

Merton Council

Planning Applications Committee

Membership

Councillors

Linda Kirby (Chair)

John Bowcott (Vice-Chair)

David Dean

Abigail Jones

Philip Jones

Andrew Judge

Najeeb Latif

Peter Southgate

Geraldine Stanford

Imran Uddin

Substitute Members:

Stephen Crowe

Joan Henry

Daniel Holden

John Sargeant

Laxmi Attawar

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

Date: 19 January 2017

Time: 7.15 pm

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

This is a public meeting and attendance by the public is encouraged and welcomed. If you wish to speak please see notes after the list of agenda items. For more information about the agenda and the decision making process contact democratic.services@merton.gov.uk or telephone 020 8545 3357

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Planning Applications Committee

19 January 2017

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Recommendation: GRANT Planning Permission Subject to completion of a s106 Agreement and Conditions | |
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Recommendation: GRANT Planning Permission Subject to Conditions | |
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Recommendation: GRANT Planning Permission Subject to Conditions | |
| 10 | Planning Appeal Decisions | 77 - 84 |
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That Members note the contents of the report. | |
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| | Officer Recommendation:
That Members note the contents of the report. | |

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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Agenda Item 3

All minutes are draft until agreed at the next meeting of the committee/panel. To find out the date of the next meeting please check the calendar of events at your local library or online at www.merton.gov.uk/committee.

PLANNING APPLICATIONS COMMITTEE

8 DECEMBER 2016

(7.15 pm - 10.40 pm)

PRESENT Councillor Linda Kirby (Chair),
Councillor John Bowcott, Councillor David Dean,
Councillor Philip Jones, Councillor Andrew Judge,
Councillor Peter Southgate, Councillor Geraldine Stanford,
Councillor Imran Uddin, Councillor Laxmi Attawar and
Councillor Stephen Crowe

ALSO PRESENT Neil Milligan
Jonathan Lewis
David Gardener
Tim Lipscomb
Lisa Jewell

1 APOLOGIES FOR ABSENCE (Agenda Item 1)

Apologies for absence were received from:
Councillor Abigail Jones
Councillor Najeeb Latif

2 DECLARATIONS OF PECUNIARY INTEREST (Agenda Item 2)

There were no declarations of pecuniary interest.

Councillor John Bowcott made a statement to inform the Committee that he Chaired the Design Review Panel meeting that considered Items 11 on this agenda but he did not take part in the debate or vote on the proposal

3 MINUTES OF THE PREVIOUS MEETING (Agenda Item 3)

RESOLVED: That the minutes of the meeting held on 17 November 2016 are agreed as an accurate record, with the correction that Councillor Laxmi Attawar was present at the meeting as a substitute for Councillor Abigail Jones.

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

The published Agenda and Supplementary Agenda tabled at the meeting form part of the Minutes:

- a. Supplementary Agenda: A list of modifications for agenda items 5,6,7,8,9,10,11,12,13,14 and 15 were published as a supplementary agenda.

- b. Verbal Representations: The Committee received verbal representations detailed in the minutes for the relevant item.
- c. Order of the Agenda – The Chair amended to order of items to the following: 11, 5,7,8,10,6,9,12, 13,14 and 15

5 ALAN ROAD, WIMBLEDON, SW19 7PT (Agenda Item 5)

Proposal: Erection of a part single/part two storey rear extension, a gable ended rear roof extension and rear dormer window, installation of new window to front elevation, new hard landscaping to front garden, new front wall and gates and new landscaping to rear garden.

The Committee noted the officer's report and presentation and additional information in the supplementary agenda. The Committee received verbal presentations from two objectors, the agent to the application and Ward Councillor Hamish Badenoch.

In reply to points raised by objectors and members the Planning Manager said:

- Daylight and sunlight studies were not required because there was adequate space between the buildings, and asked members to note that the previous refusal was based on bulk and massing, which had both been addressed in this scheme
- In reply to the objector who said that his window was marked incorrectly by the applicants architect he said that this was so far from boundary that it did not make a difference
- The changes made since the previously refused scheme will reduce the impact of the proposal on both neighbours

Members commented that the current scheme did reduce the impact on the neighbouring property at number 2A but did not reduce the impact so much on number 6, and it was the silhouette of proposal that was of concern.

RESOLVED

The Committee voted to GRANT Planning Permission subject to conditions

6 80-86 BUSHEY ROAD SW20 (Agenda Item 6)

Proposal: Redevelopment of land involving demolition of existing buildings and the erection of a retail park (Class A1 - 13,736 sq.m internal floorspace), with café/restaurant units (Class A3 - 1,193 sq.m internal floorspace) landscaping, associated car parking (334 spaces), cycle parking (100 spaces) and new pedestrian access from Bodnant Gardens.

The Committee noted the officer's report and presentation and additional information presented in the Supplementary Agenda.

In response to Member Questions, Officers explained:

- Active car charging points are those that are connected and operational but that passive charging points have the correct cabling but are not yet operational.
- TfL have no plan to provide a bus stop on site, they are proposing improvements but to the main highway in the area.
- Kingston Council have not raised objections.

Members commented that they were concerned about:

- The loss of the Clock Tower – it is locally listed and a heritage asset
- Air Quality in the area
- Lack of public transport to the area from other parts of LBM
- The design of the proposal is poor with bland modular units facing inwards.

Members noted the overwhelming support for the development from local residents from The Carters Estate, who welcomed the employment prospects and new pathway, and the local Raynes Park High School, who welcomed the work experience opportunities.

RESOLVED

The Committee voted to GRANT Planning Permission subject to any direction from the Mayor of London, any direction from the Secretary of State, the completion of a S106 agreement and conditions

7 59 DORA ROAD, WIMBLEDON PARK, SW19 7EZ (Agenda Item 7)

Proposal: Demolition of existing bungalow and erection of 2x semi detached dwellinghouses with basements

The Committee noted the officer's report and presentation and additional information in the Supplementary Agenda. The Committee received a verbal presentation from an Objector and from the Agent to the application.

The Planning Officer, in answer to Objectors comments, explained:

- that the application has been assessed as being acceptable in planning terms in relation to the neighbour's amenity, including light levels.
- the development was too small to require a contribution to affordable housing
- The existence of a covenant was not a material planning consideration

In answer to Members Questions, the Planning Officer answered:

- The distance between the proposal and its neighbour was 2m
- Occupiers of the new number 57 would have an off street parking space and would therefore not get a parking permit. Occupiers of the new number 59 will not have off street parking, owing to the retention of the Magnolia Tree, and will therefore be able to apply for a parking permit.

RESOLVED

The Committee voted unanimously to GRANT Planning Permission subject to the completion of a signed Section 106 Legal Agreement and conditions.

8 FORMER THAMES WATER MERTON WORKS, FORTESCUE ROAD, COLLIERS WOOD, SW19 2EB. (Agenda Item 8)

Proposal: Erection of three x 4 storey buildings and one x three storey building each with a lower ground floor to provide 74 residential units (5 x studios, 18 x 1bedroom, 34 x 2 bedroom and 17 x 3 bedroom flats) (use class C3), 29 car parking spaces and 126 cycle parking spaces, associated landscaping and children's play space.

The Committee noted the officer's report and presentation and the additional information in the Supplementary Agenda. The Committee received verbal presentations from an Objector and the agent to the application.

In answer to residents concerns Officers suggested that more robust security fencing could be requested by Condition, and that high quality acoustic fencing could also be requested by Condition.

In answer to objectors comments regarding loss of privacy the Planning Officer said that at no point does the development breach separation standards.

Members asked about the removal of Japanese knotweed, and Officers commented that certification could be requested by Condition.

Member asked about the status of the site in relation to the Wandle Valley Regional Park Policies. Officers explained that the site had been left in a poor condition with little biodiversity and the proposal would improve this situation and increase the green linkages in this area.

Members commented that the developers had consulted residents and taken concerns on board, and that this development would provide much needed housing that met planning regulations

RESOLVED

The Committee voted to GRANT Planning Permission subject to S106 Agreement and conditions

9 BRIAR DENE, 15 LANGLEY ROAD, MERTON PARK, LONDON, SW19 3NZ
(Agenda Item 9)

Proposal: Demolition of the existing bungalow and the erection of a two storey detached dwelling house (plus accommodation in the roof space). Alterations to existing garage involving a replacement roof and new windows.

The Committee noted the officer's report and presentation and additional information in the supplementary agenda

Members commented that the openness of the area comes from the grass verges and not the presence of the Bungalow and therefore it cannot be argued that the bungalow is key to the openness of the street scene.

RESOLVED

The Committee voted unanimously to GRANT Planning Permission subject to conditions

10 151 WANDLE ROAD, MORDEN, SURREY, SM4 6AA (Agenda Item 10)

Proposal: Rear roof extension in connection with the conversion of the existing house into 1 x 3 bedroom unit; 1 x 1 bedroom unit and 1 x studio flat with provision of 3 parking spaces and bin store to the front of the property and cycle storage to the rear.

The Committee noted the officer's report and presentation and additional information in the Supplementary Agenda. The Committee received a verbal presentation by an objector and the agent to the application.

Officers replied to issues raised by the objector and by Members:

- There is no planning law or guidance to stop the room stacking shown in this design
- Building Control guidance will cover issues noise transmission and so is not a planning issue
- The proposed roof structure with hip to gable end and dormers has already been allowed on a previous permission and so could be built anyway
- The proposal provides communal amenity space that far exceeds the minimum requirements

Members commented that they did not like to see the loss of a family home but that many previous refusals of similar conversions had then been allowed at appeal. Members felt that they could not therefore go against an application that met planning regulations, even though they would rather not have such conversions.

RESOLVED

The Committee voted to GRANT Planning Permission subject to conditions

11 WELLINGTON HOUSE, 60 – 68 WIMBLEDON HILL ROAD, WIMBLEDON, SW19 7PA (Agenda Item 11)

Proposal: Refurbishment of the existing building including the recladding of the exterior of the building, erection of two additional floors and infilling of the surface level car park to create an additional 2,055sqm (Gross Internal Area) of office use (Class B1). Change of use and amalgamation of two ground floor units from A2 use (financial and professional services) to a single A3 use (café / restaurant). Reconfiguration of existing basement to accommodate plant with reduction in basement car parking

The Committee noted the officer's report and presentation and additional information in the Supplementary Agenda. The committee received verbal presentations from three objectors to the application, and from a supporter and the agent of the applicant, and from a ward councillor

The Objectors made comments, including:

- The proposal is too high and too big for this important location in a Conservation Area
- It does not respect the proportions of the original building
- This area is a gateway to Wimbledon Town Centre, it is not the centre of the Town and should not be compared to the Town Centre
- The proposal is too bulky and will visually dominate its location
- The proposal is out of character with its setting
- There is heavy traffic congestion in the area

The Supporter and Agent made comments including:

- The proposal will allow new employment opportunities
- The proposal has strong environmental credentials – it will have green roofs, rain water attenuation, swift boxes and will be highly insulated
- Amendments have been made to the ground floor doors and to the traffic islands

- The current building needs refurbishment and this is a very high quality design
- There is a shortage of office space in Wimbledon
- Parking will not be increased as the development is permit free
- The restaurant will be 'high-end' food

In reply to Councillor Questions, Planning Officers explained the following points:

- There will be only two business parking permits allowed for the building
- Loading/unloading will take place outside Mansel Court and a Condition will limit this to vehicles smaller than 7.5 tonnes
- Refuse Collections will take place at the front of the building the refuse lorries would pull up on double yellow lines, as they do for other businesses in the Town Centre
- The Restaurant is class A3, which means it cannot supply take- out food

Members asked officers about The DRP's views on the proposal and noted that it had originally received a red from the DRP and that following amendments DRP members had been re-consulted by email. The result of the email consultation was that the DRP still thought that the proposal was too high and too big. The Planning Manager reminded Members that the DRP was an advisory body and not a decision making body. Members commented that the views of the DRP were very useful in giving PAC Members confidence in their own judgement.

Members noted that there is no process for assessing economic viability for this type of application.

Members commented that good quality office space is needed in Wimbledon, but disagreed about whether this proposal was the right way to provide this. One member felt that this proposal is well designed and will provide modern up-to-date office space, it is well proportioned and much better than existing office block. However other members supported the view that the proposal was too high and its massing too great for its sensitive site, and that there was a lack of balance with other buildings in locality.

RESOLVED

The Committee agreed to:

1. REFUSE the application for the following reasons:
The Height, Bulk and Massing of the proposal are all too great, contrary to LBM policies DM D2 and DM D3

2. DELEGATE to the Director of Environment & Regeneration the authority to make any appropriate amendments in the context of the above to the wording of the grounds of refusal including references to appropriate policies

12 TREE PRESERVATION ORDER (NO.698) AT 11 LYMINGTON CLOSE, STREATHAM, SW16 4QL (Agenda Item 12)

The Committee noted the Officer's report.

RESOLVED

The Committee agreed that the Merton (No.698) Tree Preservation Order 2016 be confirmed, without modification.

13 PLANNING APPEAL DECISIONS (Agenda Item 13)

The Committee noted the report on recent planning appeals and that there had been a recent success rate of 70%.

The Planning Manager informed the committee of a recent decision by the Government:

- In 2017 if more than 10% of major applications are refused then a Planning Authority could be 'designated'. This would mean that applicants would have the choice to send applications straight to the Planning Inspectorate for decision, thus bypassing the Planning Authority
- In 2018 this rule would apply to all applications.

14 PLANNING ENFORCEMENT - SUMMARY OF CURRENT CASES (Agenda Item 14)

The Committee noted the report on recent and current Enforcement cases.

15 PAC - CHANGE OF DATE FOR MARCH 2017 (Agenda Item 15)

The Democratic Services Officer explained that a mistake had been made in the Agenda, and that what was actually proposed was to change the date of the Meeting in March 2017 to the 16 March. It was currently set for 23 March but this gave a very uneven gap between meetings.

The Committee noted the change and the democratic services officer said she would email to all to confirm the change.

Committee: PLANNING APPLICATIONS COMMITTEE

Date: 19 January 2017

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

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 Members will be aware that certain types of development are classed as "Permitted Development" and do not require planning permission.
- 2.8 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
19 JANUARY 2017**

	<u>APPLICATION NO.</u>	<u>DATE VALID</u>
	15/P1569	24/04/2015
Address/Site	96-98 The Broadway, Wimbledon SW19 1RH	
(Ward)	Trinity	
Proposal:	Alterations and extensions to existing building to create 8 x 1 bedroom and 1 x 2 bedroom flats to upper floors and extension to existing ground floor retail units.	
Drawing Nos	6512-PL01 and 6512-PL02 (Received dated 15/12/2016) and Design and Access Statement, Site Location Plan and SO-474-01 and 02 Existing Plans and Elevations	
Contact Officer:	Richard Allen (8545 3621)	

RECOMMENDATION

GRANT Planning Permission subject to Completion of a S.106 Agreement and Conditions

CHECKLIST INFORMATION

- Heads of agreement: Yes
- Is a screening opinion required: No
- Is an Environmental impact statement required: No
- Has an Environmental Impact Assessment been submitted: No
- Press notice- Yes
- Site notice-Yes
- Design Review Panel consulted-No
- Number neighbours consulted –
- External consultants: None
- Density: n/a
- Number of jobs created: n/a
- Archaeology Priority Zone:

1. INTRODUCTION

- 1.1 This application has been brought to the Planning Applications Committee due to the number of objections received.

2. **SITE AND SURROUNDINGS**

- 2.1 The application site comprises a pair of mid-terrace properties situated on the north side of The Broadway. The ground floor of each property is in commercial use, with residential accommodation on the upper floors, comprising 1 x two bedroom flat and 1 x four bedroom flat. There is access from the Broadway into the rear of the site from Cobden Mews, which is mixed commercial/residential in character. There is a variety of architectural styles in the immediate area of the application site. The application site is not within a conservation area, but is within a Controlled Parking Zone (CPZ W3).

3. **CURRENT PROPOSAL**

- 3.1 The current application involves the alterations and extensions to the existing building to create nine flats (8 x 1 bedroom and 1 x 2 bedroom units) and rear extension to existing retail units.
- 3.2 The proposed rear extension would be 10.8 metres in length and 12 metres in width. It would have an eaves height of 9.2 metres and a mansard roof with an overall height of 11.5 metres. Internally, at ground floor level, the existing shop units would be refurbished and extended rearwards. An entrance to the flats would be provided from Cobham Mews within the rear of the ground floor of the extension, as well as integral refuse and cycle storage. At first floor level, 2 x one bedroom/two person flats would be formed within the original building, with a 1 bedroom, two person flat and a 1 bedroom studio flat provided within the extension. At second floor level, 2x one bedroom, two person flats would be provided within the original building, with a further 1 bedroom, two person flat and a two bedroom, four person duplex that would occupy part of the floor above. At third floor, there would be the other part of the duplex plus a further 1bed 2person flat. Balconies would be provided at first and second and third floor levels to provide external amenity space for four of the proposed flats within the new extension.
- 3.3 The proposed rear extension has been designed in a 'warehouse' style and is of similar design and proportions to the existing rear extension to the adjoining property at 100 The Broadway. There is no car parking but secure cycle parking would be provided.

4. **PLANNING HISTORY**

4.1 100 The Broadway

In March 2011 planning permission was granted for the erection of a third floor and conversion of flat 2 from a 3 bedroom flat to a 4 bedroom flat, flat 3 from a 2 bedroom flat to a 5 bedroom flat and addition of a mezzanine level to existing restaurant and installation of a new shopfront (LBM Ref.11/P0345). The proposed rear extension to the existing building at 96/98 is of similar height to that constructed at 100 The Broadway.

5. **CONSULTATION**

5.1 The application has been advertised by site notice and letters of notification to occupiers of neighbouring properties. 13 letters of objection have been received. The grounds of objection are set out below:-

- The proposed extension would overlook residential properties in South Park Road.
- Rooms within the 4th floor would overlook 37A South park road.
- The development would result in noise and nuisance, already too much noise from various restaurants.
- The resulting structure when combined with the previous extension at 100 The Broadway would have an overbearing impact and be visually intrusive upon Cobden Mews. The height of the proposed extension would be almost double that of the existing buildings and is disproportionate given the narrowness of the yard.
- The development at 100 The Broadway has resulted in loss of sunlight to 2 Cobden Mews (solicitor's offices) and the proposals for 96/98 would result in further loss of light to offices opposite.
- The provision of secure cycle parking is supported, however there are already parking problems in the area with illegally parked vehicles in Cobden Mews/Printers Yard. Any increase in congestion will make running a business very difficult.
- The site is too small for 8 x 1 and 1 x 2 bedroom flats.
- The plans effectively remove parking spaces available for this building.
- The occupiers of 3 Cobden Mews have already experienced noise and inconvenience from building work at 100 The Broadway.
- The propose development would affect the day to day running of businesses in Cobden Mews/Printers Yard.
- The increase in the number of dwellings would put pressure on rubbish storage and the area is already struggling with overflowing bins and poorly stored rubbish and failed collections from contractors.

5.2 Amended Plans

The plans were amended to provide 1 balcony at first floor, 2 at second floor and 1 at third floor level. The layout of the refuse storage and cycle storage areas has also been amended to improve access and revisions to the fenestration of the rear elevation undertaken. A reconsultation has been undertaken and one further representation has been received from the occupiers Unit 2, Printers Yard, 90A The Broadway. The grounds of objection are set out below:-

- The height of the proposed development will be disproportionate to the surrounding buildings and restrict light to Printers Yard and Cobden Mews.
- The business in Printers Yard and Cobden Mews are already severely compromised by too many rubbish bins and inadequate collections by private contractors. In addition collection vehicles have difficulty in

reaching bins owing to parked cars and delivery vans frequently blocking the way.

- The substantial increase in the number of dwellings proposed would cause additional pressure on the area that is already struggling with an excess of vehicles and overflowing bins. Additional poorly stored rubbish and failed collections have increased problems with vermin in the area.
- The proposed development would have an adverse impact upon an existing business.

5.3 The Wimbledon Society

The proposal is regarded as unsafe and fails to comply with Merton's policies on safety requirements for new development as access to the flats would be through a narrow alley at the rear of the building and the third floor has no means of escape in case of fire. The internal layout of the units is unsatisfactory with poor outlook and inadequate daylight and sunlight. The Society is of the view that the number of units is excessive and is development of the site and the quality of the living conditions and safety of future residents is unsatisfactory.

5.4 Climate Change Officer

The Design and Access Statement does not make reference to the need to achieve a 25% improvement over Part L1 of the Building Regulations. However, all new domestic units assessed under Part La will be subject to requirements outlined above.

5.5 Transport Planning

No off street car parking is proposed for the development. However given the location of the application site within Wimbledon Town Centre and the high PTAL score (PTAL 6A). The development should be designated 'permit free' secured through a S.106 Agreement.

6. **POLICY CONTEXT**

6.2 Adopted Merton Core Strategy (July 2011)

CS8 (Housing Choice), CS9 (Housing Provision), CS13 (Open Space, Nature Conservation, Leisure and Culture), CS14 (Design), CS15 (Climate Change) and CS20 (Parking)

6.3 Sites and Policies Plan (July 2014)

DM H2 (Housing Mix), DM D1 (Urban Design), DM D2 (Design Considerations in all Developments), DM D3 (Alterations and Extensions to Existing Buildings), DM T1 (Sustainable and Active Transport) and DM T4 (Car Parking and Servicing Standards).

6.4 London Plan (March 2015)

3.8 (Housing Choice), 5.1 (Climate Change Mitigation), 5.3 (Sustainable Design and Construction) and 7.6 (Architecture),

7. **PLANNING CONSIDERATIONS**

7.1 The main planning considerations concern design, standard of accommodation, neighbour amenity, parking, and sustainability issues.

7.2 Design Issues

A number of representations have been received concerning the height/scale of the proposed development when viewed from the mews. However, the design of the proposed rear extension is similar to that previously approved at 100 The Broadway in terms of its height and siting. It should also be noted that the separation distance between the mews elevation of 100 The Broadway and 92 Cobden Mews is only 4.5 metres, whereas the separation distance between the mews elevation of the proposed development and 90 Cobden Mews is 10 metres. The separation distance between the proposed building and 90 Cobden Mews is considered to be acceptable and is greater than in between properties elsewhere in the mews. The proposed building would be constructed in a warehouse style with yellow stock facing brickwork, with red brick lintels, slate roof and lead clad dormer windows and sash windows. The design of the proposed extension is considered to be acceptable in terms of policies CS14, DM D3 and DM D2.

7.3 Standard of Accommodation

The gross internal floor areas of each flat is set out below:-

Flat	Unit type	Floor space	London Plan Minimum Standard
1	1 bed	55m ²	50m ²
2	Studio	39m ²	37m ²
3	1 bed	51m ²	50m ²
4	1 bed	51m ²	50m ²
5	1 bed	56m ²	50m ²
6	2 bed duplex	74m ²	70m ²
7	1 bed	51m ²	50m ²
8	1 bed	50m ²	50m ²
9	1 bed	54m ²	50m ²

The Mayor of London's minimum floor space standards specify a minimum of 37m² for a one person unit, 50m² for a one bedroom/two person unit and 70m² for a two bedroom/2 person unit. Therefore the gross internal floor area of each unit exceeds the minimum standards set out in policy 3.5 (Quality and Design of Housing of the London Plan). In terms of amenity space, flat numbers 1, 5, 6 (the duplex unit) and 9 within the extension would each have an 'inset' balcony with railings to the mews elevation. The inset balconies

would provide a small area of external space for four of the flats within the new extension, although flat 2 (the studio) unit would not benefit from a balcony, nor would flats 3, 4, 7 and 8 have any amenity space as they are formed within upper floor of the existing frontage building. Given the Town Centre location and the close proximity of public open space (South Park Gardens) the proposed amenity space is considered to be acceptable. The proposal is therefore considered to be acceptable in terms of policies CS8 (Housing Choice) and DM D2 (Design Considerations in all Developments).

7.4 Neighbour Amenity

A number of objections have been received from occupiers of residential properties in South Park Road. However the rear elevation of the proposed extension to 96-98 The Broadway would be 38.5 metres and there is the two storey B1 office building known as Cobden Mews situated between the rear elevations of residential properties in South Park Road and the application site. There would be 10.6 metres separation distance between Cobden Mews and the front elevation of the proposed extension. Given the separation distance between the rear elevation of the extension and both Cobden Mews and residential properties in South Park Road there would be no loss of amenity as a result of the proposed development. Concern has also been expressed by the occupiers of the offices at 90 Cobden Mews concerning the potential impact of the development upon daylight/sunlight. However, the mews elevation of the proposed building would be sited 10.6 metres away from the front elevation of 90 Cobden Mews, a considerably greater separation distance than that between the rear of 100 The Broadway and 92 Cobden Mews. The relationship between the proposed building and Cobden mews is therefore considered to be acceptable. A number of representations have also been received from occupiers of other properties within the mews concerning potential disruption during construction works. However, potential problems can be mitigated by appropriate planning conditions controlling hours of operation and the submission of a construction management plan to control the timing of deliveries to the site. Therefore with appropriate planning conditions the proposal is considered to be acceptable in terms of policy DM D2 (Design Considerations in all Developments).

7.5 Parking and Sustainable Transport

The proposed development does not provide any off street car parking. However, the application site is within Wimbledon Town Centre and has a high PTAL score. Therefore, a permit free development would be appropriate in this instance secured through a S.106 Agreement. The development would however provide 9 secure cycle parking spaces. The proposal is therefore considered to be acceptable in terms of policies CS20 (Parking) and DM T1 (Sustainable and Active Transport).

7.6 Sustainability Issues

On 25 March the Government issued a statement setting out steps it is taking to streamline the planning system. Relevant to the proposals, the subject of this application, are changes in respect of sustainable design and construction, energy efficiency and forthcoming changes to the Building

Regulations. The Deregulation Act was given the Royal Assent on 26 March. Amongst its provisions is the withdrawal of the Code for Sustainable Homes.

- 7.7 Until amendments to the Building Regulations come into effect the government expects local planning authorities not to set conditions with requirements above Code Level 4 equivalent. Where there is an existing plan policy which references the Code for Sustainable Homes, the Government has also stated that authorities may continue to apply a requirement for a water efficiency standard equivalent to the new national technical standard.
- 7.8 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 that the dwelling is designed and constructed to achieve CO2 reduction standards and water consumption standards equivalent to Code for Sustainable Homes Level 4.
- 7.9 Affordable Housing
The council is not currently seeking affordable housing onsite or financial contributions for affordable housing (under Policy CS8 of Merton's adopted Core Planning Strategy (July 2011)) from developments of 10 dwellings or less and no more than 1000 sqm of residential floor space. This follows a Court of Appeal decision supporting the retention of government policy set out at paragraph 31 (Reference ID: 23b-031-20160519) of the government's Planning Practice Guidance that seeks an exemption from affordable housing contributions for such developments. The council's position on this will be reviewed following any successful legal challenge to this decision or a judgement in support of local authority affordable housing policy for such a development. The council's policy will continue to be applied to developments of 11 units or more and developments involving more than 1000 sqm of residential floor space.

SUSTAINABILITY AND ENVIRONMENTAL IMPACT ASSESSMENT REQUIREMENTS

- 9.1 The proposal does not constitute Schedule 1 or Schedule 2 development. Accordingly there is no requirement for an EIA submission.

10. CONCLUSION

- 10.1 The concerns of the neighbours have been noted and the proposal is considered to be acceptable in terms of neighbor amenity, subject to appropriate planning conditions concerning working hours. The design of the proposed building is considered to be acceptable. Accordingly, it is recommended that planning permission be granted.

RECOMMENDATION

GRANT PLANNING PERMISSION

Subjection to completion of a S.106 Agreement covering the following heads of terms:-

1. The new residential units being designated 'permit free'.
2. The developer paying the Councils legal and professional cost in drafting and completing the legal agreement.

and subject to the following conditions:-

1. A.1 Commencement of Development
2. A.7 Approved Plans
3. B.1 (Approval of Facing Materials)
4. B.4 (Site Surface Treatment)
5. B.5 (Boundary Treatment)
6. C.2 (No Permitted Development Doors/Windows)
7. C.4 (Obscure Glazing)
8. C.7 (Refuse and Recycling-Implementation)
9. D.9 (External Lighting)
10. D.11 (Construction Times)
11. H.7 (Cycle Parking Implementation)
12. H.9 (Construction Vehicles)
13. No part of the development hereby approved shall be occupied until evidence has been submitted to the Local Planning Authority demonstrating that the development has achieved not less than CO2 reductions (ENE1) (a 25% reduction compared to 2010 part L regulations), and initial water usage (WA1) (150 litres/per/day) standards equivalent to Code for Sustainable Homes Level 4.

Reason for condition: To comply with the requirements of policy DM D2 (Design Considerations in all Developments) of the Adopted Merton Sites and Polices Plan (July 2014).
14. INF.1 (Party Wall Act)

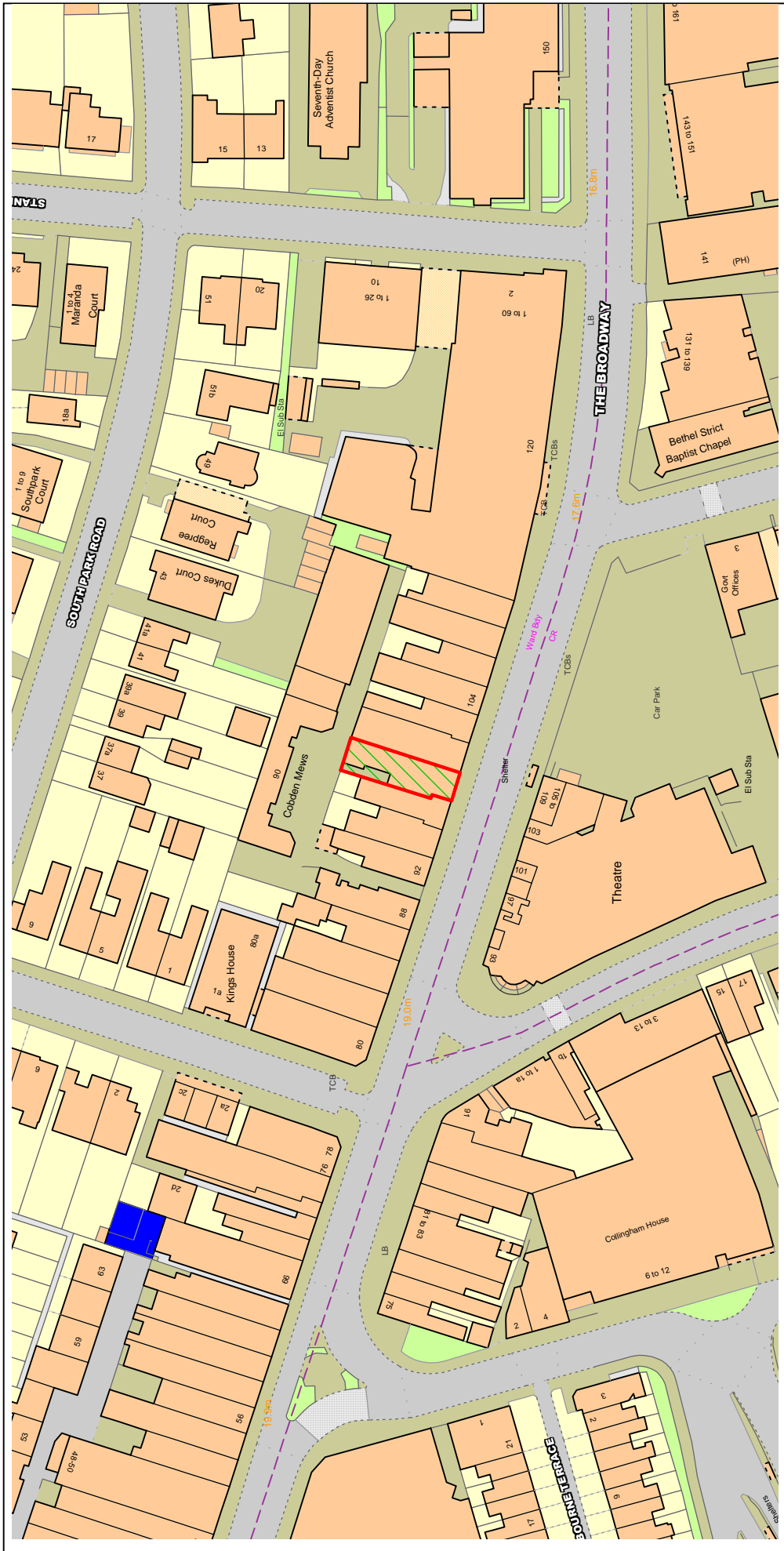
15. INF.8 (Construction of Vehicular Access)

[Click here](#) for full plans and documents related to this application.

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NORTHGATE SE GIS Print Template



Text Details **96-98 The Broadway**

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PLANNING APPLICATIONS COMMITTEE 19 JANUARY 2017

	APPLICATION NO.	DATE VALID
	16/P2454	14.06.2016
Address/Site	45A Crusoe Road, Mitcham, CR4 3LJ	
(Ward)	Colliers Wood	
Proposal:	Demolition of warehouse and the erection of 4 x 3 bedroom and 2 x 4 bedroom houses with cycle and refuse storage and associated landscaping work.	
Drawing No's:	Site location plan and drawings; 294A/LP/0.01 REV E, 294A/LP/1.00 REV F, 294A/LP/1.01 REV F, 294A/LP/1.02 REV F, 294A/LP/1.03 REV E, 294A/LP/2.00 REV E, 294A/LP/2.01 REV C, 294A/LP/2.02 REV A, 294A/LP/3.00 REV E, 294A/LP/3.01 REV E, 294A/LP/3.02 REV E, 294A/LP/8.00 REV A, 294A/LP/8.01 REV A, 294A/LP/8.02 REV A, 294A/LP/8.03 REV A, 294A/LP/8.04 REV A & 294A/LP/8.05 REV A	
Contact Officer:	Leigh Harrington (020 8545 3836)	

RECOMMENDATION

Grant permission subject to conditions.

CHECKLIST INFORMATION.

- S106 Heads of agreement: Yes
- Is a screening opinion required: No
- Is an Environmental Statement required: No
- Has an Environmental Impact Assessment been submitted –No
- Design Review Panel consulted – No
- Number of neighbours consulted – 55
- Press notice – No
- Site notice – Yes
- External consultations: Environment Agency,
- Number of jobs created – n/a
- Density – 85 Dwellings per ha

1. INTRODUCTION

- 1.1 The application is brought before members due to the objection, regarding loss of light to a window, not being a matter that can be addressed by condition and therefore falling outside the scheme of delegation to officers.

2. SITE AND SURROUNDINGS

- 2.1 0.07 hectare site located on the north side of Crusoe Road in Mitcham. The site is occupied by a vacant warehouse that has a ridge height slightly lower than the ridge height of the adjacent houses of around three storeys with a saw tooth roof design. Adjoining the site to the east is a terrace of two storey brick built houses with similar properties directly opposite the site as well as to the north. To the west of the site it is adjoined at 45B by a tyre fitting business, while the two storey building at 45C is in use by the Rhema Church Ministries and two other companies.
- 2.2 The site is not within a Conservation Area or an Archaeological Priority Zone but is located within an area currently under consultation for designation as a Controlled Parking Zone (CW3) and is located within a critical drainage area and southern boundary is susceptible to surface water flooding.
- 2.3 The application site enjoys reasonable access to public transport, (PTAL level 3).

3. CURRENT PROPOSAL

- 3.1 The proposal involves the demolition of the existing vacant building and the erection of a terrace of 6 houses, 4 x 3 bedroom and 2 x 4 bedroom. The design of the terrace has evolved through a series of on-going discussions with officers and has the terrace aligned with the existing building line and each house would have a small front garden with a front wall that also aligned with the existing residential street layout, providing space for a refuse area.
- 3.2 Although the houses form a terrace they are not equally sized in terms of width or floor area but they do have similar internal configurations. On the ground floor each house has a hallway leading to a lounge at the front of the house. The hallway also serves the staircase, internal cycle store and a ground floor WC before leading to an open plan combined kitchen/dining/living room with access to a rear patio and garden via sliding doors. This rear element would be mostly within a single storey element featuring a green roof area.
- 3.3 The first floor of each house would accommodate bedrooms, bathrooms and storage areas. The second floor of each house is set back from the front elevation and would accommodate a further bedroom, bathroom and storage area.
- 3.4 Externally the houses would be finished primarily in exposed semi glazed brickwork with precast lintels and timber and aluminum composite double and triple glazing and timber front doors and each house would feature a gable fronted upper floor to reflect the roof design of the original building with the new roof being finished in clay tiles.

4. PLANNING HISTORY

- 4.1 The planning history for the proposal site has various entries however the following are considered most relevant to the current proposal.
- 4.2 The application under reference MER931/74 for the use of unit 1, 45 Crusoe Road for preparation of pates, hams and pork sausages was granted in December 1974.
- 4.3 The application under reference MER690/73 for alterations and division of factory under clause iii within the Town and Country Planning (Use Classes) Order 1972 was granted in in July 1973.
- 4.4 15/P2655 The demolition of the existing building (Use Class B1c light industrial - 1200 square metres) and erection of 2 three storey residential blocks providing 17 self-contained flats (7 one bedroom and 10 two bedroom)with associated nine off street car parking, cycle storage , refuse storage and landscaping. Reasons for refusal.
The proposal, by reason of its size, sitting and design would represent a visually intrusive and unneighbourly form of development that would fail to achieve a high standard of design that would fail to preserve the privacy of neighbouring occupiers or enhance the character of the area. It would constitute an insensitive and overly dominant development that would be to the detriment of the amenity of local residents and to the character and suburban nature of the Crusoe Road streetscene, contrary to policies 7.4 and 7.6 of the London Plan 2015, DM D2 of the Adopted Merton Sites and Policies Plan 2014 and policy CS.14 of the Core Planning Strategy (2011).

And

The proposed design and layout of the development would fail to provide a safe and secure layout for pedestrians, cyclists and vehicular traffic, fails to encourage the development of active transport measures and fails to provide the standards of suitable, accessible and secure cycle parking and electric vehicle parking spaces that are required by the London Plan 2015. Therefore the proposal fails to accord with the requirements of policy 6.1 in the London Plan 2015, policy CS.18 in the LDF Core Strategy 2011 and policies DM D2, DM T1 and DM T3 of the Adopted Merton Sites and Policies Plan 2014.

And

The proposed development would fail to contribute to meeting affordable housing targets and in the absence of a legal undertaking securing a financial contribution towards the delivery of affordable housing on-site would be contrary to policy CS.8 of the Merton LDF Core Planning Strategy (2011).

5. CONSULTATION

- 5.1 The planning application was publicised by means of site notices and letters were sent to 55 neighbouring occupiers. In response 2 letters were received from local residents raising the following issues:
- The houses should have their own parking facilities on site due to parking pressures in the area.
 - Parking survey appears inaccurate, road nearly always full of cars and more than 42% of homes have a car.
 - The new walls will be closer to some the bedrooms leading to loss of light.
 - The proximity of the new wall will make maintenance of the neighbour's wall difficult.
- 5.2 Transport Planning. Officers commented that;
- Based on the information supplied, the parking impact will not be severe.
 - Cycle storage under the stairs is not good practice and a preference would be for secure external storage.
 - Due to the nature of the site and its residential nature a Construction Management Plan should be required by condition.
 - The applicant should enter a s278 agreement to remove the two existing footway crossovers and reinstate the pavement along the length of the site as well as paying for the cost of amending the traffic management order to allow for the removal of the loading bay.
- 5.3 Environmental Health. No objections subject to the imposition of suitable conditions in relation to possible site contamination given its previous commercial uses and for a Construction Method Statement.
- 5.4 Environment Agency. No objections to the proposal. Given the historic use of the site conditions relating to land contamination and preventing the infiltration of surface water drainage should be imposed.
- 5.5 Climate change. No objections. The proposed energy approach to the development is policy compliant.

6. POLICY CONTEXT

- 6.1 Relevant policies in the London Plan (March 2015) are 3.3 (Increasing Housing Supply), 3.4 (Optimising Housing Potential), 3.5 (Quality and Design of Housing Development), 3.8 (Housing Choice), 5.1 (Climate Change), 5.3 (Sustainable Design and Construction), 5.13 (Sustainable drainage), 6.9 (Cycling), 6.13 (Parking), 7.4 (Local Character), 7.5 (Public realm), 7.6 (Architecture), 7.15 (Reducing and managing noise).
- 6.2 Relevant policies in the Core Strategy (July 2011) are CS8 (Housing Choice), CS9 (Housing Provision), CS11 (Infrastructure), CS14 (Design), CS15 (Climate Change), CS 16 (Flood risk management).CS 17 (Waste

Management), CS18 (Active Transport), CS19 (Public Transport), CS20 (Parking, Servicing and Delivery).

- 6.3 Relevant policies in the Adopted Sites and Policies Plan 2014 are DM D1 (Urban Design and the Public Realm), DM D2 (Design considerations in all developments), DM D3 (Alterations and extensions to buildings), DM EP 2 (Reducing and mitigating against noise), DM EP 4 (Pollutants), DM F2 (Sustainable urban drainage systems), DM T1 (Support for sustainable transport and active travel), DM T2 (Transport impacts of development), DM T3 Car parking and servicing standards.
- 6.4 The site is identified as Proposal Site 80 in the Sites and Policies plan (2014) with an allocated use for residential purposes.
- 6.5 London Housing SPG 2016
- 6.6 DCLG- Technical housing standards 2015

7. PLANNING CONSIDERATIONS

- 7.1 The main planning considerations include establishing the principle of this development that will a) include the loss of the existing industrial employment floor space and the acceptability of this location for the proposed use; b) assessing the standard of the proposed residential accommodation c) assessing the impact of the development on the amenities of adjacent residential occupiers and d) assessing the potential impact on traffic, car parking and transport.

7.2 Loss of the existing employment floor space;

The principle of losing the existing employment floor space on the site at 45A Crusoe Road and the acceptability of residential use on this site has been assessed separately by the Council through the process of adopting the Sites and Policies Plan 2014. As proposal site 80, the adopted Sites and Policies Plan confirms that the Council's preferred land use for this site is residential and this proposal provides 6 family sized homes for which there is an identified need.

7.3 Standard of Accommodation and Amenity Space

The London Plan (2015) (Policy 3.5) and its supporting document, the London Housing Supplementary Planning Guidance 2016 provide detailed guidance on minimum room sizes and amenity space. These recommended minimum Gross Internal Area space standards are based on the numbers of bedrooms and therefore likely future occupiers. The four 3 bedroom 5 persons units over three floors have GIAs of between 133sqm and 154sqm with a required minimum of 99sqm and the two 3 bedroom 6 persons units provide between 118sqm and 133sqm with a requirement for 108sqm. Each house is therefore considered to offer generous accommodation well in excess of the required minimum, with all habitable rooms receiving good levels of daylight, outlook and natural ventilation. Each unit would be provided with a rear garden with an area of between 43.3sqm and 60sqm. While the minimum requirement is

50sq.m officers considered that this small shortfall for three of the units is mitigated through the provision of front gardens and generous levels of internal space to the degree that it would not warrant grounds for refusal of the application. Given these limits to the rear garden space it is recommended that permitted development rights be removed from the new houses in order to ensure that the site does not become over developed to the detriment of the area and its residents.

Unit	Unit type	GIA in sqm	Req'd GIA	Amenity in Sqm (Not incl small front gardens)	Req'd Amenity
1	3B/6P	133	108	50.4	50
2	3B/5P	154	99	60	50
3	3B/5P	133	99	49.2	50
4	3B/5P	133	99	49.2	50
5	3B/5P	154	99	58.8	50
6	3B/6P	118	108	43.3	50

7.4 Design

London Plan policy 7.4, Sites and Policies Plan policies DM D1 and DM D2: as well as LBM Core Strategy Policy CS14 are all policies designed to ensure that proposals are well designed and in keeping with the character of the local area. The proposals have undergone revision in the wake of discussions with officers including alterations to align eaves lines, window lines and pushing back the frontage of the top floor so as to soften the contrast in roof alignment with the existing terrace. Without being a pastiche of neighbouring housing the design has been developed to reflect the locality through the use of exposed brickwork, commonality of building lines and the gable roof form of neighbouring rear outrigger roofs and commercial roofs. Officers consider that the design provides a modern interpretation of a traditional terrace of houses and would sit well within the wider streetscene and would accord with relevant design and space standards policies.

7.5 Neighbour Amenity

London Plan policy 7.6 and SPP policy DM D2 require that proposals will not have a negative impact on neighbour amenity in terms of loss of light, visual intrusion or noise and disturbance. Objections were received from the neighbouring occupier raising concerns relating to the impact of the proximity of the proposed building on a bedroom window. The Daylight and Sunlight assessment undertaken by the applicant acknowledged that the proposal would mean that one window at 43 Crusoe Road (no 4) would fail the Vertical Sky Component (VSC) test, i.e. daylight to that window would be adversely impacted by the proposed development. Window 3 would experience a loss of daylight but not to the degree that it failed both components of the VSC test. However, as the existing large flank wall of the building that runs along the

boundary will be removed in large part along that line, windows 1,2, 5 & 6 at that address will actually receive an improvement in the daylight achievable. No windows fail the test for Sunlight and houses in Pitcairn Road that adjoin the rear of the site will see an improvement in sunlight and outlook from the removal of a two storey wall directly on their rear boundary. Therefore it is considered that whilst the reduction to one room is regrettable the overall impact is considered to represent an improvement and as such officers consider the proposals to be acceptable and not harmful to the overall amenity of the neighbouring occupiers and would not warrant a refusal of the application.

7.6 Traffic, Parking and Servicing

The issue of additional parking pressure was raised in objections to the proposals however current central government and Mayoral guidance seeks to encourage use of sustainable travel modes and to reduce reliance on private car travel. To this end there are only guidelines on the maximum level of parking that should be provided rather than a minimum.

The applicants transport statement stated that there was capacity in the area Transport planning officers raised no objections to the proposals and noted that additional overnight capacity would be provided when the loading bays are removed and were satisfied that the parking impact would not be severe.

7.7 The proposed level of cycle parking for the houses meets the London Plan minimum standards and is consequently considered acceptable. There is a requirement for the cycle storage to be secure and accessible. Whilst officer preference would be for the storage to be outside the house rather than under the stairs, the internal location would at least be secure, there would be ample space in the rear garden for a store and it would not clutter the small front gardens.

7.8 Contaminated land

The relevant consultees have no objection to the proposals but require the imposition of suitable conditions relating to potential land contamination given the commercial use history of the site.

7.9 Flood risk

The Environment Agency had no objections on flooding grounds but did request a condition be imposed relating to infiltration of surface water discharge.

8. **SUSTAINABILITY AND ENVIRONMENTAL IMPACT ASSESSMENT REQUIREMENTS**

8.1 The proposal does not constitute Schedule 1 or Schedule 2 development. Accordingly, there are no requirements in terms of an Environmental Impact Assessment (EIA).

9. CONCLUSION

- 9.1 The site is a vacant warehouse building that has been identified in the Sites and Policies Plan 2014 as being suitable for redevelopment for housing. The provision of 6 new family homes is in accordance with policies requiring the provision of additional housing whilst the design and size of the accommodation is considered acceptable and fully in accordance with the required internal space standards. Externally half the gardens exceed adopted standards with the garden for unit 6 being 6.7 sq.m above standard. Modest shortfalls of 0.8sqm to garden space for 2 of the units are not considered sufficient grounds to withhold permission. Notwithstanding the negative impact of the proposals relating to daylight to a neighbouring window, the proposals actually result in more daylight reaching the majority of windows in the neighbouring property. Overall it is considered that these two elements do not detract from the benefits of replacing an old vacant warehouse with an attractive terrace of spacious modern family housing for which there is an identified need in the borough and therefore the proposals are recommended for approval subject to the imposition of suitable conditions.

RECOMMENDATION, GRANT PERMISSION SUBJECT TO CONDITIONS.

1. A.1 Commencement of development for full application
2. A.7 Approved plans; Site location plan, drawings; 294A/LP/0.01 REV E, 294A/LP/1.00 REV F, 294A/LP/1.01 REV F, 294A/LP/1.02 REV F, 294A/LP/1.03 REV E, 294A/LP/2.00 REV E, 294A/LP/2.01 REV C, 294A/LP/2.02 REV A, 294A/LP/3.00 REV E, 294A/LP/3.01 REV E, 294A/LP/3.02 REV E, 294A/LP/8.00 REV A, 294A/LP/8.01 REV A, 294A/LP/8.02 REV A, 294A/LP/8.03 REV A, 294A/LP/8.04 REV A & 294A/LP/8.05 REV A
3. B 3 Materials as specified
4. B4 Surface treatments
5. B5 Boundary treatment.
6. C1 No permitted development extensions
7. C.7 Refuse and recycling implementation
8. C8 No use of flat roof
9. D.9 No external lighting
10. D.11 Construction times.
11. Construction Method Statement No development shall take place, including any works of demolition, until a 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. The Statement shall provide for:
 - The parking of vehicles of site operatives and visitors
 - Loading and unloading of plant and materials
 - Storage of plant and materials used in constructing the development
 - The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
 - Wheel washing facilities
 - Measures to control the emission of dust and dirt during construction

- A scheme for recycling/disposing of waste resulting from demolition and construction works

Reason; To protect the amenities of future occupiers and those in the local vicinity in accordance with policies DM D2 & DM EP4 in the Merton Sites and Policies Plan 2014 and CS20 in the Merton Core strategy 2011

12. H.9 Construction vehicles

13. Non standard condition No drainage systems for the infiltration of surface water drainage into the ground are permitted other than with the express written consent of the Local Planning Authority which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to Controlled Waters. The development shall be carried out in accordance with the approved details.

Reason: Infiltrating water has the potential to cause remobilisation of contaminants present in shallow soil/made ground which could ultimately cause pollution of groundwater and therefore the control of pollutants is required to accord with policy DM EP4 of the Adopted Merton Sites and Policies Plan 2014

14. M1 Contaminated land

15. M2 Contaminated land- remedial measures

16. Contaminated land- Validation report

17. '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. 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 2015 and policy CS15 of Merton's Core Planning Strategy 2011.

18. Non standard condition. No development other than demolition may commence until an agreement under section of the 278 Highways Act agreement has been entered into with the Local Authority to secure the removal of the existing access points, the reinstatement of the pavement and the removal of the existing loading bays.

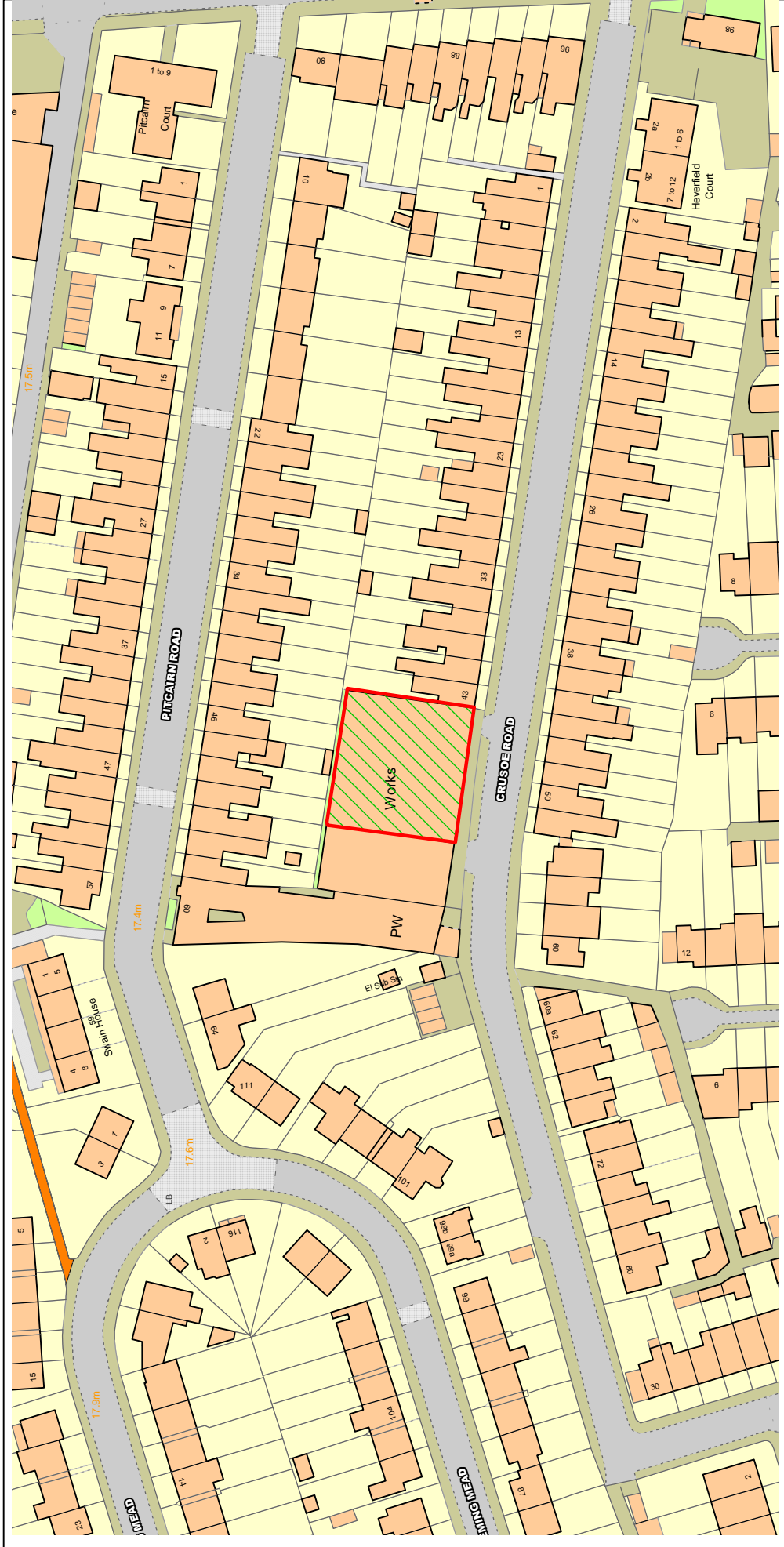
Reason. To improve parking and servicing for this development and ensure compliance with policy CS 20 of Merton's Core Planning Strategy 2011.

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PLANNING APPLICATIONS COMMITTEE 19 JANUARY 2017

	<u>APPLICATION NO.</u>	<u>DATE VALID</u>
	16/P3683	19/09/2016
Address/Site:	27 Lindisfarne Road, West Wimbledon, SW20 0NW	
(Ward)	Village	
Proposal:	Removal of condition 18 (relating to replacement fence on the west boundary of the application site) attached to LBM planning application 15/P0940 for the demolition of existing house and the erection of 2 x detached houses.	
Drawing Nos:	1170/P02A, 04A, 06, 07A, 08A as amended by 1170/C18(B), 09A, 10A, 1170/CO2(A) & CO4, Site Location Plan & Arboricultural Implications Assessment dated 4th March 2015 from Advanced Tree Services.	
Contact Officer:	David Gardener (0208 545 3115)	

RECOMMENDATION

GRANT Planning 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 Impact Assessment been submitted: No
- Press notice: Yes
- Site notice: Yes
- Design Review Panel consulted: No
- Number of neighbours consulted: 12
- External consultations: None

1. INTRODUCTION

- 1.1 The applications have been brought before the Planning Applications Committee due to the number of representations received as a result of public consultation.

2. SITE AND SURROUNDINGS

- 2.1 The application site comprises two recently built six bedroom detached dwellings which were granted planning permission in 2015 (LBM Ref: 15/P0940) located at the southeast end of Lindisfarne Road. Lindisfarne Road is a cul-de-sac comprising detached houses and was developed from the 1930s onwards.
- 2.2 The surrounding area is residential in character with Metropolitan Open Land located immediately to the south of the site and a public right of way footpath abuts the sites western boundary. The site is not located within a conservation area but is within an archaeological priority zone.

3. CURRENT PROPOSAL

- 3.1 The current application is the third application to remove condition 18 of LBM Ref: 15/P0940 so that there is no requirement to erect a fence that is sited 1.7m from the side boundary fence of No.25 for the length of the east side boundary of the application site. The existing condition reads as follows:

“ The development hereby approved shall not be occupied until a replacement fence on the west boundary of the application site has been erected. In accordance with approved drawing No. 1170/P02A the fence shall be located a minimum of 1.7m from the eastern boundary fence of No.25 Lindisfarne Road.

Reason: To improve access to the footpath and comply with policy DM T1 of the Adopted Sites and Policies Plan and Policies Maps (July 2014).”

4. PLANNING HISTORY

The following planning history is relevant:

- 4.1 MER642/68 – Double garage. Granted - 01/08/1968
- 4.2 MER443/77 - Alterations to roof for increased headroom. Granted - 18/07/1977
- 4.3 13/P4088 - Outline application for demolition of existing detached dwelling house and erection of 2 x link-detached dwelling houses (access, layout and scale to be determined at this stage). Refused - 11/04/2014;
- 4.4 13/P4090 - Outline application for demolition of existing detached dwelling house and erection of detached dwelling house with ancillary flat located at ground floor level (access, layout and scale to be determined at this stage). Granted - 11/04/2014;
- 4.5 14/P2577 - Application for outline planning permission for the erection of 2 x two-storey detached houses (access, layout and scale to be determined at this stage). Granted - 18/12/2014;

- 4.6 15/P0940 - Demolition of existing house and the erection of 2 x detached houses. Granted - 09/07/2015;
- 4.7 16/P0781 - Application for variation of condition 18 (fencing) of LBM Ref: 15/P0940 regarding demolition of existing house and the erection of 2 x detached houses. Refused - 15/04/2016 for the following reason:
- “ There is currently a minimum 1.7m gap between the side boundaries of the application site and No.25 and as such it is considered that condition 18, which requires a replacement fence to be located a minimum distance of 1.7m from the fence of No.25 is reasonable and necessary to prevent movement along the footpath from being impeded.”
- 4.8 16/P1178 - Application for variation of condition 2 (approved drawing nos.) attached to LBM planning application 15/P0940 dated 16/10/2015 relating to the erection of two detached houses. The amended plans show the addition of a rooflight to the east facing side roof slope and insertion of a side door to the garage of no.29. Granted - 17/10/2016;
- 4.9 16/P2875 - Application for removal of condition 18 attached to LBM Ref: 15/P0940 dated 16/10/2015 relating to the variation of widening of footpath. Refused - 07/09/2016 for the following reason:

“ The proposed removal of condition No.18 is unacceptable as it is considered that a 1.7 wide gap between the boundary treatments of the application site and No.25 is necessary to improve access and enhance the current footpath. The removal of this condition would therefore be contrary to policy DM T1 of the Sites and Policies Plan and Policies Maps (July 2014).”

5. POLICY CONTEXT

- 5.1 The following policies from the Adopted Sites and Policies Plan and Policies Maps (July 2014):
DM T1 (Support for sustainable transport and active travel)
- 5.2 The relevant policies in the Adopted Core Strategy (July 2011) are:
CS.13 (Open Space, nature conservation, leisure and culture)
- 5.3 The relevant policies in the London Plan (March 2015) are:
6.10 (Walking)
- 5.4 Paragraphs 203 and 206 of the National Planning Policy Framework 2012 (NPPF)
- 5.5 Planning Practice Guidance - Use of Planning Conditions March 2014 (as amended)

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, five letters of objection have been received including objection letters from the Wimbledon Society and the Residents Association of West Wimbledon (RAWW). The letters of objection state that a 1.7m wide path is appropriate given amount of usage of the path and the requirements from different users such as parents with children. Concerns were also raised that the footpath being only 1.3m wide at its northern end compromised safety.

6.2 Residents Association of West Wimbledon (RAWW)

6.2.1 RAWW strongly objects to any relaxation of this condition. The first request for removal of this condition (Ref: 16/P0781) was refused to prevent movement along the path being impeded. In that application the applicant stated that the footpath would be kinked if the condition was applied. That was clearly not true. A second application for removal of the condition was made when the development was nearer completion. A fence had been erected between it and the public right of way. At the northern end the fence is only 1.3m from the fence of No.25 in clear contravention of this condition. The applicant stated that a public right of way cannot be widened by condition. This fails to note that the condition relates to the position of the fence and aims to improve access to the public right of way, which it would clearly do. Elsewhere, the footpath is a minimum of 1.7m wide and at its widest is over 2m wide. This is a very well used path which will become busier. Compliance with the condition would improve access to the public right of way and that is the stated aim of the condition which is required to comply with policy DM T1.

6.3 The Wimbledon Society

6.3.1 Objects to the removal of this condition. The Council's planning condition, requiring the new side fence to be realigned to provide a width of at least 1.7m along the side of the application site is considered to be fully justified. It is considered that a wide path is still a necessary link between the Copse Hill conservation area and Raynes Park and should not be narrowed in any way – more so now that Berkeley Homes is undertaking works to improve the part of the path that comes under their development.

6.4 Future Merton - Highways

6.4.1 This public Right of Way is not owned by the London Borough of Merton and does have freeholder ownership. The council does not have any powers to widen or alter a public Right of Way that it does not own the land of. There is also no need for the council to formally adopt the Public Right of Way as the Path has freeholder ownership and the duty and maintenance is against the freeholders. This is a protected path and does not require adoption to maintain that status.

7. PLANNING CONSIDERATIONS

- 7.1 The current public right of way footpath abuts the western boundary of the application site. The width of the path was measured during the original application for the two new houses (LBM Ref: 15/P0940) and was shown to be between approx. 1.3m and 1.7m wide. It should however be noted that the boundary treatment of the application site was in a poor condition with the boundary treatment on the southern part of the site comprising a chain link fence which was warped and in a state of disrepair. This meant that an accurate measurement of the width of the path at the southern part of the site was difficult to take. The new boundary treatment has been erected maintaining a footpath width of approx. 1.3m and 1.7m.
- 7.2 The existing footpath was considered to be quite narrow at its northern end and was overgrown with foliage from the application site impeding users of the footpath. Policy DM T1 of the Adopted Sites and Policies Plan and Policies Maps (July 2014) promotes sustainable modes of travel including walking and states that to improve access both on the public highway and off road development will be expected to enhance existing walking and cycling routes. The following condition was therefore attached to improve access on the public highway and to accord with the aims of policy DM T1:
- “ The development hereby approved shall not be occupied until a replacement fence on the west boundary of the application site has been erected. In accordance with approved drawing No. 1170/P02A the fence shall be located a minimum of 1.7m from the eastern boundary fence of No.25 Lindisfarne Road. ”*
- 7.3 There have been two previous applications to remove this condition (LBM Refs: 16/P0781 & 16/P2875). These applications were refused because it was considered that a 1.7 wide gap between the fence line of the application site and No.25 for the whole length of the side boundary was necessary to improve access and enhance the current footpath.
- 7.4 Paragraph 206 of the NPPF advises that planning conditions should only be imposed where they are necessary, relevant to planning and to the development, enforceable, precise and reasonable in all other respects. This is referred to as the six tests. The applicants submitted planning statement states that the condition fails the six tests as it is not necessary, not relevant to planning or the development, is imprecise and not reasonable. The applicant’s solicitors have also asserted that the condition should be removed because the fence as erected is in line with the applicant’s legal boundary, the applicant would have to relocate the fence further back on to their land, and the council does not have powers to widen a public right of way where they do not own the land. It is also considered that it would be unreasonable to insist on planning being dependent on giving away land to construct or widen a right of way, which ought to be done using powers under the Highways Act 1980 which allows for appropriate compensation to be paid. Two legal cases have been referenced (Hall and Company Ltd vs Shoreham by Sea UCD 1964 and City of Bradford vs Secretary of State to the Environment 1986).

- 7.5 Planning policy guidance cites key considerations to take into account when applying the six tests to a condition. With regard to relevance to the development a condition cannot be imposed in order to remedy a pre-existing problem or issue not created by the development. A condition can also not be imposed which requires land to be formally given up to other parties such as the Highways Authority.
- 7.6 Given the evidence that the applicant has submitted in support of their latest application formal legal advice has been sought and is summarised in paragraphs 7.7 to 7.13 below.
- 7.7 With regards to the six tests set out in the NPPF it appears that Condition 18 is not necessary to protect the existing public right of way as there appears to be no encroachment or risk of encroachment.
- 7.8 The link to a planning objective appears fairly weak. Whilst the purpose was to give effect to policy DM T1 which is desirable to improve public access, in reality the purpose is related to a highways width issue which is a highways matter rather than a planning matter. Furthermore, the Council's highways officer has confirmed that there is no highway need to widen the footpath.
- 7.9 With regard to linking Condition 18 to the actual development, it is a pre-existing footpath and the development is unlikely to have an adverse impact on the use of the footpath, nor is there a risk that the width would be decreased as a result of the development.
- 7.10 With regard to the issues of precision and enforceability, in order to comply with Condition 18 it requires reference to the location of a fence on neighbouring land, which is outside of the control of the applicant. Were the neighbour to move the fence and encroach upon the footpath, the applicant could technically be held to be in breach of Condition 18 if the gap is reduced to less than 1.7 metres. Furthermore, as worded, it simply requires a fence to be constructed. As the applicant has noted, this does not prevent them from installing a hedge or a low rise brick wall to prevent members of the public from walking over their private land. Accordingly, there are good grounds in the Applicant's argument that Condition 18 is imprecise and potentially unenforceable.
- 7.11 With regard to the case law in the *Shoreham* and *Bradford* cases. In *Shoreham*, it was held that it was not within the authority's powers to oblige a developer to dedicate part of their land as what the Judge called a "quasi-highway" open to the public at large (a quasi-highway because there was no dedication of a highway, simply a condition imposed to allow passage and re-passage on their land) without compensation. In *Bradford* the condition required the widening of an existing road by one metre and associated works at the developer's expense. It was held that a condition cannot positively require a developer to do an act of widening or building a highway (though it was stated that it may have been acceptable if it had been a Grampian

Condition e.g. negative condition that the development should not proceed or the houses be occupied until the road had been widened).

- 7.12 Whilst the facts are slightly different, and Condition 18 is in effect a Grampian condition, the intended purpose of Condition 18 is essentially to require the owner to give up their land without being compensated. However, in reality it is questionable whether the land would indeed become subject to public rights of passage as part of a wider public right of way and even if it were, the landowner would be responsible for maintaining it and therefore be burdened with additional risk. If the Council wishes to increase the width of the footpath it has statutory highway powers and compensation may be payable. Given the intended effect of Condition 18 in attempting to relinquish control to members of the public combined with the fact that the highway authority does not consider it necessary to increase the width of the footpath it is likely to be considered unreasonable in all circumstances.
- 7.13 With regard to considerations in the PPG, it is clear that the purpose of the condition is to remedy a pre-existing problem (namely increasing the width of a narrow footpath) that has not been created by the development. Whilst the land would not be given over to the highway authority, the intended effect of Condition 18 is to give up control of the land by allowing members of the public at large to pass and re-pass along it.
- 7.14 It should also be noted that thick vegetation previously impeded pedestrian movement along the path as it reduced the width of usable path. Although the path is still be the width as before (1.3m to 1.7m), the fact that the vegetation has now been cleared means access along the path has been significantly improved.
- 7.15 Having carefully considered all of the above, it is considered that condition 18 which was imposed with the good intentions of improving the width of the path, if challenged in Court is likely to be found to not satisfy the tests for a valid planning condition. Accordingly, in these circumstances it is considered that permission is granted to remove Condition 18.

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. CONCLUSION

- 9.1 it is considered that if challenged in Court the imposition of Condition 18 is likely to be found to not satisfy the tests for a valid planning condition. Accordingly, in these circumstances it is considered that permission should be granted to remove Condition 18.

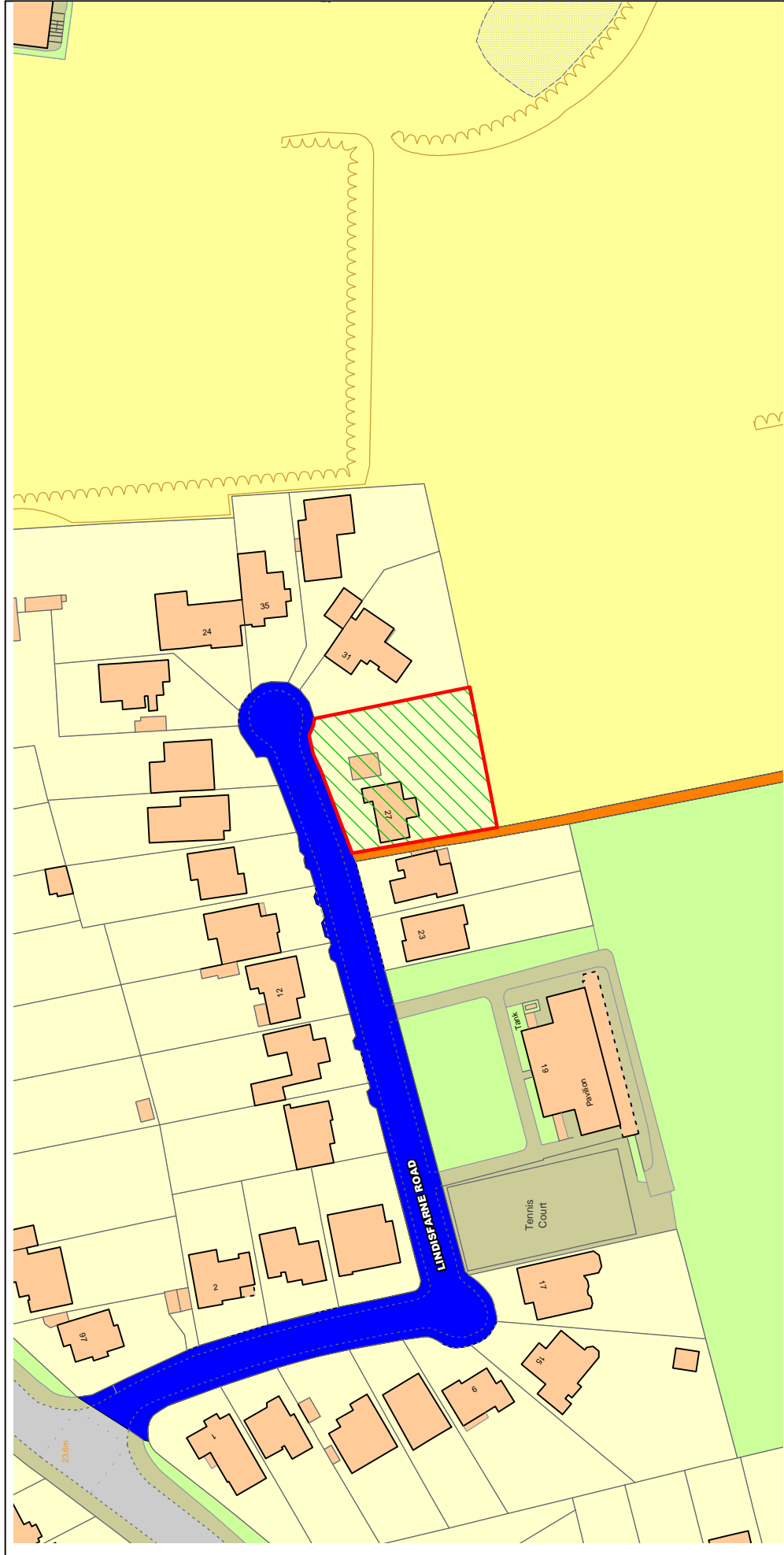
RECOMMENDATION

(1) GRANT permission to remove condition 18.

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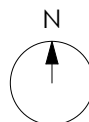
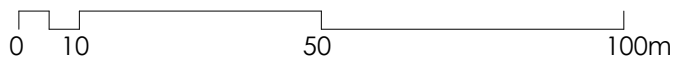
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27 LINDISFARNE ROAD, WIMBLEDON, SW20 0NW

location plan

scale 1:1250 @ A4



**PLANNING APPLICATIONS COMMITTEE
19 JANUARY 2017**

	<u>APPLICATION NO.</u>	<u>DATE VALID</u>
	16/P2849	05/08/2016
Address/Site	3 Thornton Hill, Wimbledon SW19 4H0	
(Ward)	Hillside	
Proposal:	Conversion of 3 x flats into 2 x semi-detached houses, erection of two storey side extension, rear roof extension and excavation of basement with associated parking and landscaping.	
Drawing Nos	657/031 P1, 032 P1, 033 P2, 034 P2, 035 P2, 036 P2, 040 P1, 041 P1, 042 P1, 043 P1, 044 P2, 045 P1, Design and Access Statement, Basement Construction Method Statement and Tree Report	
Contact Officer:	Richard Allen (8545 3621)	

RECOMMENDATION

GRANT Planning Permission subject to conditions

CHECKLIST INFORMATION

- Heads of agreement: No
- Is a screening opinion required: No
- Is an Environmental impact statement required: No
- Has an Environmental Impact Assessment been submitted: No
- Press notice- No
- Site notice-Yes
- Design Review Panel consulted-No
- Number neighbours consulted – 49
- External consultants: None
- Density: n/a
- Number of jobs created: n/a
- Archaeology Priority Zone: No
- Controlled Parking Zone: Yes
- Area at Risk of Flooding - No

1. **INTRODUCTION**

1.1 This application has been brought to the Planning Applications Committee due to the number of objections received.

2. **SITE AND SURROUNDINGS**

2.1 The application site comprises a three-storey detached Victorian property that has been split into three self-contained flats. The property is situated on the south side of Thornton Hill and is orientated at right angles in relation to the junction with Thornton Hill and Savona Close. The application site slopes steeply downhill from the rear elevation of the building. A detached dwelling house is has recently been constructed in what was once part of the rear garden of the application site. The application site is within the Merton (Wimbledon West) Conservation area and is within a controlled parking zone (CPZ W1).

3. **CURRENT PROPOSAL**

3.1 The current proposal involves the conversion of 3 x flats into 2 x semi-detached houses, erection of two storey side extension, rear roof extension and excavation of basement with associated parking and landscaping.

3.2 The proposed two storey side extension would be constructed onto the south west elevation of the existing building and would be 3.5 metres in width, 7 metres in length and would have an eaves height of between 4 and 4.5 metres (due to the sloping nature of the site). The side extension would be set back from the front elevation of the original building by 1.3 metres and set back from the rear elevation by 1 metre. The side extension would have a pitched roof incorporating a rear dormer window and has been designed to complement the style of the original house.

3.3 The proposed rear roof extension would comprise 3 x dormer windows each of which would be 1.2 metres in height and 1.8 metres in width. The dormers would be set 1 metre above eaves height. It is also proposed to remodel the existing front dormer window to match the new rear dormers.

3.4 It is also proposed to excavate a basement below the existing lower ground floor level. The basement level accommodation for each house would have access onto a sunken patio with steps up to rear garden level.

3.5 Internally, the existing building, previously occupied as three flats would be vertically sub-divided to provide two semi-detached houses.

3.6 House A

At basement level a family room, utility, plant room and hallway would be provided. At lower ground floor level an entrance hall, dining room, kitchen would be formed, at ground level an entrance hall, bathroom and two bedrooms would be provided, with one bedroom having access to a rear terrace. At first floor level, the main bedroom and bathroom would be provided and at second floor level an additional bedroom and bathroom would be formed.

3.7 House B

At basement level a family room, utility and plant room and hallway would be formed. At lower ground floor level a dining room, hallway and kitchen would be provided. At ground floor level a bedroom, bathroom, study and entrance hall would be provided. At first floor level, a bedroom and bathroom would be formed, whilst at second floor level a bedroom and bathroom would be provided.

- 3.8 The extensions to the building have been designed to complement the original building with the side extension having brick detailing to match the original building. At basement and lower ground level the rear elevation would be of contemporary design comprising full height glazing with render surround at basement and lower ground floor levels. The existing rear garden would be sub-divided to provide each dwelling with a rear garden.

4. **PLANNING HISTORY**

- 4.1 In October 2013 planning permission and conservation area consent was refused for the demolition of the existing house and erection of two pairs of semi-detached houses (LBM Refs.13/P2120 and 13/P2078). Planning permission and conservation area consent was refused on the following grounds:-

‘The proposed development would result in the loss of a dwelling noted as making a positive contribution to the character and appearance of the Wimbledon West Conservation Area and for which insufficient justification has been given. As such, the proposed development would be contrary to policy BE.2 of the LB Merton UDP – 2003’, and

‘No tree survey or arboricultural impact assessment has been submitted with the applications and as such the development cannot be fully assessed and is contrary to policy CS13 of the LB Merton Core Strategy -2011’, and

‘The proposed new dwellings by virtue of their scale, massing, and proximity to the boundary with 1 Thornton Hill would comprise an excessively cramped and overbearing form of development detrimental to the privacy and outlook of 1 Thornton Hill and out of character with the pattern of development detrimental to the privacy and outlook of 1 Thornton Hill and out of character with the pattern of development within the West Wimbledon Conservation Area. As such, the proposed development is contrary to policies HS.1, BE.1, BE.15 and BE.22 of the LB Merton UDP – 2003, policy CS14 of the LB Merton Core Strategy – 2011 and the Council’s New Residential Extensions SPG’.

- 4.2 In November 2013 planning permission was refused for the reinstatement of single dwelling from three flats to a single family dwelling house involving the erection of a part two storey/part three storey side extension together with associated landscaping and erection of a four bedroom dwelling house within

the rear part of the garden (LBM Ref.13/P2650). Planning permission was refused on the grounds that:-

'The proposed development would result in the addition of a three storey side extension to 3 Thornton Hill, which would appear as an excessively large and overbearing addition, and the loss of original features of the existing property, a dwelling noted as making a positive contribution to the character and appearance of the Wimbledon west Conservation area, through the proposed conversion/modernization works. As such the proposed development would be contrary to policies BE.1, BE.15 and BE.23 of the LB Merton UDP – 2003, and policy CS14 of the LB Merton Core Strategy 2011'.

In December 2013 a planning application was submitted for the reinstatement of a single family dwelling house from the three existing flats involving erection of two storey side and front extensions and new four bedroom house at the rear of the site together with associated landscaping and car parking (LBM Ref.13/P3950). However, the application was withdrawn by the applicant on 21/2/2014.

4.3 In May 2014 planning permission was granted for the conversion of the three existing flats into a single dwelling house, erection of two storey side extension, raising the ridge of the main roof, replacement of front and rear dormer windows, installation of front vehicular access and alterations to front curtilage (LBM Ref.14/P0644). The loss of residential units was only considered to be acceptable in this instance due to the improvements gained to the character and appearance of the conservation area by the refurbishment of the building.

4.4 In November 2015 a pre-application meeting was held regarding the proposed conversion of the property from three flats to two semi-detached houses and the erection of a rear extension and basement and associated landscaping (LBM Ref.15/P3660/NEW).

5. **CONSULTATION**

5.1 The application has been advertised by site conservation area site and press notice procedure and letters of notification to occupiers of neighbouring properties. In response 8 letters of objection have been received. The grounds of objection are set out below:-

Numbers 1 and 3 Thornton Hill are identical Victorian villas built by the same builder around 1865. The proposed development is out of character with the existing building and 1 Thornton Hill, and would be detrimental to the character of the conservation area.

- The extension is large and overbearing.
- The proposed dormer windows would overlook 5 Thornton Hill.
- The development of 3B Thornton Hill caused damage to number 5 and there are concerns regarding further building work .
- The original intention was for number 3B to look like 5 Thornton Hill. In practice it looks very different.

- The proposed basement is excessively large.

5.2 The Wimbledon Society

The application property is currently divided into 3 flats and the proposal involves substantial basements, with major excavations to the rear and side, to create a pair of semi-detached houses, each of five floors. The rear garden would be excavated to match the floor level of the basement. The Society is also concerned that:-

- The first floor balcony would overlook the private garden of 1 Thornton Hill. Full height balcony screening should be required and no access to flat roofs.
- The excavation for the basement may affect the Lime tree.
- There does not appear to be a hydrology report submitted with the application.
- There is no Thornton Hill elevation to show what boundary treatment is proposed. High stepped walls as at 5 Thornton Hill are incongruous.
- The existing front dormer is shown as being retained. It would be desirable to remove this and replace it with a roof light.
- The existing external drainage pipework disfigures the building and it would be desirable to replace it with an internal system.

5.3 Flood Risk Officer

The Councils Flood Risk Officer has stated that there are reservations over this proposal and overall compliance with policy DM D2 Basements and Subterranean developments. The policy states that basements should not extend more than 50% of the garden. Furthermore, the policy also states that land stability and hydrology must be considered in detail including mitigation where required and 1m of permeable soil must be provided above the basement. The application site is steeply sloping and the proposed dig down is to a depth of 6.5m below ground level which is substantial and the scheme is nearly 1.5 storeys deeper than the existing, half croft basement. The proximity to the highway means that the retaining wall will be supporting our highway and footway including utilities. As the site is on the face of Thornton Hill, there is a change in geology within this area which ultimately means that springs can be present and high groundwater levels may exist in winter periods particularly. A back water effect could be caused by the subterranean structure which therefore could result in a rise in ground water levels, especially on the upslope side of the structure. No mitigation appears to have been proposed to address this risk. The drainage design for surface water and foul water mind is acceptable and attenuation is included with non-return valves, so the rate of discharge from the site will be restricted prior to connection to the Thames Water sewer network.

5.4 Tree Officer

The tree officer has been consulted and states that the tree report has been amended to incorporate changes to the area of protection around the Lime tree and the protection area has been increased accordingly; However, the tree report retains measures for the stem to be boxed (item 8.13); for the canopy to be pruned to provide adequate clearance (item 7.4); and for ground

protection to be installed within the protected area (item 8.14) to cater for pedestrian and construction traffic. This is not considered to be acceptable. . Also no information has been provided with regards to the excavation and construction processes on this site. No encroachment of site traffic & works within the protected zone of this tree will be permitted. However, whilst the tree officer would have preferred to see all of the required information prior to a recommendation for approval, the tree officer has specified conditions to be imposed on any grant of planning permission to ensure that the Lime tree is protected during construction works.

5.5 Climate Change Officer

All new developments comprising the creation of new dwellings should demonstrate how the development will: 1. Comply with Merton's Core Planning Strategy Policy CS15 Climate Change (parts a-d) and Policy 5.2 of the London Plan 2015. This should include a breakdown of how emissions reductions are achieved at each level of the energy hierarchy. 2. Achieve internal water usage rates not in excess of 105 litres per person per day, equivalent to Code for Sustainable Homes Level 4. In addition, depending on what part of the Building Regulations that development is assessed an appropriate condition should be imposed.

6. **POLICY CONTEXT**

6.1 Adopted Merton Core Strategy (July 2011)

CS 8 (Housing Choice), CS9 (Housing Provision), CS13 (Open Space, Nature Conservation, Leisure and Culture), CS14 (Design), CS15 (Climate Change) and CS20 (Parking)

6.2 Sites and Policies Plan (July 2014)

DM H2 (Housing Mix), DM H3 (Support for Affordable Housing), DM 02 (Nature Conservation, Trees, Hedges and Landscape Features), DM D2 (Design Considerations in all Developments), DM T2 (Transport Impacts and Developments) and DM T3 (Car Parking and Servicing Standards).

6.3 The London Plan (March 2015)

The relevant policies within the London Plan are 3.3 (Increasing Housing Supply), 3.4 (Optimising Housing Potential) 3.5 (Quality and Design of Housing), 3.8 (Housing Choice), 3.11 (Affordable Housing), 5.1 (Climate Change Mitigation), 5.3 (Sustainable Design and Construction), 5.7 (Renewable Energy), 7.4 (Local Character) and 7.6 (Architecture).

7. **PLANNING CONSIDERATIONS**

7.1 The main planning considerations concern the principal of the conversion of the property from three flats to two houses together with design/conservation, basement construction, neighbour amenity, tree and parking issues.

7.2 Principal of change of Use

The proposal involves the conversion and sub-division of the property to form two dwellings. There is an extant planning permission to convert the property from three flats into a single family dwelling house (LBM Ref.14/P0644) dated 21 May 2014. Although the proposal would have resulted in the loss of residential units, the conversion was considered to be acceptable only on the basis of gains to the character and appearance of the conservation area. Conversion of the property into two residential units is therefore preferable in terms of policy CS9 as it results in an additional unit compared to the extant permission. The proposal would result in two family sized houses being formed within the extended building.

7.3 Design and Conservation Issues

The proposed alterations and extensions have been subject to pre-application discussions and the design of the extensions and alterations to the fenestration of the building are considered to be acceptable. The proposed side extension would be of traditional design whilst at lower ground level and basement level the rear extension would be of contemporary design with white rendered finish with bi-folding glazed doors. New timber windows and doors would be installed and the roof re-tiled with traditional clay tiles and the new dormer windows would be of modest proportions and be clad in zinc. The proposed extension and refurbishment of the building, together with associated landscaping works would result in a positive improvement to the building and the Merton (Wimbledon West) Conservation Area.

7.4 Basement Construction

The existing property is situated on a sloping site and has existing accommodation at lower ground floor level. It is proposed to refurbish the lower ground floor and construct a basement beneath the lower ground floor of each house, with bi-folding doors opening out onto a sunken patio area. The Council's Flood Risk Officer has raised concerns regarding the possibility of underground springs being present and high ground water levels may exist in winter months. A back water effect could therefore be caused by the subterranean structure which could result in a rise in groundwater levels. However, the applicant has submitted a Basement Construction Method Statement that concludes that the basement can be constructed in a safe manner without significant impact upon the public highway or neighbouring properties. Notwithstanding the information contained within the submitted Basement Construction Method Statement specific planning conditions in respect of land stability and hydrology are considered to be appropriate in this instance to accord with the requirements of policy DM D2 (Design Considerations in all Developments).

7.5 Neighbour Amenities

The proposal involves the sub-division of the existing building into two residential units involving extensions to the existing building. The nearest residential property is the new house constructed in part of the rear garden of the application site, the flank wall of which is between 10.5 and 15 metres from the rear elevation of the application property. Although the proposed houses would incorporate rear balconies, the balconies would face towards the blank side elevation of the recently completed house at the rear of the

application site. The separation distance between the balconies and the rear of the garden is considered to be acceptable. The proposal would not therefore result in any undue levels of overlooking and/or loss of privacy to occupiers of neighbouring properties and the proposal accords with the aims of policy DM D2.

7.6 Trees

The tree officer has raised concerns regarding the condition of the Lime tree within the rear garden that may have sustained damage during the development of the rear part of the site (now occupied by a new house). The tree officer has therefore requested that conditions be imposed on any grant of planning permission to protect the Lime tree during construction works. Therefore with appropriate planning conditions the proposal is acceptable in terms of policy DM O2.

7.7 Parking

Two off street parking spaces would be provided, one within the front curtilage of house A and one within the rear garden of house B. Two new vehicular accesses would be required to be constructed off Thornton Hill.

7.8 Sustainability Issues

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

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

7.10 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 that the dwelling is designed and constructed to achieve CO2 reduction standards and water consumption standards equivalent to Code for Sustainable Homes Level 4.

7.11 Developer Contributions

The proposal involves the conversion and sub-division of the property to form two semi-detached houses. Therefore, there would be no requirement for a financial contribution towards affordable housing in the borough in this instance. The proposed development would however, be subject to payment of the Merton Community Infrastructure Levy and the Mayor of London's Community Infrastructure Levy (CIL).

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.

9. **CONCLUSION**

9.1 The conversion and extension of the property to form two dwellings is considered to be acceptable and the proposal would result in the refurbishment of the building and result in a positive improvement to the character and appearance of the Merton (Wimbledon West) Conservation Area. Accordingly it is recommended that planning permission be granted.

RECOMMENDATION

Grant Planning Permission

Subject to the following conditions:-

1. A.1 (Commencement of Development)
2. A.7 (Approved Drawings)
3. B.1 (Approval of Facing Materials)
4. B.4 (Site Surface Treatment)
5. B.5 (Boundary Treatment)
6. C.2 (No Permitted Development Doors/Windows)
7. C.7 (Refuse and Recycling-Implementation)
8. D.9 (External Lighting)
9. D.11 (Construction Times)
10. F.1 (Landscaping Scheme)
11. F.5 (Tree Protection)
12. The details of the Arboricultural Method Statement and Tree Protection Plan shall include the retention of an arboricultural expert to supervise, monitor and report to the LPA not less than monthly the status of all tree works and tree protection measures through the course of the excavation of the basement

and for the whole of the construction period. At the conclusion of the construction period the arboricultural expert shall submit to the LPA a satisfactory completion statement to demonstrate compliance with the approved protection measures.

Reason: To protect and safeguard the existing retained trees and to comply with policy DM O2 of the Adopted Merton sites and Polices Plan (2014).

13. No work shall be commenced until details of the proposed method of excavation and the construction operations on the site shall be submitted to and approved in writing by the LPA and the work shall be carried out in accordance with the approved details.

Reason: To protect and safeguard the existing retained trees and to comply with policy DM O2 of the Adopted Merton sites and Polices Plan (2014).

14. The porous parking/hardstanding hereby permitted within the root protection area of the Lime tree shall be constructed using a no-dig construction technique, using a cellular confinement system or similar technique and there shall be no disturbance of the existing ground levels.

Reason: To protect and safeguard the existing retained Lime tree in accordance with policy DM O2 of the Adopted Merton sites and Polices Plan (2014).

15. F.8 (Site Supervision)

16. H.9 (Construction Vehicles)

17. Prior to commencement of development a land stability and hydrology survey shall be undertaken and submitted to and be approved in writing by the Local Planning Authority.

Reason for condition: To comply with the requirements of policy DM D2 (Design Considerations in all Developments).

18. Prior to commencement of development a Basement Construction Method Statement shall be submitted to the Local planning Authority for approval. The basement Construction Method statement shall include the following:-

- a) Full details of the foundation of the existing building (this needs to be investigated as the location of the secant piles are dependent on this).
- b) Details of the existing lower ground external and internal walls and the floor slab.
- c) Analysis to show that the external walls and internal walls can be safely supported by the combination of secant piles/temporary/permanent piles and needle beams.

- d) Detailed information on how the Contractor plans to install the secant piled wall, i.e. size of the excavator, positions of the excavator to complete installation of the perimeter of the secant piles wall.
- e) Detailed information on how the Contractor plans to get the excavating equipment into the lower ground level and install temporary and permanent piles on either sides of the external/internal walls.
- f) All the piles will have 6.5m free length – Design calculations to show the piles can resist all the axial and any bending forces resulting from the loads above and design details of all temporary works such as piles, bracing etc.
- g) Construction sequence of the bored secant piled wall.
- h) Temporary works propping and de-propping sequence.
- i) The CMS mentions surcharge of the adjacent buildings will be considered in the design – Please ensure to consider the live load surcharge from the highway.
- j) Ground Investigation report with borehole logs with suggestions to the soil parameters such as angle of internal friction, density, shear strength etc to be used in design.
- k) Construction Management Plan

Reason for condition: In the interest of neighbour amenity and to comply with policy DM D2 (Design Considerations in all Developments).

- 19. 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 CO2 reductions (ENE1) (a 25% reduction compared to 2010 part L regulations), and initial water usage (WA1) (150 litres/per/day) standards equivalent to Code for Sustainable Homes Level 4.
- 20. Prior to commencement of development full details of the design of balcony screens shall be submitted to and be approved in writing by the Local Planning Authority. The balcony screening shall be installed prior to first occupancy of the completed development and be permanently maintained thereafter.

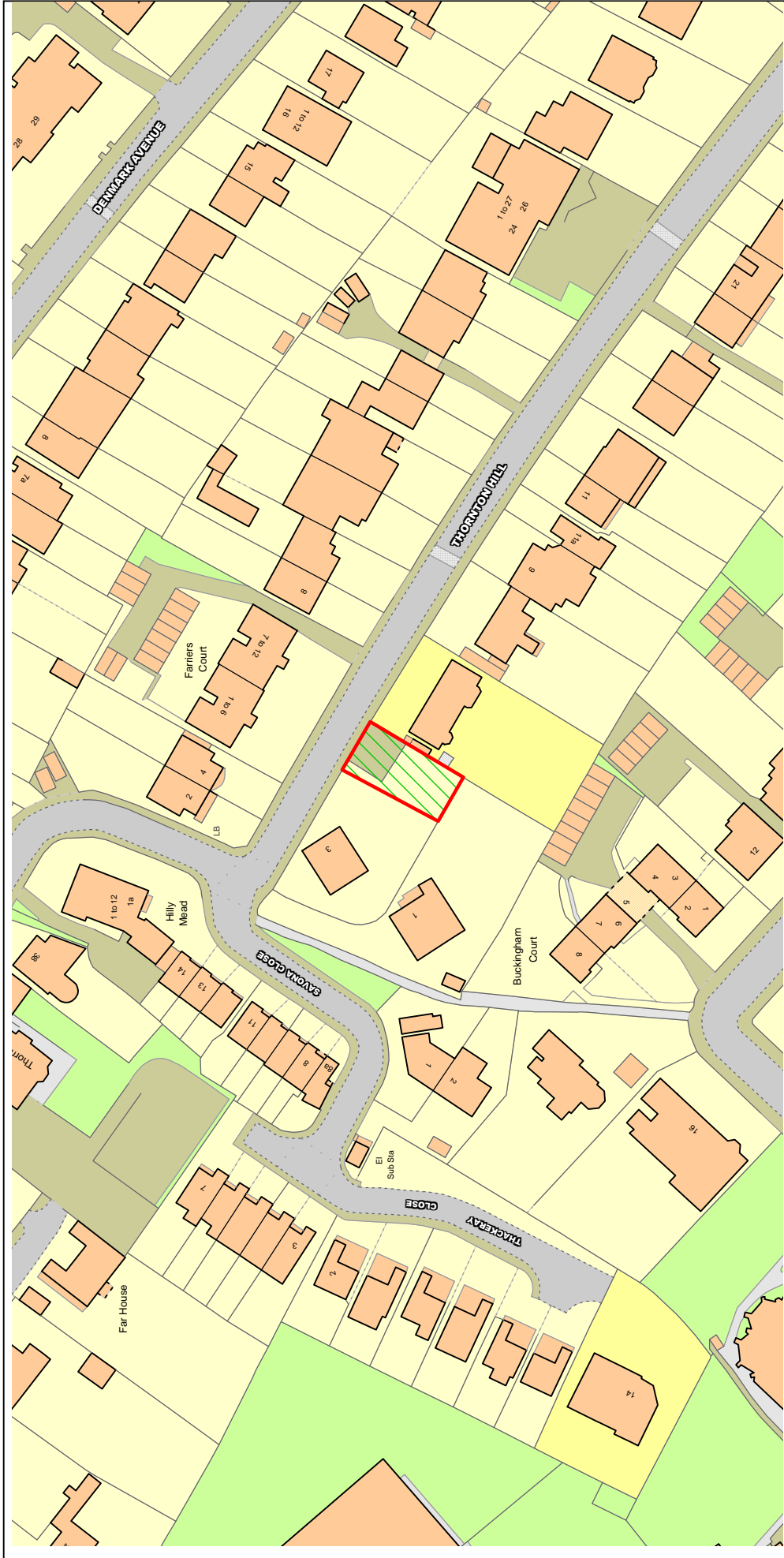
Reason for condition: In the interest of neighbour amenity and to comply with policy DM D2 of the adopted Merton Sites and Policies Plan (July 2014).

- 21. Informative
Evidence requirements in respect of condition 13 are detailed in the 'Schedule of evidence required for Post Construction Stage from Ene1 and Wat 1 of the Code for Sustainable Homes Technical Guide.
- 22. INF.7 (Hardstanding)

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NORTHGATE SE GIS Print Template



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PLANNING APPLICATIONS COMMITTEE **19 JANUARY 2017**

	APPLICATION NO.	DATE VALID
	16/P3135	06/09/2016
Address/Site:	Park Gate House, 356 West Barnes Lane, New Malden KT3 6NB	
Ward	West Barnes	
Proposal	Addition of one storey extension to existing building involving removal of the mansard and re-cladding of the elevations to provide six new self-contained dwellings in addition to the 19 self-contained flats within ground, first and second floors permitted under prior approval LBM Ref: 16/P0233. Works include amendments and additions to fenestration of building	
Drawing No's	'Site Location & Block Plans A16586.01.04', 'Proposed Serial Views A16586.03.04 Rev A', 'Proposed Ground, First and Second Floor Plan & Site Plan A16586.03.01 Rev A', 'Proposed Third Floor Plan A16586.03.02 Rev G', 'Proposed East & West Elevations A16586.03.03 Rev E'	
Contact Officer	Felicity Cox (020 8545 3119)	

RECOMMENDATION

GRANT PLANNING PERMISSION subject to 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: No
- Number of neighbours consulted: 16
- Press notice: No
- Site notice: Yes
- External consultations: Yes
- Controlled Parking Zone: No

1. INTRODUCTION

- 1.1 The application is being brought before the Planning Applications Committee due to the level of public interest in the proposal. The application has also been called in at the request of Councillor Brian Lewis-Lavender and Councillor Gilli Lewis-Lavender.

2. SITE AND SURROUNDINGS

- 2.1 The application site is a three storey office building on the southern side of West Barnes Lane in Motspur Park. The site is bound to the west by a national railway corridor (with small access road to the electric substation). To the east, the building is adjacent to a terrace comprising retail uses on the ground level and residential units on the upper level which is a designated Secondary shopping frontage for Motspur Park. A shared access lane is located along the rear boundary of the site which provides vehicular access to the surrounding properties, and that separates the site from the rear gardens of houses fronting Marina Avenue.
- 2.2 The building itself is a detached three storey purpose built office block (class B1) with associated car parking accessed via an undercroft to the front elevation. Historically, the site has been used as a petrol station.
- 2.3 The site has been the subject of prior notification applications under Class O, most recently for the change of use to provide 19 self-contained units (16/P0233 – Prior Approval Granted) on the first three storeys of the building.
- 2.4 The site is a five minute walk from Motspur Park station which provides transport links to Dorking, Guildford and through to Waterloo Central London.
- 2.5 The application site is located outside a Controlled Parking Zone, however it is noted that parking bays on West Barnes Lane itself are restricted to 1 hour parking, no return within 2 hours daytime from Monday to Saturday (8:00am to 6:30pm).
- 2.6 The property is not located within a conservation area. The application site is within Flood Zone 2.

3. CURRENT PROPOSAL

- 3.1 The proposal is for the addition of one storey to the building to provide 6 additional self-contained dwellings and alterations to the external façade. The proposal involves removing the existing mansard roof and re-cladding and re-designing the façade.

- 3.2 The initial proposal was for 5 x 1-bedroom and 1 x 2-bedroom flats. An amended proposal was submitted that altered the internal layout of the flats to address shortfalls in Gross Internal Floor area and the standard of accommodation. Consequently, the amended scheme is for 6 new one-bedroom self-contained dwellings. The floor area of the proposed flats is as follows:

Flat No.	Bedroom/Spaces	GIA Proposed (m2)	GIA Required (m2)	Amenity Space (m2)
Flat 20	1b, 1p	40	39	5
Flat 21	1b, 2p	50	50	5
Flat 22	1b, 2p	52	50	5
Flat 23	1b, 2p	51	50	6
Flat 24	1b, 2p	50	50	6
Flat 25	1b, 2p	53	50	5

- 3.3 The new third floor will match the existing footprint of the building, with the exception of a 3m offset from the eastern side boundary with 354 West Barnes Lane.
- 3.4 The design of the original scheme proposed that the additional floor have a flat roof, with three terraces for private amenity to run along the western façade of the building. The existing brick façade of the building and additional storey was proposed to be clad in timber.
- 3.5 An amended proposal was submitted which modified the design of the new level to be of a mansard style. The amended scheme will involve the removal of the external skin of brickwork down to ground level, and replacement with a mix of like-for-like brick and a contrasting London-Stock brick, up to the new top-floor level. The new mansard level would be clad in mid grey standing seam metal. The proposed terraces along the western façade have been separated by new 'bay windows'. Three new terraces were also introduced along the northern, eastern and southern sides, providing private amenity space for all of the proposed flats.
- 3.6 The original scheme proposed to increase the existing first and second floor windows of the far southern rear façade (closest to the rear access way) of the building. The amended scheme proposes to maintain the existing high level windows (cill height of 1.7m above floor level) and the windows of the new level on this same elevation will be fixed shut and obscure glazed.

4. PLANNING HISTORY

- 4.1 The site has an extensive site history. The following is the relevant planning history applicable to this application:

MER334/84 ERECTION OF A 3-STOREY OFFICE BUILDING WITH 25 CAR PARKING SPACES INCLUDING FENCING AND LANDSCAPING Grant Permission (subject to conditions) 19-07-1984

MER204/86 - REMOVAL OF CONDITION NO. 5 OF MER 334/84 REQUIRING CERTAIN WINDOWS TO BE PERMANENTLY GLAZED WITH OBSCURE GLASS - Refuse permission – Reason: The removal of condition No. 5 of MER 334/84 would be contrary to Policy P9.30, of the approved Merton Borough Plan resulting in an unneighbourly form of development, prejudicial to the amenities of the occupiers of adjoining residential properties by reason of overlooking and loss of privacy.

87/P0768 ERECTION OF SINGLE STOREY EXTENSION OF 22.3 SQ M FOR STORAGE USE AT REAR OF EXISTING OFFICE BUILDING Grant Permission (subject to conditions) 13-08-1987

15/P3888 PRIOR APPROVAL FOR THE PROPOSED CHANGE OF USE OF EXISTING OFFICE SPACE (CLASS B1a) TO RESIDENTIAL (CLASS C3) Prior Approval Granted 14/12/2015

16/P0233 - PRIOR APPROVAL FOR THE PROPOSED CHANGE OF USE OF EXISTING OFFICE SPACE (CLASS B1a) TO RESIDENTIAL (CLASS C3) CREATING 19 x SELF-CONTAINED FLATS - Prior Approval Granted

16/P1868 – ADDITION OF TWO STOREY EXTENSION TO EXISTING BUILDING INVOLVING REMOVAL OF MANSARD AND RE-CLADDING OF ELEVATIONS TO PROVIDE SEVEN NEW SELF CONTAINED DWELLINGS IN ADDITION TO THE 19 SELF-CONTAINED FLATS WITHIN GROUND, FIRST AND SECOND FLOORS PERMITTED UNDER PRIOR APPROVAL REF: 16/P0233. WORKS INCLUDE AMENDMENTS AND ADDITIONS TO FENESTRATION OF BUILDING - Refuse Permission. Reasons:

The proposed additional third and fourth floor by virtue of its massing, form, scale, height and design would constitute an obtrusive, overly large and incongruous form of development that would be out of keeping with, and detrimental to, the visual amenity and character of the West Barnes Lane streetscene, and would be harmful to the amenity of neighbours in terms of loss of privacy. 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.

The proposed new 2-bedroom flats would be below minimum floorspace standards representing a sub-standard form of accommodation contrary to Policy CS.14 of the Merton Core Strategy 2011, Policy DM D2 of the Merton Sites and Policies Plan

(2014), London Plan 2015 Policy 3.5 and Standard 24 of London Housing Supplementary Planning Guidance 2016.

The application site is located in an area of high demand for on-street car parking spaces. Due to the creation of 7 additional flats in an area of existing car parking pressures with no dedicated off-street parking spaces for the new flats, the proposal would have a negative impact on parking stress in the area. In the absence of a legal undertaking securing a financial contribution towards the delivery of an on-street car club bay in the immediate vicinity of the site, the proposal would be contrary to policy CS20 of the Merton LDF Core Planning Strategy (2011).

5. CONSULTATION

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

5.2 There were 9 objections from local residents raising concerns relating to:

- Loss of privacy to properties in Marina Avenue resulting from the removal of the existing 'black-out' windows and new windows and balconies of the new floor
- Increased overlooking on weekends and evenings due to change from office to residential
- Proposal would result in overshadowing and loss of light into the back gardens of properties on Marina Avenue
- New flats would result in light pollution to adjoining residents
- New flats would result in noise pollution to surrounding residents, particularly from balconies
- Insufficient parking is provided for the new flats and proposal will increase parking congestion in the area
- Additional flats will adversely impact traffic in the area, particularly causing congestion at the level crossing and raising safety concerns
- Application should be viewed in combination with 19 units being created and affordable housing should be provided in accordance with Policy CS8
- Negatively impact value of properties on Marina Avenue
- Inadequate number of properties in Marina Avenue consulted
- Proposal would create a 'tall building' and additional height would be out of character with the rest of the street
- Additional height will set a precedent for further developments to increase height
- Access road at rear of property is privately owned and cannot be used by builder's lorries without consent
- Original approval stated that the building must be no higher than the surrounding buildings and second floor windows at rear must

be frosted glass and of limited opening and these conditions should be maintained

- 5.3 Following submission of amended plans, the application was re-consulted for a period of 14 days. There were 8 objections from local residents. Additional comments were as follows:
- Design of new building with flat roof is not in keeping with the character and design of surrounding area, which features pitched roofs
 - In response to issues of car safety and congestion at the intersection, request condition be applied allowing only left-in access to the car park
- 5.4 Councillor Gilli Lewis-Lavender & Councillor Brian Lewis-Lavender Noted that many of the residents have raised objections to this application and have called in the application for determination by planning committee.
- 5.5 Councillor Mary-Jane Jeanes The additional storey would considerably increase the massing of the building and is inappropriate for the site compared to the shopping parade and shops around it. The extra storey would negatively impact outlook of properties living in Marina Avenue. The application should be refused on the same grounds as application LBM Ref: 16/P1868.
- 5.6 LBM Environmental Health No objection.
- 5.7 LBM Transport planning – The level of car parking (19 spaces) for the conversion and extension of the building has been reviewed since the earlier refusal. While the overall number of units could increase parking pressure locally closer examination of car ownership data for the ward from the 2011 census used to predict parking demand for the development would indicate that it is sufficient to meet the needs of future occupiers of the whole development. Cycle parking has been provided above minimum requirements and bins are suitable located. Trip generation by the overall proposed residential development (25 Units) will still be significantly less than that generated by the existing office use. The proposed development will not generate a significant negative impact on the performance and safety of the surrounding highway network and as such a recommendation for approval is supported.
- 5.8 LBM Highways – officers have no objections or comments to the proposal.
- 5.9 LBM Flood Risk – No objections.
- 5.10 LBM Climate Change – Following submission of a Sustainable Design & Construction Statement (dated November 2016) officers have

advised that they are satisfied that the proposed energy approach to the development is policy compliant and recommend that Merton's Standard Sustainable Design and Construction (New Build Residential - minor) Pre-Occupation Condition is applied to the development.

- 5.11 Network Rail – request informative added to ensure that the proposal both during construction and after completion of works does not encroach into or damage network rail land.

6. POLICY CONTEXT

- 6.1 NPPF - National Planning Policy Framework (2012):
Part 7 Requiring Good Design

- 6.2 London Plan (2015)

3.3 Increasing housing supply;
3.4 Optimising housing potential;
3.5 Quality and design of housing developments.
5.3 Sustainable design and construction.
6.9 Cycling
7.4 Local character
7.6 Architecture

- 6.3 Merton LDF Core Planning Strategy (2011)

CS4 (Raynes Park)
CS8 (Housing Choice)
CS9 (Housing Provision)
CS11 (Infrastructure)
CS13 (Open Space, Nature Conservation, Leisure and Culture)
CS14 (Design)
CS15 (Climate Change)
CS18 (Active Transport)
CS19 (Public Transport)
CS20 (Parking, Servicing and Delivery)

- 6.4 Merton Sites and Policies Plan (2014)

The relevant policies in the Merton Sites and Policies Plan (2014) are:
DM D1 (Urban Design and the Public Realm)
DM D2 (Design considerations in all developments)
DM D3 (Alterations and extensions to buildings)
DM EP 2 (Reducing and mitigating against noise)
DM EP 4 (Pollutants)
DM T2 (Transport impacts of Development)

7. PLANNING CONSIDERATIONS

- 7.1 The main planning considerations include assessing the principle of development, the need for additional housing and housing mix, design and appearance of the proposed building, the standard of the

residential accommodation, the impact on residential amenity and impact on car parking and traffic generation.

7.2 Principle of Development

Core Planning Strategy Policy CS9 encourages the development of additional dwellings within residential areas in order to meet the London Plan target of 42,389 additional homes per year from 2015-2036 (Merton - 411 per year). The National Planning Policy Framework 2012 and London Plan policies 3.3 & 3.5 promote sustainable development that encourages the development of additional dwellings locations with good public transport accessibility.

7.3 The site has a PTAL rating of 2 which is considered to be poor, however is located within close proximity to Motspur Park Station. Forming part of the Motspur Park local commercial centre, the building is surrounded by a mixture of residential and commercial development. The building is subject to Prior Approval in relation to conversion from office to residential units (19 units).

7.4 The proposal would provide 6 additional flats in an area that is well connected to rail services and local services, helping to provide a mix of dwelling types within the local area and making a further contribution to housing targets. Thus, the principle of the extension to the building for the purpose of additional flats is considered acceptable.

7.5 Design and Appearance

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.

7.6 The existing building is located at a prominent corner location adjacent to the rail lines, at the western end of the Motspur Park shopping parade. The building is of a different style to the adjoining terrace shopping parade, and the centre column of the building at the corner already rises above the height of the adjoining terraces.

7.7 Although the height of the building will be above that of the adjoining terrace, it is considered that the design achieves a suitable transition in height by setting back the new floor from the adjacent terrace. Taking into consideration the existing building's different character and design to the surrounding built form and location at the end of the shopping parade, in combination with the setback from the adjoining terraces, it is not considered that the additional height would be detrimental to the visual amenities of the streetscene.

7.8 The amended mansard design with separating roof terraces which setbacks sections of the building further from the elevations reduces the massing of the building such that it is not considered that the

additional storey would be overbearing on the streetscene or adjoining terrace.

- 7.9 The use of material variation between the new storey and lower levels, as well as feature elements around windows, offers visual contrast to the facing brick and serves to alleviate the visual-mass and perceived bulk of the building at high-level as well as horizontally. Officers consider the alterations to the façade would upgrade the appearance of the building, delivering a higher quality and better designed building.
- 7.10 The reduction in building height from the previously refused scheme in combination with the modifications to the design are, overall, considered to achieve an appropriate height, massing, scale and form that would complement the West Barnes Lane streetscene and surrounding area in accordance with Policies DMD2 and DMD3.
- 7.11 Neighbour Amenity
London Plan Policy 7.6 (Architecture) requires that buildings and structures should not cause unacceptable harm to the amenity of surrounding land and buildings, particularly residential buildings, in relation to privacy and overshadowing. 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.
- 7.12 The existing building is a three storey building that is undergoing conversion to residential units. At its closest, the distance between the southern elevation of the building closest to the shared access way at the rear and the single storey rear extension of the nearest adjoining dwelling on Marina Avenue would be 26.1m, and the distance to the main rear elevation of the houses on Marina Avenue is 29.7m. Due to the angled shape of the subject building, the remainder of the building has even greater separation distances from the nearest residential properties in Marina Avenue.
- 7.13 Taking into consideration the mansard design of new storey, the angled orientation of the building and the separation distances between the properties, it is not considered that the proposal would be visually overbearing on neighbours.
- 7.14 The amended scheme will maintain the 1.7m cill height of the rear-most southern façade windows (those closest to the rear access way) on the first and second floors. The removal of obscured glazing has previously been considered unacceptable under LBM Ref: MER204/86 due to concerns of overlooking and hence it is recommended these windows remain obscure-glazed to protect the amenities of neighbours. On this same elevation, the new windows for the additional storey will be fixed shut and obscure glazed. It is noted that these windows are to a bathroom and the communal lobby. With a condition requiring that all

windows on this elevation be fixed shut and obscure glazed, it is considered that the proposal would maintain an acceptable degree of privacy.

- 7.15 Due to the angled alignment of the building, the single terrace and remaining windows on the rear elevation will exceed the 25m separation distance guideline which is specified under the Merton Supplementary Planning Guidance – Residential Extensions, Alterations and Conversions as necessary to maintaining privacy. Therefore, the proposal is not considered to result in undue loss of privacy from overlooking.
- 7.16 Given the separation distances to the nearest dwellings at the rear, the proposal is not considered to result in undue noise levels, particularly taking into consideration that the site forms part of a local commercial centre with adjacent retail and residential activities. The proposal will not alter the building's car parking area, therefore not giving rise to additional noise impacts from on-site parking.
- 7.17 The building is located north of the residential dwellings on Marina Avenue, hence the impact of overshadowing from the proposal is considered to be minimal. As part of the previous application LBM Ref: 16/P1868 for an additional two storeys to the building, the applicant submitted a daylight/overshadowing assessment. This shading study indicated that the construction of two additional storeys on the building would cast shadows that are very much the same for both the existing and proposed building forms, with any shading limited to the rear of properties along West Barnes Lane which are used for retail purposes and not considered to be detrimentally affected by this casting of shadow. The gardens and habitable rooms of the adjoining dwellings to the south would, overall, continue to maintain reasonable access to light. The overshadowing of the gardens would not be substantially altered by the proposal. Given the amended scheme has been reduced to a single additional storey, it is considered that the findings of this study remain relevant (in fact would have a lesser impact than the previous scheme) and consequently the proposal would not have a detrimental impact on adjoining properties in terms of loss of light and overshadowing.
- 7.18 Based on the above, it is not considered that the proposal as amended would be harmful to the amenities of adjoining occupiers in accordance with SPP policy DMD2.
- 7.19 Standard of Accommodation
Policy DM D2 and DM D3 of the Site and Polices Plan states that all proposals for residential development should safeguard the residential amenities of future occupiers in terms of providing adequate internal space, a safe layout and access for all users; and provision of adequate amenity space to serve the needs of occupants. Policies CS 8, CS9 and CS14 within the Council's Adopted Core Strategy [2011]

states that the Council will require proposals for new homes to be well designed.

- 7.20 Policy 3.5 of the London Plan 2015 states that housing developments should be of the highest quality internally and externally and should ensure that new development reflects the minimum internal space standards (specified as Gross Internal Areas) as set out in Table 3.3 of the London Plan (Amended March 2016).
- 7.21 The proposed flats all meet the minimum gross internal floor area requirements of the London Plan, as shown in the Table provided in Section 3. Both the single and double bedrooms comply with the London Plan room size requirements (7.5m² and 11.5m² respectively). The layout of the flats is considered to provide adequate daylight and outlook for future occupiers.
- 7.22 Policy DM D2 requires that all proposals for residential development provide adequate private amenity space to meet the needs of future occupiers. The London Plan states that a minimum of 5 square metres of private outdoor space should be provided for 1-2 person flatted dwellings. All of the flats have been provided with private terraces that meet or exceed this requirement, as shown in the Table provided in Section 3.
- 7.23 It is considered that all rooms will maintain reasonable outlook, access to daylight and sunlight, and ventilation. It is therefore considered that the proposed flats would provide a satisfactory standard of accommodation in accordance with the above policy requirements.
- 7.24 Parking and Servicing
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.
- 7.25 The site has a PTAL of 2, however is located within close proximity to Motspur Park Station. The car parking provision will provide a total of 19 spaces for 25 flats (including those created under Prior Approval). The development is not located within a CPZ.
- 7.26 Transport Officers have advised that based on 2011 census car ownership data for West Barnes Ward, it is reasonable to assume that there could be a maximum of 20 vehicles associated with the completed development of 25 units. Therefore, there is a likely overspill of one vehicle associated with the extension proposed in this application. Officers have advised that the overspill of one vehicle is unlikely to generate a significant impact and can be accommodated on the surrounding highway network such that a s106 agreement is not required as part of the amended scheme. It is therefore considered that

the proposal is acceptable in accordance with Core Strategy policy CS20.

7.27 Cycle Storage

Core Strategy Policy CS18 and London Plan policy 6.9 call for proposals that will provide for cycle parking and storage. A new 1 bedroom flat would be required to provide 1 bicycle space.

7.28 The application has provided for 12 cycle parking spaces for the development, which exceeds the 6 bicycle spaces required to be provided under the London Plan. The remaining bicycle spaces will be available to the flats created under prior approval.

7.29 Refuse Storage and Collection

Policy CS20 of the Core Strategy [July 2011] states that the Council will seek to implement effective traffic management by requiring developers to incorporate adequate facilities for servicing to ensure loading and unloading activities do not have an adverse impact on the public highway.

A dedicated refuse store is to be provided within the car park to service the new flats and is within the recommended distances for bin stores as outlined in the Manual for Streets and the LBM's Waste and Recycling Storage Requirements Guidance Note. The proposal is therefore considered to comply with the above policies.

7.30 Sustainable Design and Construction

London Plan Policy 5.3 requires that new dwellings address climate change adaptation and mitigation. Policy CS15 of the Core Strategy 2011 requires that developments make effective use of resources and materials minimises water use and CO₂ emissions.

7.31 LBM Climate Change officers note that the development has sought to limit CO₂ emissions through the building fabric and specification of low efficiency fixtures, in accordance with energy hierarchy, prior to seeking to address any shortfall through the use of solar photovoltaics.

7.32 The submitted SAP calculations / energy statement indicates that the proposed development should achieve a 20.5% improvement in CO₂ emissions on Part L 2013. This exceeds the minimum sustainability requirements of Merton's Core Planning Strategy Policy CS15 (2011) and is equivalent to the 25% improvement over Part L 2010 required under Code for Sustainable Homes Level 4.

7.33 The applicant has indicated that internal water consumption for the development will be less than 105 litres per person per day, equivalent to Code for Sustainable Homes Level 4. Furthermore, the intention to utilise Smart Water Meters in the development to allow real-time monitoring of water consumption by the occupants to aid water

efficiency, alongside the use of water efficient fixtures and fittings is welcomed.

- 7.34 LBM Climate Changes have advised that the proposed energy approach to the development is policy compliant and have recommended that Merton's Standard Sustainable Design and Construction (New Build Residential - minor) Pre-Occupation Condition is applied to the development.

8. SUSTAINABILITY AND ENVIRONMENTAL IMPACT ASSESSMENT REQUIREMENTS

- 8.1 The proposal does not constitute Schedule 1 or Schedule 2 development. Accordingly, there are no requirements in terms of an Environmental Impact Assessment (EIA).

9. CONCLUSION

- 9.1 The proposal would provide six additional flats to the existing building which has prior approval for conversion to residential flats, in an area with good access to rail services and local services. It is considered that the additional floor is of an appropriate design, scale and massing to complement the character of the area and streetscene. The design of the flats meets minimum standards required for Gross Internal Area, and is considered to provide an acceptable standard of accommodation for future occupiers. The proposal is not considered to result in adverse amenity impacts on neighbours subject to conditions, and is therefore recommended for approval.

RECOMMENDATION Grant planning permission subject to conditions.

Conditions

- 1) A1 Commencement of works
- 2) A7 Built according to plans; 'Site Location & Block Plans A16586.01.04', 'Proposed Serial Views A16586.03.04 Rev A', 'Proposed Ground, First and Second Floor Plan & Site Plan A16586.03.01 Rev A', 'Proposed Third Floor Plan A16586.03.02 Rev G', 'Proposed East & West Elevations A16586.03.03 Rev E'
- 3) B1 External Materials to be Approved
- 4) C04 Obscured Glazing (Fixed Windows)

Before the development hereby permitted is first occupied, the windows in the southern rearmost elevation shall be glazed with obscure glass and fixed shut and shall permanently maintained as such thereafter.

- 5) C07 Refuse & Recycling (Implementation)
- 6) D10 External Lighting
- 7) D11 Construction Times
- 8) H07 Cycle parking to be implemented
- 9) H13 Construction Logistics Plan (to be submitted)
- 10) Sustainable Design and Construction (New Build Residential - minor) (Pre-Occupation Condition)

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).

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.

11) Non-Standard Informative

As the site is adjacent to Network Rail's operational railway infrastructure, the developer is strongly recommended to contact Asset Protection Wessex Assetprotectionwessex@networkrail.co.uk prior to any works commencing on site. Network Rail strongly recommends the developer agrees an Asset Protection Agreement with Network Rail to enable approval of detailed works. More information can be obtained from the comments provided on the application by Network Rail on the 21.09.2016 and from the following website: www.networkrail.co.uk/aspx/1538.aspx

12) NPPF Informative

[Click here](#) for full plans and documents related to this application.

Please note these web pages may be slow to load

NORTHGATE SE GIS Print Template



Text Details **356 West Barnes Lane**

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Committee: Planning Applications

Date: 19th January 2017

:

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 Numbers: **12/P2367**
Site: Gorringe Park, 29 London Road SW17 9JR
Development: Change of use from storage areas and residential to restaurant, with associated works.
Recommendation: Refuse Permission (Delegated)
Appeal Decision: **ALLOWED**
Date of Appeal Decision: 29th December 2016

Link to Appeal Decision

http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000078000/1000078074/12P2367_Appeal%20Decision%20Notice.pdf

Application Number: 15/P0459
Site: 66/67 Alwyne Road, Wimbledon SW19 7AE
Development: Variation of approved plans to alter machinery and plant details
Recommendation: Refused (Delegated)
Appeal Decision: **ALLOWED**
Date of Appeal Decision: 5th January 2016

Link to Appeal Decision

http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000087000/1000087772/15P0459_Appeal%20Decision%20Notice.pdf

Application Number: 15/P2776
Site: Waitrose, Alexandra Road, Wimbledon SW19 7JY
Development: Variation of condition 3 to allow the sale of food and convenience goods
Recommendation: Grant Variation of Condition (Refused at Committee)
Appeal Decision: **ALLOWED**
Date of Appeal Decision: 1st December 2016

Link to Appeal Decision

http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000089000/1000089976/15P2776_Appeal%20Decision.pdf

Application Number: 15/P3079
Site: 1 Sibthorp Road, Mitcham CR4 3NN
Development: Erection of a third & fourth floor extension to create 5 x flats
Recommendation: Refuse (Committee Decision)
Appeal Decision: **DISMISSED**
Date of Appeal Decision: 29th November 2016

Link to Appeal Decision

http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000090000/1000090267/15P3079_Appeal%20Decision.pdf

Application Number: 15/P4556
Site: 121 Boundary Road, London SW19 2DE
Development: Conversion of dwellinghouse into 2 x flats with single storey ear extension and rear roof extension
Recommendation: Refused (Delegated)
Appeal Decision: **DISMISSED**
Date of Appeal Decision: 16th December 2016

Link to Appeal Decision

http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000091000/1000091677/15P4556_Appeal%20Decision.pdf

Application Number: 16/P0106
Site: 164 London Road, Mitcham CR4 3LD
Development: Demolition of outhouse and erection of detached bungalow with basement level in rear garden
Recommendation: Refused (Delegated)
Appeal Decision: **DISMISSED**
Date of Appeal Decision: 14th December 2016

Link to Appeal Decision

http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000092000/1000092014/16P0106_Appeal%20Decision.pdf

Application Number: 16/P0328
Site: 40 Quicks Road, Wimbledon SW19 1EY
Development: Retention of roof extension and erection of ground and first floor extension
Recommendation: Grant Permission (Refused at Committee)
Appeal Decision: **ALLOWED**
Date of Appeal Decision: 20th December 2016

Link to Appeal Decision

http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000092000/1000092229/16P0328_Appeal%20Decision.pdf

Application Number: 16/P0568
Site: 1 Cromwell Road, Wimbledon SW19 8LE
Development: Erection of an L-shaped rear roof extension
Recommendation: Refused (Delegated)
Appeal Decision: **ALLOWED**
Date of Appeal Decision: 22nd December 2016

Link to Appeal Decision

http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000092000/1000092456/16P0568_Appeal%20Decision.pdf

Application Number: 16/P1492 & 16/P1491
Site: 127 High Street, Colliers Wood SW19 2HR
Development: Alteration to existing lighting system and installation of new fascia signs and illuminated projecting sign
Recommendation: Refused (Delegated)
Appeal Decision: **DISMISSED**
Date of Appeal Decision: 22nd December 2016

Link to Appeal Decision

http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000093000/1000093340/16P1492_Appeal%20Decision%20Notice.pdf

Application Number: 16/P1641
Site: 16 Rose Avenue, Mitcham CR4 3JS
Development: Lawful Development Certificate for a first floor rear extension
Recommendation: Refused (Delegated)
Appeal Decision: **DISMISSED**
Date of Appeal Decision: 4th January 2017

Link to Appeal Decision

http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000093000/1000093485/16P1641_Appeal%20Decision.pdf

Application Number: 16/P1754
Site: 12 Albert Grove, Raynes Park SW20 8PY
Development: Hip to gable and rear roof extension
Recommendation: Refused (Delegated)
Appeal Decision: **DISMISSED**
Date of Appeal Decision: 21st December 2016

Link to Appeal Decision

http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000093000/1000093592/16P1754_Appeal%20Decision.pdf

Application Number: 16/P2372
Site: 18 Morton Road, Morden SM4 6EF
Development: Prior Approval for a single storey rear extension
Recommendation: Refused (Delegated)
Appeal Decision: **ALLOWED**
Date of Appeal Decision: 20th December 2016

Link to Appeal Decision

http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000094000/1000094169/16P2372_Appeal%20Decision.pdf

Application Number: 16/P2400
Site: 20 Spencer Hill, Wimbledon SW19 4NY
Development: Replacement of two storey left-hand bay window
Recommendation: Refused (Delegated)
Appeal Decision: **ALLOWED**
Date of Appeal Decision: 21st December 2016

Link to Appeal Decision

http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000094000/1000094195/16P2400_Appeal%20Decision.pdf

Application Number: 16/P3185
Site: 80 Lambton Road, Raynes Park SW20 0LP
Development: Erection of a rear roof extension
Recommendation: Refused (Delegated)
Appeal Decision: **DISMISSED**
Date of Appeal Decision: 21st December 2016

Link to Appeal Decision

http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000094000/1000094936/16P3185_Appeal%20Decision.pdf

Application Number: 16/P2286
Site: 6 Herbert Road, Wimbledon SW19 3SH
Development: Erection of a single storey rear extension
Recommendation: Refused (Delegated)
Appeal Decision: **DISMISSED**
Date of Appeal Decision: 9th January 2017

Link to Appeal Decision

http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000094000/1000094088/16P2286_Appeal%20Decision.pdf

Application Number: 16/P2654
Site: 21 Bardney Road, Morden SM4 5JL
Development: Erection of a first floor side extension
Recommendation: Refused (Delegated)
Appeal Decision: **DISMISSED**
Date of Appeal Decision: 9th January 2017

Link to Appeal Decision

http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000094000/1000094427/16P2654_Appeal%20Decision.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.

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Committee: Planning Applications Committee

Date: 19 January 2017

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:	531 ¹ (538)	New Appeals:	0 (1)
New Complaints	45 (42)	Instructions to Legal	1
Cases Closed	52 (53)	Existing Appeals	4 (6)
No Breach:	37	<hr/>	
Breach Ceased:	15	TREE ISSUES	
NFA ² (see below):	-	Tree Applications Received	55 (35)
Total	52 (53)	% Determined within time limits:	95%
New Enforcement Notices Issued		High Hedges Complaint	0 (0)
Breach of Condition Notice:	0	New Tree Preservation Orders (TPO)	0 (0)
New Enforcement Notice issued	2	Tree Replacement Notice	0
S.215: ³	1	Tree/High Hedge Appeal	0
Others (PCN, TSN)	2		
Total	5 (1)		
Prosecutions: (instructed)	2 (0)		

Note (*figures are for the period (29th Nov 2016 – 9th Jan 2017)*). 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 14 Nelson Road, SW19** On 20/12/16 the council issued an enforcement notice against the unauthorised erection of a single storey rear extension. The notice would come into effect on 1/2/17 unless an appeal is made prior to that. The compliance period is one month.
- 2.02 1 Flaxley Road Morden SM4 6LJ** • the Council issued an enforcement notice on 5th December 2016 against the erection of a single storey rear extension at the property. The notice requires the structure to be demolished and would become effective by 16/1/17 unless there is an appeal prior to that date.
- 2.03 13 Fairway, Raynes Park SW20.** On 2nd December 2016, the council issued an amenity land notice against the untidy front and rear gardens of the property to require the owner to trim, cut back and maintain the overgrown bushes, weeds and trees. The compliance period is within one month of the effective date.

Some Recent Enforcement Actions

- 2.04 55-61 Manor Road, Mitcham** An enforcement notice was issued an enforcement notice on 3rd August 2016 against the unauthorised change of use of the land from a builder's yard to use as a scrap yard and for the storage of waste and scrap metals, scrap motor vehicles and waste transfer. The notice came into effect on 2/9/16 as no notification of an appeal has been received. The requirement is to cease the unauthorised use and remove any waste and scrap materials including scrap and non-scrap vehicles from the site by 8/10/16. Following a site inspection, the occupier was reminded of the enforcement action and advised that as he has failed to comply with the notice, the Council would have no option but to consider prosecution.
- 2.05 117 Haydons Road South Wimbledon SW19.** The Council served a replacement notice on 9th February 2016 against the unauthorised conversion of the former public house into eight self-contained flats. The notice came into effect on 18th March 2016 as there was no appeal prior to that date and the requirement is to cease using the building as eight self-contained flats within 6 months. **Six of the flats are vacant and the owners have instructed builders to remove all kitchens units. Court action is currently on-going to re-possess the remaining two flats.**
- 2.06 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.
- Listed Building Consent was granted on 3rd March 2015 to cover the required works which include the roof, rainwater goods, masonry, chimney render repairs, woodwork, and glazing. An inspection of the building on Friday 29th April 2016 concluded that the required works have mostly been carried out to an acceptable standard.
- The Council has now been provided with a copy of the archaeological survey report and officers would be reviewing and make their recommendations.**

3.0 New Enforcement Appeals

None

3.1 Existing enforcement appeals

- **18 Morton Road Morden SM4** the council issued an enforcement notice on 3rd October 2016 against the unauthorised change of use of an outbuilding to self-contained residential use. The notice would have taken effect on 10/11/16 but the Council has been notified of an appeal. The compliance period would be two calendar months. We are waiting for a start date letter from the Planning Inspectorate to confirm formal registration and start of this appeal.

- **34 St Barnabas Road, Mitcham** On 30th August 2016, the council issued an enforcement notice against the unauthorised increase in depth of the single storey rear extension from 5 to 8.4 metre. The notice with a 3-month compliance period would have taken effect on 18/10/16 but an appeal has been received. We are waiting for a start date letter from the Planning Inspectorate to confirm formal registration and start of the appeal.
- **21 Merton Hall Road, Morden.** The Council issued an enforcement notice on 9/8/16 against the unauthorised erection of a wooden bike shelter. The notice would have come into effect on 15th September 2016 but the Council has been notified of an appeal. The requirement is to remove the shed within a month. **Council statement has been submitted.**
- **Wyke Road, Raynes Park SW20.** The Council issued an enforcement notice on 4th July 2016 against the unauthorised material change in the use of the land for car parking. The notice would have come into effect on 10/08/16 but an appeal has been submitted. **Council statement has now been submitted.**

3.2 Appeals determined –

- **3 Aberconway Road Morden SM4** - The Council served an enforcement notice on 4th February 2016 against the erection of a single storey side extension to the property following a refusal of retrospective planning permission to retain the structure. The owner is required to remove the extension and associated debris within one month of the effective date. **The appeal was dismissed on 1/12/16 and the owners have to demolish the extension by 1/1/17.**
- **32 Cedars Avenue, Mitcham CR4 1EA** The Council issued an enforcement notice on 25th April 2016 against the unauthorised erection of a front garden wall, pillars and gates. **The appeal was dismissed on 29/12/16 and the new compliance date by which to demolish the front gates is 29th March 2017.**
- **Swinburn Court, 32 The Downs SW19.** The Council served an enforcement notice on 15th March 2016 against the erection of a single storey outbuilding (garden shed) in the front/side garden of the block of flats. The requirement is to demolish the structure within three months of the effective date. **The appeal was dismissed on 10/1/17 and the appellant has three months to comply.**

Prosecution cases.

- **170 Elm Walk Raynes Park** The council issued a S215 notice on 4th August 2016 to require the owner to repair and paint or replace windows and doors to the property as well as clear the weeds and cut back on overgrown bushes in the front and rear gardens. The notice came into effect on 1/9/16 as there was no appeal and the compliance period is one month. **A site visit on 4th October 2016 confirmed that the notice has**

not been complied with and prosecution documents have been forwarded to Legal Services for further action.

- **Land, at 93 Rowan Crescent Streatham, SW16 5JA.** The council issued a S215 notice on 29th July 2016 to require the following steps to trim and cut back overgrown bushes from the front and rear gardens, tidy the site, clean, repair and paint the front windows and repaint the front of the proper. The notice came into effect on 28/08/16 and the compliance period expired on 23/09/16. **As the notice has not been complied with, a prosecution document has been forwarded to Legal Services for legal proceedings.**

3.4 Requested update from PAC

None

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

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