

Merton Council

Planning Applications Committee

Membership

Councillors

Linda Kirby (Chair)
Najeeb Latif (Vice-Chair)
Laxmi Attawar
David Chung
David Dean
Russell Makin
Simon McGrath
Peter Southgate
Marsie Skeete
Dave Ward

Substitute Members:

Stephen Crowe
Daniel Holden
Edward Foley
Rebecca Lanning
Dennis Pearce
Carl Quilliam

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

Date: 28 June 2018

Time: 7.15 pm

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

This is a public meeting and attendance by the public is encouraged and welcomed. If you wish to speak please see notes after the list of agenda items. For more information about the agenda and the decision making process contact democratic.services@merton.gov.uk or telephone 020 8545 3356

Press enquiries: press@merton.gov.uk or telephone 020 8545 3181

Email alerts: Get notified when agendas are published
www.merton.gov.uk/council/committee.htm?view=emailer

For more information about Merton Council visit www.merton.gov.uk

Planning Applications Committee

28 June 2018

- 1 Apologies for absence
- 2 Declarations of Pecuniary Interest
- 3 Minutes of the previous meeting 1 - 8
- 4 Town Planning Applications
The Chair will announce the order of Items at the beginning of the Meeting.
A Supplementary Agenda with any modifications will be published on the day of the meeting.
Note: there is no written report for this item
- 5 Central House, 1C Alwyne Road, SW19 7AB 9 - 20
Application number: 18/P1141 Ward: Hillside

Officer Recommendation: GRANT Planning Permission subject to conditions
- 6 All England Club, Grand Drive, SW20 9NB 21 - 54
Application number: 18/P1024 Wards: West Barnes

Officer Recommendation: Grant planning permission subject to conditions and S106 legal agreement.
- 7 14 Highbury Road, Wimbledon, SW19 7PR 55 - 66
Application number: 18/P1649 Ward: Village

Officer Recommendation: GRANT Planning Permission subject to conditions and the views of the Council's Flood Risk Manager and Historic England (Archaeology)
- 8 Planning Appeal Decisions 67 - 70
Officer Recommendation:
That Members note the contents of the report.
- 9 Planning Enforcement - Summary of Current Cases 71 - 76
Officer Recommendation:
That Members note the contents of the report.

Declarations of Pecuniary Interests

Members are reminded of the need to have regard to the items published with this agenda and, where necessary to declare at this meeting any Disclosable Pecuniary Interest (as defined in the The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012) in any matter to be considered at the meeting. If a pecuniary interest is declared they should withdraw from the meeting room during the whole of the consideration of that matter and must not participate in any vote on that matter. If members consider they should not participate because of a non pecuniary interest which may give rise to a perception of bias, they should declare this, withdraw and not participate in consideration of the item. For further advice please speak with the Council's Assistant Director of Corporate Governance.

Declarations of Pecuniary Interests – Members of the Design and Review Panel (DRP)

Members of the Planning Applications Committee (PAC), who are also members of the DRP, are advised that they should not participate in an item which has previously been to DRP where they have voted or associated themselves with a conclusion reached or recommendation made. Any member of the PAC who has also sat on DRP in relation to items on this PAC agenda must indicate whether or not they voted in such a matter. If the member has so voted they should withdraw from the meeting.

Human Rights Implications:

The applications in this Agenda have been considered in the light of the Human Rights Act 1998 and in particular, the First Protocol of Article 1 (Protection of Property); Article 6 (Rights to a Fair Trial) and Article 8 (Private and Family Life).

Consideration has been given to the impact of each application on the people living and working in the vicinity of that particular application site and to the impact of the proposals on the persons who have made written representations on the planning merits of the case. A full assessment of material planning considerations has been included in each Committee report.

Third party representations and details of the application proposals are summarised in each Committee report. It may be that the policies and proposals contained within the Development Plan and/or other material planning considerations will outweigh the views of third parties and/or those of the applicant.

Order of items: Applications on this agenda are ordered alphabetically. At the meeting the Chair may change this order to bring forward items with the greatest number of public speakers. The new order will be announced by the Chair at the start of the meeting.

Speaking at Planning Committee: All public speaking at Planning Committee is at the discretion of the Chair. The following people may register to speak:

Members of the Public who have submitted a written representation objecting to an application. A maximum of 6 minutes is allowed for objectors. If only one person registers they will get 3 minutes to speak, a second person will also get 3 minutes. If further people want to speak then the 6 minutes may be shared between them

Agents/Applicants will be able to speak but only if members of the public have registered to speak in opposition to the application. Applicants/agents will get an equal amount of time. If an application is brought to Committee with an Officer recommendation for Refusal then the Applicant/Agent will get 3 minutes to speak.

All Speakers MUST register in advance, by contacting The Planning Department no later than 12 noon on the day before the meeting.

PHONE: 020-8545-3445/3448

e-mail: planning@merton.gov.uk)

Ward Councillors/Other Councillors who are not members of the Planning Committee may also register to speak and will be allocated 3 minutes each. Please register with Development Control Administration or Democratic Services no later than 12 noon on the day before the meeting

Submission of additional information before the meeting: Any additional information relating to an item on this Agenda should be sent to the Planning Department before 12 noon on the day before the meeting (using email above).

Please note:

There is no opportunity to make a visual presentation when speaking at Planning Committee

That the distribution of any documents by the public during the course of the meeting will not be permitted.

FOR ANY QUERIES ON THIS INFORMATION AND OTHER COMMITTEE PROCEDURES please contact Democratic Services:

Phone – 020 8545 3356

e-mail – democratic.services@merton.gov.uk

Agenda Item 3

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

PLANNING APPLICATIONS COMMITTEE

7 JUNE 2018

(7.15 pm - 9.35 pm)

PRESENT Councillors Councillor Linda Kirby (in the Chair),
Councillor Najeeb Latif, Councillor Laxmi Attawar,
Councillor David Chung, Councillor David Dean,
Councillor Simon McGrath, Councillor Peter Southgate and
Councillor Marsie Skeete

ALSO PRESENT Councillor Geraldine Stanford
Neil Milligan
Jonathan Lewis
Tim Lipscomb
Sarath Attanayke
Lisa Jewell

1 APOLOGIES FOR ABSENCE (Agenda Item 1)

Apologies for absence were received from Councillors Dave Ward and Russell Makin.

Councillors Dennis Pearce and Rebecca Lanning were present as substitute members.

Councillor Latif was present at the start of the meeting but apologised that he would have to leave at 8.15pm.

2 DECLARATIONS OF PECUNIARY INTEREST (Agenda Item 2)

There were no declarations of pecuniary interest.

Councillor Latif declared that as he had been involved in discussions between residents and the applicants he would not participate or vote on Item 6 – The Study Camp Road.

3 MINUTES OF THE PREVIOUS MEETING (Agenda Item 3)

RESOLVED: That the minutes of the meeting held on 26 April 2018 are agreed as an accurate record.

4 TOWN PLANNING APPLICATIONS (Agenda Item 4)

Supplementary Agenda: Amendments and modifications to the Officer's report were published in a Supplementary Agenda. This applied to items 5, 6, 7 and 9.

Order of the meeting – The Chair announced that the items would be taken in the following order 6,7,8,9,5,10 and 11

5 94 AYLWARD ROAD, SW20 9AQ (Agenda Item 5)

Proposal: Demolition of existing double garage in the rear garden and the erection of a garden studio comprising basement and mezzanine levels.

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

Members asked officers if it was possible to prevent the rear access from being opened up in future. The Planning Team Leader explained that it would be unusual to try to achieve this by condition. If in future there was evidence of the site being used as a place of employment then this would be against the Planning Permission. If in future there was evidence that the building was being used as a separate dwelling then this could be dealt with and stopped by enforcement action.

Members asked about the lighting in the proposal and officers explained that as this is not a proposal for a dwelling such standards do not exist. If approved a construction method statement will be required, which will control the basement construction.

The Planning Officer explained that the term 'ancillary to the main dwelling' covered a wide range of uses of outbuildings, and that this was the correct way to describe this proposal.

RESOLVED

The Committee voted to GRANT Planning Permission subject to conditions

6 THE STUDY, CAMP ROAD, WIMBLEDON, SW19 4UN (Agenda Item 6)

Proposal: Partial demolition of existing single storey extension and erection of a two storey extension (and associated Listed Building Consent application 17/P4184).

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

The Objectors raised point including:

- There is already dangerous parking at the school, the 'Stop and Drop' will make this worse and will jeopardise highway safety
- School does not demonstrate any public benefit from this proposal as it is a private fee paying school
- The proposal is not compliant with Merton's own policies or the NPPF
- The proposal is not in accordance with the council's own Conservation Area Appraisal, and would lead to substantial harm to the Conservation Area.

The Applicants made points including:

- We have received several years of pre-application advice and have listened to all comments and made amendments

- Urgent need for more teaching space. This 2 storey design gives more space without losing important playground space
- The design meets the requirements of the Council's Conservation Officer and Historic England
- Pupil numbers will not be increased

In reply to Members' questions Officers made points including:

- Officers believe that amendments made by the applicants are an improvement to improve the original application
- The Council's conservation Officer and Historic England have been involved in assessing the application and raise no objections
- The proposed CPZ will be subject to a public consultation process
- The proposed materials will better retain the Octagon as the main focal point as it allows the older buildings to be visually distinct.
- The area is not subject to flood risk and drainage measures are considered for all applications. This site raises no concerns.

Members made comments including:

- It is important that the proposed extension does create a gap between the octagon building and the new building, and the question is whether the gap created by this proposal is big enough to preserve the integrity and setting of the Octagon.
- The new extension is not subordinate to the Octagon in one view
- The current building is very ugly but this proposal is too close to the Octagon

RESOLVED

The Committee voted to GRANT Planning Permission and Listed Building Consent subject to conditions

7 FORMER SPARROWHAWK SITE, 159 COMMONSIDE EAST, MITCHAM, CR4 2QB (Agenda Item 7)

Proposal: Demolition of existing buildings and the erection of a building to create x 28 self-contained residential units with associated parking and landscaping

The Committee noted the officer's report and presentation. The Planning Team leader drew members' attention to the additional information in the Supplementary Agenda which included corrections to the table showing floorspace of the proposed units, which show that all units do meet minimum standards.

Objectors made comments including:

- We do want this area to be regenerated but this proposal is overdevelopment with a very high density
- Notification by Council not adequate and some representations missing from council website
- There are four major objections:

- Size and inappropriateness of building
- Too high – will cut light and spoil outlook
- Parking in the area already intolerable – 18 places insufficient
- Risk from dust borne contaminants during construction

The Agent to the application made comments including:

- The development will provide 28 high quality units in a sustainable development
- Planning policy supports the change to the use of the land
- Comments of the DRP taken on board and the number of units reduced
- Will offer wider benefits to surrounding area
- The Highways officer confirms that the proposal is acceptable
- No sign that there would be a negative impact on residential amenity
- The Developer is keen to bring forward as soon as possible

The Ward Councillor, Geraldine Stanford made comments including:

- Appreciate modifications have been made to the original proposal, but not enough
- The Committee should reject this application on height bulk and massing as it does not compare to existing buildings
- It is adjacent to Cricket Ground Conservation Area.
- Local streets are narrow and there are existing problems with parking, also there is a local Primary School that makes situation worse. This development would exacerbate these problems

The Planning Team Leader answered Councillor Questions regarding the following issues:

Employment Land:

Land is not designated as a Strategic Industrial Area, but it is covered by the Council's policy on scattered employment. However Planning Officers have to balance this against the demands for housing in the borough and apply policies with some flexibility.

Design of proposed building:

The development does contain units with no amenity space and, owing to its 'L' shaped design, units without a dual aspect. However Officers feel that given recent Supplementary Planning Guidance from the Mayor of London that this is acceptable

Parking:

The decision on Parking should be based on Council Policy and analytical evidence. Up to date evidence from TFL says that car ownership in Merton is 64%. This development provides parking for 66% of residents. And provides 6 formal undesignated spaces

The actual number of parking spaces provide by the proposal would be 17 + 2 disabled spaces, making 19 in total. The PTAL rating is 3, and levels of car ownership do vary with accessibility to public transport. Also the units are not family

units which may further reduce the car ownership rates. Officers have to base their assessment of parking on the evidence and balance all factors – in this case they are content that 2/3 parking is adequate for the development. Officers would not suggest allocating space or putting any further regulation on the parking as this could result in unused spaces which would be an inefficient use of the land. Car owners can make their own choice about whether the proposed development meets their needs.

Planning Policies seek not to maximise parking but to promote sustainable forms of transport.

At both strategic and local level there is commitment to promote policies that stop the use of cars and promote sustainable forms of transport. This development provides a charging point for electric cars and generous cycle storage. Whilst the Mayor of London and Merton Council cannot enforce a move away from car usage we can do our best to promote sustainable transport.

Contaminated Land:

In reply to a question on potential contamination of the site, the planning team leader replied that the site was clearly used in past for commercial purposes, and there are conditions included to safeguard local environment if contamination is found. Planning Officers have taken advice from Council's Environmental Health Officers and assume that the conditions they propose are adequate.

Viability Assessment

The viability of the development was assessed by expert viability consultants who were satisfied with it but have placed a recommendation in the heads of terms for the S106 agreement to ensure that the Council can capture any uplift in viability /profitability of the site in the future. There is currently a cash contribution offered. Planning Officers are engaged in robust negotiations to get affordable units on this site or receive a larger cash contribution. if subsequent reviews of viability enable this to be delivered.

Design Review Panel (DRP)

Officers reminded the Committee that the DRP gave a red to a different scheme that was 38 units. The application before Committee now has only 28 units

Officers consider the housing mix of this scheme to be appropriate.

The Committee then made comments on the application and noted that there was clear unease with this proposal on several grounds:

- Local roads are old, narrow and residential.
- It is a compact streetscape and this development would loom over it.
- It is too big and too dense. 3 times standard density is brutal
- There will be no mechanism for controlling parking on local streets and this development will exacerbate the existing problems.
- We do need flats but this development does loom large, and local parking is an issue.

A refusal was proposed and seconded on the grounds that the bulk and massing of this development was too great. The Committee then added that they had concerns about the design of the development in that it provides a number of units with only a single aspect and a number of units with no amenity space. The Committee also stated that the proposal would exacerbate local parking problems in the surrounding streets. The Committee voted unanimously to refuse the application for these stated reasons.

RESOLVED

The Committee agreed to:

1. REFUSE the application for the following reasons:
 - The bulk and massing, of the proposal are too great, contrary to LBM policies.
 - The design of the building provides single aspect units and units with no amenity space.
 - The development would exacerbate existing local parking problems.
2. DELEGATE to the Director of Environment & Regeneration the authority to make any appropriate amendments in the context of the above to the wording of the grounds of refusal including references to appropriate policies

8 83 DORA ROAD, WIMBLEDON, SW19 7JT (Agenda Item 8)

Proposal: Expanding the roof to the rear to create a flat top, with hip to gable conversion, rear dormer with 2x Juliet balconies and 4x rooflights on the front roof slope; accompanied with a double storey rear extension, single storey ground floor extension and various window alterations on the side elevation.

The Committee noted the officer's report and presentation.

The Objector raised residents' concerns which include that the two storey extension to the rear proposed roof structure was too bulky and over dominant, and that no other neighbours' properties had three windows and two Juliette balconies at the rear. Neighbouring properties were required to restrict the size of windows in their rear extensions. The objector was concerned that trees had already been removed from the garden of the application property and encouraged the applicant to look after the remaining mature trees.

The Applicant explained that they had sought to engage with Council Planning Officers and had received pre-application advice. The rear 2 storey extension did not extend past the rear building line of either neighbour.

One Member commented that this proposal was too big.

RESOLVED

The Committee voted to GRANT Planning Permission subject to conditions

9 219 MANOR WAY, MITCHAM, CR4 1EN (Agenda Item 9)

Proposal: Erection of a part single, part two-storey end of terrace dwelling and extension of garage to rear of 219 Manor Way to front on to Rowan Road.

The Committee noted the officer's report and presentation. The Planning Team leader drew members' attention to additional wording and a correction to the dimensions in the Supplementary agenda.

The Objector raised concerns related to the garage and driveway of the proposed property and its lack of access to the alleyway. The objector was concerned that the proposal would also block access to the alleyways for neighbouring properties also the residents of the proposal would have difficulties access their own external storage. She was also concerned about additional vehicular access to Rowan Road.

The Agent to the Application explained that the proposal met space standards, was not too bulky, was set back, provided adequate parking and would be suitable for a small family or couple.

The Planning Team Leader explained to members that the Boundary Treatment Condition could be modified to in order to provide rear access to the storage shed. Members agreed that they would like to see this modified condition added to the proposal.

Members commented that there was a traffic speeding problem in this area.

RESOLVED

The Committee voted to GRANT Planning Permission subject to the conditions on the officer's report and a modified condition regarding rear access.

The Director of Environment and Regeneration be given delegated authority to agree the detail and wording of the amended condition

10 PLANNING APPEAL DECISIONS (Agenda Item 10)

The Committee noted the Planning Appeal Decision Report

11 PLANNING ENFORCEMENT - SUMMARY OF CURRENT CASES (Agenda Item 11)

The Committee noted the Planning Enforcement Report.

Members asked Enforcement officers to investigate the situation at 55-61 Manor Way.

This page is intentionally left blank

PLANNING APPLICATIONS COMMITTEE 28 JUNE 2018

<u>APPLICATION NO.</u>	<u>DATE VALID</u>
18/P1141	29/03/18
Address/Site	Central House (all floors), 1C Alwyne Road, Wimbledon, London, SW19 7AB
Ward	Hillside
Proposal:	Change of use from Offices (Class B1) to Health Clinic (Class D1)
Drawing Nos	OS, Proposed Ground Floor, Proposed First Floor, Proposed Second Floor, Proposed Third Floor.
Contact Officer:	Anna Woodward (020 8545 3112)

RECOMMENDATION

GRANT Planning Permission subject to conditions

CHECKLIST INFORMATION.

Heads of agreement: - Nil
Is a screening opinion required: No
Is an Environmental Statement required: No
Has an Environmental Impact Assessment been submitted – No
Press notice – No
Site notice – Yes
Design Review Panel consulted – No
Number of neighbours consulted – 21
External consultations – No
PTAL Score – 6a
CPZ – VE – W2
Town Centre – Wimbledon

1. **INTRODUCTION**

1.1 The application has been brought before the Planning Application Committee for consideration due to the number of objections received.

2. **SITE AND SURROUNDINGS**

- 2.1 The application site is located at Central House, 1C Alwyne Road, Wimbledon. The site is occupied by a part single, part three storey building with basement. The three storey element fronts Alwyne Road with the single storey to the rear. The building has a gross floor area of 953m² and was refurbished in 2015. The site comprises basement car parking, cycle parking, bin storage, shower facilities, toilet facilities and lift. The building is currently in B1(a) use.
- 2.2 The property directly to the rear of the subject site is office on the ground floor and two self-contained flats on the first and second floors. The property to the north east of the site is residential flats (Gladebury Court). The properties to the south west of the site are currently a mix of office/retail/café.
- 2.3 The site is located within the Wimbledon Town Centre. It is located adjacent to the Wimbledon Hill Road Conservation Area and the secondary frontage along Wimbledon Hill Road.

3. **CURRENT PROPOSAL**

- 3.1 This application seeks planning permission for the change of use of the entire building from office (Use Class B1) to non-residential institution, a health clinic (Use Class D1). The proposed type of health clinic/tenant is a private orthopaedic and sports injury specialist.
- 3.2 There would be a reception area on the ground floor at the front of the building, with a waiting area and consultation rooms in the mezzanine level of the building. The first and second floors would comprise further consultation rooms where consultants would meet with patients. There would also be a staff room on the first floor. The third floor would comprise back office rooms for administration work, including a radiology reporting room. There are no external alterations proposed to the building. The existing arrangements with regards to car parking, cycle parking, shower facilities, toilet facilities and lift will all remain unaltered.
- 3.3 The existing car park in the basement contains seven car parking spaces and 16 long term cycle parking spaces. This will remain unaltered, and the car and cycle parking spaces will be available for staff.
- 3.4 There are nine consultation rooms proposed with two treatment rooms and additional office accommodation on the top floor. There are approximately 20 consultants that could use Central House for their specialist services. There would also be 7 administration and nursing staff. The typical appointment time is 30 minutes, but could be up to 1 hour. It is unlikely that patients would be accompanied by other people. The applicant anticipates there would not be any other visitors to the site.

Patients must make appointments and there are no drop-in services available.

- 3.5 The proposed opening hours are 8am-10pm Monday to Friday and 8am-1pm Saturday and Sunday. Consultants would work these hours and other administration staff would work normal 9am-5pm hours.

4. **PLANNING HISTORY**

- 4.1 16/P1006: APPLICATION FOR NON-MATERIAL AMENDMENTS TO LBM PLANNING PERMISSION 15/P2779 (DATED 08/09/2015) RELATING TO PROPOSED ALTERATIONS TO THE EXISTING ELEVATIONS AND MINOR INTERNAL ALTERATIONS, TOGETHER WITH PROVISION OF PARKING AND DISABLED BAY AT BASEMENT LEVEL AND ACOUSTIC PLANT ENCLOSURE ON ROOF – Non-material amendment to planning permission granted 31/03/16.
- 4.2 15/P2779: ALTERATIONS TO THE EXISTING ELEVATIONS AND MINOR INTERNAL ALTERATIONS, TOGETHER WITH PROVISION OF PARKING AND DISABLED BAY AT BASEMENT LEVEL AND ACOUSTIC PLANT ENCLOSURE ON ROOF – Permission granted subject to conditions 01/09/15.
- 4.3 14/P0271: PRIOR APPROVAL IN RELATION TO THE CHANGE OF USE OF GROUND, FIRST, SECOND AND THIRD FLOORS FROM OFFICE USE (CLASS B1) TO RESIDENTIAL (CLASS C3) CREATING 9 x SELF-CONTAINED FLATS COMPRISING 8 x 2 BED AND 1 x 1 BED UNITS – Prior Approval Not required 25/03/14.
- 4.4 07/P2789: CHANGE OF USE OF GROUND, MEZZANINE, FIRST AND SECOND FLOORS FROM B1 TO A2 USE, TO BE USED ONLY AS A JOB CENTRE – Permission granted subject to conditions 19/11/2007.

5. **CONSULTATION**

- 5.1 The application has been advertised by standard site notice procedure and letters of notification to the occupiers of neighbouring properties.
- 5.2 In response to consultation, 15 letters of objection to the application were received. The letters raise the following concerns:
- 5.3 *Factual errors*
- The application form states that the building was last used as an office on 31/08/14, which is not factually correct as it has been advertised as office space since, therefore the use has never ceased.

5.4 *Character of street/suitability of proposed use*

- Inappropriate site for a health clinic due to its proximity to a block of flats, and the current peace and quiet of this residential street;
- The proposed use is very different to the historical use as office due to opening hours;
- There is a strong demand for office space in Wimbledon at reasonable market rent and there is a lack of good office space in Wimbledon;
- The proposed change of use could set a precedent for more detrimental D1 uses;
- A previous application for a job centre was declined;
- There are two other commercial premises on Alwyne Road, both of which have not been open in evenings or weekends. Therefore, the proposed opening hours are unreasonable and will impact neighbouring amenity;
- An application is 'in the pipeline' for the building beside 1C Alwyne Road to be changed to a hotel, of which the door will be located metres from the entrance of the proposed health clinic. The hotel would operate 24 hours which would also generate much more people movements;
- Questions whether the proposal will bring much employment to the site due to the private/consultant nature;
- These types of uses should remain on the High street or town centre area where footfall is greatest and there are shop vacancies;
- It is believed there may have been several offers from potential office tenants which were turned down, suggesting the asking price was too great.

5.5 *Amenity/Nuisance*

- Alwyne Road isn't designed to take the increase in traffic from the use change. Access could be blocked to Gladebury Court due to the additional vehicles parking in the street, and the narrowness of the entrance currently. The junction of Alwyne Road and Wimbledon Hill Road are already difficult/dangerous due to congestion. The proposed use could worsen this;
- Increased number of staff members and therefore, increased number of people smoking outside the building, affecting the health and amenity of the occupiers of Gladebury Court;
- Increased noise and anti-social behavior such as loitering and vehicle theft from increased vehicle and pedestrian traffic to the subject site. Already fly-tipping and vehicle theft occurring in the street;
- Possible increase in smells;
- Additional visitors to the currently quiet residential area will cause unwanted noise;

- The proposed use is likely to cause increased lorry deliveries, increased pollution and litter and hazardous waste issues;
- The surrounding roads will become even more congested for more hours each day;
- People waiting/loitering on the street will affect the privacy of Gladebury Court;
- The proposal will bring the High Street up Alwyne Road and cause people to knock on Gladebury Court in error.

5.6 *Traffic*

- Residents already find it difficult to park near home. Therefore, it will be difficult for patients to find parking. There are only 5 pay and display parking bays and these are constantly in use. The increase of vehicles parking will make it more difficult for residents to find parking;
- Compton Road and Alwyne Road are both already experiencing increased vehicles and litter from the intensification of the use of the library space. The proposed clinic will worsen this for more hours of the day and night;
- Commercial vehicles will need to do three point turns in order to get out, causing pedestrian safety issues. Gladebury Court has previously been damaged by lorries turning around, and trees could be damaged in the future.

5.7 *Health and Safety*

- The proposed radiology room is in an inappropriate location as it is next door to a bedroom at Gladebury Court. It could also harm pedestrians in the street. Radiation does sometimes leak and the shielding cannot stop 100% of all x-rays. There are two windows in the Radiology room within feet of Gladebury Court. Therefore it could impact on the health of occupants of Gladebury Court, where there are some people who sleep during the day due to shift work. Therefore, people will be at home while it is in full use;
- The NHS advises that being exposed to x-rays has the risk of causing cancer decades later and are for this reason classified as a carcinogen by the World Health Organisation;
- A proper survey should be undertaken to encase the walls and roof with lead lining and unless special glass is installed in the radiology rooms it will pose a serious risk of emission of radiation to residents of the adjoining property;
- During the lifetime of the x-ray machine, it will break down and if not serviced properly, it will leak radiation;
- The MIR Scanner would create a lot of noise affecting Gladebury Court;
- There may be hazardous waste issues which would affect the amenity of surrounding properties.

6. **POLICY CONTEXT**

- 6.1 Merton Core Planning Strategy (July 2011)
 - CS6 Wimbledon Town Centre
 - CS7 Centres
 - CS12 Economic Development
 - CS18 Active Transport
 - CS19 Public Transport
 - CS20 Parking, servicing and Delivery

- 6.2 Adopted Merton Sites and Policies Plan (July 2014)
 - DM C1 Community facilities
 - DM E2 Offices in town centres
 - DM EP4 Pollutants
 - DM R1 Location and scale of development in Mertons town centres and neighbourhood parades.
 - DM T1 Support for sustainable and active transport
 - DM T2 Transport impacts of development
 - DM T3 Car parking and servicing standards

- 6.3 London Plan (July 2016)
 - 3.2 Improving health and addressing health inequalities
 - 3.17 Health and social care facilities
 - 4.2 Offices
 - 7.4 Local Character

7. **PLANNING CONSIDERATIONS**

- 7.1 Principle of development
 - 7.1.1 The principal planning considerations in this case relate to the impact of the change of use of the premises from Office use to a Health Clinic, specifically an Orthopedic and Sports Injury specialist, on the local area and neighbouring amenity.

 - 7.1.2 Sites and Policies Plan Policy DM E2 aims to ensure there is an adequate supply of suitable sites and premises in locations that optimise opportunities and co-locational advantages for offices and business and minimise negative effects on other users. The policy encourages refurbishment of existing vacant offices for office use. It states that the Council will only support proposals for the change of use on upper floors from office floorspace to alternative uses, if it can be demonstrated that there is no demand for the office use through full and proper marketing of the site at reasonable prices for a period of 30 months. Marketing information was provided with the application which states the building has been vacant, and actively marketed for 3.5 years. The building has also been refurbished in this time in an attempt to attract tenants.

 - 7.1.3 This policy also states that the Council will ensure all proposals would

- have no significant adverse effects on the amenities of nearby residents, road safety nor create significant car parking problems. The proposed change of use from Use Class B1 to D1 would be compatible with a building in a Town Centre. The use would have a similar relationship with the public realm at ground floor level with a reception area. In addition, the change of use proposed would not have a significant impact on the amenity of nearby residents (see section of report titled 'Residential Amenity') and would not have an adverse impact on road safety, parking or traffic flows (see section of report titled 'Highway considerations').
- 7.1.4 There are no external changes proposed to the building, therefore, the proposal is considered to not result in material harm to the character of the area.
- 7.1.5 SPP Policy DM C1 supports the provision and expansion of community facilities (including health facilities), provided that they are located in accessible locations; the size of the development is in relation to its context; the proposed facility is designed to be adaptable and the use does not have an undue adverse impact on nearby residents and businesses. Core Strategy Policy CS6 supports the provision of community and leisure facilities in the Wimbledon Town Centre.
- 7.1.6 The proposed use would be located in a Town Centre with excellent public transport links. The proposed use would be of a suitable scale, when considering the context of the Town Centre. The proposed facility would be adaptable to the space/location and as a medical clinic, it would be a relatively specialist use which would attract specific types of customers. It would not cause material harm to nearby residents (see section of report titled 'Impact on Residential Amenity') or businesses. The proposed hours of operation would not be dissimilar to an office use.
- 7.1.7 The proposal would provide a suitable town centre use and is supported by policy DM E2 and DM C1. The existing office building is currently vacant and has been actively marketed for the office use since late 2014. Further, the proposal would provide an appropriate town centre use in the town centre of Wimbledon. As such, the principle of the development is considered to be acceptable.
- 7.2 Neighbouring amenity
- 7.2.1 SPP Policy DM E2 seeks to ensure that alternative uses to office do not impact on the amenity of adjoining neighbours and the surrounding area.
- 7.2.2 There are no physical/external alterations proposed to the building, therefore the only matters to consider are amenity impacts as a result of the proposed use being an orthopedic and sports injury specialist. It is anticipated that the potential impacts could be noise related.

- 7.2.3 It is not anticipated that the proposed use would result in unreasonable noise. The estimated numbers of people visiting the site are not considered to be excessive or unreasonable for the proposed use or locality, being within a Town Centre. The numbers of consultants and administration staff (29 proposed) would be similar or less than the previous office use, based on the size of the existing building. The proposed hours of operation of 8am-10pm Mon-Fri and 8am-1pm Sat-Sun are considered to be reasonable for a use of this nature in a town centre location. It is also anticipated that most visitors to the site would be coming from the direction of Wimbledon Hill Road which is the direction of buses and the train station, and thereby would not be passing any residential properties on Alwyne Road on the way to the site, reducing the likelihood of increased noise from people on the street. Further, this is a public road, and within a Town Centre, a certain level of noise is anticipated. It is not expected that the proposed use will introduce any more noise than an office use, in terms of people movement to and from the application site.
- 7.2.4 There will not be any new/additional air conditioning units proposed other than what is already in the building. Therefore, the noise levels from such plant will be the same as the previous use. It is unknown whether there would be any additional noise generating plant. As such, a condition is recommended limiting noise levels at the boundaries with residential properties. The Council's Environmental Health Officer has reviewed the proposal and considered it would not result in material harm to any person or adjoining property, subject to the condition limiting noise levels from plant.
- 7.2.5 It is noted that many of the objectors raised the potential for anti-social behavior to result from the proposed use including loitering, littering, and smoking. It is considered that it is unlikely this will occur/increase as a result of the proposed use, when compared to the previous use being office. Being a bespoke appointment based service, customers would highly likely arrive for their appointment and then leave the premises after.
- 7.2.6 The proposed health clinic use, is not likely to result in excessive noise or disturbance and is considered to be suitable for occupation of the existing office building and compatible with adjacent residential development. As such, it is considered the proposal will comply with SPP Policy DM E2.
- 7.3 Highways considerations
- 7.3.1 The subject site is located within an area with a PTAL of 6b which means it has excellent access to public transport. It is within 300m of the Wimbledon Train Station, and 40m of buses on Wimbledon Hill Road. Adequate cycle parking has been provided in the basement for staff (16

spaces), along with 7 car parking spaces. There are public cycle parking spaces at the corner of Alwyne Road and Wimbledon Hill Road. Alwyne Road is a side road off the main Wimbledon Hill Road (A219).

- 7.3.2 The proposed change of use is modest in terms of scale, when compared to the lawful use being office. There will be a similar number or less people working at and visiting the facility in comparison. Councils Transport Planning officer considers that the change of use would not result in a significant change in vehicle movements, or have an undue impact on the adjoining highway network. It is anticipated that most patients will arrive on foot or by public transport, due to the good accessibility to the network.
- 7.3.3 The site is in a sustainable location, with very good access to public transport, and it is considered that there would not be material harm to the adjoining highway network as a result of the proposed development. The site benefits from seven car parking spaces which will be used for staff only. London Plan parking standards set maximum standards for cars, and as such, there is an overprovision of parking spaces at the site for this use. This is beneficial to the future occupiers of the site. The proposal is therefore considered to comply with Policy DM T2.
- 7.4 Health and safety
- 7.4.1 Policy DM EP4 seeks to minimise pollutants, therefore requiring that proposals do not result in an adverse impact against the human environment or that they expose occupiers of the development or the surrounding area to unacceptable risk.
- 7.4.2 The proposed use includes an area for MRI scans, X-ray and ultrasound at ground floor level towards the rear of the building. It has been confirmed by Councils Environmental Health Officer, that the impacts resulting from the use of x-ray/radiology machinery is governed by the Care Quality Commission (CQC) and the Health and Safety Executive (HSE). Under the HSE, it is mandatory for the applicant to comply with the Ionising Radiation Regulations (IRR). This is outside of the planning process and is managed by the CQC and HSE. It is not a matter of which the Local Planning Authority can determine the proposal against.
- 7.4.3 The disposal of any clinical waste will also be suitably managed and controlled through other regulations. The existing commercial bin storage facility on site at the basement level would be utilised for the proposed use.
- 7.5 Other considerations
- 7.5.1 There are no external physical alterations proposed to the building and the proposal would not affect the visual amenities of the local area.

8. CONCLUSION

- 8.1 The proposed change of use from Office (Class B1) to Health Clinic (D1), specifically an orthopaedic and sports injury specialist, is considered to be suitable for the subject site in this location and would not cause material harm to the amenity of the surrounding area and neighbouring residential properties. Therefore, the proposal would comply with London Plan policies 3.2, 3.17, 4.2 and 7.4, Core Strategy Policies CS6, CS7, CS12, CS18, CS19, and CS20, and SPP Policies DM C1, DM E2, DM EP4, DM R1, DM T1 and DM T2.
- 8.2 It is therefore recommended to grant planning permission, subject to conditions.

RECOMMENDATION

Grant permission subject to compliance with the following conditions:

1. A.1 Commencement of Development
2. A7 Approved Plans
3. D1 Hours of use

Opening hours:

8:00am – 10:00pm Monday-Friday;

8:00am – 1:00pm Sat-Sun.

4. Noise levels from plant restricted at residential boundaries:

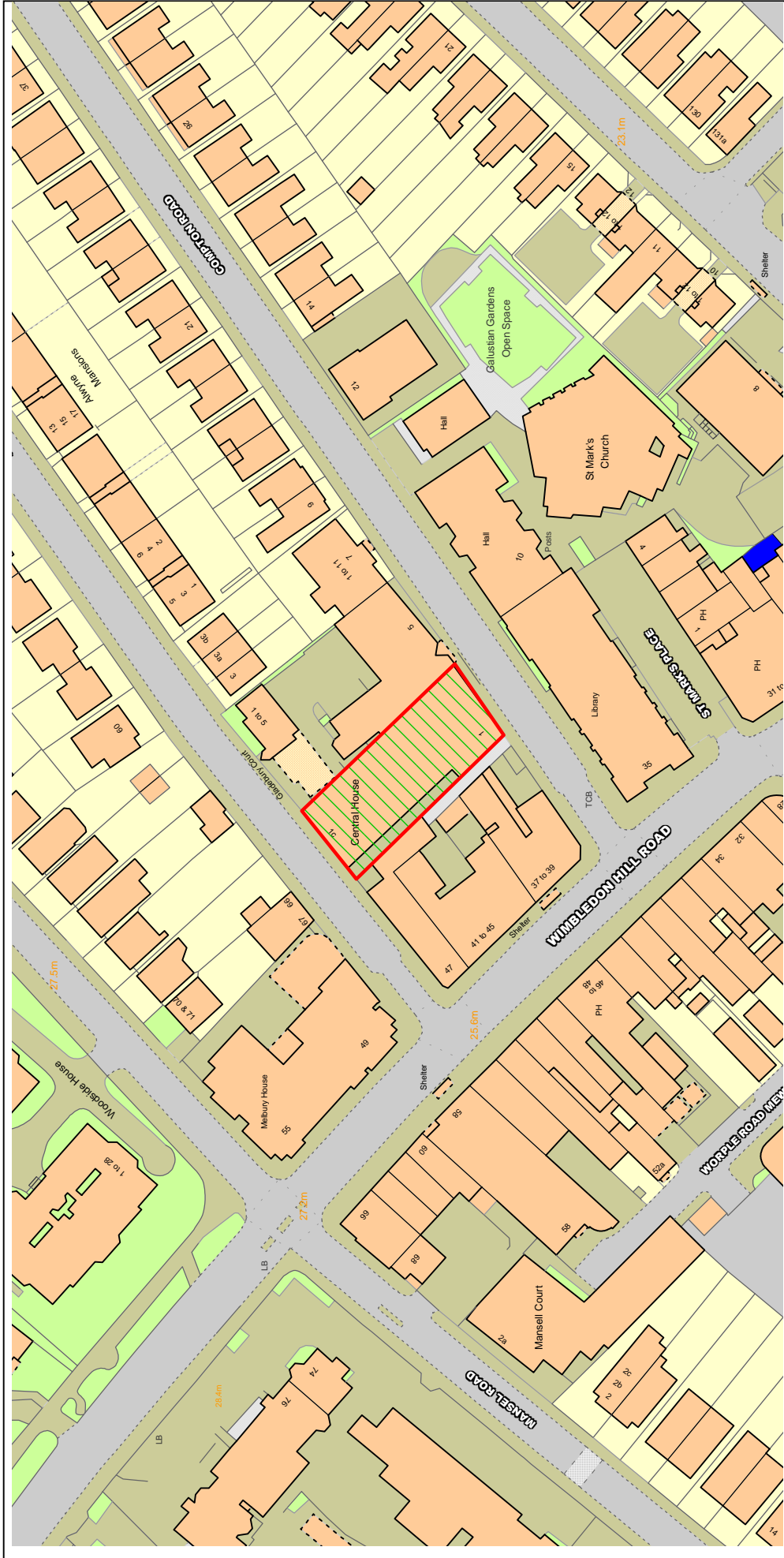
Noise levels, (expressed as the equivalent continuous sound level) LAeq (10 minutes), from any new plant/machinery from the commercial use shall not exceed LA90-10dB at the boundary with the any noise sensitive/residential property.

5. Restrict Use: The premises shall only be used as a Health Clinic falling within the definition of D1 non-residential institution and for no other purpose under Use Class D1 of the Town and Country Planning (Use Class) Order 1987.

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

Please note these web pages may be slow to load

NORTHGATE SE GIS Print Template



Text Details **Central House, 1C Alwyne Road**

This material has been reproduced from Ordnance Survey digital map data with the permission of the controller of Her Majesty's Stationery Office, © Crown Copyright.

This page is intentionally left blank

PLANNING APPLICATIONS COMMITTEE

28 JUNE 2018

APPLICATION NO.

DATE VALID

18/P1024

28/03/2018

Address/Site:

All England Club Community Sports Ground
Raynes Park Playing Fields Grand Drive
Raynes Park, SW20 9NB

Ward:

West Barnes

Proposal:

Hybrid application for All England Lawn Tennis Club tennis facility: Planning permission in full for 16 x external grass tennis courts, 3 x acrylic tennis courts within permanent air dome, associated landscaping including Sustainable Urban Drainage Systems, car parking, amendment to access arrangements; and Outline planning permission (with appearance, landscaping and layout reserved) for replacement two storey clubhouse and new outbuilding for maintenance purposes.

Drawing No.'s:

133-(PL)002 (Rev: 06), 133-(PL)010 (Rev: 07), 133-(PL)011 (Rev: 09), 133-(PL)110 (Rev: 04), 133-(PL)210 (Rev: 04), 133-(PL)211 (Rev: 01), 133-(PL)220 (Rev: 02), 133-(PL)222, SK003 (Rev: J), SK005 (Rev: F) and 133-(PL)001 (Rev: 02).

Contact Officer:

Jock Farrow (020 8545 3114)

RECOMMENDATION

Grant planning permission subject to conditions and S106 legal agreement.

CHECKLIST INFORMATION

- S106: Yes
- Is a screening opinion required: No
- Is an Environmental Statement required: No
- Has an Environmental Statement been submitted: No
- Press notice: Yes (major application)
- Site notice: Yes (major application)
- Design Review Panel consulted: Yes
- Number of neighbours consulted: 352
- External consultations: 5
- Conservation area: No
- Listed building: No
- Archaeological priority zone: No
- Tree protection orders: Yes (Merton (No. 580) TPO 2012)
- Controlled Parking Zone: No

- Flood risk zone: Yes – zone 2
- Open Space: Yes – Raynes Park Playing Fields
- Site of importance for nature conservation (SINC): No
- Green Corridor: No
- Green Chain: No

1. INTRODUCTION

- 1.1 This application is being brought to the Planning Applications Committee for determination due to the scale and nature of the development, being a major development on designated open space, and due to the number of objections received.

2. SITE AND SURROUNDINGS

- 2.1 The All England Club Community Sports Ground is a 7.9ha area of privately owned, designated open space which is surrounded by, and beyond the rear gardens of residential properties. The sports ground is located within southwest Merton, Raynes Park, on the east side of Grand Drive; it has a public transport accessibility level (PTAL) of 2 (0 being the lowest and 6b being the highest).
- 2.2 The sports ground currently comprises the following: along the southern boundary are 6 acrylic courts, 3 of which are within an air dome, a running track and two porta cabins which provide changing and toilet facilities and administration space; near the southwest corner is a hardstanding area which provides 91 parking spaces; immediately north of the parking area, along the western boundary, is a single storey pavilion building, beyond the pavilion to the north are 6 grass tennis courts; near the northwest corner is a small cottage; the remainder of the grounds, excluding the trees near the boundaries, are grassland for the purpose of sport use. The grassland has the potential to accommodate 5 (possibly 6) senior football pitches, 2 junior pitches, a cricket pitch, cricket nets and athletics facilities; however, given existing drainage issues at the grounds, it is reported that the pitches have not been in use since January 2015. The grounds are currently used for the Wimbledon Junior Tennis Initiative (WJTI), ball-boy and ball-girl training, community tennis for juniors and adults and community sport and training events.
- 2.3 The 6 acrylic courts and air dome received planning permission in January 2015. The air dome has the following dimensions: 55m long, 42m wide and 10m maximum height.
- 2.4 The application site (the site) comprises the All England Club Community Sports Ground with the exclusion of the aforementioned acrylic courts and air dome (near the southern boundary), thus with this area being disaggregated, the site area equates to 7.2ha.
- 2.5 The existing pavilion building is located near the western boundary of the site, directly in front of the main entrance from Grand Drive. The pavilion provides changing and toilet facilities, administration space, multipurpose space and a kitchenette. The pavilion has the following dimensions: 27.6m long, 9.3m wide and 5.7m high.
- 2.6 While the majority of the site is enclosed by residential properties, it has small sections of road frontage at 3 locations, being to the western portion of the site, between 214 and 218 Grand Drive, this is the main entrance to the site providing access to/from Grand Drive; to the northwest corner of the site, adjacent to 174 Grand Drive, this provides a maintenance access to/from Grand Drive; to the eastern

corner of the site is road frontage to Cannon Hill Lane, albeit it is noted that this area of frontage does not provide access.

- 2.7 The general character of the area is made up of two storey (with additional pitched roofs) residential properties. The northwest boundary of the site adjoins the rear gardens of terrace dwellings which front Southway; the northeast boundary of the site adjoins the rear gardens of terrace dwellings which front Elm Walk; the southern boundary of the site backs on to properties which comprise semi-detached buildings, the majority of which provide maisonettes; the western boundary of the site adjoins the rear gardens of semi-detached dwellings which front Cannon Hill Lane; at the junction of Cannon Hill Lane and Grand Drive is a 4 storey block of flats.
- 2.8 Immediately to the east of the existing air dome is a group of 5 trees which are subject to tree protection order No. 580 TPO 2012.
- 2.9 The site has a general, slightly undulating, 2-3m fall from the eastern/south-eastern portion of the site to the north/north-western areas of the site. The flooding on the site is predominantly from water falling and collecting on the site itself, and due to the soil which is largely made up of clay, the water does not infiltrate the ground effectively. The water follows the gradient of the site and tends to collect at the low point near the north-western boundary, some of this water encroaches on to the residential properties beyond the boundary.

3. CURRENT PROPOSAL

- 3.1 This application seeks a hybrid planning permission for: Planning permission in full for 16 x external grass tennis courts, 3 x acrylic tennis courts within permanent air dome, associated landscaping including Sustainable Urban Drainage Systems, car parking, amendment to access arrangements; and Outline planning permission (with appearance, landscaping and layout reserved) for replacement two storey clubhouse and new outbuilding for maintenance purposes.
- 3.2 The proposed facilities, along with the existing acrylic courts and air dome, would complement the All England Lawn Tennis and Croquet Club (AELTC), which are the main grounds used for the Wimbledon Championships on Church Road, Wimbledon. The three week gap between Roland-Garros (the French Open) and the Wimbledon Championships means that there is now an increased need for Championship standard grass court practice facilities for professional players. It is noted that the main grounds cannot provide the necessary practice facilities as they would be under preparation for the Championships at this time. In addition, due to ongoing development and improvements to the AELTC sites on Church Road and Somerset Road, facilities for ball-boy and ball-girl training and a number of practice courts will be lost. As such, AELTC are looking to expand their facilities on the All England Club Community Sports Ground at Raynes Park; AELTC have described the expansion as being critical for the ongoing success of the Championships. In addition to the need for practice courts for professional players, the expansion presents an opportunity to serve the wider community outside of the run-up period to, and during the Championships, this would include amateur tennis competitions, coaching, ball-boy and ball-girl training, a 'pay and play' system for the local community and community space within the clubhouse (yoga, pilates, community meetings etc); it is further noted that 3 playing pitches would be retained/upgraded to Sport England standards, these would be positioned near the northeast boundary.
- 3.3 The proposal would involve the demolition of the existing pavilion and the removal of the 6 grass courts (which are not Championship standard) which are positioned immediately to the north of the pavilion; this would make space for an extended and

reconfigured parking and vehicle circulation area which would be fully landscaped and would provide a coach drop-off area, a car drop-off area, 34 cycle parking spaces, 103 vehicle parking spaces (including 8 disabled parking spaces, 28 active electric charging points and 12 passive spaces), and a further 24 temporary parking spaces which would be provided to the rear of the dwellings on Grand Drive (used as overspill parking only, it is anticipated these would be used for approximately 4 weeks across the year). As part of the expansion and reconfiguration of the parking area, the existing entrance to the northwest corner of the site, providing access to/from Grand Drive, would be upgraded and would become the primary entrance to the site; this entrance would be gated and would be provided with a security hut. The existing main entrance would be primarily used as a pedestrian and cycle entrance, with its occasional use for vehicle overspill during peak times, for example during the lead up to the Championships; this entrance would retain its gates and security hut. In addition to the above, a new vehicle access would be created from Cannon Hill Lane for maintenance purposes, this would provide access to the proposed maintenance building (which will be described below) and 10 parking spaces for staff. 137 parking spaces would be provided across the site.

- 3.4 The proposed 2 storey club house would abut the eastern edge of the proposed parking area, being positioned near the existing pavilion (which is to be removed) albeit moved slightly deeper within the site; the club house would face the parking area and provide the main entrance to the grounds. The proposed club house would form part of the outline component of the application, with appearance, landscaping and layout reserved; however, drawings have been submitted with the application which provide an indicative layout and appearance. The proposed club house is indicated to comprise an entrance foyer, changing and shower facilities, physio rooms, a café and kitchen, general seating areas, reception and administration space, flexible studio space and a terrace to the rear which would overlook the grounds; in addition, a single storey element would extend toward the existing acrylic courts. The maximum parameters of the proposed club house would be as follows: footprint of 1,260sq.m, floor space of 1,550sq.m, 5.5m for the height of single storey component and 10m for the overall maximum height.
- 3.5 Beyond the parking area and club house to the east are the main grounds, these would comprise 16 Championship standard grass courts, an air dome which encloses 3 acrylic courts, and a small junior practice area. The air dome would derive its structural integrity from internal air pressure, thus it would be accessed via an airlock. The air dome would be positioned parallel to, and immediately north (deeper within the site) of, the existing dome. It would be built to the same height and width as the existing dome, albeit it would be slightly longer - the reason being is to provide a separation distance between courts to match that of the Championship courts, thus providing a more authentic simulation/training environment. The proposed air dome would have the following dimensions: 61.8m long, 40.4m wide and 10.2m high.
- 3.6 The proposed maintenance building would be positioned immediately east of the existing air dome. The proposed maintenance building would form part of the outline component of the application, with appearance, landscaping and layout reserved; however, drawings have been submitted with the application which provide an indicative layout and appearance. The building would be a double height warehouse style building with a mezzanine floor. The building would provide equipment storage space, a workshop, shower facilities, lockers a staff area and an office. The maximum parameters of the proposed maintenance building would be as follows: footprint of 1,000sq.m, floor space of 1,150sq.m and 10m for the overall maximum height.

- 3.7 The grounds would benefit from a variety of sustainable urban drainage systems including underground drainage, swales, detention basins, and ha-ha's surrounding the courts, the drainage systems would generally follow the contours of the site, directing the water toward the north part of the site where they would flow into a large, landscaped detention basin/wetland. Low level planting is proposed along the northwest and northeast boundaries, while dense plating is proposed along the west and south boundaries. As previously mentioned, the eastern portion of the site would comprise retained football pitches.
- 3.8 The proposal seeks to adopt the same opening hours as the existing facility for the majority of the site, which are 07:00-21:30 from Monday to Saturday (inclusive) and 09:00-21:30 on Sundays and bank holidays; albeit it is requested that the clubhouse remain in operation until 10:30 of Fridays and Saturdays. In addition, it has been indicated that AELTC may apply to extend these hours for special occasions, such as a barbeque for local residents. There is no flood lighting proposed as part of the application as the grass courts would only be used through the lighter months (May through September); I note that the applicant has subsequently reiterated/confirmed that there would be no flood lighting as part of the proposal. AELTC anticipates the following employment to be generated by the proposal: 2 management/administration staff, 10 coaches, 8-10 (possibly more during peak times) grounds team, 2 cleaners, 4 (on rotation) security staff, 4 staff in the club house.
- 3.9 Prior to the submission of the application, the applicant undertook consultation with local residents and key stakeholders. The application is supported by a Statement of Community Involvement which describes their consultation process. The applicant met with then Councillor's G. Lewis-Lavender and B. Lewis-Lavender on 28 November 2017; the Councillors were supportive of the improved tennis facilities. Two Public Exhibition events were held at the site on 30 November and 4 December 2017 to present the scheme to local residents, Ward Councillors and representatives of the Raynes Park Residents Association. Attendees were briefed on the proposal and given the opportunity to provide comment and ask questions. A total of 53 people were entered on the attendance register. Representatives from Raynes Park and West Barnes Residents Association attended along with two Ward Councillors. The feedback received during the exhibition was predominantly positive and well received. Many visitors welcomed the commitment to continuing and enhancing the use of the ground for sport. The general feedback is summarised as follows:
- Pleased it is not a proposal for residential development
 - Queries whether flood lighting would be incorporated
 - Queries about how the facilities could be used by the public i.e. booking systems
 - Concerns raised about the Cannon Hill Lane access given the congestion of the road, assurances were sought that the access would be for maintenance only
 - Concerns raised about air quality and noise from the main carpark to neighbouring properties, suggested substantial planting to mitigate this
 - Existing drainage issues were highlighted and assurances were sought that the development would not exacerbate them
 - The applicant sought feedback regarding the preferred landscaping treatment to the northern and eastern boundaries, the overwhelming response was to keep views over the site unobstructed

4. PLANNING HISTORY

4.1 The most relevant planning history is summarised below:

4.2 MER705/81: ERECTION OF 3.6M HIGH CHAIN LINK FENCE – Granted.

- 4.3 10/P3119: Application for outline planning permission for the residential development of part of the existing playing fields, with the erection of 53 new dwellings [comprising 12 two bedroom flats, 22 three bedroom and 19 four bedroom houses in two and three storey buildings] and the creation of new all-weather floodlit playing pitch. [Outline approval is sought for access only, with appearance, landscaping, layout and scale reserved for future consideration] - Refused.

Reasons for refusal: The proposed development: (a) would result in the loss of part of an urban green space which has recreational and amenity value; (b) fails to protect and enhance the Borough's public and private open space network; and (c) fails to give adequate weight to the protection of open space. The proposals would therefore be contrary to policy CS.13, paragraph (a), of the Merton Local Development Framework Core Planning Strategy (2011) and policy L.5, paragraph (i), of the Adopted Merton Unitary Development Plan (October 2003), and gives undue weight to the application of policy L.7 of the Adopted Merton Unitary Development Plan (October 2003).

- 4.4 14/P0348: The provision of additional tennis facilities, with these facilities including a total of six permanent synthetic surface tennis courts, with three of these tennis courts covered by an air dome (temporary for 10 years); the erection of eight, 10 metre high columns providing twelve floodlights to the three uncovered courts, the erection of single storey buildings to provide temporary changing facilities, storage and WC facilities, a new electrical substation, switch room and inflation unit, the resurfacing and formalising of the area currently used for car parking and the widening of existing vehicular access from Grand Drive plus associated landscaping, drainage and fencing – Refused.

Reasons for refusal: The proposals, and in particular the proposed air dome and associated facilities, by reason of size, position, design, including lighting, and massing, would result in an unacceptable form of development, which would: (i) fail to protect and enhance the Borough's public and private open space network including Metropolitan Open Land, parks, and other open spaces; by diminishing its sense of openness; (ii) be visually intrusive to the detriment of neighbour amenity and the visual amenities of the area; contrary to policies CS.13(a), and CS.14 of the Merton LDF Core Planning Strategy (2011), policy BE.15 (iii) of the Merton Unitary Development Plan (2003) and policy DM.D2 of Merton's Draft Sites and Policies Plan (2014).

- 4.5 14/P3466: The provision of additional tennis facilities, including a total of six permanent synthetic surface tennis courts, with three of these tennis courts covered by an air dome (temporary for 10 years); the erection of 8, ten metre high columns providing twelve floodlights to the three uncovered courts, the erection of single storey buildings to provide temporary changing facilities, storage and WC facilities, a new electrical substation, switch room and inflation unit, the resurfacing and formalising of the area currently used for car parking and the widening of the existing vehicular access from Grand Drive with associated landscaping, drainage, fencing and entrance gates – Granted.

The approved application differed from the refused scheme primarily on the basis of the height of the air dome being reduced by 2m, additional screening around the car park, and a reduction in the hours of use of the air dome and external floodlighting.

5. CONSULTATION

- 5.1 Public consultation was undertaken by way of site and press notices along with letters sent to 352 surrounding properties. The outcome of the consultation process

is summarised as follows:

5.2 12 representations were received from individual properties which objected to the proposal, the objections are summarised as follows:

- Exacerbate traffic congestion and adversely impact upon public transport
- Exacerbate parking pressure
- Compromise highway safety particularly in terms of vehicle and pedestrian movements
- Loss of outlook/views across the fields
- Overbearing/undue visual impact
- Increased noise and air pollution from vehicles
- Loss of privacy
- Compromised security
- Inadequate green screening
- Courts too close to surrounding properties
- Use of the courts would compromise the use of residential gardens
- Loss of openness to the site
- Loss of open space and sports grounds
- Increased noise from the general use of the site
- Exacerbate flood risk
- Development would be incongruous and unsightly
- Excessive scale
- Club house and maintenance buildings have excessive floor space
- Light spill/pollution
- Harmful to and loss of biodiversity
- Proposal will degrade the area
- Loss of value to surrounding property
- Site should not be permitted to serve alcohol or be available for private hire
- Excessive car parking
- Access and parking for the sport pitches are unclear

5.3 4 representations were received from individual properties which were in support of the proposal, the letters of support are summarised as follows:

- The scheme is well designed and will help improve the area
- Hopefully it will be a catalyst to improve the area
- The facilities would be world class
- Provide opportunities to the public to develop skills and keep healthy and fit
- Provide opportunities to develop new champions
- Promoting tennis to local schools
- The proposal will open its doors to the community at a low cost providing opportunities to make friends and combat loneliness
- The dome means lessons would not need to be cancelled due to poor weather
- Presents an opportunity to improve cycle routes in the area
- Proposal will reduce flooding in the area
- 350 children are coached throughout the year for free as part of the Wimbledon Junior Tennis Initiative
- The grounds are well looked after

External:

5.4 Environment Agency: No objection. Advised that bespoke comments would not be provided, but requested that the EA standing flood risk advice be referred to when making the recommendation.

5.5 Thames Water: No objection. The proposal is located within 15m of underground assets, Thames Water therefore requested an informative be included which advises

how to undertake works near their assets to minimise risk of damage. Advised an additional informative be included relating to water supply and minimum pressures to be accounted for.

- 5.6 Sport England: Support the proposal subject to conditions. Sport England consulted with the Lawn Tennis Association whom confirmed they are in support of the proposal and the Football Foundation whom object to the proposal, as they state there is a requirement for additional pitches in the area. It is Sport England's policy to object to proposals which lead to the loss of, or prejudice the use of a playing field, unless one or more of the five exceptions stated in their policy apply. The proposal is considered to meet the following exception clause: "The proposed development is for an indoor or outdoor facility for sport, the provision of which would be of sufficient benefit to the development of sport as to outweigh the detriment caused by the loss, or prejudice to the use, of the area of playing field." Sport England's support is subject to conditions being included which require the proposed playing fields to be laid out to Sport England's standards and be made available for use prior to the use of the tennis facilities and that a community use agreement be prepared and agreed with Merton Council and Sport England. Sport England explicitly stated that in the event the requested conditions are not attached to any approval, they would be in objection to the proposal.
- 5.7 Secure by Design - Designing out Crime Officer: No objection. Recommended CCTV be incorporated and a variety of standards be adhered to. Advised that bollard lighting would not be compliant given the projected light is not at the right height for facial recognition.
- Internal:**
- 5.8 LBM Waste Services (refuse): No objection. The site plan should clearly show the refuse storage location.
- 5.9 LBM Flood Risk Engineer: No objection. The site is partially located within Flood Zone 2, it has a history of surface water flooding on and around the site as well as on Grand Drive. The proposal offers a sustainable urban drainage scheme (SuDS) which would improve drainage and reduce runoff leaving the site. The proposed SuDS will accommodate 1 in 100 year rainfall events + 40% allowance for climate change and will limit offsite flows to a flow rate lower (better) than greenfield rates at a maximum rate of 29.6l/s; greenfield rates have been calculated to be 34.14l/s. It is noted that the applicant undertook investigations of the existing drainage network which identified various defects both on and off site, these need to be raised with Thames Water and repaired as a matter of urgency. Conditions have been recommended requiring further details of the proposed SuDS and to require the development to be carried out in accordance with the recommendation in the submitted Flood Risk Assessment and drainage strategy.
- 5.10 LBM Trees Officer: No objection. Initial comments advised that a newly planted Holly Oak tree should not be removed; the proposal to remove 4 trees and part of a hedge near the junction with Cannon Hill Lane is considered acceptable given the level of proposed replanting; part of the proposed maintenance building would encroach on the root protection area (RPA) of a protected (TPO'd) Norway Maple, the footprint should be adjusted to move the building out of the RPA; extensive landscaping has been proposed across the site, additional trees should also be planted at the entrance, within the carpark and for screening to the northeast and northwest boundaries. The applicant responded advising that the Holly Oak was planted by AELTC the previous year, that the trees removal was necessary and that it is offset by proposed replanting; the applicant agreed to adjusting the footprint of the

maintenance building; the applicant advised that they would seek to incorporate the recommended additional planting into a planting scheme which would be required by condition; the limited screening to the northeast and northwest boundaries was intentional as to not inhibit views across the site, as requested by some residents during pre-planning consultation. The Trees Officer accepted the points and raised no further objection; suggested conditions include tree protection measures and a further details of a planting strategy.

- 5.11 LBM Climate Change Officer: No objection. Recommended conditions requiring an Energy and Sustainability Strategy to be submitted prior to the commencement of the development and a post construction verification that the appropriate standards have been achieved.
- 5.12 LBM Environmental Health Officer: Initial comments raised concerns in relation to the noise assessment, specifically in relation to traffic noise and use of the tennis courts. Aside from the concerns raised, the Environmental Health Officer advised that noise from plant would not be unduly harmful to neighbours, no objections are raised in relation to the impact upon air quality and that the recommendations made in the submitted Geotechnical and Geoenvironmental Assessment should be adhered to. In addition, conditions were recommended relating to external lighting and a demolition and construction method statement. Officers note that to mitigate the concerns of the Environmental Health Officer, the applicant has proposed additional mitigation measures including acoustic fencing and a noise management strategy for the car park.
- 5.13 LBM Urban Designer: No objection. From a design perspective, the scheme is considered to be well thought out, well designed and the Urban Designer generally concurred with the comments from the Design Review Panel. The design of the 'reserved matters' elements of the scheme are important to ensure an overall high quality. The landscaping is well thought out and brings everything together. The playing pitches seem a bit isolated and further thought could be given to better integrate them into the tennis element.
- 5.14 LBM Transport Officer: No objection. The proposed main access to the northwest is considered to be excessive in width, it is recommended to reduce the width to 10m by utilising an overrun for heavy vehicles. The proposed maintenance access to the east is considered to be excessive in width, it is recommended to remove the splayed edges and utilise a simple dropped kerb. The redundant dropped kerb to Cannon Hill Lane should be reinstated to provide on-street parking. Swept path analysis should be provided showing heavy vehicles entering and leaving the site. The level of parking provisions are considered to be acceptable given the proposed use. The level of cycle parking provisions are considered to be acceptable albeit they should be monitored as part of the travel plan and increased if there is demand. The submitted Transport Assessment includes trip generation analysis which shows that for the majority of the year the proposal would not generate significantly more trips than the existing site; in addition, given the relatively low number of person trips that would be generated each hour, the proposal is not considered to have a material impact upon the highway network. Subject to the aforementioned recommendations along with conditions and a £2,000 contribution to monitor a travel plan, the Transport Planner raised no objection. The recommended conditions include reinstating the redundant kerb to Cannon Hill Lane, car and cycle parking to be implemented and retained, submission of a construction logistics plan and a travel plan. It is noted that the applicant has made the recommended amendments to the vehicle accesses and that swept path analysis was submitted and found to be acceptable.

Design Review Panel (Meeting of 25 April 2018):

- 5.15 The Panel were unanimous in their praise of the concept for the use of this site. They felt that it was a sensitive intensification of the site and were impressed with the way the applicant had started with the problem of flooding and used this to inform a design approach that successfully dealt with this and made it a defining feature of the site design and layout. This was also good for biodiversity.
- 5.16 This was a welcome continuation of the 'tennis in an English garden' approach used for the main AELTC site. It was also spreading the 'Wimbledon tennis' brand across the whole borough and the public access arrangements were wholeheartedly welcomed. The Panel felt that the design was well thought through, thought the SUDS strategy was very good and felt that the whole was nicely engineered.
- 5.17 The Panel raised a number of technical and neighbour issues that they felt the applicant was addressing reasonably well but needed to stay 'on the ball' with. These included traffic and parking, floodlighting and noise. The surrounding green boundary to residential gardens was also considered important to retain and manage.
- 5.18 It was felt that the parking needed to form an integral part of the landscaping and the non-tennis playing pitches could possibly be better or more clearly integrated into the site. As for the reserved matters applications for the design detail of the buildings, the Panel were clear that there needed to be the same amount of care and quality taken as for the main site.
- 5.19 VERDICT: **GREEN**

6. POLICY CONTEXT

6.1 National Planning Policy Framework (2012)

- Paragraph 56: The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.
- Paragraph 58: ...
 - create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and
 - are visually attractive as a result of good architecture and appropriate landscaping.
- Paragraph 66: Applicants will be expected to work closely with those directly affected by their proposals to evolve designs that take account of the views of the community. Proposals that can demonstrate this in developing the design of the new development should be looked on more favourably.
- Paragraph 73: Access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities.
- Paragraph 74: Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:
 - an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
 - the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or

- the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.

NPPF sections of relevance:

- 7. Requiring good design
- 8. Promoting healthy communities
- 10. Meeting the challenge of climate change, flooding and coastal change
- 11. Conserving and enhancing the natural environment

6.2 London Plan 2016 policies:

- 2.6 Outer London: vision and strategy
- 3.1 Ensuring equal life chances for all
- 3.19 Sports facilities
- 5.1 Climate change mitigation
- 5.2 Minimising carbon dioxide emissions
- 5.3 Sustainable design and construction
- 5.4 Retrofitting
- 5.4A Electricity and gas supply
- 5.5 Decentralised energy networks
- 5.6 Decentralised energy in development proposals
- 5.7 Renewable energy
- 5.8 Innovative energy technologies
- 5.9 Overheating and cooling
- 5.10 Urban greening
- 5.11 Green roofs and development site environs
- 5.12 Flood risk management
- 5.13 Sustainable drainage
- 5.17 Waste capacity
- 5.21 Contaminated land
- 5.22 Hazardous substances and installations
- 6.3 Assessing effects of development on transport capacity
- 6.8 Coaches
- 6.9 Cycling
- 6.10 Walking
- 6.11 Smoothing traffic flow and tackling congestion
- 6.12 Road network capacity
- 6.13 Parking
- 7.1 Lifetime neighbourhoods
- 7.2 An inclusive environment
- 7.3 Designing out crime
- 7.4 Local character
- 7.5 Public realm
- 7.6 Architecture
- 7.14 Improving air quality
- 7.15 Reducing and managing noise, improving and enhancing the acoustic environment and promoting appropriate soundscapes
- 7.17 Metropolitan open land
- 7.18 Protecting open space and addressing deficiency
- 7.19 Biodiversity and access to nature
- 7.21 Trees and woodlands

6.3 Merton Local Development Framework Core Strategy – 2011 (CS) policies:

- CS 11 Infrastructure
- CS 13 Open space, nature conservation leisure and culture
- CS 14 Design

- CS 15 Climate change
- CS 16 Flood risk management
- CS 17 Waste management
- CS 18 Transport
- CS 19 Public transport
- CS 20 Parking servicing and delivery

6.4 Merton Sites and Policies Plan July 2014 policies (SPP) policies:

- DMC1 Community facilities
- DMO1 Open space
- DMO2 Nature conservation, trees, hedges and landscape features
- DMD1 Urban design and the public realm
- DMD2 Design considerations in all development
- DMEP2 Reducing and mitigating noise
- DMEP4 Pollutants
- DMF1 Support for floor risk management
- DMF2 Sustainable urban drainage systems (SuDS) and; Wastewater and water infrastructure
- DMT1 Support for sustainable transport and active travel
- DMT2 Transport impact of development
- DMT3 Car parking and Servicing Standards
- DMT5 Access to the road network

6.5 Supplementary Planning Documents

- Merton Open Space Strategy 2010/11
- Merton Playing Pitch Strategy 2011

7. PLANNING CONSIDERATIONS

7.1 Material Considerations

The key issues in the assessment of this planning application are:

- Principle of development.
- Design and impact upon the character and appearance of the area.
- Design – secure by design.
- Impact upon neighbouring amenity.
- Transport, highway network and parking and sustainable travel.
- Refuse storage.
- Sustainable design and construction.
- Flooding and sustainable urban drainage.
- Landscaping and impact upon trees and biodiversity.
- Site contamination.

Principle of development

7.2 The principle of development should be considered in the context of the site's designation as open space. London Plan policy 7.18 states that the loss of open space must be resisted unless an equivalent or better provision is made in the same catchment to offset the loss, and that any re-provision must be supported by an up to date needs assessment. Policy CS13 of the CS states that the Council must protect and enhance the boroughs open space. Policy DMO1(b) of the SPP states that open space will be protected from inappropriate development and that in accordance with the NPPF, open space should not be built upon unless: (i) an assessment clearly demonstrates the open space is surplus to requirement; or, (ii) an equal or better re-provision in terms of quality and quantity offsets the loss; or, (iii) the development is for sports and recreation where the need clearly outweighs the loss.

7.3 The Merton Open Space Strategy 2010/11 (MOSS) identified this site as Raynes Park Playing Fields with the following information: privately owned, 5 football pitches

and 1 cricket pitch. The Merton Playing Pitch Strategy 2011 also identified the site with the following uses: 5 football pitches in private ownership, 1 cricket pitch and 6 grass tennis courts.

- 7.4 The NPPF paragraphs 70 and 73, London Plan policy 3.19, CS policy CS13 and SPP policy DMO1 seek to increase participation in, and access to sport and physical activities. CS policy CS11 supports the multi-use of social, educational, cultural and recreational facilities.
- 7.5 It is noted that the Football Foundation have objected to the proposal stating that there is a requirement for additional pitches in the area. However, analysis at a more local level within the MOSS identified that the Raynes Park sub-area contained the majority of full size and mini football pitches in the borough, and also contained the largest proportion (46%) of the overall number of playing pitches in secured community use in Merton. Additionally the strategy recommended that access to privately owned sport and recreation facilities across the borough be sought by the Council, to enable public and community access to a wide range and diverse range of sports. It is further noted that Sport England are in support of the proposal.
- 7.5 The current tennis courts are not of a Championship standard and the sport pitches are not being used given they suffer from drainage problems; it is understood that these pitches have not been used since January 2015, thus the majority of the site remains as unused grassland. The proposal seeks to address the flooding issues at the site and provide 16 external grass tennis courts, 3 acrylic tennis courts within a permanent air dome (along with associated ancillary facilities) and three playing pitches. This means the provision of an additional 13 tennis courts which will be of a Championship standard and courts that can be used throughout the year (grass courts used May through September, acrylic courts used all year round) and providing public access to a significantly greater portion of the site, thus resulting in a more intensive recreational use that also provides facilities for the local community to use above and beyond what is currently available. The increased provision of Championship standard tennis facilities is necessary to provide practice facilities for professionals in the run-up and during the Wimbledon Championships; for the remainder of the year some the courts will be available to the community and as Merton's (and London's) population continues to grow, there is a corresponding need for more sport facilities. It is further noted that the facilities would serve the Wimbledon Junior Tennis Initiative (WJTI) which specifically targets fitness and sports education in children and that the clubhouse would be available for community uses such as yoga, pilates and community meetings.
- 7.6 The proposed buildings would cover a greater area of open space than those currently existing; however, the area has been partially built upon already, the proposed buildings are ancillary to the proposed sport and recreation use where the need outweighs the loss, indicative drawings detailing the maximum dimensions and the layout of the buildings have been provided which demonstrate that buildings are only as large as necessary - bearing in mind the facility is intended to be world class and to cater for professional athletes.
- 7.7 The proposal would result in the loss of 2 football pitches and 1 cricket pitch; however and as previously mentioned, in reality these are not used given the existing flooding issues. In exchange for the loss of the unused pitches the proposal would offer a top class tennis facility which would be available to the public for the majority of the year and would provide numerous public benefits. While the proposal seeks to build upon additional areas of open space, it is considered that the development meets the tests of development on open space in that it is a necessary part of the scheme as a

whole, that it is only as large as necessary and that the remaining open space would be of a better quality with better access. Given the above, it is considered that the proposal is acceptable in principle, subject to compliance with the relevant London Plan policies, Merton Local Development Framework Core Strategy and Merton Sites and Policies Plan.

Design and impact upon the character and appearance of the area

- 7.8 The NPPF section 7, London Plan policies 7.4 and 7.6, Core Strategy policy CS14 and SPP Policy DMD2 require well designed proposals which would optimise the potential of sites, that are of the highest architectural quality and incorporate a visually attractive design that is appropriate to its context, so that development relates positively to the appearance, scale, bulk, form, proportions, materials and character of their surroundings, thus enhancing the character of the wider area. In addition, specifically in relation to development on open space, policy DM O1 of the SPP requires proposals to be of a high quality design and to not harm the character, appearance or function of open space.
- 7.9 The main structures proposed to the site are the air dome, which has been applied for in full, and the clubhouse and maintenance building which are applied for in outline, with matters of appearance, landscaping and layout reserved. In addition, a security hut is proposed to the northwest entrance and is applied for in full.
- 7.10 The proposed air dome would match the appearance, height and width of the existing air dome, albeit it would be slightly longer to accommodate the same spacing between the courts as Championship courts. The proposed dome would be positioned immediately north of, and at an angle parallel to the existing dome. It would be largely screened from the properties to south by the existing dome and trees, it would maintain a separation distance of approximately 100m from the properties to the east, 130m from the properties to the north and 140m from the properties to the west.
- 7.11 The proposal would involve a comprehensive redevelopment of the site to provide an extensive tennis facility, it is within this context that the proposed air dome is considered; amongst the wider tennis facilities the dome is considered to be in keeping with the general theme of the development and it is not considered to unduly impact upon the character, appearance or function of open space. It is further noted that the dome would either be effectively screened or comprise considerable separation distances from the site boundaries.
- 7.12 The clubhouse would be two storey and would front the carpark, featuring prominently within the site; it would maintain a separation distance of approximately 35m from the site boundary to the west. The clubhouse would provide a focal point to the site and would comprise the main entrance to the facilities. The entrance is configured to be visible from the carpark and to provide connectivity and coherence to the facilities to the rear. The indicative drawings of the clubhouse suggest a building with a sweeping curved roof and the submitted Design and Access Statement describes it as being “constructed sustainably using simple, elegant and robust materials in line with the look and feel of the All England Lawn Tennis Club. The form and materials will promote a strong connection to the surrounding landscape.” The scale of the proposed building has been informed by its essential functions such as reception, administration space and changing and shower facilities and from its requirement to cater for professional players within a world class facility. Indicative floor plans have been submitted which demonstrate that the building is only as large as necessary to provide its necessary functions; its scale is considered to be appropriate in the context of the scale of the wider site. The indicative drawings and

descriptions suggest a high quality and coherent design which would be complementary to the site as a whole; however, final details of the appearance, landscaping and layout would be subject to reserved matters applications.

- 7.13 The proposed maintenance building would be positioned immediately to the east of the existing air dome and would be largely screened from the properties to the north, west and south from the proposed air dome, the existing air dome and existing and proposed trees respectively; from the eastern boundary the building would maintain a separation distance of approximately 95m. The building would be a double height warehouse style building with a mezzanine floor. The scale of the building has been designed to accommodate essential machinery for the maintenance of the site and facilities for maintenance staff. Indicative floor plans have been submitted which demonstrate that the building is only as large as necessary to provide essential ancillary functions; the scale of the proposed building is considered to be appropriate in the context of the scale of the wider site. Indicative drawings suggests an asymmetric building with a dual pitch roof and a step change in height, this treatment is considered to result in an interesting form and considering the buildings function being a maintenance building, it is considered to be an appropriate and high quality design. It is further noted that the building would be largely screened from the rest of the site and from surround properties. However, final details of the appearance, landscaping and layout would be subject to reserved matters applications.
- 7.14 While landscaping will be discussed in detail in a later section of this report, it should be noted that the extensive landscaping would form an integral part of the overall appearance of the scheme, improving the coherence and harmony of the development and filtering views from beyond the site.
- 7.15 Viewed holistically, it is considered that the site would be developed in a sympathetic and coherent manner which would not be harmful to the character, appearance or function of open space.

Design – secure by design

- 7.16 The NPPF, London Plan policy 7.3 and SPP policy DMD2 seek to ensure the built form of developments are safe, secure and discourage crime.
- 7.17 Given the proposal is intended to cater for high profile athletes, crime prevention and a safe and secure layout is of particular relevance to this development. The entire site would be enclosed by security fencing with gates to all entrances. Security teams would be onsite with security huts at both of the public entrances. Low level lighting would extend into the carpark. CCTV would monitor key locations throughout the site. The applicant has advised that security procedures would be setup and adhered to, albeit the details of such would be sensitive and would extend beyond the remit of planning considerations.
- 7.18 The Designing out Crime Officer raised concern regarding the use of bollard lighting within the carpark advising that the height would not project at the right height for facial recognition. The applicant has engaged with their security team whom have advised that bollard lighting is preferred as higher level lighting can degrade the quality of CCTV images – it is also necessary to keep lighting levels low to minimise the impact upon neighbours and biodiversity which will be discussed further in a later section. The response from the applicant is considered to be acceptable.
- 7.19 It is clear that security is of a high priority for the applicant, and it is considered that the built form and security measures would be conducive of a safe and secure site which would discourage crime.

- Impact upon neighbouring amenity
- 7.20 London Plan policies 7.6, 7.14 and 7.15 along with SPP policies DM D2, DM EP2 and DM EP4 state that proposals must be designed to ensure that they would not have an undue negative impact upon the amenity of surrounding land and buildings, particularly residential properties, in terms of light spill/pollution, loss of daylight or sunlight/overshadowing, quality of living conditions, privacy, visual intrusion, amenity space, noise or pollution.
- Daylight, sunlight and visual intrusion
- 7.21 All proposed buildings would be positioned well within the site and away from the surrounding residential properties. The closest points buildings would come to the surrounding residential properties would be where the maintenance building and the single storey element of the clubhouse approach the southern boundary of the site, in both cases they would maintain separation distances of approximately 20m. Given the above, the proposal is not considered to unduly impact upon surrounding properties in terms of visual intrusion or loss of daylight or sunlight.
- Privacy
- 7.22 Both the proposed clubhouse and maintenance building maintain minimum separation distances of 20m from surrounding residential properties, thus the proposal is not considered to result in undue overlooking.
- Light spill
- 7.23 There will be no floodlighting associated with the proposal. Bollard lighting is proposed to public areas and up-lighting is proposed to certain trees. However, to ensure adequate lighting is provided which will not unduly impact upon neighbouring amenity, it is recommended to require a lighting strategy by way of condition which will be subject to Council approval.
- Noise
- 7.24 Noise would be generated on-site from the proposed tennis use, the movement of traffic and the use of the parking area, plant and machinery and the general use of the site.
- 7.25 With regard to the proposed tennis use, it is noted that the site is currently used for outdoor sport and recreation purposes, thus its proposed use for tennis purposes would not constitute a change of use in planning terms. As such, the site could be used for an intensified sport use, or more specifically for tennis, at any time and the intensification would not be subject to planning controls. Given the above and considering the site's designation, noise generated from the proposed tennis use would be considered to be acceptable. However, this application also presents an opportunity to limit the hours of use of the site which is addressed below.
- 7.26 With regard to the use of the car park and traffic movements, the north-western entrance would become the main vehicle access to the site; in addition, the parking area would be extended, meaning parking spaces would be added to the rear of the properties fronting Grand Drive. In addition, a new access would be created from Cannon Hill Lane for maintenance purposes. To assess the potential increase in noise to residents, the applicant has used the methodologies set out in the Manual for Roads and Bridges and a baseline survey was undertaken. Predicted noise levels from traffic movements and the general use of the car park were compared to the baseline survey results, it was found that predicted noise levels were consistently below typical ambient noise levels and it was considered that while certain peaks in noise would be audible, the overall impact would not be unduly harmful. The

Environmental Health Officer raised concerns regarding the use of the Manual for Roads and Bridges and whether it deals with issues such as doors being closed and manoeuvring when parking; however, they also acknowledged that they were not aware of any standards that specifically dealt with these matters. Given the concerns raised, the applicant suggested further mitigation measures, these included the use of acoustic fencing to the properties to the rear of Grand Drive (where new parking spaces would be) and the use of a noise management strategy for the carpark.

- 7.27 It is proposed to only use the new parking spaces to the rear of the properties on Grand Drive when capacity demands it, which is anticipated to be 4 weeks across the year; this could be managed by way of the noise management strategy which would be required by condition. Given these spaces would be reserved for the majority of the year, for the remainder of the year the separation distance from the rear elevations of the dwellings to the nearest parking spaces would be approximately 34m. To further mitigate the impact of noise, it is proposed to install acoustic fencing, undertake buffer planting and to limit the opening hours of the facility to a maximum of 07:00 to 21:30 throughout the week and up to 10:30 on Fridays and Saturdays. In terms of the more general use of the site, it is recommended to include conditions which would restrict the noise of amplified sound.
- 7.28 The noise from plant and machinery has been calculated to be low and would not harm neighbouring amenity.
- 7.29 Given the above, the impact of noise is not be considered to be unduly harmful to neighbouring residents.

Air quality

- 7.30 The application was supported by an Air Quality Assessment. The assessment found that risks to air quality in terms of pollutants and dust during the construction phase would be low, and that with good site practices and suitable mitigation measures the risks would be negligible; it is therefore recommended to require a demolition and construction management plan by way of condition. In addition, a worst case assessment has been undertaken in terms of human receptors from vehicle emissions, the modelled results suggest that the impact in terms of nitrogen dioxide would be slight to negligible while PM₁₀ and PM_{2.5} would be negligible. It is further noted that planting would be provided along the western boundary of the site which would help to filter air pollution and that the new parking spaces to the rear of the houses on Grand Drive would only be used during peak times, which is anticipated to be approximately 4 weeks across the year.
- 7.31 Given the above, the proposal is not considered to unduly impact upon neighbouring amenity.

Transport, highway network, parking and sustainable travel

- 7.32 London Plan policies 6.3 and 6.12, CS policies CS18 and CS20 and SPP policy DM T2 seek to reduce congestion of road networks, reduce conflict between walking and cycling, and other modes of transport, to increase safety and to not adversely effect on street parking or traffic management. London Plan policies 6.9, 6.10, 6.13, CS policy CS20 and SPP policies DM T1 and DM T3 seek to promote sustainable modes of transport including walking, cycling, electric charging points, travel plans and to provide parking spaces on a restraint basis (maximum standards).
- 7.33 The London Borough of Merton Transport Planner has reviewed this application; their comments are integrated into the assessment below.

Trip generation and the highway network

- 7.34 The submitted Transport Statement considers expected trip generation and compares it to the existing situation, this has been undertaken for typical weekdays and weekends which includes general use of the tennis facilities (communal use, coaching, WJTI) along with the sport pitches. In addition to typical days, there will be limited occasions when the site generates additional activity, this includes:
- Use by professionals during and leading up to the Championships (likely to be 2 – 3 weeks with demand decreasing as players are knocked out of the tournament)
 - International Tennis Federation Junior Practice / Events (7 days over the year)
 - County Week (one week)
- 7.35 These times of additional activity would equate to approximately 4 weeks across the year.
- 7.36 Trip generation analysis found that for the majority of the year the proposal would not generate significantly more trips than the site currently generates. In addition, traffic modelling was undertaken during peak times and assumed that everyone would travel to the site using a car (worst case scenario), the modelling found that the development would not have a material impact upon the highway network.
- 7.37 In terms of events such as the Championships or County Week, these would not overlap with WJTI programming, any increase in person trips would occur for a limited portion of the year and the majority of the trips would take place outside of the highways peak hours.
- 7.38 The main access to the site would be changed from the western vehicle access to Grand Drive to the north-western access to Grand Drive (which is currently used for maintenance). The north-western access would be upgraded to accommodate the additional vehicle movements. The western vehicle access to Grand Drive (currently the main access) would be used predominantly for pedestrians and cyclists, albeit it could also be utilised for vehicles at peak times. In addition, a new vehicle access would be provided to Cannon Hill Lane for maintenance purposes. All gates to the site would be setback from the highway to avoid queueing on the highway. It is noted that swept path analysis has been submitted for the main entrance and maintenance entrance. LBM's Transport Planner has reviewed the scheme and found the vehicle accesses to be acceptable.
- 7.39 Servicing and refuse collection would take place from the main carpark, this is considered to be acceptable given the ample circulation space and drop-off/pick-up facilities.
- 7.40 Given the above, the proposal is not considered to unduly impact upon the highway network.
- #### Vehicle parking provisions
- 7.41 The site has a PTAL of 2, suggesting that only a few journeys could be conveniently made by public transport thus vehicle parking would be essential.
- 7.42 To help inform the level of parking required, a parking survey was undertaken for the site which found that at peak times on a Saturday the occupancy would peak at approximately 46%, thus it operates well within capacity. This would mean that the current level of parking would be adequate for the proposal for the majority of the year. However, the total level of parking would also need to accommodate events which would generate additional activity along with parking for the playing pitches. As

such and to avoid overspill at peak times, it is proposed to increase the parking provisions to 127 spaces (including 8 disabled spaces) along with suitable provisions for car, mini-bus and coach drop-offs / pick-ups. As it is clear that all of these parking spaces would not be required for the majority of the year, 24 spaces would be restricted from use except where the general parking spaces approach capacity. In addition, 10 parking spaces would be provided for staff near the maintenance building which would be accessed from Cannon Hill Lane.

- 7.43 In order to create the vehicle access to Cannon Hill Lane, it would be necessary to install double yellow lines on both sides of the access which would result in the loss of 6 on-street spaces. As such, a parking survey was undertaken which found that following the removal of these spaces, Cannon Hill Lane would have a parking stress of approximately 69%, thus the network can accommodate the loss.
- 7.44 Given the above, it is considered that the vehicle parking provisions would be adequate given the nature and scale of the proposal and would not unduly impact upon parking provisions within the surrounding network.

Sustainable Travel

- 7.45 The developer has provided a draft Travel Plan in support of the application which seeks to promote sustainable travel for visitors to the site (employees, patrons etc), this provision is welcomed and it is recommended to require final details by way of condition.
- 7.46 34 covered cycle parking spaces are proposed which is considered to be acceptable for the nature and scale of the proposal. However, it is recommended that cycle parking be monitored as part of the Travel Plan and increased if necessary.
- 7.47 London Plan policy 6.13 requires 1 in 5 (20%) of parking spaces to be electric charging spaces (10% active and 10% passive); the applicant has proposed 28 active and 12 passive electric charging points which equates to 20% active and 8% passive; this provision exceeds standards by a significant margin and is welcomed.

Refuse storage

- 7.48 Appropriate refuse storage must be provided for developments in accordance with policy 5.17 of the London Plan and policy CS 17 of the Core Strategy.
- 7.49 The proposed plans do not provide specific information on refuse storage; however, given the size of the site, it is considered that refuse storage could easily be accommodated. It is therefore considered acceptable to require further details of refuse storage by way of condition.

Sustainable design and construction

- 7.50 London Plan policies 5.1, 5.2, 5.3, 5.4, 5.4A, 5.5 to 5.11 and CS policy CS15 seek to ensure the highest standards of sustainability are achieved for developments which includes minimising carbon dioxide emissions, maximising recycling, sourcing materials with a low carbon footprint, ensuring urban greening and minimising the usage of resources such as water. Non-residential development requires a minimum improvement of 35% in terms of carbon savings on Part L of the Building Regulations 2013.
- 7.51 As the main structures proposed as part of this application are being applied for in outline, it would not be expected that detailed information in terms of sustainable design and construction would be provided at this stage. As such, it is considered reasonable to apply conditions which would require a detailed energy and

sustainability strategy to be submitted which would require a minimum of a 35% improvement in terms of carbon savings on Part L of the Building Regulations 2013 and a maximum internal water usage of 105 litres/person/day.

Flooding and sustainable urban drainage

- 7.52 London Plan policies 5.12 and 5.13, CS policies CS13 and CS16 and SPP policies DM F1 and DM F2 seek to minimise the impact of flooding on residents and the environment and promote the use of sustainable drainage systems to reduce the overall amount of rainfall being discharged into the drainage system and reduce the borough's susceptibility to surface water flooding.
- 7.53 LBM's Flood Risk Engineer has reviewed this application; their comments are integrated into the assessment below.
- 7.54 The site is partially located within flood zone 2. The site has a general, slightly undulating, 2-3m fall from the eastern/south-eastern portion of the site to the north/north-western areas of the site. The flooding on the site is predominantly from water falling and collecting on the site itself, and due to the soil which is largely made up of clay, the water does not infiltrate the ground effectively. The water follows the gradient of the site and tends to collect at the low point near the north-western boundary, some of this water encroaches on to the residential properties beyond the boundary.
- 7.55 The grounds would benefit from a variety of sustainable urban drainage systems (SuDS) including underground drainage, filter strips, swales, detention basins, and ha-ha's surrounding the courts with a filter trench at its base, the drainage systems would generally follow the contours of the site, directing the water toward the north part of the site where they would flow into a large, landscaped detention basin/wetland.
- 7.56 The proposed SuDS would accommodate rainfall events up to and including 1 in 100 year rainfall events + 40% allowance for climate change, this would limit offsite flows to 29.6l/s which is lower than greenfield rates.
- 7.57 It is considered that the proposal would improve flooding and drainage issues at the site. It is recommended to include conditions which would require further details of the proposed drainage scheme and to ensure the development is carried out in accordance with the Flood Risk Assessment and Drainage Strategy.

Landscaping and impact upon trees and biodiversity

- 7.58 The site is designated open space and is subject to tree protection order No. 580 TPO 2012. NPPF section 11, London Plan policies 7.5, 7.19 and 7.21, CS policy CS13 and SPP policies DM D2, DM O1 and DM O2 seek to ensure high quality landscaping to enhance the public realm, protect trees that significantly improve the public realm, to enhance biodiversity, encourage proposals to result in a net gain in biodiversity and to discourage proposal that result in harm to the environment, particularly on sites of recognised nature conservation.
- 7.59 The site predominately comprises grassland which offers limited value to biodiversity. Native and non-native climbing plants along with broad leaved trees are present near the southern boundary which offer suitable habitats for bird nesting.
- 7.60 The application is supported by a Preliminary Ecological Appraisal for the site which included a site visit and habitat survey carried out in September 2017. The appraisal found that the main areas of ecological value were near the southern boundary of the site and related to bird nesting. It was found that there was negligible to low potential

for most protected species with the exception of hedgehogs and nesting birds which were considered to be moderate. The methodology and findings of the appraisal are considered to be fair and reasonable. Given the above, it is considered that the proposal presents an opportunity to significantly improve biodiversity on the site.

- 7.61 The application is supported by a Bat Survey Report which included a roost assessment undertaken in September 2016 and a dusk emergence survey undertaken in May 2018. No evidence of roosting bats was recorded; while the existing pavilion was considered to hold low suitability for roosting bats, an emergence survey was still undertaken. No bats were recorded emerging or entering the pavilion. The pavilion is therefore considered to be of negligible importance for bats and it is not considered to be a constraint to the proposal. Small numbers of common bats were found to forage over the site which is considered to hold local importance for foraging and commuting bats. The methodology and findings of the appraisal are considered to be fair and reasonable.
- 7.62 The application is supported by an Arboricultural Survey, Impact Assessment and Method Statement. It is proposed to remove 4 trees and a hedge from the site to facilitate the development, these being a Leyland Cypress, Pear, Norway Maple and a newly planted Holm Oak. The trees subject to tree protection orders (TPO's) would not be removed. The Arboricultural Survey, Impact Assessment and Method Statement proposes tree protection measures which are considered to be acceptable, it is recommended to secure these measures by way of condition.
- 7.63 Extensive landscaping is proposed around the site. To the playing fields and to the east of the site, native hedges are proposed along the residential boundary, interspersed native and ornamental shrubs and trees will create separation and screening to the access road, maintenance building and carpark. To the main carpark, large shrubs will be planted along the western and north-western boundaries, within the carpark a mixture of evergreen shrubs, ornamental grasses and perennials and trees will be provided. The entrance to the facilities/clubhouse will comprise lawns and planting beds, these beds and those around the drop-off area will be planted with ornamental grasses, herbaceous perennials and evergreen shrubs. The leeward side of the entrance/clubhouse would be flanked by planting beds with trees. The main walkways of the courts would utilise planting boxes which would be planted with seasonal planting. Near the northern point of the site, the boundary and the bank lines of proposed detention basin would be planted with native shrubs. The banks and base of the detention basins and Ha-Ha would be seeded with wildflowers and planted with native marginal species to colonise and provide a wetland environment. Trees would be scattered throughout the drainage network. Additional trees would be planted along the southern boundary.
- 7.64 Given the extensive planting and landscaping proposed, the removal of the aforementioned trees is considered to be acceptable. The proposed planting and landscaping would provide a variety of habitats to improve biodiversity on the site, including trees, flowers, planting boxes, hedges and wetland type environments.
- 7.65 Further to the above, the Preliminary Ecological Appraisal recommends protection measures for potential species along with enhancements to further improve biodiversity. Protection measures include Heras fencing to broad leaved trees, to avoid disturbing birds in breeding season, to avoid disturbing potential bats with lighting, to provide for hedgehog migration (cover or provide escape ramps to excavations and gaps at the base of fences) and the removal of invasive species. Recommended enhancement measures include a green roof, hedgerow planting, bird boxes, insect housing, avoiding the use of slug pellets, maintaining infrequently

cut grass along the edges of the site, providing hedgehog houses, and creating timber log piles for invertebrates, small mammals and amphibians. In addition, the Bat Survey Report recommends the installation of bat boxes to the site. It is recommended to address the recommendations of the appraisal using suitably worded conditions.

- 7.66 Given the above, it is considered that the proposal has the potential to result in significant improvements to the site in terms of tree planting and biodiversity.

Site contamination

- 7.67 London Plan Policy 5.21 and SPP policy DM EP4 state that developments should seek to minimise pollutants, reduce concentrations to levels that have minimal adverse effects on human or environment health and to ensure contamination is not spread.

- 7.68 The application included a Geotechnical & Geoenvironmental Assessment which confirmed that no significant sources of contamination were identified on site. However, further action will be necessary to mitigate risks associated with asbestos containing materials on site, these risks are considered to be limited to the construction phase. It is therefore recommended to include a condition which requires the recommendations of the Geotechnical & Geoenvironmental Assessment to be followed.

8. CONCLUSION

- 8.1 The proposal presents an opportunity to intensify the sports use of the site by providing a world class tennis facility. The proposal would result in the loss of 2 football pitches and 1 cricket pitch; however, in reality these are not used given the existing flooding issues at the site. In exchange for the loss of the unused pitches, the proposal would offer 13 additional tennis courts as part of a world class facility, it would increase public access to the site, it would offer community use floor space and it would provide a re-provision of 3 pitches where the flooding issues have been addressed. The built development of the proposal is considered to meet the tests of development on open space and the remaining open space is considered to be of an improved quality. Given the above, the principle of development is considered to be acceptable.
- 8.2 The clubhouse and maintenance buildings are applied for in outline only; however, the scale of the buildings are considered to be appropriate given the scale and nature of the proposal and indicative drawings and descriptions suggest a high quality design, with the final design, layout and landscaping being subject to reserved matters applications. The remaining parts of built development, most notably the air dome, are considered to be appropriate given the overall proposal. The proposal is considered to be designed to offer a safe and secure layout and to discourage crime. The proposal is not considered to unduly impact neighbouring amenity. The proposal would not unduly impact upon the highway network, including parking provisions. It is considered the proposal can achieve suitable refuse storage provisions. It is considered that the proposal can achieve the appropriate sustainable design and construction standards. The proposal is considered to improve flood risk and drainage on site and to reduce flows leaving the site. The proposal is considered to offer a high quality landscaping and planting scheme which would significantly improve biodiversity on site.
- 8.3 The proposal is considered to accord with the relevant National, Strategic and Local Planning policies and guidance and approval could reasonably be granted in this case. It is not considered that there are any other material considerations which would warrant a refusal of the application.

RECOMMENDATION

Grant planning permission subject to the completion of a section 106 legal agreement and appropriate conditions.

Section 106 legal agreement:

1. Contribution of £2,000.00 to cover the cost of monitoring the Travel Plan (required by condition to this permission) over a period of 5 years;
2. The applicant entering into an agreement under the Highways Act to be consolidated into the planning agreement, to provide for a scheme of works to deliver vehicle crossovers, including any necessary works to the highway to facilitate the crossovers and to remove the redundant crossover on Cannon Hill Lane by reinstating the kerb;
3. The developer agreeing to meet the Council's costs of preparing [including legal fees] the Section 106 Obligations [to be agreed by developer];
4. The developer agreeing to meet the Council's costs of monitoring the Section 106 Obligations [to be agreed by developer].

Conditions:

Conditions relating to the permission in full:

- 1) Standard condition [Commencement of development - full]: The development to which this permission relates shall be commenced not later than the expiration of 3 years from the date of this permission.

Reason: To comply with Section 91 (as amended) of the Town & Country Planning Act 1990.

- 2) Standard condition [Materials to be approved]: No development, above foundations, other than demolition, shall take place until details of particulars of the materials to be used on all external faces of the development hereby permitted, including window frames and doors (notwithstanding any materials specified in the application form and/or the approved drawings), have been submitted to the Local Planning Authority for approval. No works which are the subject of this condition shall be carried out until the details are approved, and the development shall be carried out in full accordance with the approved details.

Reason: To ensure a satisfactory appearance of the development and to comply with the following Development Plan policies for Merton: policy 7.6 of the London Plan 2016, policy CS14 of Merton's Core Planning Strategy 2011 and policies DMO1 DMD2 and DMD3 of Merton's Sites and Policies Plan 2014.

Conditions relating to the permission as a whole (both full and outline):

- 3) Non-standard condition [Approved plans]: Other than those matters reserved (appearance, layout and landscaping in relation to the clubhouse and maintenance building), the development hereby permitted shall be carried out in accordance with the following approved plans: [Refer to the schedule on page 1 of this report].

Reason: For the avoidance of doubt and in the interests of proper planning.

- 4) Non-standard condition [Hours of use]: The use hereby permitted shall only operate between the hours of 07:00-21:30 Monday to Saturday (inclusive) and 09:00-21:30 on Sundays and bank holidays, other than the use of the clubhouse which shall operate within those hours and up to 22:30 on Friday and Saturday, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the amenities of surrounding area and to ensure compliance with the following Development Plan policies for Merton: policy 7.15 of the London Plan 2016, and policy DM EP2 of Merton's Sites and Policies Plan 2014.

- 5) Standard condition [Timing of construction]: No demolition or construction work or ancillary activities such as deliveries shall take place before 8am or after 6pm Mondays - Fridays inclusive, before 8am or after 1pm on Saturdays or at any time on Sundays or Bank Holidays.

Reason: To safeguard the amenities of the area and the occupiers of neighbouring properties and ensure compliance with the following Development Plan policies for Merton: policy 7.15 of the London Plan 2016 and policy DM EP2 of Merton's Sites and Policies Plan 2014.

- 6) Standard condition [Cycle storage]: No part of the development hereby permitted shall be used/occupied until the cycle parking shown on the plans hereby approved has been provided and made available for use. These facilities shall be retained for the occupants of and visitors to the development at all times.

Reason: To ensure satisfactory facilities for cycle parking are provided and to comply with the following Development Plan policies for Merton: policy 6.13 of the London Plan 2016, policy CS18 of Merton's Core Planning Strategy 2011 and policy DM T1 of Merton's Sites and Policies Plan 2014.

- 7) Amended standard condition [Parking]: No part of the development hereby permitted shall be used/occupied until the vehicle parking provisions shown on the approved plans has been provided and made available for use, including the disabled spaces and active and passive electric charging spaces. These facilities shall be retained for the users of and visitors to the development at all times thereafter and shall not be used for any other purpose.

Reason: To ensure the provision of a satisfactory level of parking and comply with the following Development Plan policies for Merton: policy 6.13 of the London Plan 2016, policy CS20 of Merton's Core Planning Strategy 2011 and policy DM T3 of Merton's Sites and Policies Plan 2014.

- 8) Standard condition [Construction logistic plan]: Prior to the commencement of the relevant part of development [including demolition] hereby permitted, a Construction Logistics Plan for that part of the development shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented prior to the relevant part of development is commenced and shall be so maintained for the duration of the construction period, unless the prior written approval of the Local Planning Authority is first obtained to any variation.

Reason: To ensure the safety of pedestrians and vehicles and the amenities of the surrounding area and to comply with the following Development Plan policies for Merton: policies 6.3 and 6.14 of the London Plan 2016, policy CS20 of Merton's Core Planning Strategy 2011 and policy DM T2 of Merton's Sites and Policies Plan 2014.

- 9) Amended standard condition [Travel Plan]: Prior to the use/occupation of any part development hereby permitted, a travel plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall follow the current 'Travel Plan Development Control Guidance' issued by TfL and shall include:
- (i) Targets for sustainable travel arrangements;
 - (ii) Effective measures for the on-going monitoring of the Plan;

- (iii) A commitment to delivering the Plan objectives for a period of at least 5 years from the first occupation of the development;
- (iv) Effective mechanisms to achieve the objectives of the Plan by both present and future occupiers of the development.

The development shall be used/occupied only on accordance with the approved Travel Plans.

Reason: To promote sustainable travel measures and comply with the following Development Plan policies for Merton: policy 6.3 of the London Plan 2016, policies CS18, CS19 and CS20 of Merton's Core Planning Strategy 2011 and policy DM T2 of Merton's Sites and Policies Plan 2014.

- 10) Amended standard condition [Working method statement]: No development [including demolition], in relation to the relevant part of the development, shall take place until a Demolition and Construction Method Statement for that part of the development has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the demolition and construction period. The Statement shall provide for:
- hours of operation
 - the parking of vehicles of site operatives and visitors
 - loading and unloading of plant and materials
 - storage of plant and materials used in constructing the development
 - the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
 - wheel washing facilities
 - measures to control the emission of noise and vibration during construction.
 - the requirements of the non-road mobile machinery
 - measures to control the emission of dust and dirt during construction/demolition
 - a scheme for recycling/disposing of waste resulting from demolition and construction works

Reason: It is necessary for the condition to be discharged prior to the commencement of development ensure vehicle and pedestrian safety and to protect the amenities of neighbouring occupiers and to comply with policy CS20 of the Adopted Merton Core Planning Strategy 2011 and policy DM D2 of Merton's Sites and Policies Plan.

- 11) Standard condition [Refuse details]: No development (other than site clearance, preparation and demolition), in relation to the relevant part of the development, shall take place until a scheme for the storage of refuse and recycling for that part of the development has been submitted in writing for approval to the Local Planning Authority. No works which are the subject of this condition shall be carried out until the scheme has been approved, and that part of the development shall not be used/occupied until the scheme has been approved and has been carried out in full. Those facilities and measures shall thereafter be retained for use at all times from the date of first occupation.

Reason: To ensure the provision of satisfactory facilities for the storage of refuse and recycling material and to comply with the following Development Plan policies for Merton: policy 5.17 of the London Plan 2016, policy CS17 of Merton's Core Planning Strategy 2011 and policy DM D2 of Merton's Sites and Policies Plan 2014.

- 12) Standard condition [Fencing and walls]: No part of the development shall be used/occupied until details of all boundary walls or fences are submitted in writing for approval to the Local Planning Authority. 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.

Reason: To ensure a satisfactory and safe development in accordance with the following Development Plan policies for Merton: policies 7.5 and 7.6 of the London Plan 2015, policy CS14 of Merton's Core Planning Strategy 2011 and policies DM D1 and D2 of Merton's Sites and Policies Plan 2014.

- 13) Standard condition [External lighting]: Any external lighting shall be positioned and angled to prevent any light spillage or glare beyond the site boundary.

Reason: To safeguard the amenities of the area and the occupiers of neighbouring properties, in accordance with policies DM D2 and DM EP4 of Merton's Sites and Policies Plan 2014.

- 14) Non-standard condition [lighting strategy]: Prior to the first use/occupation of the development hereby approved, an external lighting strategy shall be submitted in writing for approval to the Local Planning Authority. No works which are the subject of this condition shall be carried out until the scheme has been approved, and the development shall not be used/occupied until the scheme has been approved and has been carried out in full.

Reason: To safeguard the amenities of the area and the occupiers of neighbouring properties, to promote crime prevention and to protect nature conservation in the area, in accordance with policies DM D2 and DM EP4 and DM O2 of Merton's Sites and Policies Plan 2014.

- 15) Amended standard condition [Noise levels amplified sound]: No music or other amplified sound generated on the premises shall be audible at the boundary of any adjacent residential building such as to constitute a statutory nuisance.

Reason: To safeguard the amenities of surrounding area and to ensure compliance with the following Development Plan policies for Merton: policy 7.15 of the London Plan 2016, policy CS7 of Merton's Core Planning Strategy 2011 and policy DM EP2 of Merton's Sites and Policies Plan 2014.

- 16) Non-standard condition [Public address system]: Details of any proposed public address system, shall be submitted to and approved by the local planning authority before this system is first used with these details including noise emission levels, measures to prevent nuisance to adjoining occupiers and times of operation and any approved details shall be in place prior to the first use of the system and permanently maintained thereafter.

Reason: To safeguard the amenities of the area and the occupiers of neighbouring properties and ensure compliance with the following Development Plan policies for Merton: policy 7.15 of the London Plan 2011 and policies DM D2, DM D3, DM EP2 and DM EP4 of Merton's Sites and Policies Plan 2014.

- 17) Non-standard condition [SuDS]: Prior to the commencement of the development hereby permitted (other than site clearance, preparation and demolition), a scheme for the provision of surface and foul water drainage shall be submitted to and approved in writing by the local planning authority. The scheme shall dispose of surface water by means of a sustainable drainage system and provide:
- i. Details of the design storm period and intensity, attenuation volume and measures to prevent pollution to ground and surface water, with a maximum rate of discharge from the site to be 29.6l/s
 - ii. An implementation timetable
 - iii. CCTV of the existing sewer and drainage network to establish its condition and any remedial works required both on and offsite
 - iv. Sequencing of works and construction method statement for any sewer diversions and new connections with all sewer diversions and any new connections are undertaken to the satisfaction of Thames Water.

No works which are the subject of this condition shall be carried out until the scheme has been approved, and the development shall not be used/occupied until the scheme is carried out in full. Those facilities and measures shall be retained for in perpetuity.

Reason: To reduce the risk of surface and foul water flooding and to ensure the scheme is in accordance with the drainage hierarchy of London Plan policies 5.12 & 5.13 and the National SuDS standards and in accordance with policies CS13 and CS16 of the Core Strategy and DMF2 of the Sites and Policies Plan.

- 18) Non-standard condition [SuDS post construction verification]: No part of the development hereby approved shall be used/occupied until evidence has been submitted to the Local Planning Authority confirming that the development has been built in accordance with, and achieved the standards set out in, the approved sustainable drainage system.

Reason: To reduce the risk of surface and foul water flooding to the proposed development and future users, and ensure surface water and foul flood risk does not increase offsite in accordance with Merton's policies CS16, DMF2 and the London Plan policy 5.13.

- 19) Non-standard condition [Flood Risk]: The development hereby authorised shall be carried out in accordance with the details, measures and recommendations and follow the sequence of events set out in the submitted Flood Risk Assessment and Drainage Strategy (1013986-RPT-CL-001) and those measures shall be in place prior to the first use/occupation of the development and shall be retained at all times thereafter, or as otherwise agreed in writing by the local planning authority.

Reason: To reduce the risk of flooding to the proposed development and future users, and ensure flood risk does not increase offsite in accordance with Merton's policies CS16, DM F1 and DMF2 and the London Plan policies 5.12, 5.13.

- 20) Non-standard condition [Energy & sustainability details]: The development, in relation to the clubhouse or maintenance building, hereby approved shall not commence until an Energy and Sustainability Strategy has been submitted to and approved in writing by the Local Planning Authority, as a minimum the development shall achieve a CO2 reduction of not less than a 35% improvement on Part L Regulations 2013, and internal water usage rates of no greater than 105 litres per person per day.

Reason: To ensure the development contributes to climate change mitigation by meeting the highest standards of sustainable design and construction achieving an adequate reduction in carbon dioxide emissions from on-site renewable generation, in accordance with policies 5.1, 5.2, 5.3, 5.4, 5.4A, 5.5, 5.6, 5.7, 5.8, 5.9, 5.10, and 5.11 of the London Plan (2016), Policies DM EP1 of the SPP Local Plan 2014, Policies CS15 of the Core Planning Strategy 2011.

- 21) Non-standard condition [Energy & sustainability verification]: No part of the development hereby approved shall be used/occupied until evidence has been submitted to the Local Planning Authority confirming that the development has been built in accordance with, and achieved the standards set out in, the approved Energy and Sustainability Strategy.

Reason: To ensure the development contributes to climate change mitigation by meeting the highest standards of sustainable design and construction achieving an adequate reduction in carbon dioxide emissions from on-site renewable generation, in accordance with policies 5.1, 5.2, 5.3, 5.4, 5.4A, 5.5, 5.6, 5.7, 5.8, 5.9, 5.10, and 5.11 of the London Plan (2016), Policies DM EP1 of the SPP Local Plan 2014, Policies CS15 of the Core Planning Strategy 2011.

- 22) Non-standard condition [Contamination]: The development hereby authorised shall be carried out in accordance with the details, measures, timing and recommendations set out in the submitted Geotechnical & Geoenvironmental Assessment (Ref: 1013986-RPT-GL-004) and those measures shall adhered to throughout the construction phase.

Reason: To protect the health of future occupants and surrounding areas in accordance with the following Development Plan policies for Merton: policy 5.21 of the London Plan 2016 and policy DM EP4 of Merton's Sites and Policies Plan 2014.

- 23) Non-standard condition [Acoustic fencing]: Details and specification of the acoustic barrier between the new car parking spaces and properties in Grand Drive shall be submitted to and approved in writing by the Local Planning Authority prior to the use/occupation of the development. No works which are the subject of this condition shall be carried out until the scheme has been approved, and the development shall not be used/occupied until the scheme has been approved and has been carried out in full.

Reason: To safeguard the amenities of surrounding area and to ensure compliance with the following Development Plan policies for Merton: policy 7.15 of the London Plan 2016, policy CS7 of Merton's Core Planning Strategy 2011 and policy DM EP2 of Merton's Sites and Policies Plan 2014.

- 24) Non-standard condition [Noise mitigation strategy]: A detailed noise mitigation strategy for the use of the carpark, including when and how the temporary spaces shall be restricted, shall be submitted to and approved in writing by the Local Planning Authority prior to the use/occupation of the development. The operation of the carpark shall undertake in accordance with the approved details thereafter.

Reason: To safeguard the amenities of surrounding area and to ensure compliance with the following Development Plan policies for Merton: policy 7.15 of the London Plan 2016, policy CS7 of Merton's Core Planning Strategy 2011 and policy DM EP2 of Merton's Sites and Policies Plan 2014.

- 25) Amended-standard condition [Tree protection]: The development hereby authorised shall be carried out in accordance with the details, measures, and recommendations and follow the sequence of events set out in the submitted 'Arboricultural Survey, Impact Assessment and Method Statement' Ref: 37.54C and those measures shall be in place prior to the commencement of the development and shall be retained for the duration of the construction period, or as otherwise agreed in writing by the local planning authority.

Reason: To protect and safeguard the existing trees in accordance with the following Development Plan policies for Merton: policy 7.21 of the London Plan 2016, policy CS13 of Merton's Core Planning Strategy 2011 and policies DM D2 and 02 of Merton's Sites and Policies Plan 2014.

- 26) Amended-standard condition [Landscaping/Planting Scheme]: No development (other than site clearance, preparation and demolition) shall take place until full details of a landscaping and planting scheme has been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved before the commencement of the use or the occupation of any building hereby approved, unless otherwise agreed in writing by the Local Planning Authority. The details shall include on a plan the size, species, quantities and location of the proposed new trees and plants. The approved works shall be planted in the first available planting season following the development or prior to the use/occupation of any part of the development, whichever is the sooner, and should any trees die within a period of 5 years from the completion of the development, be removed or become seriously damaged or diseased or dying, shall be replaced in the next planting season with others of the same approved specification, unless otherwise agreed in writing by the local planning authority.

Reason: To enhance the appearance of the development and the open space in the interest of the amenities and biodiversity of the area and to comply with the NPPF section 11, policies 7.5, 7.19 and 7.21 of the London Plan 2016, policies CS13 of Merton's Core Planning Strategy 2011 and policies DM D2, 01 and O2 of Merton's Sites and Policies Plan 2014.

- 27) Non-standard condition [Retention/creation of sport pitches]: The development hereby permitted shall not be brought into use until the area shown as 'retained eastern section of site for community sports pitch use' on drawing 133-(PL)010 (Rev: 07) has been cleared and laid out in accordance with Drawing No. 133-(PL)010 (Rev: 07) and with the standards and methodologies set out in the guidance note "Natural Turf for Sport" (Sport England, 2011) and that it is available for use as a playing field, and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order amending, revoking or re-enacting that order) that area shall not thereafter be used for any purpose other than as a playing field.

Reason: To secure the provision and use of the playing field in accordance with the NPPF paragraphs 70 and 73, London Plan 2016 policy 3.19, Core Strategy 2011 policy CS13 and Sites and Policies and Plan 2014 policy DMO1.

- 28) Non-standard condition [Community use agreement]: Use of the development shall not commence until a community use agreement prepared in consultation with Sport England has been submitted to and approved in writing by the Local Planning Authority, and a copy of the completed approved agreement(s) has been provided to the Local Planning Authority. The agreement shall apply to the tennis facilities, playing field, clubhouse and car parking and include details of pricing policy, hours of

use, access by non-members, management responsibilities and a mechanism for review. The development shall not be used otherwise than in strict compliance with the approved agreement(s).

Reason: To secure well managed safe community access to the sports facilities, to ensure sufficient benefit to the development of sport and in accordance with the NPPF paragraphs 70 and 73, London Plan 2016 policy 3.19, Core Strategy 2011 policies CS11 and CS13 and Sites and Policies and Plan 2014 policy DMO1.

- 29) Non-standard condition [Ecological and biodiversity measures]: The avoidance, mitigation and enhancement measures recommended/proposed in section 5.2 and points 2-9 of section 5.3 within the submitted 'Preliminary Ecological Appraisal' Ref: P2732.1.2, and section 6 of the submitted 'Bat Survey Report' Ref: P2732.2.1, shall be incorporated into the scheme and shall be implemented prior to the first use/occupation of tennis courts and/or air dome, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To mitigate and offset the impact of the development and to ensure a net gain in biodiversity and improvements to the visual amenity of the area, in accordance with NPPF section 11, London Plan policies 7.5, 7.19 and 7.21 CS policy CS13 and SPP policies DM D2, DM O1 and DM O2.

- 30) Non-standard condition [Sequence of development]: No parts of the development comprising the outline permission (clubhouse and maintenance building) shall be used/occupied until the parts of the development comprising the full permission, namely the tennis courts and air dome, have been delivered in accordance with the approved plans.

Reason: The erection of the proposed structures on Open Space are only considered acceptable subject to the delivery of, and being ancillary to, the tennis facilities as proposed, and in accordance with London Plan 2016 policy 7.18, Core Strategy 2011 CS13 and Sites and Policies Plan 2014 DMO1.

- 31) Non-standard condition [Use of the clubhouse]: The proposed clubhouse shall only be used in association with the proposed tennis use on site, the Wimbledon Championships, and any uses agreed/approved under the community use agreement.

Reason: The erection of the proposed structures on Open Space are only considered acceptable subject to the delivery of, and being ancillary to, the tennis facilities as proposed, and in accordance with London Plan 2016 policy 7.18, Core Strategy 2011 CS13 and Sites and Policies Plan 2014 DMO1.

Conditions relating to the permission in outline:

- 32) Non-standard condition [Reserved matters – appearance, layout and landscaping in relation to the clubhouse and maintenance building]: Details of the reserved matters of 'appearance', 'layout' and 'landscaping' ('the reserved matters') shall be submitted to the Local Planning Authority for approval within 3 years from the date of this permission. The reserved matters shall be carried out as approved. Approval of all reserved matters shall be obtained from the Local Planning Authority in writing before any development (excluding site preparation, clearance and demolition) is commenced.

Reason for condition: To comply with Section 92 (as amended) of the Town & Country Planning Act 1990 and adopted policy of the development plan.

- 33) Standard condition [Commencement of Development – outline]: The development which relates to reserved matters shall be commenced not later than the expiration of 2 years from the date of any reserved matters approval.

Reason: To comply with Section 92 (as amended) of the Town & Country Planning Act 1990.

INFORMATIVES:

a) In accordance with paragraphs 186 and 187 of the National Planning Policy Framework, The London Borough of Merton takes a positive and proactive approach to development proposals focused on solutions. The London Borough of Merton works with applicants or agents in a positive and proactive manner by suggesting solutions to secure a successful outcome; and updating applicants or agents of any issues that may arise in the processing of their application. In this instance the Planning Committee considered the application where the applicant or agent had the opportunity to speak to the committee and promote the application.

b) The proposed development is located within 15m of Thames Waters underground assets, as such the development could cause the assets to fail if appropriate measures are not taken. Please read our guide 'working near our assets' to ensure your workings are in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures. Should you require further information please contact Thames Water. Email: developer.services@thameswater.co.uk / Phone: 0800 009 3921 (Monday to Friday, 8am to 5pm) Write to: Thames Water Developer Services, Clearwater Court, Vastern Road, Reading, Berkshire RG1 8DB.

c) Thames Water will aim to provide customers with a minimum pressure of 10m head (approximately 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

d) It is Council policy for the Council's contractor to construct new vehicular accesses. The applicant should contact the Council's Highways Team on 020 8545 3829 prior to any work starting to arrange for this work to be done. If the applicant wishes to undertake this work the Council will require a deposit and the applicant will need to cover all the Council's costs (including supervision of the works). If the works are of a significant nature, a Section 278 Agreement (Highways Act 1980) will be required and the works must be carried out to the Council's specification.

e) Demolition of buildings and tree felling should avoid the bird nesting and bat roosting seasons. Anyone who takes, damages or destroys the nest of any wild bird whilst that nest is in use, or who kills, injures or disturbs bats, obstructs access to bat roosts or damages or disturbs bat roosts, even when unoccupied by bats, is guilty of an offence under the Wildlife and Countryside Act 1981. Buildings and trees should be inspected for bird nests and bat roosts prior to demolition or felling by an appropriately qualified person. If bats are found, Natural England should be contacted for advice.

[Click here](#) for full plans and documents related to this application.
Please note these web pages may be slow to load

This page is intentionally left blank

NORTHGATE SE GIS Print Template



Text Details **All England Club, Grand Drive, Raynes Park**

This material has been reproduced from Ordnance Survey digital map data with the permission of the controller of Her Majesty's Stationery Office, © Crown Copyright.

This page is intentionally left blank

**PLANNING APPLICATIONS COMMITTEE
28 JUNE 2018**

APPLICATION NO. DATE VALID

18/P1649

16/04/2018

Address/Site 14 Highbury Road, Wimbledon, SW19 7PR

Ward **Village**

Proposal: Erection of a single storey rear extension; alterations to existing first floor balcony and balustrade; replacement of existing rear dormer window with two dormer windows together with associated internal alterations and construction of basement beneath part of rear garden.

Drawing Nos EX01, P01 B, P02 B, P03, P04 A, P05, P06A, Design and Access Statement, Flood Risk Assessment, BS 5873:2012 Tree Survey, Arbouricultural Impact Assessment, Tree Constraints Plan, Arbouricultural Method Statement and Tree Protection Plan and Basement Construction Method Statement

Contact Officer: Richard Allen (8545 3621)

RECOMMENDATION

GRANT Planning Permission subject to conditions and the views of the Council's Flood Risk Manager and Historic England (Archaeology)

CHECKLIST INFORMATION

- Heads of agreement: No
- Is a screening opinion required: No
- Is an Environmental Impact Statement required: No
- Has an Environmental Impact Assessment been submitted: No
- Press notice- Yes
- Site notice-Yes
- Design Review Panel consulted-No
- Number neighbours consulted – 11
- External consultants: None
- Density: n/a
- Number of jobs created: N/a
- Archaeology Priority Zone: Yes

1. **INTRODUCTION**

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

2. **SITE AND SURROUNDINGS**

- 2.1 The application site comprises a large two storey detached dwelling house (with accommodation within the roof space) situated on the south side of Highbury Road. The existing dwelling is designed in the Voysey style and dates from 1910 and is a Locally Listed Building. The application property is within the Merton (Wimbledon North) Conservation Area.

3. **CURRENT PROPOSAL**

- 3.1 The current proposal involves the erection of a single storey extension, alterations to existing first floor balcony and balustrade; replacement of existing rear dormer window with two dormer windows together with associated internal alterations and construction of basement beneath part of rear garden.
- 3.2 The proposed single storey rear extension would be 6 metre in length and 6 metres in width. The rear extension would have an eaves height of 3.2 metres and would have a hipped roof with an overall height of 4.2 metres.
- 3.3 It is also proposed to remove the existing large rear dormer window and replace the dormer with two smaller dormer windows. Each dormer would be 1.8 metres in width and 1.4 metres in height and would be set 1.8 metres above eaves height.
- 3.5 The existing first floor rear terrace/balcony area would be refurbished and extended in front of the south west corner of the rear elevation and a new balustrade installed. The balustrade would be of traditional design to complement the design of the original dwelling house.
- 3.6 It is also proposed to provide a basement level swimming pool beneath part of the rear garden. The proposed basement would be 30 metres in length and be between 15 and 10 metres in width. The basement would have an internal depth of 4.1 metres (to accommodate the swimming pool). The proposed basement would have a total area of 361.8m² which represents 42% of the garden area. Above the basement 1 metre of soil would be reinstated to form a new garden.

4. **PLANNING HISTORY**

- 4.1 In January 1970 planning permission was granted for the erection of an external staircase from ground to second floor level (Ref.MER1049/69).

- 4.2 In December 1971 planning permission was granted for the erection of a garage extension (Ref.MER995/71).
- 4.3 In November 2017 a pre-application meeting was held to discuss a proposed single storey rear extension, a two storey 'infill' extension, enlargement of side dormer window to second floor, balcony to first floor rear roof, removal of modern single storey extension to front of house and provision of a basement under part of the rear garden (LBM Ref.17/P4071).

5. **CONSULTATION**

- 5.1 The application has been advertised by Conservation Area site and press notice procedure and letters of notification to occupiers of neighbouring properties. In response 8 letters of objection have been received. The grounds of objection are set out below:-
- The ground floor extension is too large and disproportionate to the existing house.
 - The proposed ground floor extension would extend 6 metres from the rear elevation of the house and would be only 1.6 metres away from the boundary with number 16 Highbury Road.
 - The proposed pool and plant room could cause implications for neighbours.
 - Basements should not exceed 50% of the garden. The proposed basement is too big.
 - The excavation for the pool would be very deep and should be scaled back.
 - There would be concerns about the change in the structure and that neighbours would be overlooked.
 - The long term impact of basement constructions is not known.
 - The proposal represents overdevelopment of the garden.
 - The large rear extension would affect the neighbouring property.
 - The proposal will result in the loss of a significant Magonlia tree and a Cypress hedge.
 - Would affect bio-diversity.
- 5.2 The Wimbledon Society
The Wimbledon Society state that this detached property is within the Wimbledon North Conservation Area and is locally listed. The Wimbledon Society objects to the proposal on a number of counts and asks the Council to reject the application. The existing rear elevation is a fine example of this type of dwelling and it is the Society's view that there is not sufficient detail in the application. The proposed basement is too big as shrubs and trees would not be viable within the resulting shallow soil above the basement level. Policy DM D2 also restricts basements to no more than 50% of the garden area.
- 5.3 Belvedere Estates Residents Association
The large rear extension would be visually intrusive to numbers 16 and 12 Highbury Road. The proposed basement is huge and may affect the stability of neighbouring buildings, cause drainage and flooding problems. The long term effect of basement construction in the area is not known. The proposal

will also result in the loss of a tree and a hedge. The basement may affect the root protection areas of trees in neighbouring gardens and the plans should be re-drawn so that the RPA's of trees in neighbouring gardens are not infringed upon.

5.4 Conservation Officer

The Conservation Officer has stated that there are a lot of positive features to the application. The removal of the garage doors to the front elevation and inserting a matching window will be an enhancement. New windows should replicate the originals. The removal of the unsightly rear dormer window and the installation of two smaller replacement dormer windows will also be an enhancement... The proposed single storey rear extension is sympathetic to the rear elevation. The proposed windows reflect the original proportions and scale of the original windows but are not shown as leaded. Leaded windows are an important feature of the house as mentioned in the Local Listing description. Existing leaded windows should be refurbished and retained and any new windows should replicate them. The Conservation Officer recommends that a landscaping condition be imposed to ensure that the garden is re-instated once basement construction has been completed.

5.5 Tree Officer

The Arboricultural Report has provided an assessment of the trees on this property and those adjacent to it. It is proposed to remove 1 Magnolia tree and a Cypress hedge from the rear garden of the property. Account has been taken of the root protection areas of the remaining trees. There are no objections to the proposed development provided that trees are protected during the course of site works. The tree officer, has, however recommended that tree protection conditions be imposed on any grant of planning permission.

5.6 Councils Structural Engineer

The Councils Structural Engineer has been consulted on the proposed basement and confirmed that the submitted Construction Method Statement demonstrates that the basement can be constructed in a safe and effective manner without causing significant impact upon the public highway and neighbouring properties. However, appropriate planning conditions should be imposed on any grant of planning permission regarding basement construction.

5.7 Council's Flood Risk Engineer

No comments have been received –To be updated at the committee meeting.

5.8 Historic England (Archaeology)

No comments have been received –To be updated at the committee meeting.

6. **POLICY CONTEXT**

6.1 Adopted Merton Core Strategy (July 2011)
CS14 (Design).

6.2 Sites and Policies Plan (July 2014)
DM O2 (Nature Conservation, Trees, Hedges and Landscape Features), DM D2 (Design Considerations in all Developments), DM D3 (Alterations and Extensions to Existing Buildings) and DM D4 (Managing Heritage Assets).

6.3 The London Plan (March 2016)
The relevant policies within the London Plan are 7.4 (Local Character), 7.6 (Architecture) and 7.8 (Heritage Assets and Archaeology).

7. **PLANNING CONSIDERATIONS**

7.1 The main planning considerations concern the proposed Design/Impact on Conservation Area and Locally Listed Building, Basement Construction, Neighbour Amenity, Trees and Parking Issues.

7.2 Design/Conservation Area and Impact on locally Listed Building Issues
This part of the Merton (Wimbledon North) Conservation Area is characterised by large mainly detached houses of various architectural styles set within large plots. The application property is a large detached house constructed in the Arts and Crafts style and is a locally listed building. The proposed alterations and extensions have been designed to complement the design of the arts and crafts style dwelling house. This element of the proposal involves significant excavation and although the character of the garden would change during the construction phase, the resultant finish would be a laid to lawn surface. The Council's Conservation Officer has raised no objection to the proposed extensions and external alterations. The proposed basement level swimming pool would be located beneath part of the existing rear garden and the basement would not affect the fabric of the existing dwelling house. The proposed extensions and alterations are considered to be acceptable in design terms and the proposals would preserve the character and appearance of the Merton (Wimbledon North) Conservation Area and comply with policies CS14 (Design), DM D2 (Design Considerations in all Developments), DM D3 (Alterations and Extensions to Existing Buildings) and DM D4 (Managing Heritage Assets).

7.3 Basement Construction
The current proposal involves the construction of a basement beneath part of the rear garden. The applicant has submitted a basement construction method statement and a flood risk assessment. The basement construction method statement and flood risk assessment both conclude that the basement can be constructed in a safe manner and that the provision of accommodation at basement level would not increase flood risk. The Council's Structural Engineer has reviewed the application and raises no objection. The proposal is therefore considered to be acceptable in terms of policy DM D2 (Design Considerations in all Developments).

7.4 Neighbour Amenity
The concerns of the objectors are noted. However, although the flank wall of the proposed single storey side extension would be visible from the raised

rear terrace are of number 16 Highbury Road, the flank wall of the extension would be set away from the boundary by 1.6 metres and no windows are proposed within the side elevation of the extension. The rear extension would also have a hipped roof sloping away from the boundary of number 16 Highbury Road. It is therefore considered that this element of the proposal would not cause material harm to the amenities of number 16 Highbury Road. The occupier of number 16 has also expressed concern regarding the first floor rear balcony/terrace area. However this is an existing balcony/terrace (with a small extension proposed 1 metre in width in front of the first floor bedroom window furthest away from the boundary with number 16 Highbury Road). The existing terrace/balcony would be refurbished and a new balustrade installed designed to match the character of the Arts and Crafts style house. A condition requiring the installation of privacy screen to the end of the balcony extension adjacent to the boundary with numbers 12 and 16 Highbury Road would however be appropriate. Therefore there are no objections to the provision of a new balustrade. The proposed basement would be constructed beneath part of the large rear garden. Although basement construction can cause disruption the basement construction would require Building Regulations approval and a planning condition can be imposed on any grant of planning permission to control the hours and days of construction. The proposed single storey extension would not have an impact upon number 10 Highbury road due to the separation distance between the extension and the boundary with number 10. The proposals are therefore considered to be acceptable and would not cause harm to neighbour amenity. The proposal is therefore considered to be acceptable in terms of policy DM D2 (Design Considerations in all Developments).

7.5 Trees

The Council's Tree officer has been consulted and noted that a Magnolia tree and a Cypress hedge would be removed as part of the proposal. The applicant has provided an Arboricultural Assessment of the trees within the curtilage of the application site and adjacent to it and account has been taken of the root protection areas of the trees. The Council's Tree officer has no objections to the proposed development subject to tree protection conditions being imposed on any grant of planning permission.

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

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

9. **CONCLUSION**

- 9.1 The proposed extensions and alterations are considered to be acceptable in design terms and the proposal would preserve the character and appearance of the Merton (Wimbledon North) Conservation Area and would not cause harm to the Locally Listed Building. The proposal would not cause harm to neighbour amenity and tree protection conditions would protect the retained

mature trees on and off the site. Accordingly it is recommended that planning permission be granted.

RECOMMENDATION

GRANT PLANNING PERMISSION

Subject the views of the Council's Flood Risk Manager and Historic England (Archaeology) and the following conditions:-

1. A.1 (Commencement of Development)
2. A.7 (Approved Drawings)
3. B.1 (Approval of Facing Materials)
4. B.4 (Site Surface Treatment)
5. B.5 (Boundary Treatment)
6. C.2 (No Permitted Development –Door and Windows)
7. C.10 (Balcony Screening – Details to be Submitted for both ends of Balcony Terrace)
8. D.11 (Hours of Construction)
9. The details and measures for the protection of the existing retained trees as specified in the approved document 'BS 5837:2012 Tree Survey, Arbouricultural Impact Assessment, Arbouricultural Method Statement and Tree Protection Plan' dated May 2017 including drawing titled 'Tree Protection Plan with the filename Bathgate TPP rev.mpd shall be fully complied with. The methods for the protection of the existing retained trees shall fully accord with all measures specified in the report. The details and measures as approved shall be retained and maintained until the completion of site works.

Reason for condition: To protect and safeguard the existing and retained trees in accordance with the following Development Plan Polices for Merton: policy 7.21 of the London plan (2015), policy CS13 of Merton's Core Planning Strategy (2011) and polices DM D2 and DM O2 of the Merton Sites and Polices Plan (2014).
10. F1 (Landscaping)
11. F8 (Site Supervision-Trees)
12. Prior to commencement of development a Basement Construction Method Statement and Hydrology Report shall be produced by the respective contractor/s responsible for the installation of the bored piled retaining wall,

excavation and construction of basement retaining walls. The CMS shall also detail the access and position of the piling rig. This shall be revised and agreed by the Structural Engineer designing the proposed works. The details shall be submitted to and be approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details.

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

13. The Construction Method Statement (as agreed under condition 12) shall include full details of the temporary works (propping up sequence and e-propping up sequence), section of the retaining wall, and construction sequence of the proposed basement; a Geotechnical movement and building fabric strain assessment for adjoining property/properties in accordance with CIRIA C760 to ensure the resultant damage is limited to category 1; and that target monitoring stations are installed on top of the retaining wall, the two adjacent properties (10 and 14 Highbury Road) and the highway to record any movement.

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

14. No development approved by this permission shall be commenced until a scheme for the provision of surface water drainage has been implemented in accordance with details that have been submitted to and approved in writing by the local planning authority. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system (SuDS) to ground, watercourse or sewer in accordance with drainage hierarchy contained within the London Plan Policy 5.13 and the advice contained within the National SuDS Standards. Where a sustainable drainage scheme is to be provided, the submitted details shall:
- i. provide information about the design storm period and intensity, the method employed to delay (attenuation provision of no less than 15m³ of storage) and control the rate of surface water discharged from the site to no greater than 5l/s and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
 - ii. include a timetable for its implementation;
 - iii. include a CCTV survey of the existing surface water outfall and site wide drainage network to establish its condition is appropriate.

Reason: To ensure satisfactory means of surface water drainage, to reduce the risk of flooding and to comply with the following Development Plan policies for Merton: policy 5.13 of the London Plan 2011, policy CS16 of Merton's Core Planning Strategy 2011 and policy DM F2 of Merton's Sites and Policies Plan 2014.

15. Access to the flat roof of the extension hereby permitted shall be for maintenance or emergency purposes only, and the flat roof shall not be used for a roof garden, terrace, patio or similar amenity area.

Reason for condition: To safeguard the privacy and amenities of occupiers of neighbouring properties and to comply with policy DM D2 of the Adopted Merton sites and Polices Plan (July 2014).

16. Prior to commencement of the development hereby approved full details of any plant/equipment to be installed within the basement shall be submitted to and be approved in writing by the Local Planning Authority and the equipment shall be installed in accordance with the agreed details.

Reason for condition: To protect the amenities of occupiers of neighbouring residential properties and to comply with policy DM D2 of the Adopted Merton sites and Polices Plan (July 2014).

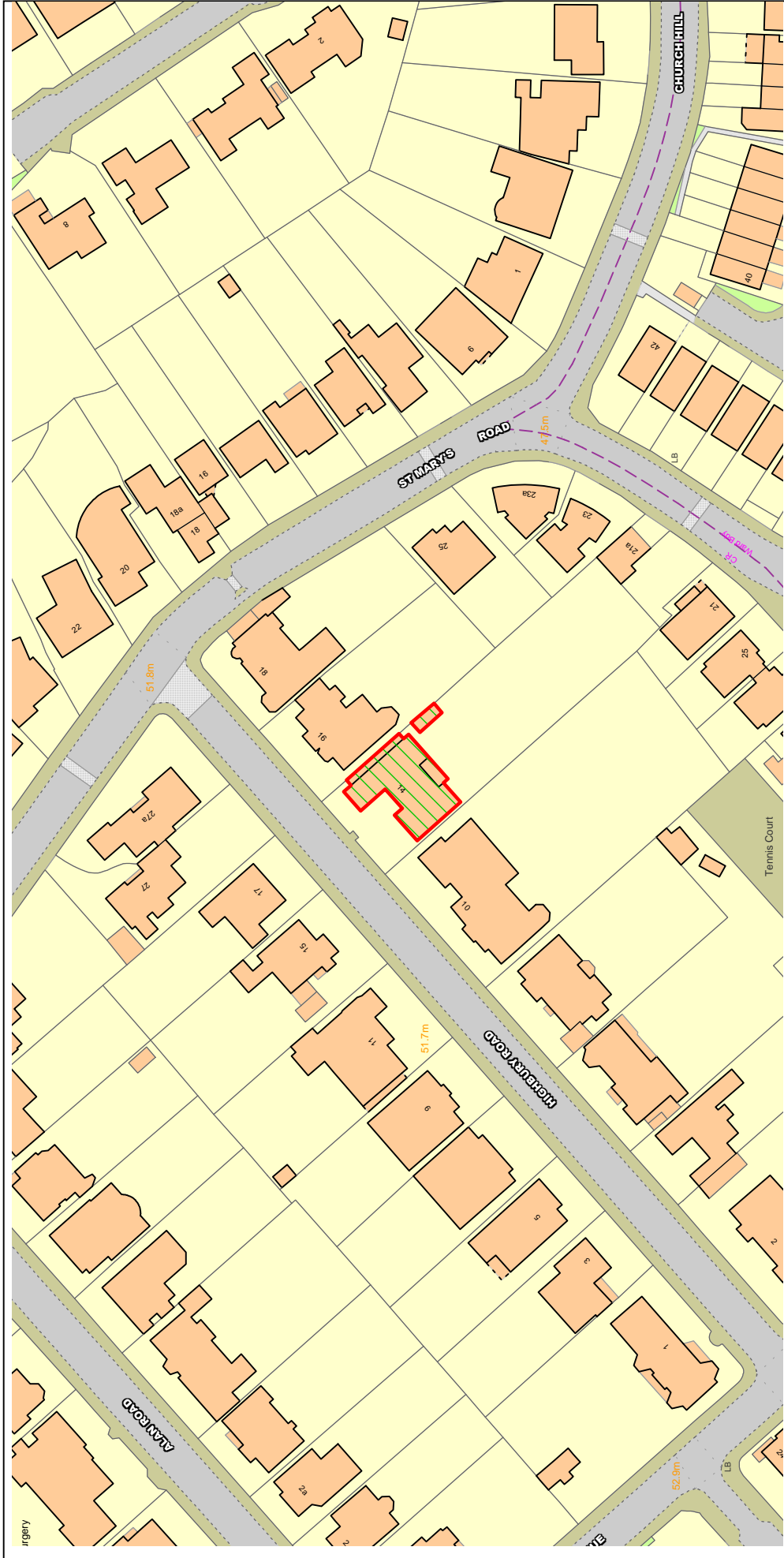
17. INF1 (Party Wall Act)

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

Please note these web pages may be slow to load

This page is intentionally left blank

NORTHGATE SE GIS Print Template



Text Details **14 Highbury Road**

This material has been reproduced from Ordnance Survey digital map data with the permission of the controller of Her Majesty's Stationery Office, © Crown Copyright.

This page is intentionally left blank

Committee: Planning Applications

Date: 28 June 2018

Subject: Planning Appeal Decisions

Lead officer: Head of Sustainable Communities

Lead member: Chair, Planning Applications Committee

Recommendation:

That Members note the contents of the report.

1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1 For Members' information recent decisions made by Inspectors appointed by the Secretary of State for Communities and Local Government in respect of recent Town Planning Appeals are set out below.
- 1.2 The relevant Inspectors decision letters are not attached to this report but can be viewed by following each individual link. Other agenda papers for this meeting can be viewed on the Committee Page of the Council Website via the following link:

[**LINK TO COMMITTEE PAGE**](#)

DETAILS

Application Numbers: **17/P2282**
Site: 28 Lingfield Road, Wimbledon, London, SW19 4PU
Development: Erection of two-storey side extension to provide garage with accommodation above.
Recommendation: Refused (Delegated Decision)
Appeal Decision: **DISMISSED**
Date of Appeal Decision: 4th June 2018

[**Link to Appeal Decision Notice**](#)

Application Numbers: **17/P2824**
Site: Land between 1 Crusoe Rd & 96 London Rd, Mitcham CR4 3LJ
Development: Erection of new dwellinghouse
Recommendation: Refused (Delegated Decision)
Appeal Decision: **DISMISSED**
Date of Appeal Decision: 6th June 2018

[Link to Appeal Decision Notice](#)

Application Numbers: **17/P3242**
Site: Land at 99 & 101 Hamilton Rd, South Wimbledon SW19 1JG
Development: Erection of a two-storey terrace of 8 x duplex apartments with rooms in roofspace and basement levels plus erection of 1 x two storey mews house
Recommendation: **Non-Determination**
Appeal Decision: **DISMISSED**
Date of Appeal Decision: 10th May 2018

[Link to Appeal Decision Notice](#)

Application Numbers: **17/P3707**
Site: 40 Braeside Avenue, Wimbledon Chase SW19 3PT
Development: Erection of a hip to gable and rear roof extension
Recommendation: Refused (Delegated)
Appeal Decision: **DISMISSED**
Date of Appeal Decision: 23rd May 2018

[Link to Appeal Decision Notice](#)

Alternative options

- 3.1 The appeal decision is final unless it is successfully challenged in the Courts. If a challenge is successful, the appeal decision will be quashed and the case returned to the Secretary of State for re-determination. It does not follow necessarily that the original appeal decision will be reversed when it is re-determined.

3.2 The Council may wish to consider taking legal advice before embarking on a challenge. The following applies: Under the provision of Section 288 of the Town & Country Planning Act 1990, or Section 63 of the Planning (Listed Buildings and Conservation Areas) Act 1990, a person or an establishment who is aggrieved by a decision may seek to have it quashed by making an application to the High Court on the following grounds: -

1. That the decision is not within the powers of the Act; or
2. That any of the relevant requirements have not been complied with; (relevant requirements means any requirements of the 1990 Act or of the Tribunal's Land Enquiries Act 1992, or of any Order, Regulation or Rule made under those Acts).

1 CONSULTATION UNDERTAKEN OR PROPOSED

1.1. None required for the purposes of this report.

2 TIMETABLE

2.1. N/A

3 FINANCIAL, RESOURCE AND PROPERTY IMPLICATIONS

3.1. There are financial implications for the Council in respect of appeal decisions where costs are awarded against the Council.

4 LEGAL AND STATUTORY IMPLICATIONS

4.1. An Inspector's decision may be challenged in the High Court, within 6 weeks of the date of the decision letter (see above).

5 HUMAN RIGHTS, EQUALITIES AND COMMUNITY COHESION IMPLICATIONS

5.1. None for the purposes of this report.

6 CRIME AND DISORDER IMPLICATIONS

6.1. None for the purposes of this report.

7 RISK MANAGEMENT AND HEALTH AND SAFETY IMPLICATIONS

7.1. See 6.1 above.

8 BACKGROUND PAPERS

8.1. The papers used to compile this report are the Council's Development Control service's Town Planning files relating to the sites referred to above and the agendas and minutes of the Planning Applications Committee where relevant.

Committee: Planning Applications Committee

Date: 28th June 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:

That Members note the contents of the report.

1. Purpose of report and executive summary

This report details a summary of case work being dealt with by the Planning Enforcement Team and contains figures of the number of different types of cases being progressed, with brief summaries of all new enforcement notices and the progress of all enforcement appeals.

Current 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.

Current Enforcement Cases:	769	¹ (754)	New Appeals:	(0)	(0)
New Complaints	32	(44)	Instructions to Legal	0	(1)
Cases Closed	15		Existing Appeals	1	(2)
No Breach:	6		<hr/>		
Breach Ceased:	9		TREE ISSUES		
NFA ² (see below):	0		Tree Applications Received	24	(44)
Total	15	(21)	% Determined within time limits:	95%	
New Enforcement Notices Issued			High Hedges Complaint	1	(1)
Breach of Condition Notice:	0		New Tree Preservation Orders (TPO)	2	(2)
New Enforcement Notice issued	1	(1)	Tree Replacement Notice	0	
S.215: ³	0		Tree/High Hedge Appeal	0	(1)
Others (PCN, TSN)	1	(0)			
Total	0	(0)			
Prosecutions: (instructed)	1	(1)			

Note (*figures are for the period 1st June 2018 to 19th June 2018*). The figure for current enforcement cases was taken directly from M3 crystal report.

¹ Totals in brackets are previous month's figures

² confirmed breach but not expedient to take further action.

³ S215 Notice: Land Adversely Affecting Amenity of Neighbourhood.

2.00 New Enforcement Actions

37 Montgomery Close, Mitcham, CR4 1XT. This concerns unauthorised extra single storey wooden extension with a height of approx. 2.7m a depth of 2.4m. Extending the width of the whole rear of the property. A Planning Enforcement was issued on 16th March 2018 requiring the demolition of the single story wooden extension, with a one month compliance period. The Notice has not been complied with and to date no notification of an appeal has been received.

•22 St George's Road, Mitcham, CR4 1EB. The council issued an Enforcement Notice on the 7 May 2018 for 'erection of high fence and patio at the property. The notice requires removal of the fencing and decking from the Property and will take effect on 14th June 2018 with a compliance period of one month of this date unless an appeal is made. No appeal has been made. The notice has taken effect however; the legal team has been informed that the ownership details have changed. The new owners' details are pending and therefore we have to wait for the full detail update before we can enforce the notice.

•19 Fernlea Road, Mitcham, CR4 2HF. The Council issued an Enforcement Notice on 14th May 2018 for 'Change of use of outbuilding to a residential unit'. The notice requires the cease of the outbuilding as residential unit and will take effect on 28th July 2018 with a compliance period of one month of this date unless an appeal is made. No appeal has been made.

• **1 Castleton Road, Mitcham CR4 1NZ.** The Council issued an Enforcement Notice on 13th June 2018 for 'Change of use of outbuilding to a residential unit'. The Notice requires the cease of the outbuilding as residential unit and will take effect on 28th July 2018 with a compliance period of one month of this date unless an appeal is made. No appeal has been made.

Some Recent Enforcement Actions

- **9 Albert Road, Mitcham.** The property has been converted into 2 self-contained flats without planning permission. A Planning Enforcement Notice requiring the reversion of the property back to a single-family dwelling house was issued on 30th October 2017. The Notice came into effect on 4th December 2017 with a compliance period of 3 calendar months from 4th December 2017. No appeal was made against this Notice, however there is a current planning appeal against the refusal of planning permission for the retention of the two flats. An appeal has now been made against the refusal of planning permission.
- **117 Haydons Road South Wimbledon SW19.** The Council re-served an Enforcement Notice on 9th February 2016 against the unauthorised conversion of the former public house into eight self-contained flats. The notice came into effect on 18th March 2016 as there was no appeal prior to that date and the requirement is to cease using the building as eight self-contained flats within 6 months. Six of the flats are vacant and the owners have instructed builders to remove all kitchens units. Court action is currently on-going to re-possess the remaining two flats.
- **Burn Bullock, 315 London Road, Mitcham CR4.** A Listed Buildings Repair Notice (LBRN) was issued on 27th August 2014 to require a schedule of works to be carried out for the preservation of the Building which is listed.

Listed Building Consent was granted on 3rd March 2015 to cover the required works which include the roof, rainwater goods, masonry, chimney render repairs, woodwork, and glazing. An inspection of the building on Friday 29th April 2016 concluded that the required works have mostly been carried out to an acceptable standard.

The Council has now been provided with a copy of the archaeological survey report 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.
- **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. No appeal has been made. The Notice has now been complied with.
- **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.

3.00 New Enforcement Appeals

None

3.1 Existing enforcement appeals

- **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.

3.2 Appeals determined

- **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 was held on 29th January 2018. The appeal was dismissed and the Notice upheld by Decision Letter dated 1st February 2018. The Notice was varied extending the compliance period from two calendar months to ten calendar months from 1st February 2018.

- **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 was held on 29th January 2018. The appeal was dismissed and the Notice upheld by Decision Letter dated 1st February 2018 with a three months compliance period from 1st February 2018.
- **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. 11th April 2017 Appeal dismissed and Notice upheld. The compliance date was 12th 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.
- **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 site visit took place 28th February 2018. The appeal was dismissed by Decision Letter dated 7th March 2018. The period of time for compliance with the Enforcement Notice was extended from three months to six months from 7th March 2018.

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.
 - The people involved have been summoned to attend Lavender Hill Magistrates' Court on 10th July 2018. The defendants are required to attend the court and enter a plea to the offence of failing to comply with the requirements of a Planning Enforcement notice.

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**
9. **Crime and disorder implications**
10. **Risk Management and Health and Safety implications.**
11. **Appendices – the following documents are to be published with this report and form part of the report Background Papers**
12. **Background Papers**