

# **Merton Council**

## **Planning Applications Committee**

**18 January 2018**

### **Supplementary agenda**

17      Modifications and Enforcement Report

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## Planning Applications Committee 18<sup>th</sup> January 2018 Supplementary Agenda (Modifications Sheet)

### **Item 5. 3 Alan Road, Wimbledon SW19 – 17/P3898 – Village Ward.**

#### Drawing numbers (page 1)

Additional plan 215a was submitted to provide further detail of south west side elevation.

\*Officers note that the plan is available on the Council website and will be shown at the meeting.

Amend drawing numbers to read as follows: 3AR P200 – Rev A, P208 – Rev A, P209 – Rev A, P210 – Rev A, P211- Rev A, P212 – Rev A, P213 – Rev A, P214 – Rev A, P215 – Rev A, P215a – Rev A, P216 – Rev A, P217 – Rev A.

#### Consultation – 5 (Page 4)

Add 5.4: It is noted that one of the objector's made contact on 17/01/18 to reiterate their objection. This pointed out inaccuracies in the plans in relation to the existing side extension at the subject site, and the windows shown at No.1 Alan Road. As this proposal is for a single storey rear extension, it was not considered this was relevant to making a determination on this application. However, a new accurate side elevation was provided following this (refer plan 215a), which shows the existing side elevations at No. 3 Alan Road accurately.

The objector also queried what material the flat roof of the extension would be, and was informed it would be lead.

Another objector made contact on the morning of 18/01/18, reiterating their original objection due to the views of the proposed extension from the property to the rear (No. 64 Church Road), and the locally listed status of the building. They believed that a re-consultation of the amended plans should be carried out. However, it is not standard practice to re-consult where the scale of the proposal has been reduced. The original objections were considered in the recommendation.

#### Recommendation (page 6)

Delete number 4. No-07 - Access for recording and replace with:

Inf-01. Historic England - The developer should be aware that Historic England have been informed of the proposed demolition of the Air Raid Shelter, and may investigate whether it should be listed/retained. This is a process separate to the Planning permission.

### **Item 6. 46 Alwyne Road, Wimbledon, SW19 – 17/P3218 – Hillside Ward.**

Amend drawing Nos. (Page 17) to read:  
0188\_PLN\_001(B) & 002(A)

### Planning Considerations.

Amend paragraph 7.42 (Page 21) to read:

The rear elevation of the house does not project beyond the rear wall of No.49, whilst the side wall is located 1.3m from the side boundary above ground level. It is therefore considered that the proposal would have an acceptable impact on the amenity of this property. It should also be noted that No.49 is a dental practice and therefore not in residential use. The proposed house would also extend only 2m beyond the rear wall of No.51 however it should be noted that the ground floor is located approx. 1.47m and the first floor 4.85m from the side wall of this house. It is therefore considered that the proposal would be acceptable in terms of its impact on daylight/sunlight and would not be visually intrusive or overbearing when viewed from this property. The proposal therefore accords with policy DM D2 of the Adopted Sites and Policies Plan and Policies Maps (July 2014).

### **Item 7. Garages R/O Grange Lodge, The Grange, Wimbledon, SW19 – 17/P3813 – Village Ward.**

#### Current Proposal (page 30):

3.1 The proposal is for the demolition of the two existing garage buildings...

Amend to read:

3.1 The proposal is for the demolition of the three existing garage buildings.

#### Consultation (page 31):

1 additional letter of objection (making a total of 12), objecting on the following new grounds:

- 5 bed houses are not required to meet the local housing need.
- Concern that green roof will not be provided or maintained.
- Concerns that tree protection measures are not sufficient.
- Concern that building does not have sufficient window openings and skylights and there may be future pressure to lop or fell the trees.
- The fact that the garages are not linked to Grange Lodge in the 1960s planning permission is not relevant as parking was not the issue then that it is now.

#### Officer comments:

- There is a need for the provision of more housing. As a single house scheme a reason for refusal could not reasonably be raised on this basis.
- A landscaping condition is recommended to ensure that details of planting (including the green roof) are provided, implemented and maintained for at least 5 years.
- The Tree and Landscape Officer has considered the proposals and is satisfied that the existing trees on site could be retained.
- There is no indication that the trees would need to be lopped or felled, particularly as they are to the northwest of the proposed dwelling and would not directly affect sunlight.

- The fact that there are no conditions tying the use of the garages to Grange Lodge is relevant as there is no restriction on the use of the garages and no requirement for them to be retained for garaging for use by occupants of Grange Lodge.

**Item 8. 237 Kingston Road, Wimbledon SW19 – Merton Park Ward.**

Consultation (page 55):

An additional letter of objection has been received (making a total of 7 letters), raising objections on the same grounds as those reported in the agenda.

**Item 9. High Range, 2 Lansdowne Road, West Wimbledon SW20 – 17/P3976 – Raynes Park.**

Site and surroundings (page 64).

Amend as follows:

- 2.1 The site comprises 2-3 Lansdowne Road, a predominantly five storey, flat roof building but with additional penthouse flat making up the fifth floor (6 storey in total), fronting onto Lansdowne Road. The existing penthouse flat has two double bedrooms.
- 2.2 The site has an area of 0.25 hectares.
- 2.3 The existing building is 14.6m in height in total (11.9m to the top of the main roof, not including the penthouse flat). The ground floor level of the building is approximately 2m lower than the level of the road, giving the building the impression of a four storey building when viewed from the road.
- 2.4 The building is constructed from grey brick. There are concrete balconies to the front of the building. To the front elevation is vertical glazing to the stairwells (some of which is in a state of disrepair).
- 2.5 There are two vehicular accesses into the site from Lansdowne Road leading to a parking area with garages to the rear of the site.
- 2.6 There is an unenclosed communal garden to the rear of the building, in which there are a number of mature trees.
- 2.7 There are currently 28 parking spaces on site (18 of which are within lock-up garages).
- 2.8 There are external bin stores to the side of the building (located adjacent to the access roads to the north and south side of the building).
- 2.9 The frontage of the site is demarcated by a hedge with openings for pedestrian access to the building. There are a number of mature trees within the hedgerow.
- 2.10 The rear of the site is enclosed by 2m high close board fencing, to the flank boundaries and a single storey garage block runs along the rear boundary of the site.
- 2.11 The surrounding area is mixed in terms of character, with a number of other flatted blocks in the vicinity, ranging in height from three to five storeys and also two-storey houses. There are existing rooftop penthouse flats at the application site currently and also at Warwick Court (flatted block to the south of the site).

- 2.12 The site is not within a Conservation Area but the West Wimbledon Conservation Area is located to the immediate north of the site.
- 2.13 The existing buildings on site are not locally or statutorily listed.
- 2.14 The site is within an Archaeological Priority Zone.
- 2.15 The site is within Flood Zone 1 (low probability of flooding).

Recommendation (page 80)

Additional Condition

In order to ensure that on-site trees are retained it is considered to be reasonable to impose a condition for tree protection.

- 10. F05 Tree Protection

**Item 10. Canons House, 19 Madeira Road, Mitcham Cr4 – 17/P1449 &17/P1450 – Cricket Green Ward.**

Recommendation (Page 88)

Insert:

Proposal A: GRANT PLANNING PERMISSION subject to planning conditions.

Proposal B: GRANT LISTED BUILDING CONSENT subject to planning conditions.

Recommendation – Proposal A (17/P1449) Conditions (Page 115)

Insert the following additional condition and informative following condition 20.

- 21. No demolition or development shall take place until a written scheme of investigation (WSI) has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no demolition or development shall take place other than in accordance with the agreed WSI, which shall include the statement of significance and research objectives, and
  - A. The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works
  - B. The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI

Informative: The written scheme of investigation will need to be prepared and implemented by a suitably qualified professionally accredited archaeological practice in accordance with Historic England's Guidelines for Archaeological Projects in Greater London.

Insert the following additional conditions:

9. Non-standard condition (window and door details):

No development [including demolition] pursuant to this consent shall take place until detailed drawings of new and replacement fenestration and doors (at a scale of no less than 1:20) have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in full accordance with the approved details.

Reason: In order to safeguard the special architectural or historic interest of the building and/or Conservation Area and to comply with the following Development Plan policies for Merton: policy 7.8 of the London Plan 2016, policy CS14 of Merton's Core Planning Strategy 2011 and policies DM D2, D3 and D4 of Merton's Sites and Policies Plan 2014.

10. Non-standard condition (Services and fittings details):

Prior to the installation of all new and relocated services and related fittings that are to affect the historic fabric or features of the buildings, be visible or where ducts or other methods of concealment are proposed; the position, type and manner of installation shall first be approved in writing by the Local Planning Authority. The works shall be carried out in full accordance with the approved details.

Reason: To protect the character and appearance of the Listed Building and to comply with the following Development Plan policies for Merton: policy 7.8 of the London Plan 2016, policy CS14 of Merton's Core Planning Strategy 2011 and policies DM D2, D3 and D4 of Merton's Sites and Policies Plan 2014.

11. Non-standard condition (Full schedule of works):

No works [including demolition] pursuant to this consent shall take place until a full schedule of works pertaining to the listed buildings and associated elements subject of this application has been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in full accordance with the approved schedule of works.

Reason: In order to safeguard the special architectural or historic interest of the building and/or Conservation Area and to comply with the following Development Plan policies for Merton: policy 7.8 of the London Plan 2016, policy CS14 of Merton's Core Planning Strategy 2011 and policies DM D2, D3 and D4 of Merton's Sites and Policies Plan 2014.

12. Non-standard condition (Lift details to be provided):

Prior to the commencement of any works [including demolition] regarding the construction of the new lift within Canons House, detailed drawings and samples of materials, as appropriate, shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in full accordance with the approved details.

Reason: In the interests of the appearance of the Listed Building and to comply with the following Development Plan policies for Merton: policy 7.8 of the London Plan 2015, policy CS14 of Merton's Core Planning Strategy 2011 and policies DM D2, D3 and D4 of Merton's Sites and Policies Plan 2014.

### Planning Considerations (page107)

Insert the following between paragraphs 7.13 and 7.14. Existing paragraphs 7.14-7.39 to be subsequently renumbered as 7.15-7.40:

7.14 Most of the trees to the perimeter of the site will be unaffected by the proposed works and therefore the views into the site will be unaltered. The trees to be removed include trees to improve views of The Canons building and trees that are too close to Madeira Hall. Most of the changes will be around the pond and within the car park. This will create an opportunity to re-visualise the form and structure of trees within the new landscape. The landscaping aims to restore the overall landscape through a more considered and selectively structured approach.

### Consultation.

Amend end of neighbour consultations (page 97) as follows:

- Concern that as a Council project, the application is subject to a conflict of interest in its assessment by Council.
- Officers have sought advice from the Council's Legal Services and advise that under the provisions of the Arrangements for Handling Heritage Applications - Notification to Historic England and national Amenity Societies and the Secretary of State (England) Direction 2015 which came into force on 15<sup>th</sup> April 2015 the Council must undertake the notification of specific bodies, which it has done, and can determine certain listed building consent applications including the subject application.

Add the following to the end of section 5.7 (Council's Design Review Panel):

#### Responding Officer Comments:

Following review of the initial proposal by Council's Design Review Panel, the scheme was revised into its current submitted form. Commentary regarding the manner in which the DRP's comments are addressed in the new scheme have been provided by the applicants architects (Simpson Green), the Head of Future Merton) and the Council's Conservation Officer.

For ease of reference, the responding comments are summarised in the following table:

<b>DRP Issue: Economic viability or proposed uses and their reflection in the Business Plan.</b>
<u>Note:</u> the business plan and future economic viability of the site is not considered to be a material planning consideration with regards to the assessment of the current applications.

<b>DRP Issue: Convoluted and cluttered entrance to the house with awkward ramps and new service and plant</b>	
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<b>rooms.</b>	
Simson Green (Architects) Comments:	<p>The design team has worked closely with the Council and the Canons Partnership since the Design Review Panel over the design of this key space. The resubmitted proposals in September 2017 addresses the issues raised by the Panel - Dwg Nr. 954/115 Rev. E. Crucially the proposals now omit the plant room from this area and relocate it within Madeira Hall. This has provided opportunities for improving the space to enhance the setting of Canons house as well as fulfilling the potential of the space.</p> <p>The new proposals have the following qualities:</p> <ul style="list-style-type: none"> <li>• it acknowledges the importance of the space as a focal point, entrance to the house and to the café, with views to both sides of the landscape – over East Lawn and West Lawn, as well as improving access across the site</li> <li>• it includes a simplified arrangement of ramps and a less cluttered entrance to the house</li> <li>• it includes a small storage room and office adjacent to the community wall</li> <li>• it retains the use of brick for the new café, office and retaining walls rather use render as suggested by the Design Review Panel as it is felt that these new structures should not be confused as being part of Canons house, but instead they would replicate the former ancillary buildings that were originally in this area and would relate more with the garden walls, especially the east-west wall which the proposed café adjoins</li> </ul> <p>most importantly it reveals the north elevation of the Canons house which is in its own way, is as interesting and attractive as the other elevations</p>
Head of Future Merton Comments:	<p>The amendments at pre-app following the DRP create a well-designed and large open space. The space has been enlarged again slightly since the pre-app and the enclosed porch has been replaced with a simple, elegant glazed canopy. The ramp is well integrated and there is sufficient space for planting. There remains potential conflict between café seating and the role of the space as a through route and as a focal point. A clear management plan is recommended to address this. It is clear in my mind that this issue has been more than adequately resolved since the DRP</p>

	comments.
Conservation Officer Comments:	There has been considerable amount of thought put to this area since the DRP and their comments are not aimed at the present proposal. It is essential that a ramp is incorporated within this area as it will be the only access for those with mobility issues. wheel chair users and young families with pushchairs. Previously community uses of the building have been hindered by poor access for such groups. After many layouts being rejected this one was considered the most able to fill all needs which allows for visitors to gather at the entrance before entering. The new side building which has been reduced in size is scaled to represent an outhouse of the time. Previously such buildings were in this position. The new building will no longer house the boiler which has been relocated internally but will provide an office to serve the public entrance and a small store. An inconspicuous glass canopy added will protect visitors from the weather. Planting will enhance the approach.

<b>DRP Issue: Use of brick for new community wall and structures adjoining the northern face of The Canons building.</b>	
Simson Green (Architect) Comments:	No additional commentary provided.
Head of Future Merton Comments:	It is important the wall is seen as subservient to the house and the applicant's response is valid in this respect. Therefore the Conservation Officer, Design Officer and Applicant all feel the same and in this case do not agree with the Panel.
Conservation Officer) Comments	The new plaza north of the Canons is a bit of no man's between the two areas, each representing different times and architectural styles but it will have its own character and become a social space. The new wall which is important to the community will be an addition to the garden walls therefore it is important that it is in brick. Care will be needed in selecting a compatible brick. The small new building will be subservient to Canons House and would have no pretence as to be part of the original building.

<b>DRP Issue: Location of the new lift within Canons House.</b>	
Simson Green (Architect) Comments:	The design team believes that the lift is placed in a good position, both practically

	<p>and in terms of the conservation of the building as it is located in the least significant rooms. Therefore they have been no changes to the design presented to the Design Review Panel – please refer to Dwg. Nrs. 20.10 AP1 and 20.10 APR.</p> <p>Historic England raised no objection to the lift <i>‘recognising the importance and benefits of providing inclusive public access into the building, and consider that the intervention could be balanced by the scholarly reinstatement of features and proportions elsewhere in the Mansion’.</i></p> <p>The proposals for the lift and an explanation of the significance of the fabric that the lift will affect is contained within the Design Statement submitted with the planning and listed building consent applications. Both Conservation Plan and supporting statement show that the lift does not impact on significant historic fabric or spaces. Historic England understood this at an early stage as has the HLF monitor (if that is the right term for Paul Drury). For their discussion, the Design Review Panel did not have the benefit of a full discussion or explanation. The members of the Design Review Panel had not read or understood the implications of the Conservation Plan. Although it is clear that the lift in the position proposed would affect the interior of the building, it would not harm fabric which has heritage value. An options analysis has been included in the supporting statement. This shows that other positions for a lift would have greater physical or visual impact on the building or would waste space within the building due to the need to provide a corridor and other access.</p> <p>The position of a possible lift has been considered in detail during the development of the design. Every possible position for the lift has been considered. It is clear that the lift cannot pass through any part of the interior of the building which has significance. This restricts the possible position of the lift to the north east quarter of the plan. The lift cannot be placed in the position of the original second stair which, in any case, has some significance at its upper level. A lift in the current ground floor kitchen area would work well for the basement but on the levels above it could involve the introduction of corridors into spaces with some significance (such as cornices and 19th century joinery)</p>
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	<p>which we hope to keep as undivided spaces. This leaves the lift in the position it is shown in the proposals.</p> <p>At the Design Review Panel, a lot of stress was put in the fact that this is a Grade 2* listed building which is unusual in Mitcham. But the rarity of Grade 2* heritage in Mitcham cuts both ways. It is absolutely right to say that all listed buildings should be protected and the values which make them important should not be altered, but it is also important to provide a sustainable use which protects our listed heritage. In this case, due to the use and the funding proposed, it is clearly desirable to provide access for as many people as possible throughout the buildings, not solely able-bodied people. In this case, we believe that this access can be provided without damaging any heritage values, if the lift is placed in the best position.</p> <p>The Conservation Plan is fundamentally important to the heritage approach that has been taken towards the design of these buildings interventions and comment which does not take it into account is not fully informed. There is no historic fabric in the basement level in the lowest part of the lift which is simply a void with finishes apparently added during the 1980s. On the first floor, the lift would pass through the interiors which it is most desirable to remove at The Canons, the poor quality toilet interiors introduced in the 1980s or more recently.</p> <p>It is possible that there is historic fabric in the floor structure between basement and ground floor, and between ground floor and first floor. There is some evidence that it has been altered but this evidence itself might contribute to our understanding of the history of the building. If the lift is installed in this position, then an archaeological record will be made of the fabric of the floors that are disturbed to accommodate it. Particularly careful record will be made of any historic fabric that is visible in this process. If historic fabric has to be removed within the floor structure to accommodate the lift then it would be salvaged and reused.</p>
Head of Future Merton Comments	<p>The concern of the Panel, which was legitimate, was to ask the applicant to explore less visually invasive means of wheelchair access. They suggested a compromise justified by the Grade II*</p>

	<p>designation. However, the applicant, officers and HE were less concerned. Full disabled access will also bring increased flexibility which will aid the business case and finding a long term sustainable use for the historic building was also something the Panel were concerned about. This was a key reason for the Panel reaching their RED verdict as they felt that the other options had not been fully explored. It may be that this was fully explored by the applicant but that a full answer was unable to be given at the time. I have suggested in my previous response that the physical impact of the lift can be reduced by its design – such as avoiding a bulky enclosure and making it as lightweight as possible. This can possibly be conditioned in a planning permission.</p>
Conservation Officer Comments:	<p>The position chosen for the lift is supported by Historic England and officers as it will impact the least on the historic fabric of the building. It will be adjacent to the main stairwell without any negative impact on it. The introduction of a lift allows for full access to the building which supports its future sustainability.</p>

#### Consultation (5) – External Consultations (Page 103):

Insert the following after section 5.16 and before Section 6.

##### 5.17 The Georgian Society

Canons House is a Grade II\* house dating from the latter half of the seventeenth century. It is a fine example of development in semi-rural areas surrounding London by wealthy London business men for use as weekend retreats. The building has been extensively altered over the years and yet still retains a visible relationship with the original landscaping dating back to the late eighteenth and early nineteenth centuries – primarily the Grade II Obelisk and the Grade II\* dovecote.

The history of the house during the twentieth century saw significant change. It was sold to the Mitcham Corporation in 1939 for community use and sporting facilities. The adjacent Park Place was later purchased by the Corporation in 1965 and The Canons Leisure Centre was opened in the 1980s. However, as the Design and Access statement mentions, 'Significant elements of the designed landscapes remain, reflecting the character of the two estates'.

The proposals relate to a second round HLF 'Parks for People' grant for £4,400,700 (c.86% of the total cost of the project).

The Georgian Group has some concerns over certain elements of the proposals:

- The insertion of the new lift: We ask the Local Authority to ensure that the proposed location of the lift has been thoroughly and persuasively justified in the application.
- The impact of the new entrance on the setting of the heritage asset: The Merton Design Review Panel describes it as 'convoluted and cluttered', which is hardly fitting for a listed building. We ask that the Local Authority seriously consider the design and location of the new entrance and assess its suitability and whether it will lead to substantial harm. We direct them specifically to paragraph 133 of the NPPF:

Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- the nature of the heritage asset prevents all reasonable uses of the site; and
  - no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
  - conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and
  - the harm or loss is outweighed by the benefit of bringing the site back into use.
- The loss of 2.5m of curtilage listed wall: Historic England raised their concerns over the loss of historic fabric of the wall in their pre-application advice. We note from their most recent correspondence that they are pleased that the loss of historic fabric has been reduced to 2.5m. However, we do not feel that even this amount of wall has been justified. The Conservation Management Plan lists it as being of significant historic interest and as such we feel it should be retained. We ask the Local Authority to weigh up the loss of historic fabric against the benefits of loss and comes to a conclusion accordingly.

To conclude, we ask the Local Authority to weigh the application carefully making full use of the guidelines outlined in the National Planning Policy Framework (NPPF). In particular paragraphs 131, 132 and 134.

5.18. The Society for the Protection of Ancient Buildings:

No formal response yet received.

5.19. The Ancient Monuments Society:

No formal response yet received.

5.20. Greater London Archaeology Advisory Service (G.L.A.A.S):

No objection subject to conditions.

The National Planning Policy Framework (Section 12) and the London Plan (2011 Policy 7.8) emphasise that the conservation of archaeological interest is a material consideration in the planning process. Paragraph 128 of the NPPF says that applicants should submit desk-based assessments, and where

appropriate undertake field evaluation, to describe the significance of heritage assets and how they would be affected by the proposed development. This information should be supplied to inform the planning decision. If planning consent is granted paragraph 141 of the NPPF says that applicants should be required to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) and to make this evidence publicly available.

The planning application lies in an area of archaeological interest (Archaeological Priority Area) identified for the Local Plan: Mitcham.

The submitted Archaeological Desk Based Assessment (Addyman Archaeology, February 2016) shows a clear potential for archaeological remains associated with a medieval moated farmstead and the later, extant Canon House which is grade II\* listed. That being said the development impacts are either small and localised or located in areas where there has already been substantial past development which will have affected archaeological survival. The overall archaeological impact from the proposed development is therefore unlikely to be extensive. In light of this a programme of archaeological investigation in the form of a watching brief during development would be proportionate to the scale of the impact.

Additionally the proposals will affect a number of listed structures as a result of either alterations or repairs. A historic building survey was carried out in 1997 by CgMs and together with the submitted Design and Access Statement Part 2: Listed Buildings and Madeira Hall (Simpson and Brown, September 2017) there is already good record of the listed historic structures within the site. No further historic building recording is recommended.

Appraisal of this application using the Greater London Historic Environment Record and information submitted with the application indicates that the development is likely to cause some harm to archaeological interest but not sufficient to justify refusal of planning permission provided that a condition is applied to require an investigation to be undertaken to advance understanding.

The archaeological interest should be conserved by attaching a condition requiring a written scheme of investigation (WSI) to be submitted to and approved by the local planning authority before development commences. For land that is included within the WSI, no demolition or development shall take place other than in accordance with the agreed WSI.

5.21 The Victorian Society:

No formal response yet received.

5.22 The Twentieth Century Society:

No formal response yet received.

**Item 11. Land at Shannon Business Centre, Rookwood Avenue, New Malden – 17/P3807 – West Barnes Ward.**

No modifications.

**Item 12. 1F Seely Road, Tooting SW17 – 16/P4333 – Graveney Ward.**

No modifications.

**Item 13. 23 Streatham Road, Mitcham CR4 – 17/P3677 – Figges Marsh Ward.**

Planning considerations (page 170).

Amend paragraph 7.8 to read.

In the car park 1 rapid charger covering two spaces and passive provision for 9 no fast chargers covering 9 spaces will be provided.

**Item 14. 7-9 Heath Mead, Wimbledon SW19 – TPO 717 – Village Ward.**

No modifications.

**Item 15. Planning Appeal decisions.**

No modifications.

**Item 16. Enforcement summary.**

Report attached.



# **Committee:** Planning Applications Committee

**Date:** 18<sup>th</sup> January 2018

**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** Ray Littlefield: 0208 545 3911  
Ray.Littlefield@merton.gov.uk

## **Recommendation:**

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That Members note the contents of the report.

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### **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 staffing levels in the Planning Enforcement Section.**

It should be noted that this section currently comprises of:

The Deputy Planning Enforcement Manager (full time).

Two Planning Enforcement Officers (full time) Two Tree Officers (one full time one part time).

The Planning Enforcement Manager resigned in February 2017 and this position is not being filled as the team has been reduced from four to three Planning Enforcement Officers in the recent round of savings.

<b>Current Enforcement Cases:</b>	<b>700</b>	<sup>1</sup> (682)	<b>New Appeals:</b>	(0)	(0)
<b>New Complaints</b>	35	(37)	<b>Instructions to Legal</b>	<b>1</b>	(1)
<b>Cases Closed</b>	<b>17</b>		<b>Existing Appeals</b>	<b>5</b>	(5)
No Breach:	12		<hr/>		
Breach Ceased:	5		<b>TREE ISSUES</b>		
NFA <sup>2</sup> (see below):	0		<b>Tree Applications Received</b>	<b>51</b>	<b>(41)</b>
Total	17	(22)	<b>% Determined within time limits:</b>	<b>93%</b>	
<b>New Enforcement Notices Issued</b>			<b>High Hedges Complaint</b>	<b>0</b>	<b>(0)</b>
Breach of Condition Notice:	0		<b>New Tree Preservation Orders (TPO)</b>	<b>0</b>	<b>(4)</b>
New Enforcement Notice issued	1	(0)	<b>Tree Replacement Notice</b>	<b>0</b>	
S.215: <sup>3</sup>	0		<b>Tree/High Hedge Appeal</b>	<b>0</b>	
Others (PCN, TSN)	0	(0)			
Total	0	(0)			
<b>Prosecutions:</b> (instructed)	1	(1)			

Note (*figures are for the period 5<sup>th</sup> December 2017 to 12<sup>th</sup> January 2018*). The figure for current enforcement cases was taken directly from M3 crystal report.

<sup>1</sup> Totals in brackets are previous month's figures

<sup>2</sup> confirmed breach but not expedient to take further action.

<sup>3</sup> S215 Notice: Land Adversely Affecting Amenity of Neighbourhood.

## 2.00 New Enforcement Actions

### **242 – 244 LONDON ROAD, MITCHAM, LONDON, CR4 3HD**

The council issued an Enforcement Notice on the 12th January 2018 for 'erection of 3 air conditioning units at the side of the ground floor of the Land . The notice requires the removal of the 3 air conditioning units on the side of the ground floor; and will take effect on 12th February 2018 with a compliance period of one month of this date unless an appeal is made.

- **9 Albert Road, Mitcham.** The property has been converted into 2 self-contained flats without planning permission. The service of a planning enforcement Notice has now been authorised.

**18 Warminster Way, Mitcham, CR4 1AD.** The council issued an Enforcement Notice on the 20th March 2017 for 'erection of a single storey rear extension on the Land. The notice requires the structure to be demolished and would have taken effective on 27th April 2017. An appeal has now been lodged, and is in progress. Awaiting appeal site visit date

**1 Cambridge Road, Mitcham, CR4 1DW.** The council issued a S215 notice on 21st August 2017 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 took effect on the 21st September 2017. Prosecution proceedings are now being considered.

### **Some Recent Enforcement Actions**

- **117 Haydons Road South Wimbledon SW19.** The Council reserved an Enforcement Notice on 9<sup>th</sup> February 2016 against the unauthorised conversion of the former public house into eight self-contained flats. The notice came into effect on 18<sup>th</sup> 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 kitchen units. Court action is currently on-going to re-possess the remaining two flats.
- **Burn Bullock, 315 London Road, Mitcham CR4.** A Listed Buildings Repair Notice (LBRN) was issued on 27<sup>th</sup> 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 3<sup>rd</sup> 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 29<sup>th</sup> 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 officers will be reviewing and making their recommendations. Case to be re-allocated to a new officer but kept under re-view.

A pre-app has been submitted which covered converting the upper floors to residential and proposal for new development at the rear and at the side. Proposals included improvements to the cricket pavilion. A pre-app report has been made.

At the site visit it was observed that there is a new ingress of water from the roof. This was pointed out to the owner asking for immediate action.

- **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. No action has been taken by the owner. The Next step is to either take direct action or prosecution. This case is now to proceed to prosecution.
- **14 Tudor Drive SM4.** An Enforcement Notice was issued on the 9th February 2017 to cease the use of the land (outbuilding and garden) from residential (Class C3) to storage (Class B8). The Notice took effect on the 15th February 2017, no appeal was made. Compliance with the Notice was expected at the end of March 2017. Site visit to be undertaken to check for compliance.

### **3.00      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 was notified of an appeal. The compliance period is two calendar months. The appeal site visit will be held on 29th January 2018
- **58 Central Road Morden SM4.** An Enforcement Notice was issued on 10th January 2017 for the demolition of an outbuilding. The Notice would have taken effect on the 15th February 2017, requiring the demolition of the outbuilding to be carried out within 2 months. An appeal was lodged, and started. An appeal statement in support of the demolition of the outbuilding has been submitted. Waiting for the inspectorate decision.
- **218 Morden Road SW19.** An Enforcement Notice was issued on 23rd January 2017 for the demolition of the current roof to its original condition prior to the breach in planning control or construct the roof pursuant to the approved plans associated with planning permission granted by the Council bearing reference number 05/P3056. The Notice would have taken effect on the 28th February 2017, giving two months for one of the options to be carried out. An appeal against this Notice was submitted. The appeal site visit will be held on 29th January 2018.
- **12A Commonside West.** On 06/03/17 the council issued an enforcement notice against the unauthorised erection of a single storey rear outbuilding. The notice would have come into effect on 15/4/17. An appeal has now been lodged and a start date has now been given. Appeal statement has been submitted to the inspectorate. Appeal site visit was held on 12<sup>th</sup> December 2017, awaiting outcome.
- **58 Central Road Morden SM4.** An Enforcement Notice was issued on 10th January 2017 for the demolition of an outbuilding. The Notice would have taken effect on the 15th February 2017, requiring the demolition of the outbuilding to be carried out within 2 months. An appeal was lodged, and started. An appeal statement in support of the demolition of the outbuilding has been submitted. Awaiting for the inspectorate decision.

### **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. The Structure is still present. No compliance, awaiting prosecution.

**Land at 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 was submitted. 11<sup>th</sup> April 2017 Appeal dismissed and Notice upheld. The compliance date was 12<sup>th</sup> May 2017, however an acceptable scheme has now been approved.

**2 and 2A Elms Gardens, Mitcham.** An enforcement notice was issued on 12th January 2017 against the erection of a single storey bungalow at the rear of the property. The notice would have come into effect on the 18th February 2017 but an appeal has been submitted. The Appeal start date was 19th March 2017 and a statement has been sent. The planning appeal site visit is to be held on 1st September 2017. It was found on the appeal site visit that the building had been altered and could no longer be considered by the inspector to be a “bungalow” and as such the enforcement Notice referring to a “bungalow” was quashed by Decision letter dated 27th September 2017. The Council is now going to issue a new enforcement Notice referring to the building as 3 garages.

**36A Cromwell Road, SW19** – Following a complaint about a **high hedge** at this address, the council served a Remedial Notice on the owner to reduce the hedge to the specified height of 3.9 metres. The subsequent appeal was dismissed and the effective date for the Notice has been re-set to 1 September 2017. The owner has 3 months to carry out the specified work. After that time, the council can decide what form of enforcement action is appropriate for this case.

### 3.3 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. This case is to be re-allocated to a new officer.
- **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 to be instigated. The front garden has been cleared, however the bulk of the requirements of the Notice have not been complied with. Direct action is now under consideration.

- **55-61 Manor Road, Mitcham.** An enforcement notice was issued 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 no notification of an appeal was 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 failed to comply with the notice, the Council was progressing prosecution proceedings. However, the owner stated that the Notice would be complied with by 21st April 2017. However the Notice was not complied with and prosecution proceedings have now been instigated. A prosecution statement in consultation with the legal services is now in progress

### **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**

N/A