developments
DMD3 Alterations and extensions to existing buildings
- 6.4 Merton Core Strategy (2011).
CS 14 Design
- 6.5 Supplementary Planning Guidance:
Merton Council Supplementary Planning Guidance – Residential Extensions, Alterations and Conversions (2001).

7. **PLANNING CONSIDERATIONS**

- 7.1 The planning considerations for an extension to an existing building relate to the impact of the proposed extension on the character and appearance of the host building along with the surrounding area and the impact upon neighbouring amenity.

Character and Appearance

- 7.2 London Plan policies 7.4 and 7.6, Core Strategy policy CS14 and SPP Policies DMD2 and DMD3 require well designed proposals that will respect the appearance, materials, scale, bulk, proportions and character of the original building and their surroundings. SPP policy DMD3 further seeks for roof extensions to use compatible materials, to be of a size and design that respect the character and proportions of the original building and surrounding context, do not dominate the existing roof profile and are sited away from prominent roof pitches unless they are a specific feature of the area.
- 7.3 The roofscape is a key characteristic of any building, and it is important that any roofscape assimilates effectively with the host building as well as the surrounding area to achieve a coherent design, thus protecting the visual amenity of the area.
- 7.4 The host dwelling has a unique roof form that features a primary hipped roof with front, side and rear projecting gables. Due to the site's prominence (being located upon a corner plot with extensive views from Figgis March to the

north and being bold in scale), the roofscape is highly visible from, and contributes significantly to the visual amenities of the streetscene and the wider area.

- 7.5 The proposal, which seeks to construct roof extensions either side of the front gable would significantly alter and dominate the roofscape. The development is to be located directly across one of the prominent roof pitches of the house and will result in conflicting roof styles, having a mansard roof above a subordinate gable roof attached to the primary hipped roof. The works would involve the removal of chimneys which contribute to the character of this property. The resulting roof profile would fail to respect the character, appearance or proportions of the host dwelling, to the detriment of the visual amenity of the area and the streetscene.
- 7.6 The proposed roof extension by virtue of its bulk, form, scale, design and resulting roof profile would constitute an obtrusive and incongruous form of development that would detract from the appearance of the original building and be out of keeping with, and detrimental to, the visual amenity and character of the area as a whole. Therefore, the proposal would be contrary to the relevant planning policies listed above.
- 7.7 The ground level extension is single storey and significantly set back from the Graham Road frontage and adjoining terrace house to the south-east. Given its single storey nature, location on the site and overall size when compared to that of the host building, it is not considered that it would be detrimental to the building and surrounding area.

Neighbouring Amenity

- 7.8 SPP policy DMD2 states that proposals must be designed to ensure that they would not have an undue negative impact upon the amenity of neighbouring properties in terms of loss of light, quality of living conditions, privacy, visual intrusion or noise.
- 7.9 The ground level extension is sufficiently setback from the adjoining properties to not result in undue amenity impacts from overshadowing, loss of privacy or visual intrusion. The extension will be concealed behind the existing single storey outrigger, and therefore will not change the interface with the dental surgery to the north-east.
- 7.10 The proposal to extend the existing roof extension on the north-east roof slope has no windows and would result in a room with little natural light. However, it would not overlook adjoining properties and would therefore not result in a loss of privacy to the occupiers of the immediately adjoining property to the north-east, which is solely used for the purpose of a dental surgery. Given the presence of an existing roof extension on this roof slope, the extension is not considered to result in undue overshadowing or be visually intrusive on neighbouring properties.

- 7.11 The windows to the new front dormer will overlook Graham Road; however there is sufficient separation (27m) from the properties on the opposite side of Graham Road to not result in overlooking.

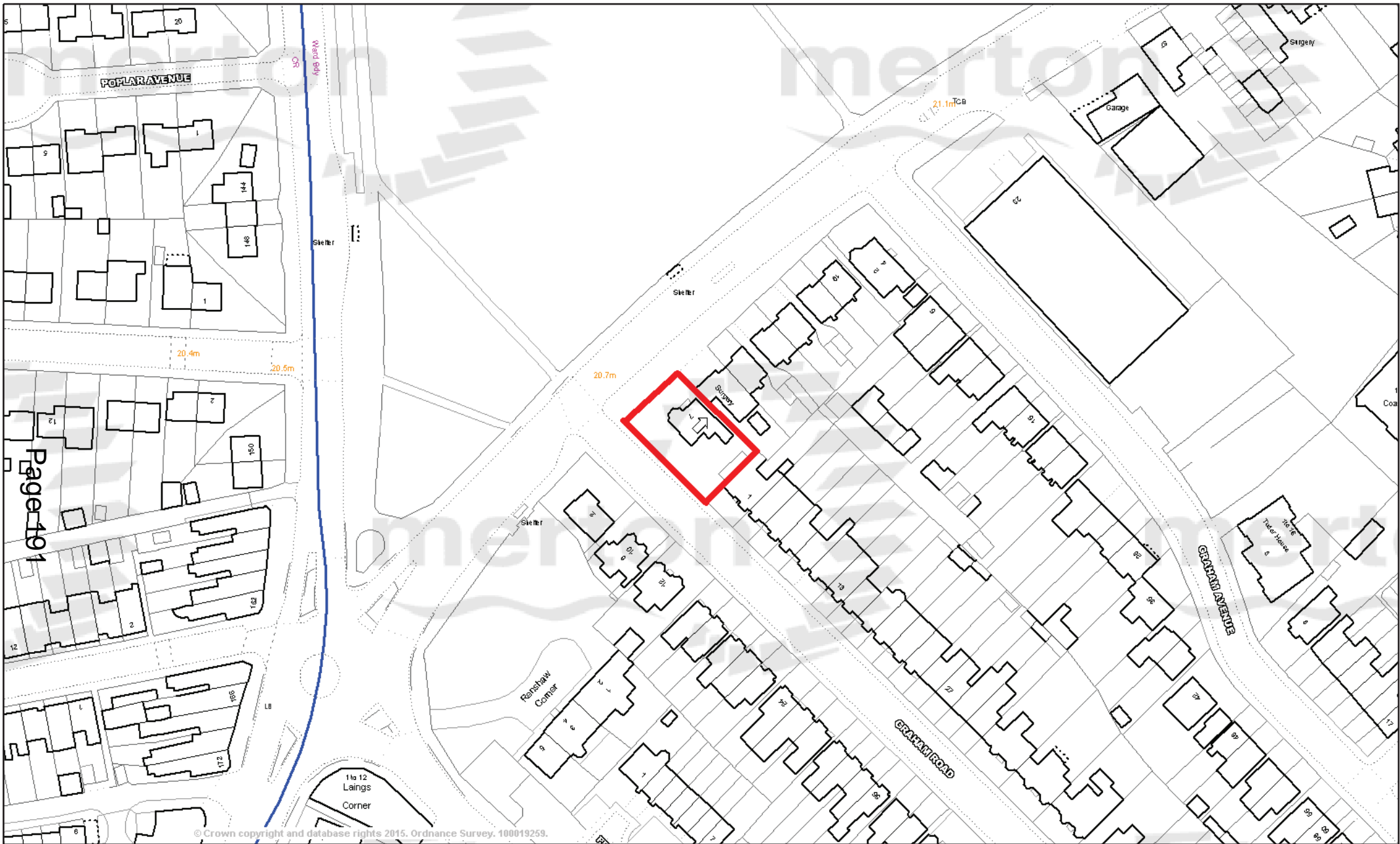
8. CONCLUSION

- 8.1 The proposed roof extension by reason of its bulk, form, scale, design and resulting roof profile would constitute an obtrusive and incongruous form of development that would detract from the appearance of the original building and be out of keeping with, and detrimental to, the visual amenity and character of the area as a whole. Therefore, the proposal would be contrary to London Plan policies 7.4 and 7.6, Core Strategy policy CS14 and SPP Policies DMD2 and DMD3.

RECOMMENDATION

Refuse planning permission on the following grounds:

The proposed roof extension by virtue of its bulk, form, scale, design and resulting roof profile would constitute an obtrusive and incongruous form of development that would detract from the appearance of the original building and be out of keeping with, and detrimental to, the visual amenity and character of the area as a whole. Therefore, the proposal would be contrary to London Plan policies 7.4 and 7.6, Merton LDF Core Planning Strategy policy CS14 and Merton SPP policies DMD2 and DMD3.



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7 Stretton Road

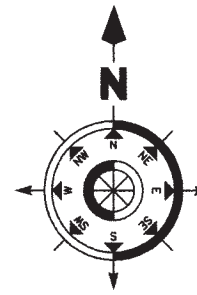
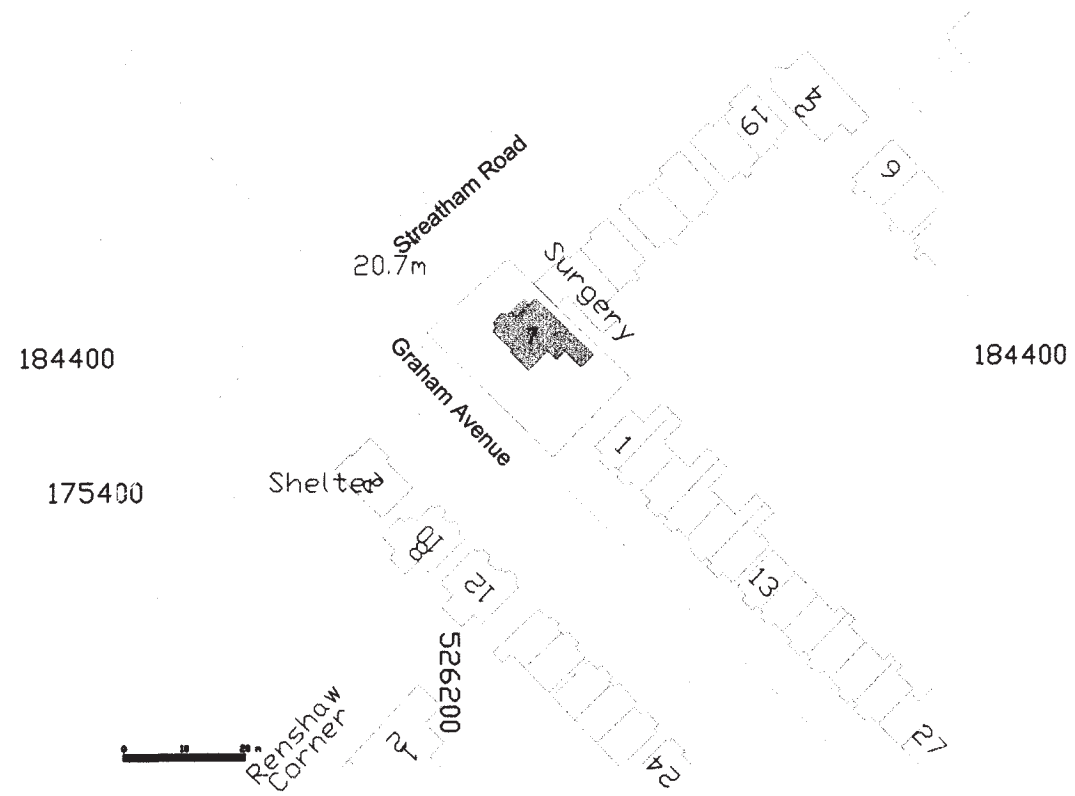
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Date 5/1/2016

London Borough of Merton
 100 London Road
 Morden
 Surrey
 SM4 5DX



DEVELOPMENT CONTROL



Streetwise Licence no. 100047474

Location Plan
1 : 1250 @ A3

06 NOV 2015

REVISIONS:

PROJECT:

7 Streatham Road
London CR4 2AD

TITLE:

Location Plan

CLIENT:

Tony Mitha

SCALE:
1 : 1250 @ A3

DATE:
7/2014

DRAWING NO:

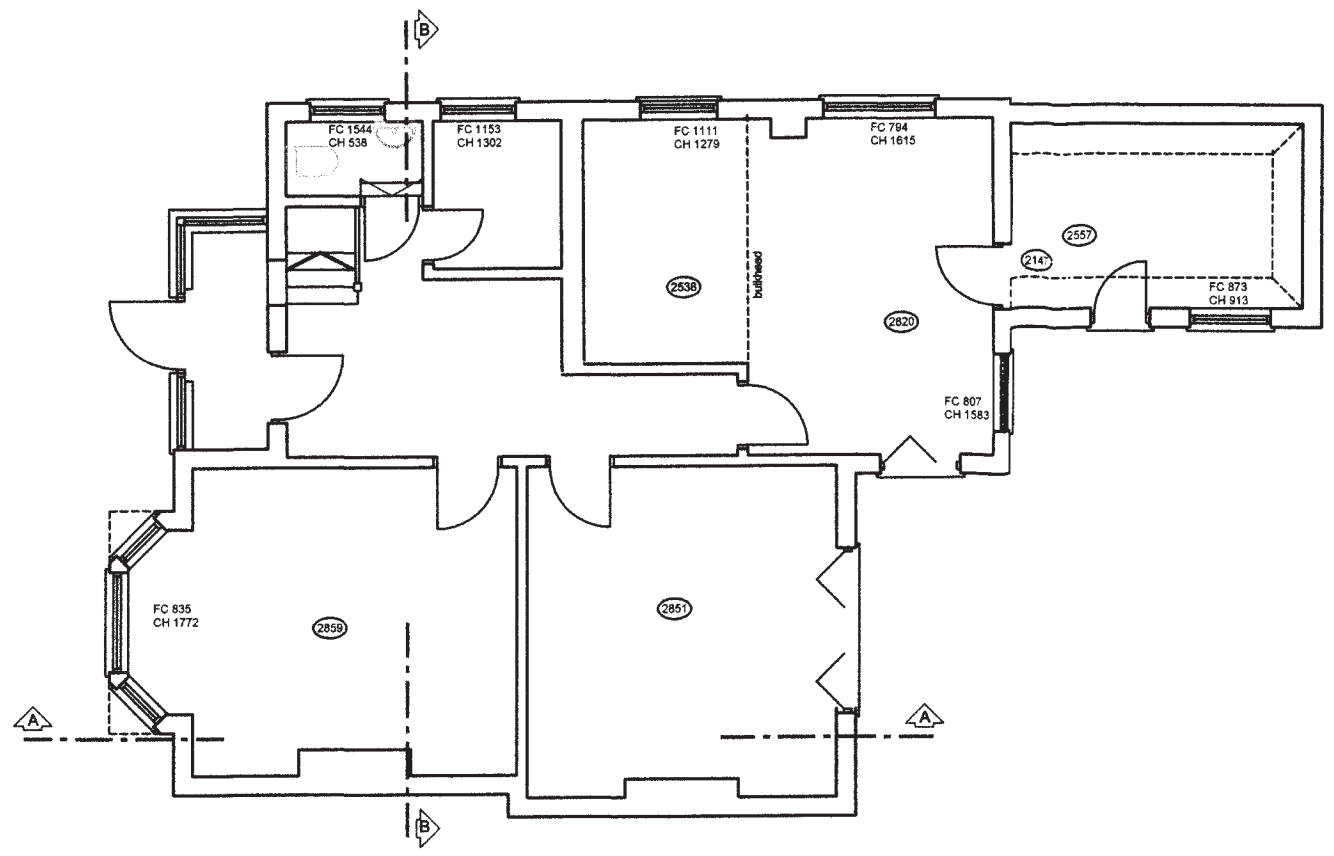
2290/1

REV:

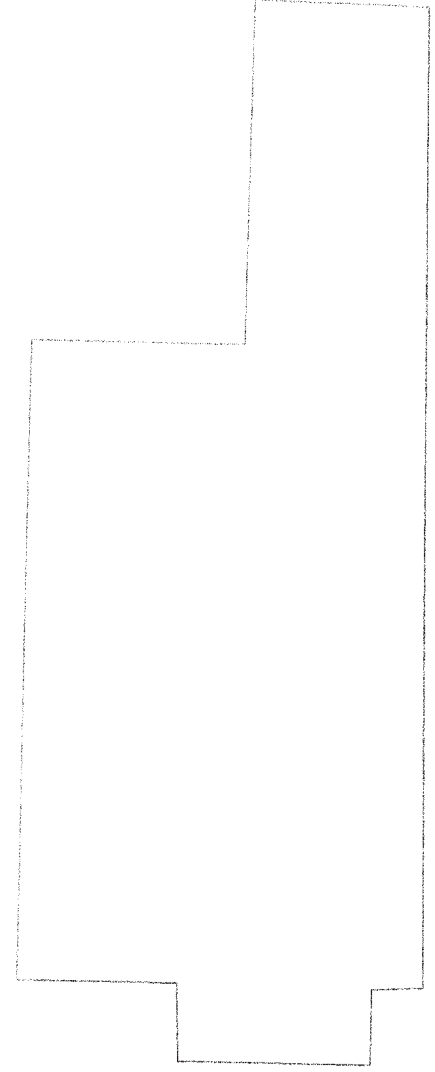
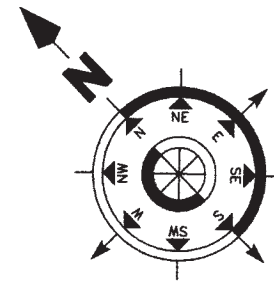


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ground floor and block plan



06 NOV 2015



REVISIONS:



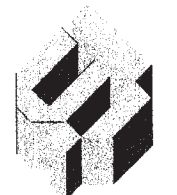
PROJECT:
 7 Streatham Road
 London CR4 2AD

TITLE:
 Existing Ground Floor Plans

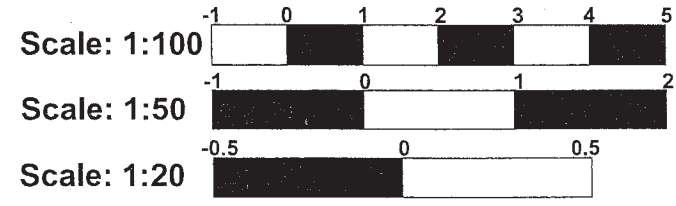
CLIENT:
 Tony Mitha

SCALE: 1:100 DATE: 7/2014
 DRAWING NO: REV:

2290/2



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front (north west) elevation



side (north east) elevation

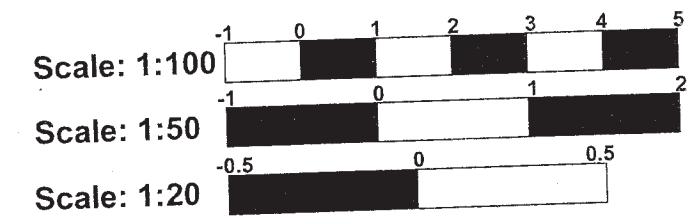


rear (south east) elevation



side (south west) elevation

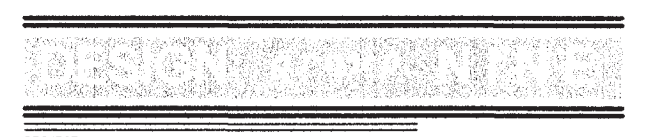
Page 195



06 NOV 2015



REVISIONS:



PROJECT:
7 Streatham Road
London CR4 2AD

TITLE:
Existing Elevations

CLIENT:
Tony Mitha

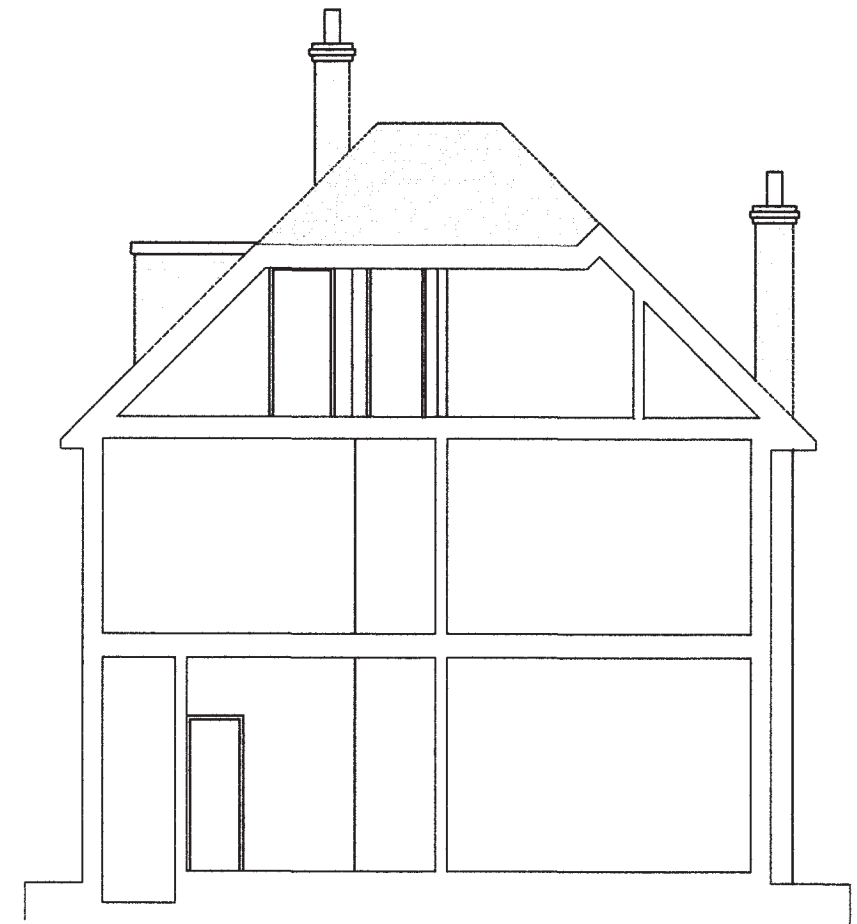
SCALE: 1:100 DATE: 7/2014

DRAWING NO. 2290/5 REV:

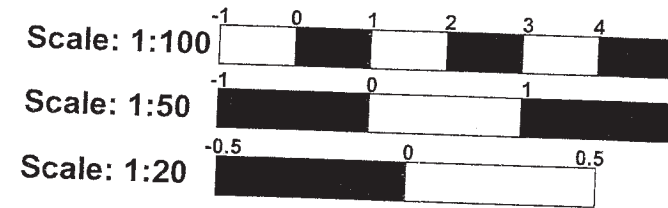
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section A-A



section B-B



06 NOV 2015



REVISIONS:

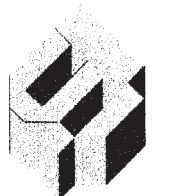
PROJECT:
7 Streatham Road
London CR4 2AD

TITLE:
Existing Sections

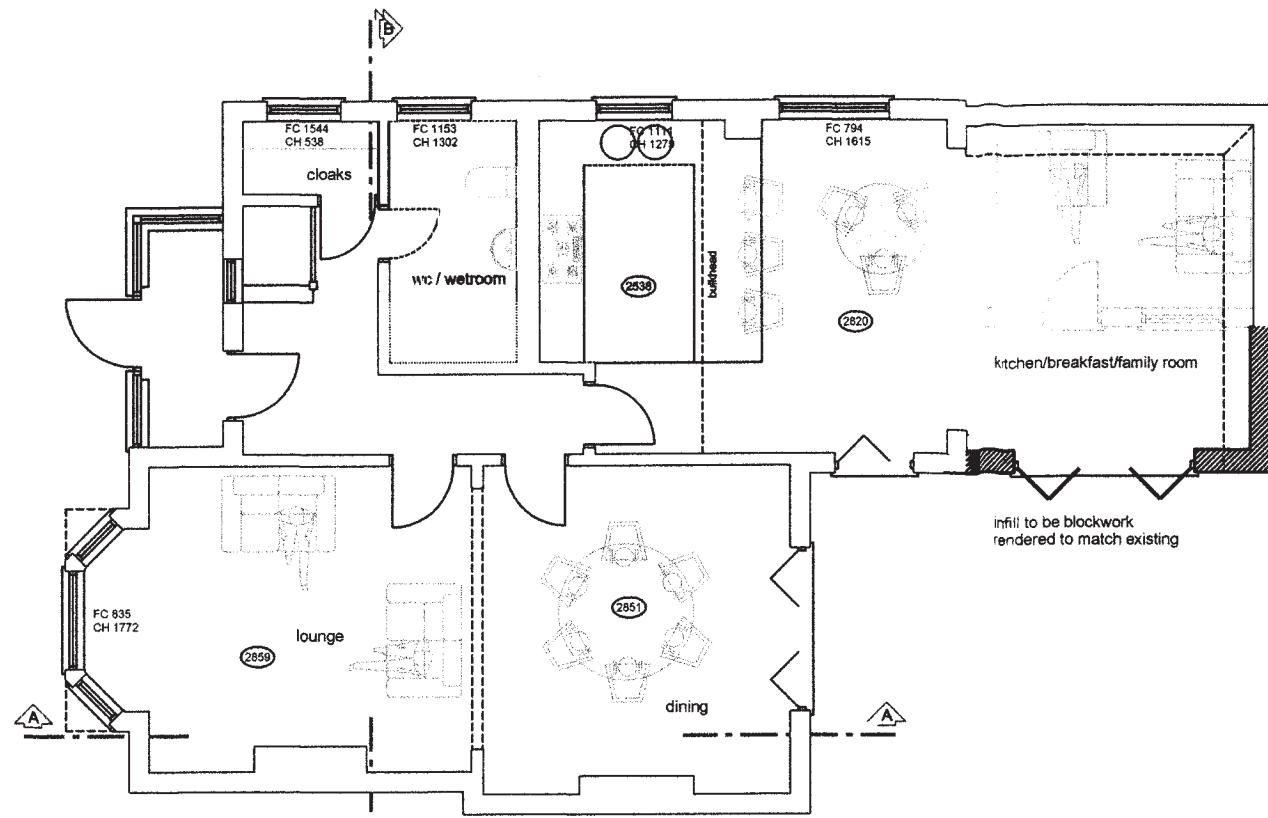
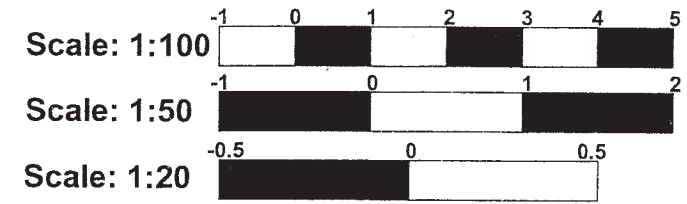
CLIENT:
Tony Mitha

SCALE: **1 : 100** DATE: **7/2014**

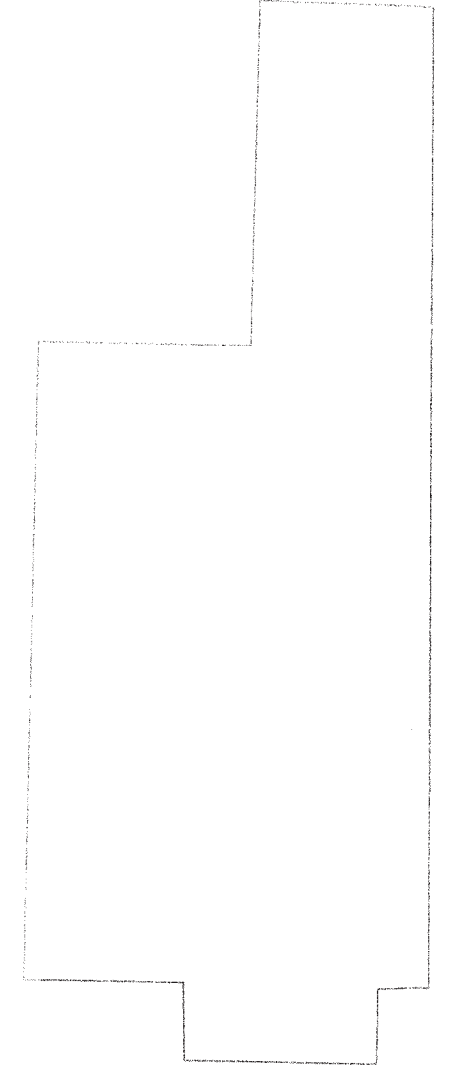
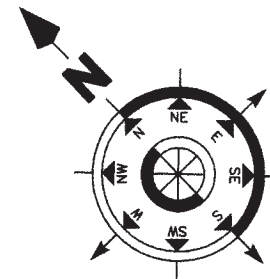
DRAWING NO. **2290/4** REV:



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ground floor and block plan



0 1m 2m 3m 4m 5m **06 NOV 2015**

REVISIONS:
 b 30/10/2015 Rear Addition reduced
 a 18/10/2015 Rear Addition

PROJECT:
**7 Streatham Road
 London CR4 2AD**

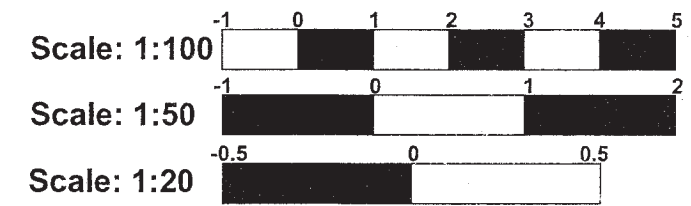
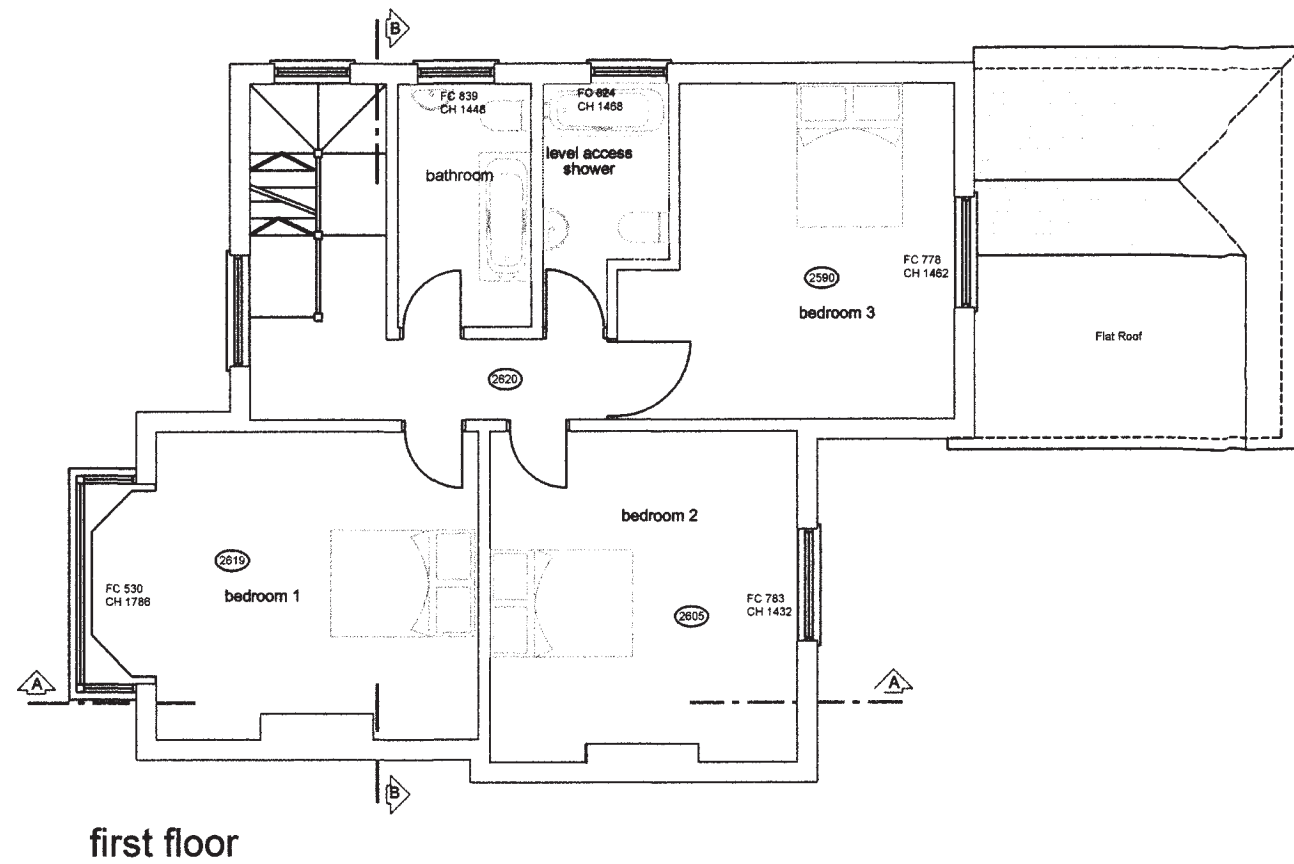
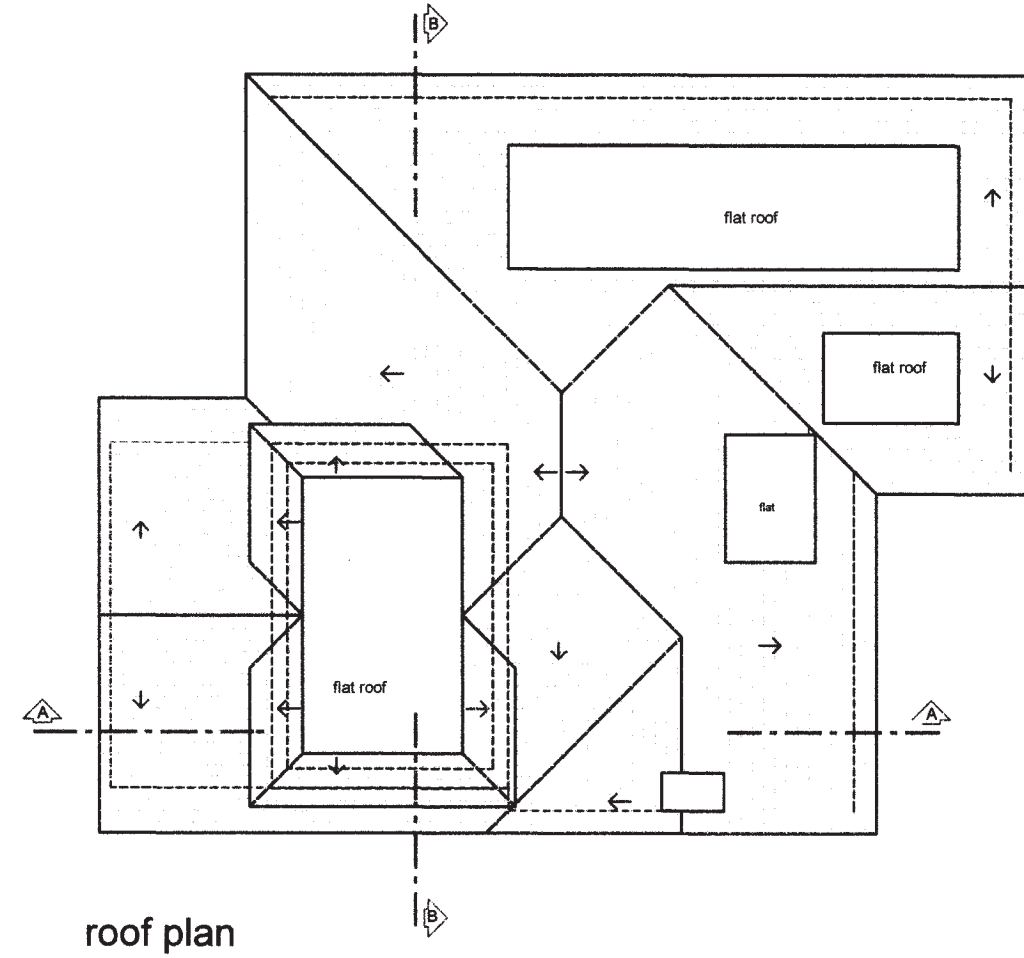
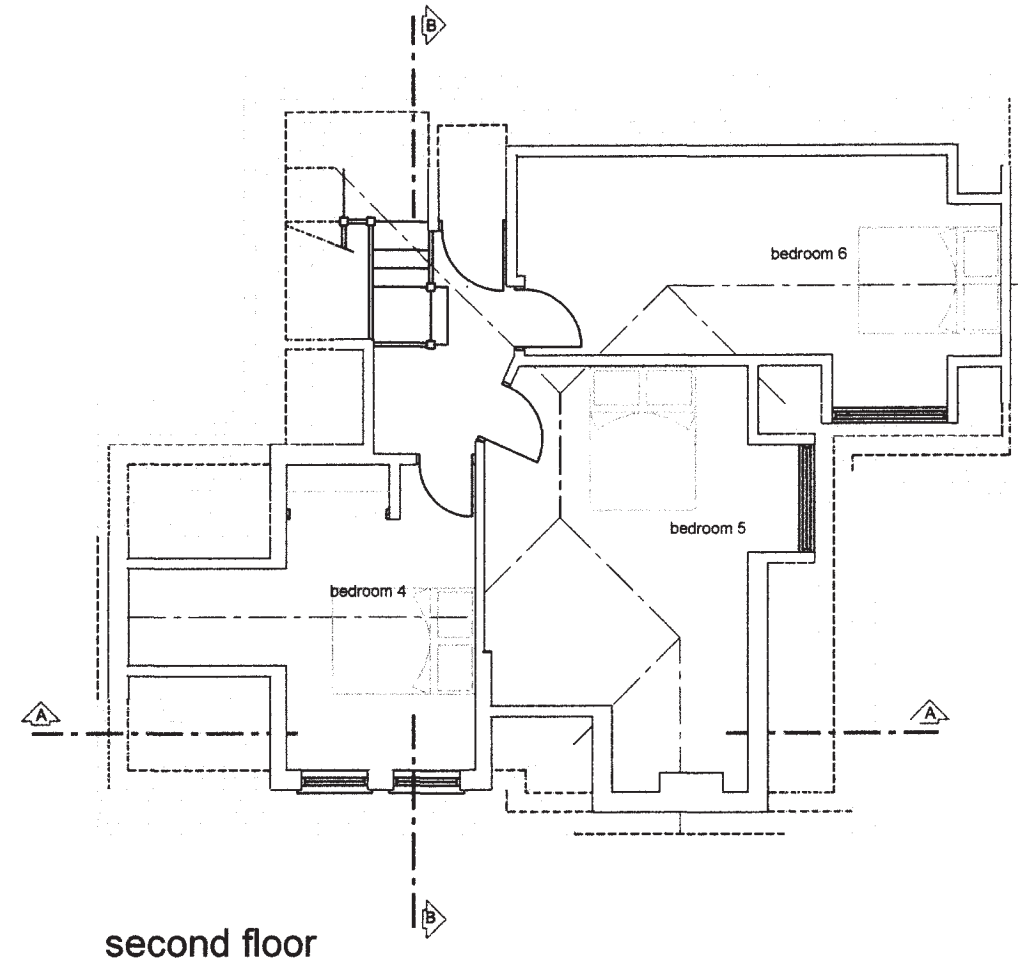
TITLE:
Proposed Ground Floor Plan

CLIENT:
Tony Mitha

SCALE: **1 : 100** DATE: **7/2014**

DRAWING NO.: **2290/6** REV: **b**





06 NOV 2015



REVISIONS:

a	31/10/2015	Dormer re-instated
d	30/10/2015	Rear Addition reduced
c	19/10/2015	Rear Addition
b	20/9/2014	Front dormer removed
a	21/7/2014	Client refinements



PROJECT:
7 Streatham Road
London CR4 2AD

TITLE:
Proposed First, Second and Roof Plans

CLIENT:
Tony Mitha

SCALE:
1:100

DATE:
7/2014

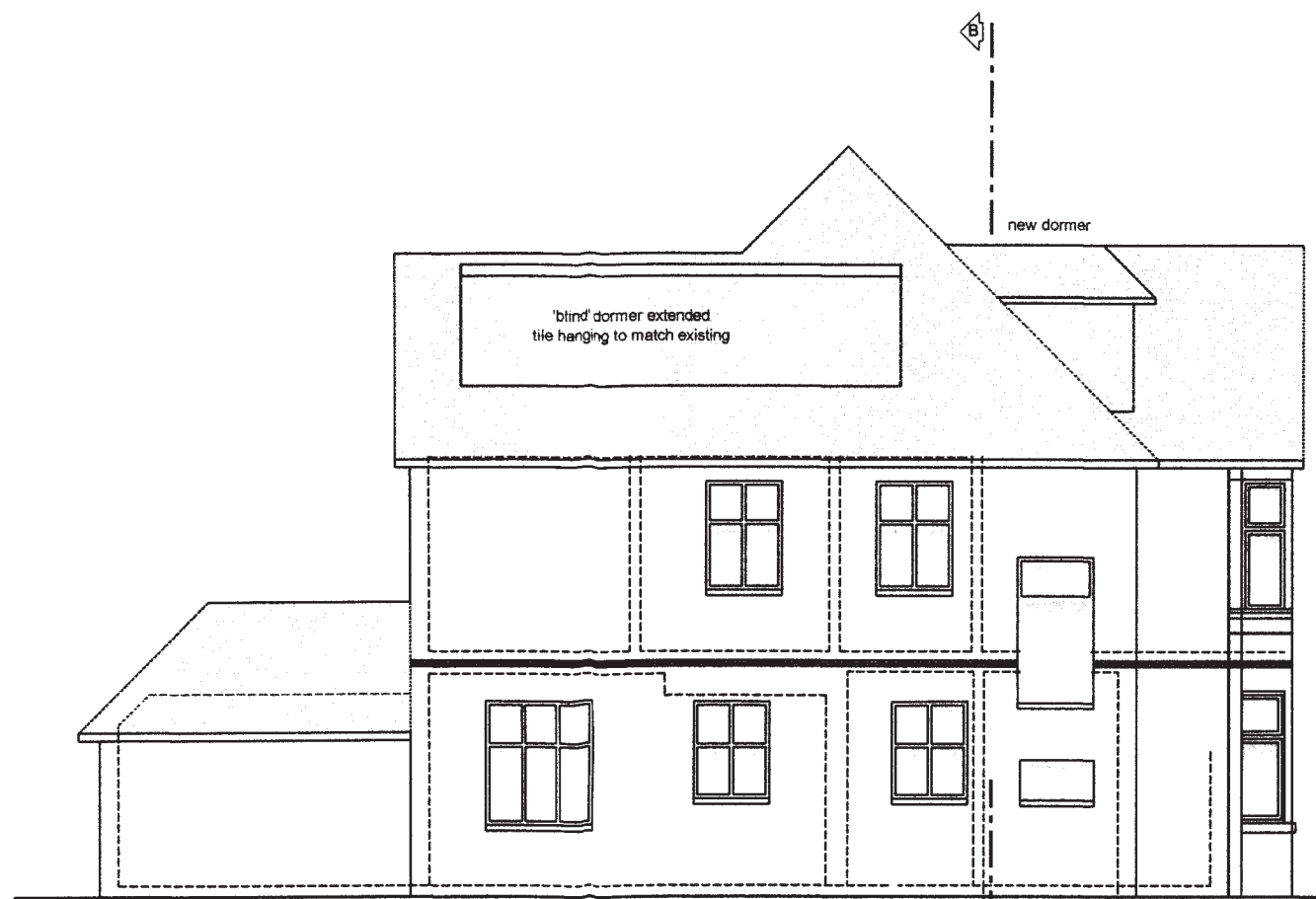
DRAWING NO:
2290/7

REV:
e

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front (north west) elevation



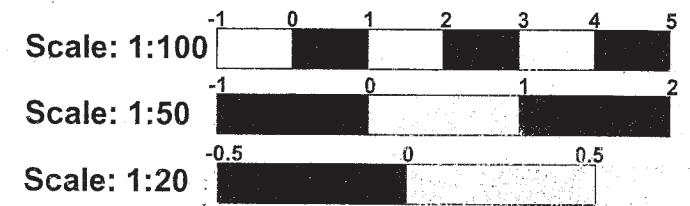
side (north east) elevation



rear (south east) elevation



side (south west) elevation



06 NOV 2015



REVISIONS:

d	31/10/2015	Dormer re-instated
c	30/10/2015	rear addition reduced
b	18/10/2015	rear addition
a	20/9/2014	front dormer removed

PROJECT:
7 Streatham Road
London CR4 2AD

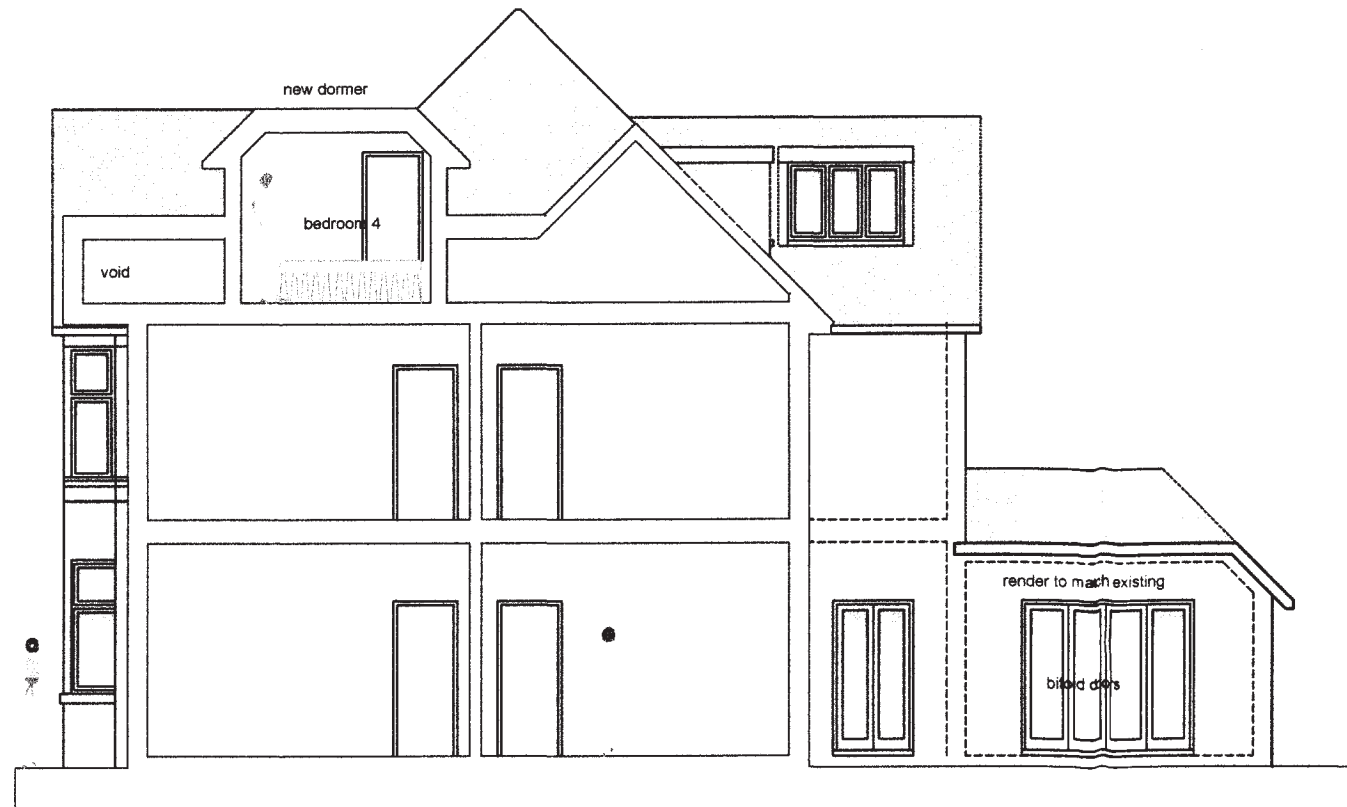
TITLE:
Proposed Elevations

CLIENT:
Tony Mitha

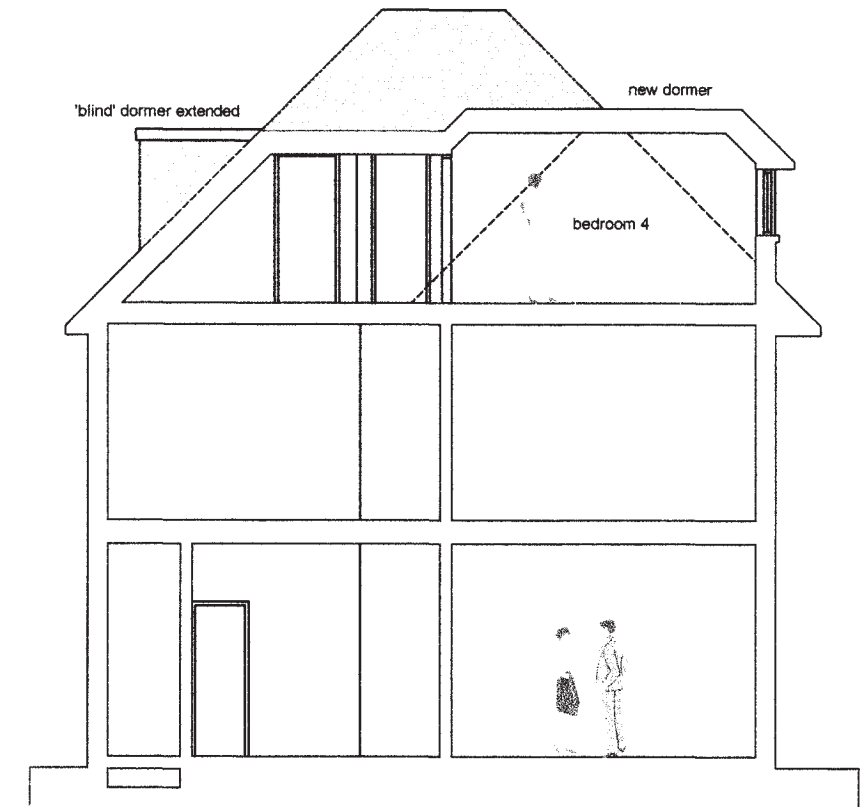
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DRAWING NO. 2290/9 REV: d

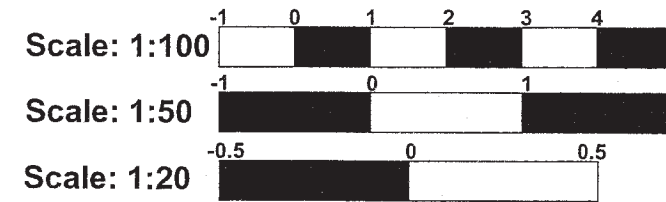




section A-A



section B-B



06 NOV 2015



- REVISIONS:
- d 30/10/2015 Dormer re-instated
 - c 30/10/2015 Rear Addition reduced
 - b 18/10/2015 Rear Addition
 - a 20/9/2014 Front dormer removed

PROJECT:
7 Streatham Road
London CR4 2AD

TITLE:
Proposed Sections

CLIENT:
Tony Mitha

SCALE: 1:100 DATE: 7/2014

DRAWING NO: 2290/8 REV: d



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Committee: Planning Applications

Date: 21st January 2016

:

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: **14/P2958**
Site: 20 Belvedere Grove, Wimbledon SW19 7LR
Development: Erection of three-storey extension with basement level
Recommendation: Refuse Permission (Delegated Decision)
Appeal Decision: **DISMISSED**
Date of Appeal Decision: 11th January 2016

Link to Appeal Decision

http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000085000/1000085655/14P2958_Appeal%20Decision%20Notice.pdf

Application Number: 14/P3856
Site: 34-40 Morden Road, London, SW19 3BJ
Development: Outline permission for demolition of existing buildings and erection of 1 x five storey aparthotel plus 1 x house and 8 x flats
Recommendation: Refuse Permission (Committee Decision)
Appeal Decision: **DISMISSED**
Date of Appeal Decision: 14th December 2015

Link to Appeal Decision

http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000086000/1000086510/14P3856_Appeal%20Decision%20Notice.pdf

Application Number: 14/P4051
Site: Enterprise House 181 Garth Road, Morden SM4 4LL
Development: Development of ground floor undercroft to create 9 x flats
Recommendation: Refuse Permission (Delegated Decision)
Appeal Decision: **DISMISSED**
Date of Appeal Decision: 1st December 2015

Link to Appeal Decision

http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000086000/1000086692/14P4051_Appeal%20Decision%20Notice.pdf

Application Number: 14/P4539
Site: Ground floor shop 180 Rowan Road SW16 5HX
Development: Change of use of store from retail (class A1) to hot food takeaway (class A5)
Recommendation: Refuse Permission (Delegated Decision)
Appeal Decision: **ALLOWED**
Date of Appeal Decision: 15th December 2014

Link to Appeal Decision

http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000087000/1000087166/14P4539_Appeal%20Decision%20Notice.pdf

Application Number: 15/P0053
Site: 15 Ravensbury Avenue, Morden SM4 6ET
Development: Erection of 1 bedroomed bungalow
Recommendation: Refuse Permission (Committee decision)
Appeal Decision: **DISMISSED**
Date of Appeal Decision: 4th January 2016

Link to Appeal Decision

http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000087000/1000087380/15P0053_Appeal%20Decision%20Notice.pdf

Application Number: 15/P0276
Site: 177 Green Lane, Morden SM4 6SG
Development: Demolition of existing care home and erection of 2 x care home buildings for 10 residents and 4 x off-street parking spaces
Recommendation: Refuse Permission (Delegated Decision)
Appeal Decision: **ALLOWED**
Date of Appeal Decision: 22nd December 2015

Link to Appeal Decision

http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000087000/1000087595/15P0276_Appeal%20Decision%20Notice.pdf

Application Number: 15/P0699
Site: 1 Deburgh Road, Colliers Wood SW19 1DX
Development: Erection of addition storey to provide office space
Recommendation: Refuse Permission (Delegated Decision)
Appeal Decision: **DISMISSED**
Date of Appeal Decision: 6th January 2016

Link to Appeal Decision

http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000088000/1000088006/15P0699_Appeal%20Decision%20Notice.pdf

Application Number: 15/P0963
Site: Ground floor flat, 418 Durnsford Road SW19 8DZ
Development: Variation of condition 2 (approved plans) to increase size of extension
Recommendation: Refuse Permission (Delegated Decision)
Appeal Decision: **ALLOWED**
Date of Appeal Decision: 23rd December 2015

Link to Appeal Decision

http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000088000/1000088258/15P0963_Appeal%20Decision%20Notice.pdf

Application Number: 15/P1059
Site: 133A Kingston Road, Wimbledon SW19 1LT
Development: Erection of rear roof extension
Recommendation: Refuse Permission (Committee decision)
Appeal Decision: **ALLOWED**
Date of Appeal Decision: 24th December 2015

Link to Appeal Decision

http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000088000/1000088349/15P1059_Appeal%20Decision%20Notice.pdf

Application Number: 15/P1232
Site: 18 Morton Road, Morden, Surrey, SM4 6EF
Development: Retention of existing single storey outbuilding
Recommendation: Refuse Permission (Delegated Decision)
Appeal Decision: **ALLOWED**
Date of Appeal Decision: 22nd December 2015

Link to Appeal Decision

http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000088000/1000088512/15P1232_Appeal%20Decision%20Notice.pdf

Application Number: 15/P1345
Site: 48 Mostyn Road SW19 3LN
Development: Erection of replacement single storey rear extension
Recommendation: Refuse Permission (Delegated Decision)
Appeal Decision: **DISMISSED**
Date of Appeal Decision: 14th December 2015

Link to Appeal Decision

http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000088000/1000088621/15P1345_Appeal%20Decision%20Notice.pdf

Application Number: 15/P1457
Site: Flat 1, 57 Merton Hall Road SW19 3PR
Development: Excavation of basement level
Recommendation: Non-Determination
Appeal Decision: **DISMISSED**
Date of Appeal Decision: 6th January 2016

Link to Appeal Decision

http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000088000/1000088726/15P1457_%20Appeal%20Decision%20Notice.pdf

Application Number: 15/P1918
Site: 115 Chestnut Grove, Mitcham CR4 1RF
Development: Erection of single storey rear and two storey side extensions
Recommendation: Refuse Permission (Delegated Decision)
Appeal Decision: **ALLOWED**
Date of Appeal Decision: 9th December 2015

Link to Appeal Decision

http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000089000/1000089170/15P1918_Appeal%20Decision%20Notice.pdf

Application Number: 15/P2180
Site: 56 Palmerston Road, Wimbledon SW19 1PQ
Development: Erection of rear roof extension, erection of part single part two storey rear extension and replacement windows
Recommendation: Refuse Permission (Delegated Decision)
Appeal Decision: **DISMISSED**
Date of Appeal Decision: 10th December 2015

Link to Appeal Decision

http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000089000/1000089420/15P2180_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.

Committee: Planning Applications Committee

Date: 21st January 2016

Agenda item:

Wards: All

Subject: PLANNING ENFORCEMENT - SUMMARY OF CURRENT CASES

Lead officer: HEAD OF SUSTAINABLE COMMUNITIES

Lead member: COUNCILLOR LINDA KIRBY, CHAIR, PLANNING APPLICATIONS COMMITTEE

Contact Officer Sam Amoako-Adofo: 0208 545 3111
sam.amoako-adofo@merton.gov.uk

Recommendation:

That Members note the contents of the report.

1. Purpose of report and executive summary

This report details a summary of case work being dealt with by the Planning Enforcement Team and contains figures of the number of different types of cases being progressed, with brief summaries of all new enforcement notices and the progress of all enforcement appeals.

Current Enforcement Cases:	842 ¹ (847)	New Appeals:	0 (0)
New Complaints	33 (40)	Instructions to Legal	1 (2)
Cases Closed	38 (58)	Existing Appeals	9 (9)
No Breach:	21	<hr/>	
Breach Ceased:	17	TREE ISSUES	
NFA ² (see below):	-	Tree Applications Received	52 (43)
Total	33 (58)	% Determined within time limits:	90%
New Enforcement Notices Issued		High Hedges Complaint	0 (0)
Breach of Condition Notice:	0	New Tree Preservation Orders (TPO)	3 (0)
New Enforcement Notice issued	4	Tree Replacement Notice	0
S.215: ³	0	Tree/High Hedge Appeal	0
Others (PCN, TSN)	0		
Total	0 (5)		
Prosecutions: (instructed)	0 (0)		

Note (*figures are for the period (1st December 2015 – 12th January 2016)*). 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.

2.00 New Enforcement Actions

2.01 Some Recent Enforcement Actions

117 Haydons Road South Wimbledon SW19. The Council served an enforcement notice on 9th November 2015 against the unauthorised change of use of the former public house into eight self-contained flats. The notice would come into effect on 15th December unless there is an appeal prior to that date and the requirement would be to cease using the building as residential units within 6 months. No appeal submitted.

2.02 112 Edgehill Road Mitcham CR4 An enforcement notice was issued on 26th October 2015 against the erection of a 'canopy type' rear extension. The requirement is to demolish the structure within one month of the effective date unless an appeal is made before 5th December 2015 which is the effective date. No appeal submitted, compliance check to be undertaken.

- 2.03 4 Sunnymead Avenue Mitcham CR4-** The Council served an enforcement notice against a front roof alteration and rear dormer on 26/10/15. The notice would have come into effect on 5/12/15, however an appeal has now been lodged. The requirement is to demolish the unauthorised roof extension within one month.
- 2.04 112 Edgehill Road Mitcham CR4-** The Council served an enforcement notice on 19th October 2015 against the erection of a rear roof extension to the property. The requirement is to demolish the extension and reinstate the roof slope using similar materials at the adjoining properties. Following further discussions, the notice was withdrawn to allow an amended application to be submitted for consideration. If implemented it would overcome the need for enforcement action otherwise a fresh notice can be issued.
- 2.05 61 Commonsides West Mitcham CR4** An enforcement notice was issued on 12th October 2015 against a roof alteration at the property with a requirement to remove the unauthorised roof and replace with the original flat roof. The notice would come into effect on 20/11/15 unless there is an appeal prior to that. The compliance period is one month. A planning application for the retention of the roof as built was refused and is now subject to an appeal, the Notice is held in abeyance until the outcome of this appeal.
- 2.06 1 Dovedale Rise, Mitcham CR4 -** The Council served an enforcement notice on 17th August 2015 against the erection of four outbuildings in the rear garden of the property with a requirement to demolish these structures within three months of the effective date. The notice came into effect on 25th September as there was no appeal prior to that date. The compliance period expires on 25th December 2015. The required steps must be completed before that date to prevent a potential prosecution. Inspection to be undertaken.
- 2.07 32 Consfield Avenue KT3.** The Council issued an enforcement notice on 24th June 2015 against the unauthorised erection of a single storey rear extension. The notice came into effect on 30th July 2015 as no appeal was registered before that date. The main requirement is to remove the structure within one month of the effective date. The owner has indicated a retrospective planning application would be submitted for a smaller extension but this has been delayed. An extension has been agreed for an application to be submitted as failure could result in prosecution for non-compliance. Application refused, the extension is to be removed by the end of January 2016.
- 2.08 Burn Bullock, 315 London Road, Mitcham CR4.** A Listed Buildings Repair Notice (LBRN) was issued on 27th August 2014 to require a schedule of works to be carried out for the preservation of the Building which is listed. The notice came into effect immediately and as a first step requires the owner to submit an application for planning and listed building consent by 27th October 2014 for consideration.

Listed Building Consent was granted on 3rd March 2015 to cover the required works which include:

- 1) The roof and rainwater goods,
- 2) Masonry, chimney and render repairs
- 3) Woodwork, glazing and both internal and external repairs.

Officers inspected the property with a representative from English Heritage on 17th September and it appeared that works have been halted.

On 6/11/15 an extension (ref 15/P2924) was granted to allow the required works to be completed. It has been confirmed that works on site, which stopped due to the builders moving to another job, would resume on Tuesday 8th December 2015. Further negotiations were undertaken, works now resumed to comply with the Notice.

The Car lot – Most of the cars have now been removed – the remaining cars are broken and need to be towed or carried on transporters.

3.0 New Enforcement Appeals

None

3.1 Existing enforcement appeals

- **18 Morton Road, Morden SM4** The Council served an enforcement notice on 29th June 2015 against the erection of an outbuilding with a requirement to demolish the structure within two months of the effective date of the notice of 6/8/15. The Council has been notified of an appeal and a questionnaire and relevant policies have been sent to the Inspectorate. This relates to a planning appeal rather than an enforcement appeal. The appeal was allowed in part, however the self-contained element remains unauthorised.
- **2 Cavendish Road, Colliers Wood SW19** - The Council issued an enforcement notice on 18th August 2015 against the unauthorised erection of a first floor extension to an existing structure. The notice would have come into effect on 30th September 2015 but the Council has been notified of an appeal. The main requirement is to remove the first floor structure within one month of the effective date. The Council's questionnaire and policies sent to the Inspectorate. The Council's questionnaire and attachments have been sent in compliance with the agreed programme. The appeal is ongoing.
- **61 The Quadrant SW20** - The Council issued an enforcement notice on 25th August 2015 against the unauthorised erection of a single storey rear extension. The notice would come into effect on 6th October 2015 unless there is an appeal prior to that date. The main requirement is to demolish the structure within three months of the effective date. The

Council's questionnaire and policies sent to the Inspectorate. The appeal is ongoing.

- **14 Glenthorpe Road Morden SM4** An enforcement notice was issued against the erection of a raised timber decking with uprights and a polycarbonate lean-to with roofing. The requirements are to remove these structures within one month of the effective date. The owner has appealed and the council's statement was sent on 5/10/15. The next stage is a date for the inspector site visit. The appeal is ongoing.
- **36 Deal Road SW17** An enforcement notice was issued on 6th July 2015 against the conversion of the property from two into three self-contained flats involving the use of the roof space as a self-contained flat. The notice would have come into effect on 10th August 2015 but an appeal has been registered. The main requirement of the notice would be for the use of the building as three self-contained flats to cease within 6 months.
The next stage is the appeal site visit to be scheduled by the inspectorate. The appeal is ongoing.
- **24 Greenwood Close SM4** An enforcement notice was issued on 20th July 2015 against the unauthorised erection of a detached bungalow. The notice would have come into effect on 25th August 2015 but an appeal has been registered. The main requirement of the notice is for the unauthorised building to be demolished within three months. The Council's statement was sent on 1/12/15. PINS have confirmed an extension to 5/1/16 at the request of the appellant as they want two other planning appeals for the same development to be co-joined and dealt with by one inspector. The appeal is ongoing.
163 Central Road, Morden SM4, An enforcement notice was issued on 9th April 2015 against the unauthorised conversion of an outbuilding into residential accommodation. The notice would have come into effect on 19th May 2015 but an appeal was registered and is proceeding under written representations. The requirements are for the unauthorised use to cease and the landlord to remove all partitions, facilities, fixtures and fittings facilitating the use of the outbuilding as a bedsit within four months. The next stage is the appeals site visit to be arranged by PINs. The appeal is ongoing.
- **14 St James Road, Mitcham**, An enforcement notice was issued on 29th April 2015 against the unauthorised conversion of the property into two flats. An appeal has been registered and is proceeding by written representation. If the appeal is dismissed and the notice is upheld, the requirements would be for the owners to cease the use of the property as flats and remove all fittings and partitions facilitating the unauthorised use within three months. Inspector site visit took place on 24/11/15 and a decision is expected within 2 – 5 weeks. The appeal is ongoing.
- **204 Tamworth Lane, Mitcham CR4**, - An enforcement notice was issued on 11th May 2015 against the unauthorised erection of a second single storey rear extension and raised patio. An appeal has been registered and is proceeding under written representation. The main requirement of the notice is for the unauthorised extension to be

demolished within 3 months. An inspector site visit took place on 24/11/15 and a decision is expected within five weeks. The appeal is ongoing.

3.2 Appeals determined –

None

Prosecution case.

None

3.4 Requested update from PAC

4. Consultation undertaken or proposed

None required for the purposes of this report

5 Timetable

N/A

6. Financial, resource and property implications

N/A

7. Legal and statutory implications

N/A

8. Human rights, equalities and community cohesion implications

N/A

9. Crime and disorder implications

N/A

10. Risk Management and Health and Safety implications.

N/A

11. Appendices – the following documents are to be published with this report and form part of the report Background Papers

N/A

12. Background Papers