

Merton Council
Planning Applications Committee
17 January 2023
Supplementary agenda

10 Modification Sheet

1 - 10

This page is intentionally left blank

Planning Applications Committee

17 January 2023

Supplementary Agenda Modifications Sheet.

Contents Page

Pages 1 – 7 - Item 5 - 81-83 Wimbledon Hill Road, Wimbledon, SW19 7QS

Pages 7 – 9 - Item 6 - 18 Whitfield Court, 508 Kingston Road, Raynes Park, SW20

Page 9 - Planning Appeal Decisions

Item 5 - 81-83 Wimbledon Hill Road, Wimbledon, London, SW19 7QS

Member questions from Technical Briefing (13/01/2023), with officer answers:

Q: The planning history shows the reasons for refusal. Point 3 states reason for refusal was due to onsite parking and point 5 highlights that it was refused due to pressures on parking. This seems to be two contradicting points, could you explain?

A: We are losing parking spaces in comparison to the previous scheme. Point 3 relates to the proposal of a high number of parking spaces on site which would have been in the basement. The previous committee thought that that volume of parking was unnecessary. Regarding point 5, as per CPZ's, we have permit free agreements in place.

Q: In terms of the viability assessment, can you clarify what does it mean to be in deficit?

A: It means that the figures show that they will not make enough profit from the scheme to qualify and provide affordable housing contribution. In Planning terms, we test these figures with viability assessments. This has been done twice using two separate organisations and although they have come back with slightly different figures both have said there will be a deficit. It is worth noting that profitability cannot be a reason to refuse an application. To add, developers are allowed to make a profit but, in this case, they will not have made a surplus to make an affordable housing contribution.

Q: Point 7.5.2 highlights the mix of flats. Why is it ok to have this mix?

A: The Officer has made an informed judgement. They are very spacious flats with large rooms. It is worth noting that the mix was not objected to in the previous application. The mix of flats is very much a done on a guidance basis and these flats exceed minimal space standards.

Questions on email from members, with Case Officer reply/comments:

- 1) Please can you confirm receipt of the pictures supplied by Mike Short (resident of no.27 Leeward Gardens) showing the existing house at the end of his garden, and the CG1 of the proposed development in situ (compare to pp 44), and please can these be made available for the committee? I have attached copies to this email for ease of reference

A: Yes, this was received. Unfortunately, I can't make unverified views from neighbouring properties available to PAC. However, anyone with an interest in the application is free to send additional information directly to members of PAC.

- 2) Re paragraph 7.10.3 please can you confirm receipt of the independent FVA commissioned by the residents confirming the financial viability of including affordable housing in this development, and please can this be made available to the committee?

A: Yes, I am in receipt of this, however this is not an independent report commissioned by the Council so I can't make it available to PAC.

- 3) Please can you confirm receipt of the independent report into light loss commissioned by the residents, and please can this be made available to the committee?

A: Yes, I have received this. I can't send reports carried out by third parties to PAC. Again, this can be sent directly to members.

- 4) Looking at the elevation shown on pp40 and 41 and 44, all described as "South Elevation" please can you confirm whether pp 41 and 40 show the elevation facing Wimbledon Hill, the elevation shown on p44 (also described as South Elevation) will be facing Leeward Gardens, and the elevation on p42 (North elevation) will face the flats known as Bluegates behind the site, and further up Wimbledon Hill

A: Yes, The elevations shown on pages 40 and 41 is from Wimbledon Hill Road. The elevation on P44 is from Leeward Gardens. The elevation on P42 is the north/rear elevation so this will be the view from Harrowdene Court not Bluegates, which is to the west.

- 5) Please can you confirm that the drawing attached shows the Leeward Garden facing elevation (p44) with the existing house superimposed in red, and the

previous proposal indicated by a dotted line, showing the reduction in size of the new proposal relative to the former proposal

A: The attached drawing is not P44 of the agenda. This drawing shows the current scheme as originally submitted prior to it being amended, when viewed from Leeward Gardens. P44 of the agenda shows the scheme currently proposed following these amendments. In terms of height the previously refused scheme was 37.85m AOD. The current scheme as originally submitted proposed to reduce this to 36.75m, and this was reduced again on the advice of officers to 35.8m. Therefore, there has been a total reduction in height of 2.05m from the previously refused application.

- 6) Comparing the new drawings with the previous (rejected) application, please can you confirm the height of the new proposed block, and the height of the previous design

A: The previously refused scheme was 37.85m AOD. The current scheme as originally submitted proposed to reduce this to 36.75m, and this was reduced again on the advice of officers to 35.8m. Therefore, there has been a total reduction in height of 2.05m from the previously refused application.

- 7) How high will the reduced ridge height be relative to the ground floor flat at no. 27 (the resident thinks this will still be 53ft)

A: Depends where you measure from, but will be approx. 15m or 50ft when measured from head height at No.27.

- 8) Re paragraph 7.3.4, please can you confirm the distance of the proposed buildings from the end of the Leeward Garden properties' gardens

A: As stated in the report the main building would be approx. 20.25m from the rear elevations of properties on Leeward Gardens. The house would be located a minimum of 2m from the boundary with Leeward Gardens.

- 9) Re paragraph 6.1, is the correct figure that 48 objections had been received by May 2022, and that the total number of objections received to the amended planning application was 52 by November 2022 (albeit the methodology of counting had changed slightly) (confirmed by emails from EF dated 31.5.22 and 15.11.22 to a resident)

A: No, I've double checked and have received objections from 29 addresses by May 2022. Please note that we count a maximum of one objection per address. Our IT system does show a total number of 52 objections but that is because the system will for example count an objection signed by two people from a single address as two objections.

- 10) Please explain the justification for the proposed 3 non-disabled parking spaces, given the scheme's proximity to Wimbledon station

Please see paragraph 7.6.2 of the PAC report. Please note that this still exceeds the London Plan maximum space standards this is considered acceptable. The proposed level of parking equates to just 0.17 spaces per unit, whilst the existing building provides 8 car parking spaces so there would be a net reduction of 4 spaces despite there being a net increase of 13 residential units.

A: Please note that although the site has a PTAL 6, it is located on a steep hill and is quite far from the nearest bus stop (approx. 300m). This type of scheme may appeal to elderly downsizers and as such the retention of some parking is appropriate.

- 11) Re paragraph 7.6.2, please confirm that the "existing" 8 car parking spaces referred to includes 3 "garages" which have not been used as garages since 1980 and are too small (2.1m wide garage doors) for modern cars, and that these therefore should not be counted as existing parking

A: Yes they are included. These are still considered parking spaces and could be demolished with three wider open air spaces provided instead.

- 12) Please could the committee be provided with the review report written by Mr Staig and relied upon in the Revised Planning Application Statement, and the report provided in support of the previous application, for comparison in respect of loss of light

A: This report was provided by the applicant in the previous application. It was not an independent report requested by the LPA and does not form part of the current application.

- 13) Residents say that there are four trees subject to TPOs which are not referred to in the Arboricultural Report, and would be lost and not replaced if this development goes ahead (perhaps only 3 if the Ash is going to be preserved). Please can this be clarified?

A: The Council Tree Officer has assessed the proposal and states that there are three trees (including the Ash) that are TPO'd still remaining on the site. A number of trees which were subject to TPOs are no longer present (Please see note attached). The Arboricultural report has been written by a qualified Arboriculturist so I have to take it on good faith that it is accurate.

14) Residents say there have been sightings of badgers at the development site. It is accepted that the Preliminary Ecological Assessment is only a “snapshot”. Badgers and their setts are protected by the Protection of Badgers Act 1992. Shouldn't there be a thorough investigation before risking destroying badgers and their habitat?

A: The applicant's survey is considered acceptable at this stage. The survey found no evidence of Badgers, however it is considered that Badgers may still forage on the site and as such this would unlikely be picked up in a survey. Notwithstanding this the applicant has been advised that badgers are protected under the Protection of Badgers Act 1992 and should contact Natural England to see when a Badger Development Licence may be required.

15) Residents say there are bats present at the site. Bats and their roosts are protected under Schedule 5 of the Wildlife and Countryside Act 1981 as amended, and schedule 2 of the Conservation of Habitats and Species Regulations 2010. Given the inadequacy of the PEA shouldn't this be further investigated ?

A: I have to take it on good faith that the PEA, which is written by suitably qualified ecologist is accurate. The PEA found no evidence of Bats and there was negligible roosting potential within the existing building. Notwithstanding the findings in the PEA, bats and their roosts are afforded special protection under the Wildlife and Countryside act 1981 and the development would have to comply with this legislation.

16) Re paragraph 3.5 and 3.6, am I correct in thinking that the reduction in height of 2.05m is from the height of the proposal submitted in February 2021, and that the reduction of 95cm is part of this, and is the reduction in height between the application that was submitted in March 2022 and the proposals as they now stand.

A: The reduction of 2.05m is from the height of the proposal submitted in Feb 2021 after it was amended. The height of the refused scheme (21/P0119) after it was amended was 37.85m AOD. This was then reduced to 36.75m when the current scheme was originally submitted, before being reduced by a further 95cm to the current 35.8m.

17) Am I right in thinking that some of this height reduction comes from digging out deeper or starting lower, and some from a reduction in the height of the building (of 95cm)?

A: Yes, the ground floor has been lowered.

18)Were CGIs requested for application 21/P0119 and was one provided then for the Eastern Elevation (facing Leeward Gardens) and if so can the committee see this?

A: Yes, the previous application did include CGIs from the front and rear. The front and rear views did show an oblique view of the east elevation, but not directly from Leeward Gardens.

19)Have you requested fresh CGIs this time and if so could the committee see these, particularly the Eastern Elevation, or is the CGI prepared by the residents (in November and on the basis of the present plans) the only one?

A: No we haven't requested CGIs this time.

20)I attach a CGI prepared in December 22 by the residents of Bluegates showing the Eastern Façade and also the proximity to Bluegates, which I you will have seen. Please could this be shown to the committee ?

A: I can't show drawings submitted by residents to PAC but they can send this directly to PAC members themselves.

21)Has there been any reduction in the North/South depth of the building, and is there a CGI or a drawing illustrating this?

A; The amendments to the proposal are set out on pages 7 and 8 of the agenda. There has been a small increase of approx. 40cm at front of the building following submission of the current scheme. The front of the building is however set back 1.05m from the previous refused scheme.

The proposed block plan on P39 of the agenda clearly shows the amendments to the footprint of the building.

22)I think I have sent you the old CGI (they are difficult to tell apart), attached is the latest one, done in December and based on the revised proposals that will be before the committee on Tuesday.

Please could this too be added to the information before the committee, perhaps together with the previous CGI to demonstrate the difference?

A: I can't show unverified CGIs submitted by residents to PAC but they can send this directly to PAC members themselves.

Additional Representations

There have been 7 additional letters of objection received concerning the following:

- No change compared to previous refused scheme (LBM Ref: 21/P0119)
- Factually incorrect / inaccuracies in officer report
- Inadequate refuse/recycling capacity
- Loss of daylight/sunlight, outlook and privacy
- Structural impact on Bluegates
- Overdevelopment of site
- Harmful impact on Conservation Area
- Overbearing impact
- Disruption during building works
- Lack of affordable housing

Additional objection received from Councillor Daniel Holden:

- no affordable housing, no contribution in lieu of (also primary reason for the previous application refusal). It doesn't make sense that the developer would go ahead with a scheme if it wasn't viable. Questions have to be asked around the financial viability assessments
- bulk, massing, siting, scale and rhythm (i.e. still too big)
- loss of light, aspect and outlook to adjoining neighbours, and privacy concerns
- pressure on underground streams/water that could cause flooding problems down hill, and rainwater attenuation
- impact on trees
- parking

Item 6 - 18 Whitfield Court, 508 Kingston Road, Raynes Park, SW20 8DT

Page 62

Para. 5.13 Thames Water response:

Having reviewed the details, we have no comments to make at this time.

Additional Representation

Additional representation received from the apostles Residents Association requesting that the Apostles Resident Association be consulted regarding the requirements/conditions of the Construction Logistics Plan and Working Method Statement. The ARA's particular concern being that best practice is, indeed, delivered and disruption to neighbouring properties is kept to a minimum.

Conditions

Page 77

Condition 5 (B5 Details of Walls/Fences) to insert 'Details to include siting, height, external appearance and hedgehog tunnels.'

Condition 26 (Fire Safety Statement) updated to:

The development shall be carried out in accordance with the provisions of the Fire Statement prepared by Anthony Jones and must fully comply with The Building Regulation 2010 (as amended) unless otherwise approved in writing by the Local Planning Authority.

REASON: To ensure that the development incorporates the necessary fire safety measures in accordance with the Mayor's London Plan Policy D12.

Member Questions:

Q: Under condition B5, can the height of the fence running between the development and Sydney and Dupont Roads, be conditioned at a sufficient height to ensure privacy for neighbouring properties?

A: This can be conditioned. I can tweak the condition wording to as follows:

No development shall take place until details of all boundary walls or fences are submitted in writing for approval to the Local Planning Authority. **Details to include siting, height and external appearance.** No works which are the subject of this condition shall be carried out until the details are approved, and the development shall not be occupied / the use of the development hereby approved shall not commence until the details are approved and works to which this condition relates have been carried out in accordance with the approved details. The walls and fencing shall be permanently retained thereafter.

Q: What is the nearest distance between windows in the proposed development and the gardens of neighbouring properties

A: From the drawings, the distance as shown by the red arrow in screenshot below is approx. 2.5m



Q: Looking at the SW elevation of the dwelling (p92), who does the rendered white wall face, and at what distance. Could it be made a living wall?

Q: Looking at the SW elevation of the summerhouse (p93) who does the wall rendered white wall face and at what distance. Could it be made a green wall?

A: The rendered wall of the house and the outbuilding faced onto properties fronting Dupont Road, no. 74-78 and 82 and 82 respectively. The separation distance to the rear boundary fence is approx. 0.5m, which is the width of the rear alleyway. Whilst Officers support the use of living wall however given the on-site situation and proximity to high boundary fences, it is not considered a living/green wall could be retained successfully in this location. The scheme already incorporates an extension green roof.

Q: Given the extent of the fencing provided, could hedgehog tunnels be included?

A: Yes, we can secure such details via condition.

Q: Re paragraph 7.2.1, are the distances of 14m and 19m given, to the properties on Dupont and Sydney or to the end of their gardens?

A: This is distance to the rear building line of the nearest properties fronting Dupont and Sydney Roads.

Q: If to the properties, how close would the bungalow boundaries be to the ends of the gardens of the properties in Dupont and Sydney? How close would the bungalow itself be to the ends of the gardens on either side?

A: It will be approx. 0.5m to the ends of the gardens to properties fronting Dupont Road and approx. 2.5m to the ends of the gardens to properties fronting Sydney Road.

Planning Appeal Decisions

Update with correct decision type

Page 100 - 21/P3982 (73 Cavendish Road, Colliers Wood, SW19 2EY) was not refused by planning committee. The application was refused under delegated powers; however, this decision was allowed at appeal.

This page is intentionally left blank