

Merton Council
Planning Applications Committee
20 September 2018
Supplementary Agenda

10 Modifications

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Planning Applications Committee 20th September 2018 Supplementary Agenda (Modifications Sheet)

Item 5. 141 The Broadway, Wimbledon SW19 1 QJ – 16/P2585 – Abbey Ward.

Late letter of objection received from 12 Palmerston Road. The letter states that:

- Their original objections still stand.
- The repeated applications for essentially the same development is an abuse of the planning process and demonstrates the willingness of the developer to simply ignore the concerns of local residents, and to engage in a 'war of attrition' with us.
- section 7.5.7 of the committee report, only the concerns of the residents of 2-8 Palmerston Road. I don't see that you have considered the impact on my property, which, if I understand the designs correctly, would be overlooked by all of the rear facing flats.
- At present our garden is barely overlooked at all at the weekends and evenings - this development would significantly alter this, and my corresponding privacy and ability to enjoy the property.
- We are only just approaching the end of the disruption from the construction of the Premier Inn only to have another period of disruption fostered upon us. I also have serious concerns about the planning team's consideration for local parking arrangements, which are already strained.

Officer response:

Inset new paragraph, 7.5.9 (page 22)

10 – 26 Palmerston Road

- 7.5.9 10 – 26 Palmerston Road are located to the south of the application site, backing onto the rear car parking area serving the CIPD building. Objections have been received in regards to loss of privacy from the rear facing flats. All the rear windows/doors are directed towards the CIPD car parking area, therefore within the proposed flats there would be limited views of the properties on Palmerston Road. Whilst there would be some overlooking from the proposed rear balconies, it has to be noted that this is a town centre location, the rear balconies are directed towards the CIPD car park, the side screens to the balconies would also discourage/partly prevent sideward views and the neighbours are well distanced away from the balconies to ensure that there would be no undue loss of amenity to justify refusal of planning permission.

Replace existing paragraph 7.5.9 to 7.5.10 (page 22)

Item 6. 35 Coombe Lane, Raynes Park, SW20 0LA – 18/P2210 – Raynes Park Ward

No modifications.

Item 7. Land on south side of Wyke Road, Raynes Park – 17/P0609 – Raynes Park Ward.

WITHDRAWN FROM AGENDA

The item has been withdrawn in order for the applicant and officers to resolve issues regarding site dimensions with a potential consequent impact on the capacity of Wyke Road to provide kerbside parking and a safe pedestrian access to the proposed flats.

Item 8. Planning Appeal decisions.

No modifications

Item 9. Enforcement summary.

No modifications

Appeal Decision

Site visit made on 24 May 2016

by Cullum J A Parker BA(Hons) MA MRTPI IHBC

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

Decision date: 25 May 2016

Appeal Ref: APP/T5720/W/16/3143509
141 The Broadway, Wimbledon, London SW19 1QJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Parkgate Properties Limited against the decision of the Council of the London Borough of Merton.
 - The application Ref 14/P1008, dated 18 March 2014, was refused by notice dated 13 October 2015.
 - The development proposed is described as '*demolition of first and second floors of existing building with retention of ground floor and ground floor Class A3 use and creation of 6 storey building allowing the formation of 16 residential units over first to fifth floors*'.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - The effect of the proposed development on the character and appearance of the street scene, and;
 - Whether the proposed development makes adequate provision in respect of local infrastructure.

Reasons

Character and appearance

3. The appeal site is located on the south side of The Broadway. The appeal building itself is a three storey period property, with a hipped roof and the ground floor used as commercial premises. The street scene comprises a mixture of four, five and six storey height forms; with examples of both residential and commercial uses nearby. Many of these buildings are modern in terms of their design, form, appearance and materials.
4. The appeal scheme seeks the demolition of the upper two floors and the creation of a six storey building, with a total of 16 residential units being provided by 7 one-bedroom flats and 9 two-bedroom units. A modern design approach has been adopted for the proposed storeys, with front projecting glazed bays set between central external balconies and a mixture of part brick and part metal cladding. The Council has raised concerns with what appear to

be differences in materials as shown on the submitted drawings compared to some CGI images used to illustrate the proposal. However, it is reasonable for matters, such as the specific materials and finishes, to be secured by condition. What is more, the modern nature of nearby buildings permits a fairly wide pallet of materials and finishes, which a condition would allow the Council to control. I do not therefore find that the material finish of the building justifies the dismissal of the appeal scheme.

5. In terms of the buildings design, overall this would respond positively to the form, scale and design of other nearby taller buildings along The Broadway. This is reinforced by the fact that there would be a gradual transition between the adjacent CIPD building and Nos 131 to 139 The Broadway. The design proposed would also ensure that the distinctive curved frontage of the CIPD building would be maintained as viewed from both the east and west directions. Overall the combination of these factors means that the proposed design would both reinforce and promote local distinctiveness and relate appropriately to the architectural form and language of the street scene.
6. I therefore conclude that the proposed development would not have an unacceptable impact on the character and appearance of the street scene. As such, it would accord with Policies DM D2 and DM D3 of the Sites and Policies Plan and Policies Map 2014 (SPPPM) and CS14 of the LDF Core Planning Strategy 2011 (CS), which, amongst other aims, seek to ensure that proposals for all development relate positively and appropriately to the siting, rhythm, scale, density, proportions, height, materials and massing of surrounding buildings and existing street patterns.

Local infrastructure

7. The Council seeks a target of 40% affordable housing for schemes of 10 units or more under Policy DM H3 of the SPPPM and Policy CS8 of the CS. In this case, the appellant considers that a provision of 6 units, which falls just below the 40% threshold, to be appropriate. Policy CS 8 part (e) permits flexibility on the numbers, subject to the site characteristics, and with the Council raising no objections in this respect, I have proceeded on the basis that the provision of six affordable housing units is acceptable to the main parties in this case.
8. The Community Infrastructure Levy Regulations 2010 (CIL) are clear in that planning obligations should only be sought where they meet three tests; necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind to the development. These tests reflect those found in Paragraph 204 of the National Planning Policy Framework (the Framework).
9. On the evidence before me, it appears that the need for the contribution sought by the Council arises from the development and satisfies the 3 tests in Regulation 122(2) of the CIL Regulations 2010. In this case, although the appellant indicated that they would submit a signed and completed legal agreement to secure an affordable housing contribution, none has been submitted. The proposal would therefore fail to secure appropriate financial or other contributions towards the provision of affordable housing and so would be in conflict with Policy DM H3 of the SPPPM and Policy CS8 of the CS.

Other Matters

10. I note the comments received from third parties in respect of matters such as the loss of privacy and light, the possible use of a condition controlling the use of balconies so that no bikes or BBQs are used or stored there, that all plant and machinery (including television aerials or phone masts) should require further permission, the possible loss of local property values, questions over the name of the appellant, the lack of parking provision on site, and the lack of primary school places and other services close to the appeal site. However, as I have found the proposal unacceptable on one of the substantive issues, there is no need for me to consider these matters further.

Conclusion

11. Whilst I have found in favour of the appellant on the first main issue, I have not found in their favour on the second main issue as the proposal would fail to secure affordable housing as required by local planning policies. It would therefore fail to accord with the development plan, and there are no material considerations that warrant a decision other than in accordance with it.
12. For the reasons given above, and having taken into account all matters raised, I conclude that the appeal should be dismissed.

Cullum J A Parker

INSPECTOR

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