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# **Merton Council**

## **Planning Applications Committee**

**20 October 2022**

### **Supplementary agenda**

14 Modifications Sheet

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**Planning Applications Committee**  
**20<sup>th</sup> October 2022**  
**Supplementary Agenda**  
**Modifications Sheet.**

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**Item 5 - Bennetts Courtyard, Watermill Way, SW19 2RW**

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Additional consultation responses:

Para 4.11 *LBM Climate Change Officer comments (following submission of additional information) 07/10/2022:*

Comments confirm that no carbon offset contribution is required because the applicant has achieved >100% improvement against Part L through the use of solar PV.

Some additional queries in relation to details of PV panels and other detailed elements of the strategy.

No objection raised. Conditions recommended (as shown below in the amended recommendation).

Officer comment:

*The information relating to the fine detail of the climate change documents can be secured through the condition discharge process. Critically, the officer has confirmed that no carbon offset contribution is required and this is reflected in the revised*

*recommendation. A condition can be imposed to secure details of solar panels to ensure the visual impact is acceptable.*

#### 4.17 External Independent Financial Viability Assessor 06/10/2022:

The current scheme has been assessed by an independent viability assessor. It is noted that this is a different assessor (at the request of Members) to those which concluded that the previous scheme, 20/P3364 could have supported an affordable housing commuted sum of £71,425 and remain viable.

The assessors who have assessed the current proposal have concluded that this current scheme could support a significantly higher affordable housing commuted sum of £468,714. However, it is noted that the applicant has raised significant concern in relation to the detailed methodology and the assessor has acknowledged a number of points in the applicant's rebuttal, so there is a strong likelihood that this figure would be reduced through further negotiation.

Notwithstanding that, the applicant has made a without prejudice offer, similar to the previous application. However, whereas the contribution offered and accepted previously under 20/P3364 was a commuted sum of £150,000 (with no late stage viability review), the applicant now offers the full amount requested by the viability assessors, £468,714 (or on-site provision of 2 x 2 bed shared ownership units) on the basis that there would be no late stage review mechanism in the s.106, in order to avoid the uncertainty of this clause, which would have a significant impact on the funding/borrowing structure for delivering the development. This is an increase on the £170,000 offered originally under this current application.

Discussions with the applicant have indicated that it would not be feasible to provide any social rent or affordable rent units. However, a commuted sum would allow the Council some degree of choice as to how the affordable housing is delivered.

#### Officer comment

*Given that the financial commuted sum offered is significantly in excess of what would likely be secured were the figure further negotiated and given that the financial viability of development projects has generally decreased since the time of the previous financial viability assessment. Officers consider that this offer would represent a planning benefit to the scheme and therefore Officers put forward this offer as part of the recommendation for approval.*

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#### AMENDED RECOMMENDATION

Grant planning permission subject to s106 agreement securing the following:

- Restrict parking permits.
- Affordable housing commuted sum £468,714.00 and no late stage review mechanism
- The developer agreeing to meet the Council's costs of preparing [including legal fees] the Section 106 Obligations.

Amended condition:

18. No part of the development hereby approved shall be occupied until evidence has been submitted to the Local Planning Authority confirming that the residential development has achieved CO2 reductions in accordance with those outlined in a revised energy statement and wholesome water consumption rates of no greater than 105 litres per person per day.

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 SI2 of the London Plan 2021 and Policy CS15 of Merton's Core Planning Strategy 2011.

Additional condition:

19. In order to demonstrate compliance with the 'be seen' post-construction monitoring requirement of Policy SI 2 of the London Plan, the legal Owner shall at all times and all in all respects comply with the energy monitoring requirements set out in points a, b and c below. In the case of non-compliance the legal Owner shall upon written notice from the Local Planning Authority immediately take all steps reasonably required to remedy non-compliance.

a. Within four weeks of planning permission being issued by the Local Planning Authority, the Owner is required to submit to the GLA accurate and verified estimates of the 'be seen' energy performance indicators, as outlined in Chapter 3 'Planning stage' of the GLA 'Be seen' energy monitoring guidance document, for the consented development. This should be submitted to the GLA's monitoring portal in accordance with the 'Be seen' energy monitoring guidance.

b. Once the as-built design has been completed (upon commencement of RIBA Stage 6) and prior to the building(s) being occupied (or handed over to a new legal owner, if applicable), the legal Owner is required to provide updated accurate and verified estimates of the 'be seen' energy performance indicators for each reportable unit of the development, as per the methodology outlined in Chapter 4 'As-built stage' of the GLA 'Be seen' energy monitoring guidance. All data and supporting evidence should be uploaded to the GLA's monitoring portal. The owner should also confirm that suitable monitoring devices have been installed and maintained for the monitoring of the in-use energy performance indicators, as outlined in Chapter 5 'In-use stage' of the GLA 'Be seen' energy monitoring guidance document.

c. Upon completion of the first year of occupation following the end of the defects liability period (DLP) and for the following four years, the legal Owner is required to provide accurate and verified annual in-use energy performance data for all relevant indicators under each reportable unit of the development as per the methodology outlined in Chapter 5 'In-use stage' of the GLA 'Be seen' energy monitoring guidance document. All data and supporting

evidence should be uploaded to the GLA's monitoring portal. This condition will be satisfied after the legal Owner has reported on all relevant indicators included in Chapter 5 'In-use stage' of the GLA 'Be Seen' energy monitoring guidance document for at least five years.

Reason: In order to ensure that actual operational energy performance is minimised and demonstrate compliance with the 'be seen' post-construction monitoring requirement of Policy SI 2 of the London Plan.

Member questions:

Q: Knowing how attractive the heritage area of Merton Abbey Mills is for visiting, shopping and eating, I wondered exactly how tall the extended blocks would be, and the extent to which they will cause increased shadowing of the core area and the river.

A: 17.1m tall. The daylight and sunlight analysis submitted in relation to the previous application ([20P3364 Daylight Sunlight.pdf \(merton.gov.uk\)](#)), 20/P3364 dealt with light issues. It is of note that the previous application did not include a reason for refusal based on light impact. Therefore, it would be difficult to take a different view without risking an award of costs at appeal. Primarily daylight and sunlight assessments are aimed at residential properties. The impact of light to businesses is not specifically catered for in the guidance. However, due to the increased height, there would be some marginal additional overshadowing of the area to the north of the roof extensions.

Q: I note that the additional shadowing has been described several times as marginal, and I wondered what that assessment was based on?

A: The daylight and sunlight analysis previously submitted and the addendum from EB7 (Daylight and Sunlight Assessors). However, the report focuses on the impact on neighbouring residential units rather than an impact on the commercial area (as there are no standard guidelines to assess light levels to a commercial area).

Q: Is there a report that I have missed into the impact of the upwards extension on the light of the surrounding area, both residential and business?

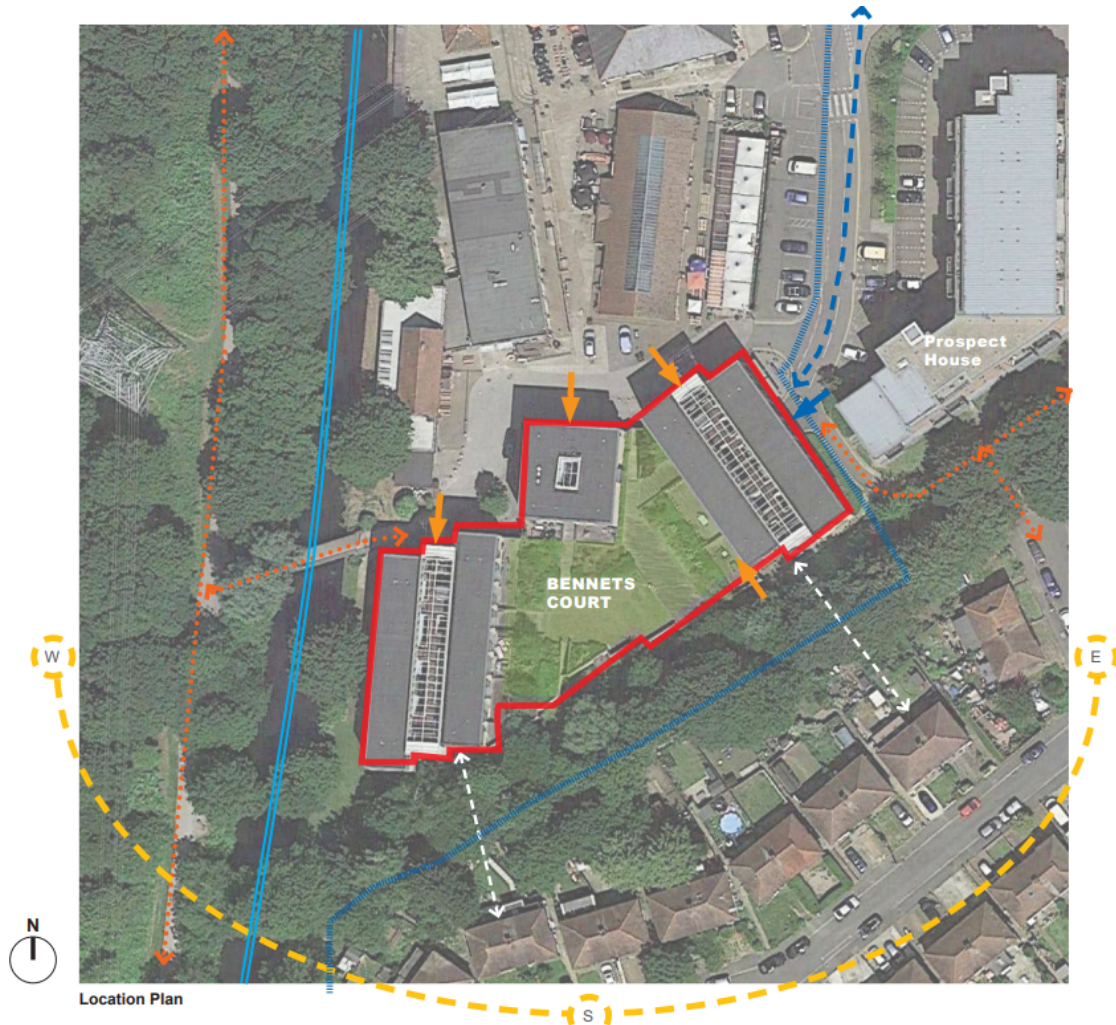
A: Please see the report referred to above

Q: In what way does the proposed extension enhance the public realm?

A: I presume that this query is related to the visual impact of the extensions rather than any specific 'public realm' improvements beyond the site boundary? If so, the visual impact of the roof extensions is a matter of judgement. Officers have concluded that the proposal would preserve the character and appearance of the Conservation Area, so largely a neutral effect.

Q: Where and at what times of the day would overshadowing fall?

There is not a plan that Officers could direct Members to which comprehensively shows this but the image below shows the existing shadowing, which would appear to be midday (as the shadows are to the north of the building). The shadow would extend in length beyond the existing shadow by around 25%.



Q: How in your view would the application conserve and enhance either the award winning architecture of Bennet's Courtyard, or the individual architecture and historic interest of the core area of Merton Abbey Mills?

A: Please see the report for the officer assessment. The test is whether it would preserve or enhance the character and appearance of the Conservation Area. Officers consider the proposal would preserve the character and appearance of the Conservation Area.

Key extract from report:

7.6.14 Officers acknowledge that assessing design and impact on heritage assets is a subject matter for each individual and was subject of lengthy

discussion by Members of the planning committee previously. Officers consider that the integrated approach to the design of the roof top extension is a more appropriate design choice that is more consistent with industrial character and appearance of the original building, especially when compared to the previous refusal (which had the extension set in from the edges of the building and contrasting materials). The current proposal has been reviewed by the Council's Conservation Officer, in conjunction with the Council's Interim Conservation Officer, who both conclude that there would be minimal additional visual impact, aside from an increase in height. In terms of the increase in height, it is felt that, overall, the proposal would have a neutral impact on the character and significance of the Conservation Area and setting of the listed buildings and adjacent scheduled monument.

7.6.15 Officers note the concerns raised in representations relating to the impact on the character of the existing building and Conservation Area but it is concluded that the rooftop extension would be a well-designed, modest addition which would not appear visually overpowering in local views and would satisfactorily preserve the character of the existing buildings, setting of adjacent listed buildings, Conservation Area and wider area.

7.6.16 The previous application was refused due to the impact on the character and appearance of the Conservation Area. The Council's Conservation Officer raised some concern with the previous proposal but does not identify any harm associated with the current proposal due to the matching materials and the fact that the additional floor continues the architectural form of the floor below.

7.6.17 Therefore, Officers conclude that the impact on the character and appearance of the Conservation Area would be acceptable, as set out above.

Q: Can we require the provision of disabled parking provision, and if we can, but don't insist, is there a possibility that there will be no disabled parking provided?

A: As per the agent's comments below, the existing on-site parking spaces are demised to residents so there is no opportunity to incorporate accessible parking within the scheme. However, the overall level of parking would be acceptable. Here is an extract from the report relating to the overall level of parking:

7.9.6 Currently there are 52 residential units on site and 45 car parking spaces (a ratio of 0.86 spaces per unit). The current proposal would result in 69 units on site (a ratio of 0.65 spaces per unit). Officers conclude that the limited parking demand could be adequately managed on site and would not warrant a refusal in planning terms.

Q: And finally, if the proposed upward extension would render the buildings 18m tall or more, will there be an obligation to commission an external wall survey, if so what is that likely to cost and who will have to meet that cost?



A: n/a as the buildings are not more than 18m.

Below are responses to Member questions from the planning agent:

Q: Knowing how attractive the heritage area of Merton Abbey Mills is for visiting, shopping and eating, I wondered exactly how tall the extended blocks would be, and the extent to which they will cause increased shadowing of the core area and the river.

A: The blocks to parapet would be 17.1m tall. In terms of the question about external wall combustibility, the 18m threshold relates to finished floor level not overall height. The FFL for this scheme is 13.83m and therefore the external wall combustibility issue under the building regulations not triggered here.

A detailed daylight, sunlight and overshadowing assessment was undertaken for the original scheme now at appeal and updated for this application. Given there is marginal differences in height the conclusion of the original assessment can be relied upon. An updated note was provided to support the new application based upon EB7's original assessment.

EB7 have stated in terms of shading, the limited height increase of the proposals means that any shading to the north would be contained in the roadway. The river would be broadly unaffected due to being to the west where any shadows would be in the very early morning.

Q: I note that the additional shadowing has been described several times as marginal, and I wondered what that assessment was based on?

A: This is based upon the assessment provided by specialists EB7 and submitted with the application.

Q: Is there a report that I have missed into the impact of the upwards extension on the light of the surrounding area, both residential and business?

A: EB7 assessment submitted with the application.

Q: In what way does the proposed extension enhance the public realm?

A: I am not entirely clear what is meant by this and no financial s106 contributions for public realm improvements have been identified as part of the assessment of the application. Any such contribution would need to be shown to be necessary and directly related to the proposed development in accordance with s122 of the CIL regulations to be lawful.

The application will be making CIL contributions.

Q: Where and at what times of the day would overshadowing fall?

A: See answer above.

Q: How in your view would the application conserve and enhance either the award winning architecture of Bennet's Courtyard, or the individual architecture and historic interest of the core area of Merton Abbey Mills?

A: The application has been subject to independent heritage analysis, the conclusions of which is that the proposal would not be harmful. This is underpinned by a thorough assessment which is set out within the report. This report should be read in full to understand the full justification against the relevant statutory tests.

The conclusion of this is supported by the Council's heritage officer, who has changed their stance from an objection to the previous scheme to support/ no objection for the reasons set out within the officers report.

We would note that there isn't a presumption against development affecting heritage assets and to do so would have significant consequences for development opportunities in Merton and beyond. No harm has been identified by this proposal, but even if there was considered to be harm we would note the guidance set out in the NPPF on this which states:

199. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

Q: Can we require the provision of disabled parking provision, and if we can, but don't insist, is there a possibility that there will be no disabled parking provided?

A: The existing on-site parking spaces are demised to residents so there is no opportunity to incorporate accessible parking within the scheme. Blue badge holders will have the opportunity to park on street.

Accessible cycle parking can be made available.

Q: And finally, if the proposed upward extension would render the buildings 18m tall or more, will there be an obligation to commission an external wall survey, if so what is that likely to cost and who will have to meet that cost?

A: See answer above. Any costs associated this scheme would be the responsibility of the developer.

## **Item 6 - 35 Woodland Way, Mitcham, CR4 2DZ**

### **Description**

Page 77

The development description has not been updated from its original form. Following amendments to the proposal (design changes and reduction in number of units), the development description is as follows:

Demolition of existing side garage and conservatory and erection of a part single storey, part two storey side/rear extension, hip to gable and rear dormer roof extension and conversion of property into 3 flats (2 x 3 and 1 x1 bedroom) including associated works.

## **Conditions**

### Page 91

Condition 11 (Biodiversity) to include the provision of hedgehog runs following request from members.

## **Consultation**

### Additional Information

The memo circulated to members from 37 Woodland Way raises a number of points. It's content raises objections to the proposals, these objections and others raised by neighbours are set out in paragraph 4.1.3 (page 80). Objections raised have been addressed in the committee report in relation to design and neighbour impact. It is however worth noting that the memo makes reference to the development proposing 5 units, when the development before members is for 3 new units.

In terms of consultation letters notifying neighbours of the planning committee. Our planning records show that letters were sent on the 10<sup>th</sup> Oct 2022 (10 days before the meeting) and the 12 noon deadline the day before the meeting relates to those persons who wish to speak at the committee meeting or provide any additional information. Officers are therefore content that neighbours were correctly notified of the committee meeting.

### Number of objections

#### Paragraph 4.1.3

17 individual properties in Woodland Way have objected to the proposal during the course of the application. The individual letters are in addition to the petitions received.

### Late objections

#### Page 80-81

#### 34 Woodland Way

I didn't receive a letter, but luckily a neighbour mentioned it. As this proposed development would be directly opposite our house I would ask that you reject this application. My home office would be looking out on it and I feel it would have an adverse effect on my quality of life. There aren't any flats currently on the street and this would be an over intensification of the site. There is also the impact it would have on parking on the street.

## Petition

Late petition (includes 20 properties). The letter states:

I write on behalf of the residents of Woodland Way, who object to any form of flats being built on our road, at anytime.

We do not appreciate that we have previously objected to said exterior works and yet here we are again, just because they've changed internal plans.

So to make things perfectly clear this time so we don't have to go through this again....

We the residents of Woodland Way object to any building works to add additional housing/flats to our lovely road. It will affect our water pressure, it will add to parking problems, as well as blocking sunshine to adjacent neighbours.`

Please find attached petition.

I thank you in advance for dealing with this matter once and for all.

## Officer response

As set out in the planning committee report, officers consider that the development is making efficient use of the site by delivering more housing, which is fully supported by the NPPF and will help Merton meet its changing housing targets.

Parking considerations are set out in section 6.8 (page 88-89) of the committee report. Note the development would be permit free whereby flats 1 and 3 would not be able to obtain car parking permits which promotes sustainable modes of transport and reduces impact on existing car parking in the area.

Neighbour Amenity considerations are set out in 6.5 (page 87-88) of the committee report.

Matters relating to water pressure are not a planning consideration.

## **Bin Storage**

### Page 89-90

Further to questions from members relating to bin storage, as set out in section 6.9.3, full details of bin storage can be controlled via planning condition. The planning condition which requires full details of bin storage (how many bins, location and storage design) would ensure that suitable facilities will be provided in accordance with Merton's standards. As part of that assessment officers would consider suitable locations both in terms of practicality and from a visual perspective. In this instance, the property benefits from both good sized front and rear gardens with access onto two street frontages so there is some flexibility. As part of a separate application to discharge the planning condition, the applicant would be required to submit full details of bin storage, officers would consult the Councils Waste Service Officer to ensure that the details are correct and make the most

efficient use of the space available (in terms of visual appearance and from a practical perspective).

### **Design and Access Statement**

(Page 95-100)

The Design and Access Statement was attached to the committee report in error as it relates to the original scheme and would not normally be attached to a committee agenda in any event. As set out in the committee report, the scheme before members has been amended from its original version (changes to design and number of units). The Design and Access Statement does however show members the original scheme, which could be beneficial to show how officers have sought to improve the overall development of the site.

### **Item 7 - 191 Worple Road, Raynes Park, SW20 8RE**

Agent comments (06/10/2022):

The agent has provided a revised elevation drawing to show red brick in place of the currently proposed render.

The agent has also accepted a condition to secure climate change mitigation measures but in addition, sets out that they have a specialist consultant on board who will provide calculations for the new development prior to preparing the contract drawings.

- The drawings will have BC Plans Check prepared prior to start.
- The calculations will comply with BCAD Part L1A 2021.
- The fabric energy efficiency – floor, walls, roof, windows and door u-values will meet the required target or better.
- We will install:
  - Combi boiler that will meet 25 mg/kWh.
  - Low flow radiators
  - AAA rated appliances

Upon completion the applicant will provide SAP calculations, EPC and an Air Tightness Test. These reports will be issued to Building Control for Completion Certificate.

Officer comment:

*In response to officer comments the applicant has offered to change the external construction materials to remove any render and replace it with red facing brickwork (in addition to the red brick quoining detail that is currently proposed, on a rendered wall). Officers consider that a brickwork wall would relate well to the surrounding area and as such would advise Members that this amendment should be accepted. However, it is out forward by the applicant to allow Members the choice, should they wish.*

*It is useful that climate change measures have been outlined and these can be secured by condition.*

Applicant's response to representations:

I have just been running through the Agenda and importantly the 26+ objections.....  
Most of these are either wrong, not applicable or personal opinions I feel.  
I will not comment on each as I am sure you have an able response for most of these.

Though, I feel it important if I can clarify a couple of points.  
I have number them 1 to 26:

9 & 5.3 – Noise from balcony.

If necessary we will be happy to install a brick wall instead of a glazed screen to the terrace/kitchen flat roof elevation.

10, 5.6 & 5.7 – Noise disturbance from restaurant in to new flat.

As mentioned in my email 17.10.22 and as per our Acoustic Report it will comply.

12 & 5.2 – Outlook from No.191.

I assume the change of scheme to set the original layout back in line with the terrace and therefore 7m away has addressed this point?

23 & 5.4 – S106

We accept this as a Condition.

24 – Means of escape.

A flat should not rely on a means of escape via a rear building that is not associated. Currently they would have to walk across the flat roof of the restaurant kitchen which the Fire Officer would not approve.

Our proposal is not making this situation worse.

Member Questions:

Q: The main source of light to this bungalow is via the skylight, which is an unusual and outstanding feature of this property. There are windows to the front of the property, but they face directly onto the street and so need the curtains to remain drawn, for privacy to be achieved. It has no windows to the side or rear.

Would the proposed development, lead to a loss of light, privacy and as a result a depreciation in value, to this rather unique and pleasant property?

A: There would be a marginal loss of light to the roof lantern but not to the extent that it would materially affect the neighbouring occupiers and officers conclude this would not warrant a refusal. There would be no overlooking as the proposed window on the southeast elevation would be obscurely glazed, and in any event, the angle of viewing would be very oblique. The impact on the character of the area and neighbouring amenity is a material consideration, the impact is considered to be acceptable as outlined in the

report. The impact on property values is not a material planning consideration, so cannot be directly considered.

Here is the roof lantern, in green and the area to be developed in red:



Q: Also, can you confirm that it would not impact on number 2 Trewince Road in respect of loss of light, ie that the rear windows for this terraced house would not be overshadowed by the proposed development.

A: There would be some marginal overshadowing to the rear of No.2 Trewince Road But the again the impact is not considered to be materially harmful due to the separation distance. The arrangement proposed is not dissimilar to what one would expect in a suburban environment.

Q: Looking at this application I am concerned about the apparent absence of a noise assessment (in respect of the proposed flat, which will be directly above the extended restaurant and kitchen), or a plan for noise insulation to protect the resident against noise transmission. Could adequate plans, to be approved by LBM Environmental Health and Planning officers, these be required as a condition of permission if it is granted?

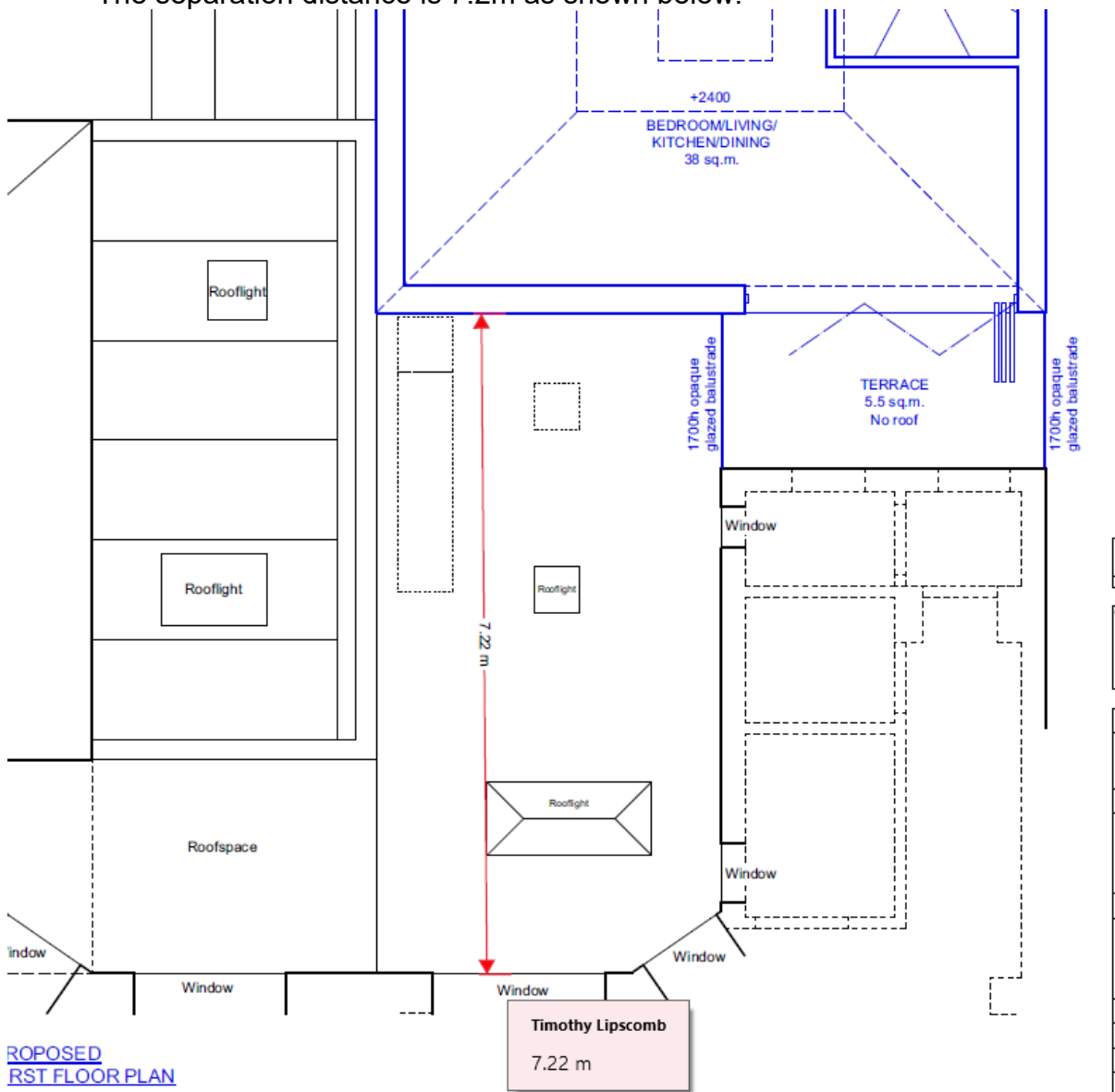
A: There is an acoustic design report as part of the application. It is on the website here: [22P0533\\_Sound Insulation Report\\_30.06.2022.pdf](#)

([merton.gov.uk](http://merton.gov.uk)). The report details the level of sound insulation required and the Council's Environmental Health Officer raises no concerns in this regard.

Q: Please could you clarify the "close proximity" between the proposed two storey extension and the residential buildings at 191B and 193 Worple Road, is this 7m or less (p162)?

A: The report states: "The proposed two-storey extension would stand in close proximity to the existing rear windows to the terraced, frontage building along Worple Road (above no.191 and no.193). The wall of the proposed extension would be situated just over 7m away from the rear facing windows to the first floor".

The separation distance is 7.2m as shown below:

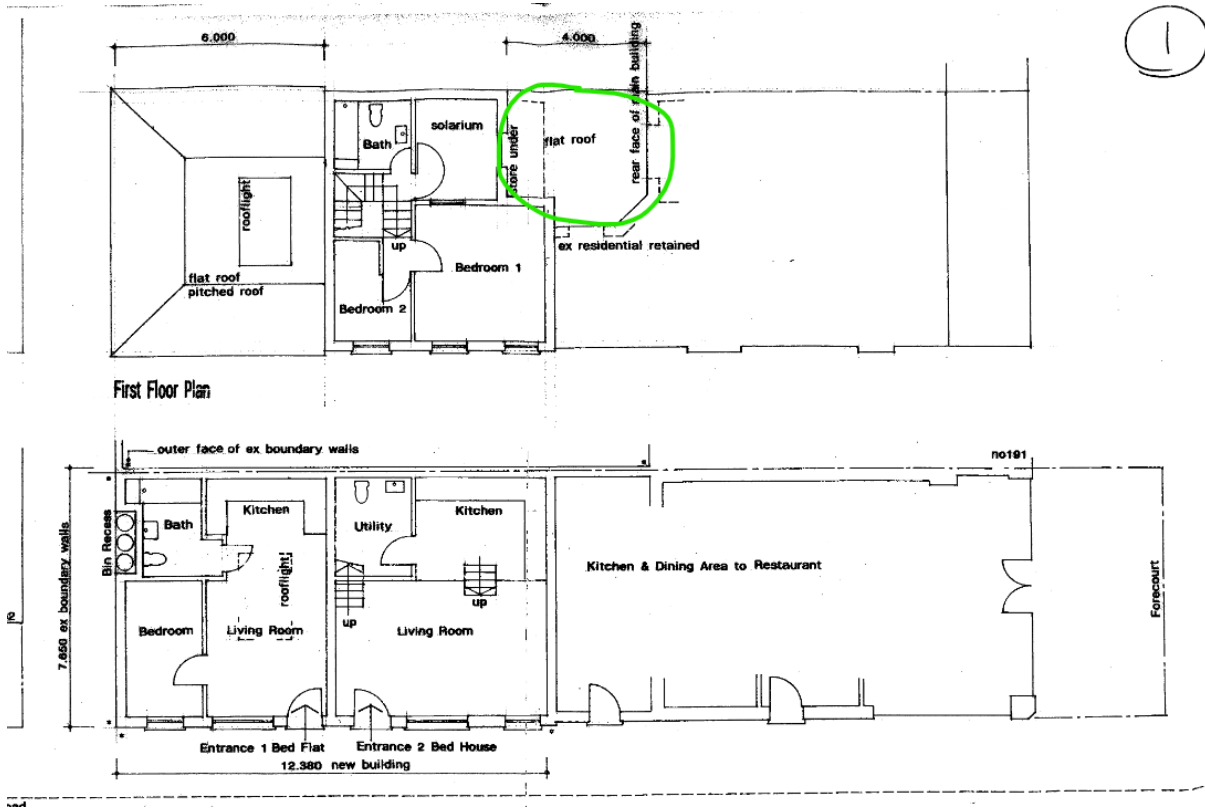


Q: How much further would the substantial proposed extension project, beyond the existing rear extension to number 193 Worple Road? Is there a visual image of what this will look like from the neighbouring gardens?



A: The rear extension to No.193 comprises 2A and 2B Trewince Road. The plans are shown below. I presume that the garden area you refer to is the one circled green below.

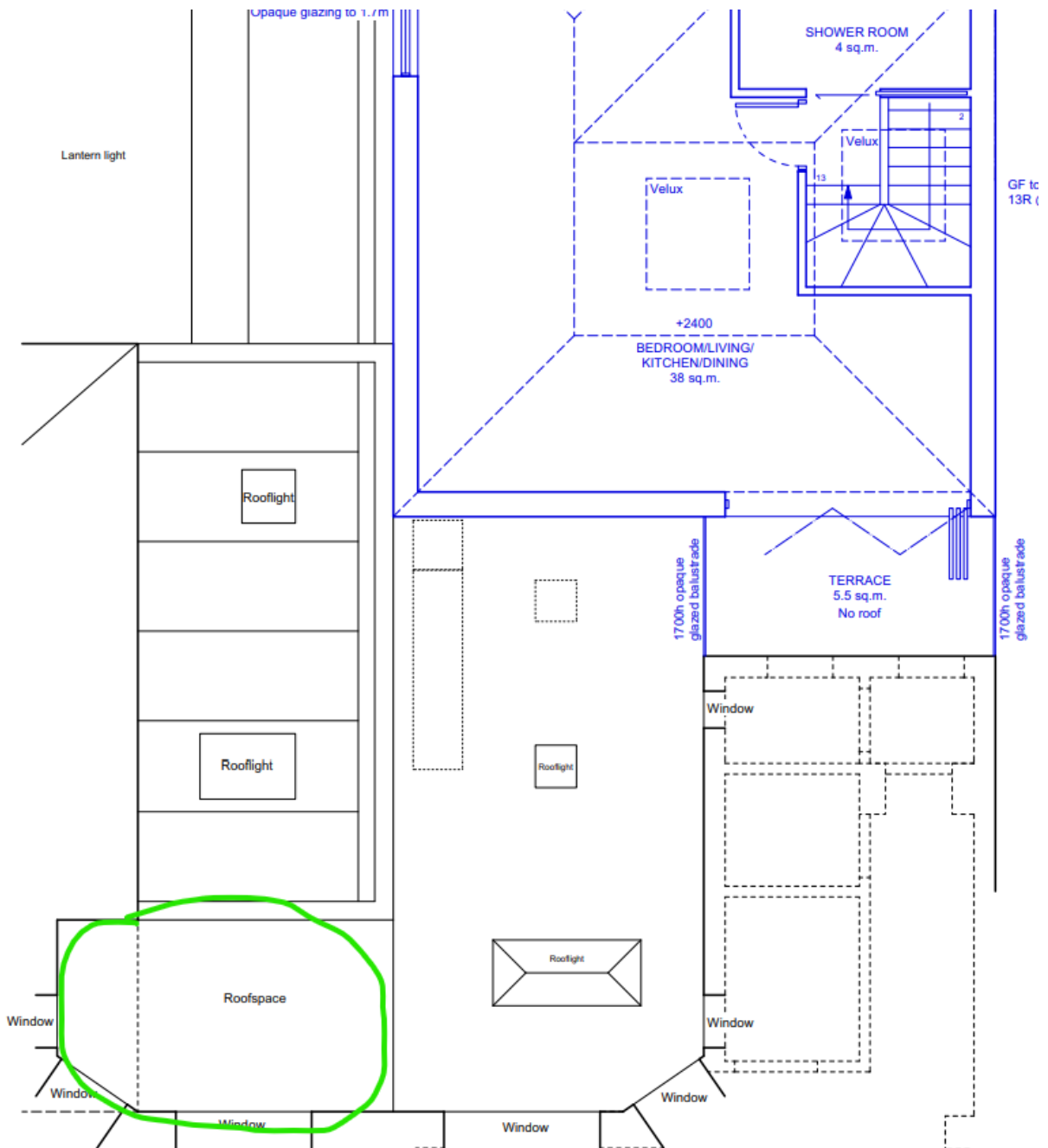
The rear extension would project to the same depth as the rear extension to 193 Worple Road. But the extension at no.193 is part single storey, part two-storey. The proposed extension would project to the same depth overall but would project 6.2m beyond the two-storey extension to the rear of no.191.





There are no CGIs or artist illustrations submitted as part of the application.

Due to the separation distance from the proposed extension, this area would not be significantly affected:



PROPOSED  
FIRST FLOOR PLAN

Applicant's response to Member Queries:

Q: Looking at this application I am concerned about the apparent absence of a noise assessment (in respect of the proposed flat, which will be directly above the extended restaurant and kitchen), or a plan for noise insulation to protect the resident against noise transmission. Could adequate plans, to be approved by LBM Environmental Health and Planning officers, these be required as a condition of permission if it is granted?

A: An Acoustic Design Report was sent to you on 30.06.22.

The current ground floor area is currently used as back of house for prep and storage for the restaurant. Obviously, this could change use at any point in the future for which we cannot be responsible, though we do understand this and we will design it to comply with current Building Regulations as explained in the Report.

The contract to build this will include the relevant details which will be checked by Building Control on site and by means of a Sound Test post construction. If necessary this can be conditioned and we can issue the same compliance report on completion.

Q: Please could you clarify the “close proximity” between the proposed two storey extension and the residential buildings at 191B and 193 Worple Road, is this 7m or less (p162)?

A: This is 7.2m.....not sure what p162 refers too though.

Q: How much further would the substantial proposed extension project, beyond the existing rear extension to number 193 Worple Road? Is there a visual image of what this will look like from the neighbouring gardens?

A: I am a little confused on this question and the word `substantial`. The depth of our extension aligns with the single storey extension to the rear of No.193. Which is actually No.2 Trewince Road. Whose neighbouring gardens is she referring to?

Q: I have a question regarding the impact of the planning application, on 2a Trewince Road.

A: What type of impact?  
There is no effect of privacy or daylight affected. The west facing window to the proposal is opaque up to 1700mm off the FFL which is compliant with regulations.  
Comments on the rooflight are below.

Q: The main source of light to this bungalow is via the skylight, which is an unusual and outstanding feature of this property. There are windows to the front of the property, but they face directly onto the street and so need the curtains to remain drawn, for privacy to be achieved. It has no windows to the side or rear.

A: I assume the design of this property met with the guidelines for daylight required for this habitable space and would use the front windows to achieve this target principally, more than relying on a rooflight. And as mentioned it appears to have been installed as a feature.

But, the rooflight is quite large and sufficiently far enough away from our building, which is further away than the two storey of No. 2 Trewince and so I believe there will be no effect to the daylight entering through this large

rooflight and importantly will not affect the light required for the property itself to comply with daylight guidelines, since it has the two front windows.

Q: Would the proposed development, lead to a loss of light, privacy and as a result a depreciation in value, to this rather unique and pleasant property?

A: I cannot see how this will be affected.  
Privacy & light are commented on above.  
Depreciation: This is more of a personal opinion in my view.

Q: Also, can you confirm that it would not impact on number 2 Trewince Road in respect of loss of light, ie that the rear windows for this terraced house would not be overshadowed by the proposed development.

A: I don't believe there are any rear windows as such.\*  
There are two rooflights. One very small rooflight to the flat roof area, unknown use, though by the size of it I would assume it is a bathroom or WC.

There is a larger rooflight (again room use unknown) though this is set further away (again unknown use).  
And I do not believe that our proposal will not affect the daylight ingress via both of these.

\* *Officer comment – I'm not sure that agent is referring to the adjacent end of terrace house here as he seems to be talking about 2a and 2B Trewince Road in his comment.*

## **Item 8 - 153 Links Road, Tooting, SW17 9EW**

### Member Questions:

Q: How will the waste be moved from the back to the front?

A: There is a side road so probably better in the back garden – it's a corner plot so there is access at the back of the site – a new gate could be created at the side or there is existing access at the back. Full details of refuse secured by planning condition.

Q: Is there a way whereby you can ask a developer/freeholder/landlord to adhere to a policy to be in compliance with appropriate and proper waste storage and usage for HMOs?

A: As above, condition requiring details of refuse storage secure by condition. Failure to comply with planning condition can result in enforcement action being taken. Article 4 direction is being worked on and a design guide (Supplementary Planning Document (SPD) for HMOs is being looked at as part of that. A Supplementary Planning Document (SPD) is required to ensure that guidance is in place against which planning applications for change of use to HMOs can be assessed and to provide a basis on which applications may be refused. Once approved for consultation, the SPD Consultation Draft would be a material consideration in the consideration of these applications and will set out the circumstances when HMOs are likely to be considered acceptable and unacceptable.

Q: HMO applications – can we ensure they are of a calibre on climate change? What about the future of gas boilers?

A: Officers seek advice from the Councils Climate Change Officer to establish if planning policy allows improvements for HMO. Members are keen to see if air source heat pumps can be included as part of climate change improvements. As above, the Council could look into the feasibility of introducing climate change measures as part of the Supplementary Planning Document (SPD) for new HMO's.

Q: If the Article 4 Direction is adopted, will it cover Graveney Ward?

A: When Cabinet met on 10<sup>th</sup> October, they resolved:

- That Cabinet approve an Immediate Article 4, noting the possible financial risk to the Council
- That Cabinet approve Consultation on the introduction of an immediate Article 4 Direction for small HMO's in Figge's Marsh; Graveney; Longthornton; Pollards Hill; Colliers Wood; Cricket Green and Lavender Fields Wards

The Consultation is due to commence towards the end of November 22, closing at end of January 23. Should the Council go ahead, it is intended that the Article 4 Direction would be confirmed by Council in April, and would take effect from 1<sup>st</sup> May 23. (Not September 2023 as per paragraph 7.4.1 (page 185) of the committee report.

Q: How many HMOs are there already in the nearby neighbourhood?

A: In addition to the 6 registered HMOs in Links Road (Nos 15, 26, 28, 52 & 264), officers can confirm that within the adjoining streets there are:

- Ipswich Road- 20
- Jersey Road- 19
- Vectis Road- 16, 50
- Vectis Gardens - 0
- Seely Road- 15, 26, 28, 264

The Councils HMO team also have the following HMO applications waiting to be licensed

- Links Road – 23
- Seely Road – 119, 129A, 185

Q In terms of registering a HMO, do all HMO's (including those under permitted development 3-6 persons) have to have a licence from the Council?

A: Only those that meet the threshold for Mandatory Licensing. That is a HMO accommodating 5 or more unrelated people. HMOs with 4 people or fewer are not licensable.

Applicant clarification to officer and member questions

The bedroom sizes do not include the ensuite bathrooms.

The applicant is keen to use energy saving techniques although would prefer increasing insulation and using low energy electrical fittings due to upfront cost and reliability issues with air source heat pumps. There is not enough external land area for a ground source heat pump.

The applicant is targeting a minimum EPC rating of 'c' (an improvement from the recent 'd' rating, valid for another 6 years) which can be confirmed to committee

### **Item 9 - 225 Streatham Road Streatham London, SW16 6NZ**

Recommendation

Recommendation updated to include refusal reason relating to highways due to late consultation response from the Councils Transport Planner.

Transport Planner Comments Updated

My email to you on 1<sup>st</sup> August raised the issue of vehicles driving straight across 'The Bungalows' and joining Streatham Road on the wrong side of traffic flow.

It appears the amended swept Path analysis drawings has not rectified this issue. Therefore, I am unable to support the proposal.

Reason: The site cannot accommodate adequate turning facilities to enable a vehicle to enter the highway in forward gear, which is essential to highway safety.

### **Item 10 – Galpins Road**

No mods

### **Item 11 – Planning Appeal Decision**

Member/public note – an error was reported within the Planning Appeal Decisions (item 9) and minutes of the 22<sup>nd</sup> September 2022 Planning committee. The following appeal was allowed rather than dismissed as reported. Correct details below:

**Application Number 21/P1111**

**Appeal number:** APP/T5720/W/22/3292876

**Site:** 30 Mostyn Road SW19 3LJ

**Development:** ERECTION OF A REAR OUTBUILDING.

**Recommendation:** Refuse (Delegated)

**Appeal Decision:** **ALLOWED**

**Date of Appeal Decision:** 19th August 2022

### **Item 12 – Planning Enforcement – Summary of Current Cases**

No mods