

Merton Council

Planning Applications Committee

23 August 2018

Supplementary agenda

- 1 Apologies for absence
- 2 Declarations of Pecuniary Interest
- 3 Minutes of the previous meeting 1 - 6
- 4 Town Planning Applications
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A Supplementary Agenda with any modifications will be published on the day of the meeting.
Note: there is no written report for this item
- 5 162-164 Hartfield Road, SW19 3TQ 7 - 22
Application number: 18/P2224 Ward: Dundonald

Officer Recommendation: GRANT Planning Permission subject to completion of a S.106 Agreement and conditions
- 6 Lee House, 2 Lancaster Avenue, Wimbledon SW19 5DE 23 - 40
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- 7 168A London Road, Morden, SM4 5AT 41 - 52
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- 8 Cricket Green School, Lower Green West, CR4 3AF
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- 9 Rose Court, 34 Woodside, Wimbledon, SW19 7AN 53 - 66
Application number: 15/P3293 Ward: Hillside

Officer Recommendation: GRANT Planning Permission subject to completion of a S.106 Agreement and conditions
- 10 TPO 49 Murray Avenue, SW19 4PF 67 - 72

Ward: Village

Officer Recommendation: That the Merton (No.726) Tree Preservation Order 2018 be confirmed, but modified by the removal of the Irish Yew tree (T1)

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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

19 JULY 2018

(7.15 pm - 8.20 pm)

PRESENT Councillor Linda Kirby (in the Chair), Councillor Najeeb Latif, Councillor Laxmi Attawar, Councillor David Chung, Councillor David Dean, Councillor Russell Makin, Councillor Simon McGrath, Councillor Peter Southgate and Councillor Dave Ward and Councillor Rebecca Lanning

ALSO PRESENT Councillor Dickie Wilkinson
Neil Milligan, Tim Bryson, and Lisa Jewell

1 APOLOGIES FOR ABSENCE (Agenda Item 1)

Apologies for absence were received from Councillor Marsie Skeete.
Councillor Rebecca Lanning attended as substitute

2 DECLARATIONS OF PECUNIARY INTEREST (Agenda Item 2)

There were no declarations of interest.

3 MINUTES OF THE PREVIOUS MEETING (Agenda Item 3)

RESOLVED: That the minutes of the meeting held on 28 June 2018 were agreed as an accurate record.

4 TOWN PLANNING APPLICATIONS (Agenda Item 4)

5 LAND AT 1A KENLEY ROAD, MERTON PARK, SW19 3JJ (Agenda Item 5)

Proposal: Demolition of the existing garage and the erection of a single storey dwellinghouse

The Committee noted the officers report and presentation and information in the Supplementary Agenda

The Objector raised residents' concerns, including:

- Design out of character with the rest Merton Park
- Will have negative impact on characteristic tree lined roads
- This is overdevelopment of a small back garden plot
- It will be an eyesore for neighbours, who will be able to see it from their first floor windows
- It will negatively affect neighbours enjoyment of their gardens
- If allowed it may set precedent for developers to buy up and build on other back gardens in the area
- Kenley Road is already congested, an extra house will add to parking problems in the area.
- Tree roots will be affected by the building
- Residents will suffer during the construction phase

- Drainage in the area is poor – the development will add to flood risk

The Applicant's Agent made points including:

- The Applicant is not a developer, he bought the land in order to build a house for a family member
- The application is for an elegant single storey house that will be well hidden behind a 1.8m fence
- The applicant has worked with the Planning Department and reduced the scale of the proposal from previous refused schemes
- It won't look out of place in its setting, the roof is a smart contemporary design

In reply to the objectors comments Officers said that neither the Tree Officer nor Highways Officers had any objections to the Scheme. Building works is not a Planning issue, and standard Construction Times and Construction Vehicles conditions are already included. The area is not in a flood risk zone

In reply to Members' questions Officers replied:

- The proposed building is roughly 2 to 3m away from the front fence, and is now roughly 2m away from fence at rear boundary. Previous application had been set right next to this boundary back fence.
- It is not uncommon for gardens in residential areas to contain garages
- Windows are placed at the front of the property onto Kenley Road, and at the rear overlooking the open space
- Previous applications on this site have been much bigger, and the most recently rejected included a basement, was right up to back fence, and included a parking area. The current proposal is very different to the previously refused applications; it has a better roof design, it is more hidden, it is of reduced size and has less impact on neighbours.
- With regards to precedent, there are other similar sites with road access in the area but they do not all have the necessary plot size. All planning applications have to be considered on their own merits.
- If the applicant wanted to add a basement to the proposal they would have to come back to Committee to gain approval.

Members made comments including:

- Applicant has noted past refusals and made this application much smaller and less dominant.
- Flooding is not an issue
- There is a desperate need for all types of housing in the Borough and even though this is only for 1 or 2 people it will help to alleviate this problem
- Housing is needed across the Borough and all areas will need to accommodate development
- Support Officers views on parking
- Concerned about usage of back garden space to build housing – Deputy Mayor of London has spoken about not using such land.
- Proposal is between two garages and squashed on 3 sides, not happy about standard of accommodation and available light for the future residents of the proposed property.

- There is no off street parking so this will be a burden on the public realm
- Long back gardens are a characteristic of Merton Park. This proposal would change the open and leafy characteristics of Merton Park

RESOLVED

The Committee voted to GRANT Planning Permission subject to conditions

6 237 KINGSTON ROAD, WIMBLEDON, SW19 3NW (Agenda Item 6)

Proposal: Erection of single storey rear extension

The Committee noted the officers report and presentation and additional information in the supplementary agenda.

The Objector made points including:

- This is the 3rd application and the 5th set of amended plans. And the applicant has still not followed officers' advice
- Application is still wider than the existing building and is still more than 3.5m deep.
- This application is materially harmful to neighbours
- Application is higher than floor of first floor flat
- It will be visible from the road and it will unbalance the house and does not respect the existing house
- The roof slopes down towards the house
- It's height will be above the fence line, and the flat roof is a risk to the security of the first floor flat
- Building Insurers say it would invalidate the insurance of all properties in the house
- Would affect the freeholds within the house

The Applicant made points including:

- This application is 29% smaller than last application and 42% smaller than first application
- The dimensions side and back have been pulled in to reduce the massing of the extension
- Added artificial grass to the roof for neighbours benefit

The Ward Councillor Dickie Wilkinson made points including:

- Applicant purchased the flat knowing that it was a one bedroomed flat in a Conservation Area. He is asking for too much and has not taken enough account of previous refusals
- Does not enhance the Conservation Area

In answer to Members' Questions Officers made comments including:

- Can't say if the roof is above or below the floor of the first floor flat, but the parapet wall is below the window sill level of the first floor bay window – even at highest point it is 20cm below the sill. It is now set back so will not be seen.

- The roof does slope down towards the house but all flat roofs are built at a slight angle which is not visible to the eye. Water will be guided to the guttering
- The garden serves the ground floor only and the proposal is less than half the depth of the garden
- The depth plus the new lighwell is 4.5m
- Dimensions meet policy requirements
- Can't say exactly what first floor residents will see, but the parapet wall is now set back and there is not enough harm to the first floor outlook to warrant a refusal

Members made comments including:

- It is not acceptable for the first floor to look out on this roof. The extension is too high and slopes the wrong way. It is not acceptable for parts of the roof to be higher than the floor of the property above.
- The applicant has not reduced the width enough, so it will still have a negative impact on the Conservation Area
- Concerned about upward tilt of the roof as it will impact on the amenity of a property in different ownership.
- Do not think artificial grass is an improvement on previous design, would much prefer to see a sedum green roof
- Annoyed that applicant has not followed Officers advice in full and has instead presented their compromise.
- It is not creating new housing
- Too much of the garden is being used
- The Applicant has not given enough information with the dimensions

One Member spoke in support of the application:

- There is a housing crisis in Merton and this type of application increasing bedroom numbers should be encouraged where it is possible
- Applicant has taken Officers' Advice to reduce the size of the proposal
- Officers say it is acceptable, cannot see reason for refusal

A motion to refuse was proposed and seconded on the same grounds as previously:

- The property is in a Conservation Area and this extension impacts on the frontage and unbalances the house.
- The building currently remains in its original proportions, this proposal would impact negatively on the original building, and is against policies DMD2 and DMD3
- That the amenity of the first floor residents would be affected, where they now see a drop outside their window the development would replace this with a roof.
- They also commented that the proposal was a very unsympathetic extension that was disproportionate and out of balance with the original building.

And added further concerns:

- It uses too much of the garden
- Applicant has looked at the previous refusals and presented his compromise, the Committee does not want to be forced into accepting a compromise

RESOLVED

The Committee agreed to:

1. REFUSE the application for the following reasons:

- The bulk and scale and width of the extension are too great and are not proportionate or sympathetic to the existing building
- The extension would cause a loss of amenity to the residents of the first floor flat
- As per the previous reasons for refusal under the previous application

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

7 LEE HOUSE, 2 LANCASTER AVENUE, WIMBLEDON SW19 5DE (Agenda Item 7)

This Item was withdrawn from the Agenda prior to the meeting

8 PLANNING APPEAL DECISIONS (Agenda Item 8)

Members noted that the Planning Inspector had allowed an Appeal for the scheme at 1A Courthorpe Road, that had been refused by the Committee. The Inspector had awarded costs against the Council. The Inspector believed there was no evidence for the Refusal on Highways grounds, given that Council Highways Officers were content with the scheme.

RESOLVED: Members Noted the Report on Planning Appeal Decisions

9 PLANNING ENFORCEMENT - SUMMARY OF CURRENT CASES (Agenda Item 9)

RESOLVED: The Committee noted the report on current Enforcement cases

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**PLANNING APPLICATIONS COMMITTEE
23 AUGUST 2018**

APPLICATION NO. DATE VALID

18/P2224 25/05/2018

Address/Site 162 and 164 Hartfield Road, Wimbledon SW19 3TQ

Ward **Dundonald**

Proposal: Demolition of two semi-detached dwellings and erection of a three storey building (with basement) comprising 2 x 2 bedroom flats and 5 x 1 bedroom flats and 1 x studio flat together with associated car parking and landscaping.

Drawing Nos 1516_P003 B, P004 G, P005 D, P100 J, P101 J, P102 K, P103 J, P201 C, P202 C, P203 C P206 C, P201 C, P210 E, P211 E, P212 F, P213 F P214 E, P216 B, P217 C and Design and Access Statement

Contact Officer: Richard Allen (020 8545 3621)

RECOMMENDATION

GRANT Planning Permission subject to completion of a S.106 Agreement and conditions.

CHECKLIST INFORMATION

- Heads of agreement: Yes
- Is a screening opinion required: No
- Is an Environmental impact statement required: No
- Has an Environmental Impact Assessment been submitted: No
- Press notice- No
- Site notice-Yes
- Design Review Panel consulted-No
- Number neighbours consulted –43
- Density: n/a
- Number of jobs created: n/a
- Archaeology Priority Zone: No
- Controlled Parking Zone: Yes (Zone 4F)

1. INTRODUCTION

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

1.2 The proposed redevelopment of the site by the erection of a building comprising 8 self-contained flats has previously been refused by the Planning Applications Committee on 28/09/2017. The applicant appealed against the Council's refusal of planning permission and the subsequent Appeal was dismissed on 19/02/2018 (Appeal Ref. APP/T5720/W/17/3181165). However, the Planning Inspector did not object to the design of the proposed development, but dismissed the appeal only on the grounds of the development was not 'permit free' and that the development would be inappropriate in the absence of a S.106 Agreement securing this. The current application is a resubmission of the refused application and no changes have been made to the design proposal

2. **SITE AND SURROUNDINGS**

2.1 The application site comprises a pair of semi-detached houses situated on the east side of Hartfield Road. The surrounding area is residential in character comprising mainly two storey housing. However, towards the north end of the road building heights increase and there are a number of new flat developments at the Wimbledon Town Centre end of Hartfield Road. The existing buildings on the site are not listed or locally listed and the site is not within a Conservation Area. The application site is within a Controlled Parking Zone (CPZ W4).

3. **CURRENT PROPOSAL**

3.1 The application has previously been reported to the Planning Applications Committee. For information, full details of the current proposal are set out below.

3.2 The proposal involves the demolition of the existing pair of semi-detached houses and the erection of a new two and a half storey building comprising 8 apartments with associated landscaping.

3.3 The proposed building would be 17.5 metres in width and be between 10.5 and 17 metres in length and have an eaves height of 8 metres and a ridge height of 9.5 metres. The proposed building would be set back from the site frontage by 3 metres and set off the boundary with 160 Hartfield Road by 1.2 metres at first floor level and 4 metres away from the boundary with 166 Hartfield Road at first floor level.

3.4 Internally, at basement level 2 x two bedroom flats would be formed with a gross internal floor area of 100m² and 95m² respectively. At ground floor level 2 x 2 bedroom flats of 89m² and 85m² would be provided, whilst at first floor level 2 x one bedroom flats (51m² and 50m² respectively) and 1 studio flat (41m²) be provided whilst at second floor level 1 x one bedroom flat (63m²) would be provided.

4. **PLANNING HISTORY**

4.1 In October 2015 a pre-application meeting was held in respect of the redevelopment of the site by the erection of a three storey building comprising 4 x 2 bedroom flats and 5 x 1 bedroom flats (LBM Ref.15/P3261/NEW).

4.2 In June 2017 planning permission was refused by the Planning Applications Committee for the demolition of the existing 2 x semi-detached dwellings and the erection of a two and a half storey building including basement consisting of 8 apartments (LBM Ref.16/P1139). Planning permission was refused on the grounds that:-

'The proposed development would, by reason of its design, detailing, bulk and massing constitute an unneighbourly form of development that would be out of scale and character with the adjacent two storey semi-detached housing and would be visually intrusive form of development, detrimental to the character and appearance of the Hartfield Road streetscene contrary to policy CS14 of the Adopted Merton Core Planning Strategy (2011) and policy DM D2 of the Adopted Merton Sites and Polices Plan (2014).'

4.3 The applicant subsequently Appealed against the Council's refusal of planning permission (Appeal Ref.APP/T5720/W/17/3181165). The Planning Inspector dismissed the appeal on 19/02/2018. However, although the Inspector dismissed the appeal, the Inspector concluded that the development would not detract from the character and appearance of the surrounding area. There would be no conflict with Policy CS14 of the Adopted Core Planning Strategy and Policy DM D2 of the adopted Merton sites and Polices Plan which seek to ensure that new development responds positively and appropriately to the surrounding area and respects and reinforces local character. The Inspector did, however, conclude that in the absence of a legal agreement that the development be designated 'permit free', i.e. that occupiers of the development would not be legible for on-street parking permits, the development may have an adverse effect on on-street parking and traffic management and thereby conflict with policy CS20.

5. **CONSULTATION**

5.1 The application has been advertised by site notice procedure and letters of notification to occupiers of neighbouring properties. In response 145 representations (including a petition signed by 77 residents) have been received raising objections. Details are set out below:-

- There is no reason to accept the Planning Inspectors decision as one inspectors design taste conflicts with the large number of people who have objected to the proposal.
- The proposed building is too bulky and the design is inappropriate for the area.
- The proposal is out of keeping with Victorian houses.
- The current proposal does not address the reasons for refusal of the previous application.

- The proposal would constitute over development of the site.
- The design conflicts with Council policies.
- The development will be overbearing.
- The proposed building would be taller than its neighbours.
- The development will result in the loss of trees.
- The proposal includes a large basement taking up over 80% of the site.
- The proposed building is out of scale.
- More flats are not needed. Family houses are required.
- The application is identical to the one rejected by the Planning Applications Committee on 6/6/2018.
- The construction of the basement may affect the water table.
- The scale of the development is inappropriate for the surrounding area.
- The proposed building would cover over 80% of the site.
- There will be significant disruption during construction works and on street parking bays would have to be suspended.
- The proposal will result in the loss of two family sized houses. There are enough one and two bedroom flats whereas there is a shortage of houses.
- The proposal will overlook 157 Gladstone Road.
- Visually intrusive development.
- Detrimental to the character of the road.
- The development would be an eyesore and would ruin the character of the street.
- Not enough parking for the number of flats.
- The design fails to respect the character of the area.
- Balconies will result in overlooking and loss of privacy.
- The proposal will result in the loss of two large gardens.
- Numbers 162 and 164 could be restored and divided into flats whilst retaining the line of Victorian Villas.
- The development would put further pressure on parking in Hartfield Road.
- The plans show a 'plant room' however, no noise assessment has been undertaken.
- The construction of 53 flats at the top of Hartfield Road (77-91) should not be seen as a precedent.

5.2 The Wimbledon Society

- The back flat at first floor level appears to be single aspect.
- A condition would be required to prevent the flat roofs being used as roof terraces.
- Privacy screens should be provided for the rear terraces.
- Landscaping would be required.

5.3 Transport Planning

The proposal is acceptable if the developer enters into a Unilateral Undertaking which would restrict the future occupiers of 4 new units from obtaining an on-street residential parking permit to park in the surrounding controlled parking zones, to be secured through S.106 Agreement.

- 5.4 Thames Water
With regard to the Waste Water network and waste water process infrastructure capacity, Thames Water raise no objection. In respect of the Water Network and water treatment infrastructure capacity Thames Water raise no objection. Thames Water however recommends that Informatives be imposed on any grant of planning permission.

6. **POLICY CONTEXT**

- 6.1 Adopted Merton Core Strategy (July 2011)
CS 8 (Housing Choice), CS14 (Design), CS15 (Climate Change) and CS20 (Parking).
- 6.2 Sites and Policies Plan (July 2014)
DM H2 (Housing Mix), DM D1 (Urban Design and the Public Realm), DM D2 (Design Considerations in all Developments), DM T3 (Car Parking and Servicing Standards) and DM F2 (Sustainable Urban Drainage Systems).
- 6.3 The London Plan (March 2015) as Amended by the Mayor of London's Housing Standards, Minor Alterations to the London Plan (March and 2016 and Housing SPG (March 2016)
The relevant policies within the London Plan are 3.3 (Increasing Housing Supply), 3.4 (Optimising Sites Potential), 3.5 (Quality and Design of Housing), 3.8 (Housing Choice), 3.11 (Affordable Housing), 5.3 (Sustainable Design and Construction), 5.7 (Renewable Energy), 7.3 (Designing out Crime), 7.4 (Local Character) and 7.6 (Architecture).

7. **PLANNING CONSIDERATIONS**

- 7.1 The main planning consideration relates the Planning Inspector's decision in respect of Appeal Ref.APP/T5720/W/3181165 (dated 19 February 2018 in respect of the refusal of planning application Ref.16/P1139. The other issues concern the demolition of the existing buildings, the design of the new building, together with neighbour amenity, basement construction, parking and sustainability issues.
- 7.2 Demolition of Existing Building
The existing pair of dwelling houses are of little architectural merit and there are no objections to the demolition of the existing building subject to a satisfactory replacement building and compliance with relevant adopted Merton Core Strategy policies, policies within the Merton Sites and Policies Plan and policies within the London Plan and relevant planning guidance. The demolition of the existing dwellings was accepted by the Inspector in determining the appeal.
- 7.3 Design Issues
The current proposal is for the redevelopment of the site by the erection of a two and a half storey building which has been subject to the previous appeal. Although of contemporary design, the proposed building would have a similar eaves and ridge height to neighbouring buildings. There is a mixture of

architectural style in Hartfield Road and there is no objection to the contemporary design adopted for the proposed building. Although the Council rejected the previous scheme on design and visual impact, the Planning Inspector did not agree and the design was accepted. The current scheme has incorporated the amendments suggested by officers under the previous application to reduce the bulk and massing and rearward projection of the proposed building. No changes have been made to the scheme's design, scale and position on site in comparison to the appeal scheme. The scheme is therefore considered to be acceptable in terms of policies CS14 and DM D2.

7.4 Neighbour Amenity

The proposed building has been designed to mitigate potential problems of loss of privacy with windows facing towards the street frontage and to the rear. Although rear terraces would be provided for each flat, the terraces would be screened to prevent overlooking of neighbouring gardens. The Planning Inspector found the impact on neighbour amenity to be acceptable. It is therefore considered that the siting of the proposed building and its relationship to existing neighbouring residential properties is acceptable in terms of policy DM D2.

7.5 Standard of Residential Accommodation

The flats have been designed to comply with the standards set out in the Mayor of London's guidance on new residential development the size of each flat is set out below:-

Flat B1 (2 bedroom) - 100m²
Flat B2 (2 bedroom) - 95m²
Flat G1 (2 bedroom) - 89m²
Flat G2 (2 bedroom) - 85m²
Flat F1 (1 bedroom) - 51m²
Flat F2 (1 bedroom) – 50m²
Flat F3 (1 bedroom Studio) - 41m²
Flat S1 (1 bedroom) – 63m²

The design and internal layout of the proposed flats are considered to be acceptable and comply with the minimum standards as set out in the London Plan.

7.6 Basement Construction

A number of representations comment on the provision of basement accommodation in the development and raise concerns over basement construction and the impact of basements upon the water table. However, in accordance with policy DM D2 the applicant has provided a Site Investigation Report and a Basement Impact Assessment and Method Statement. The statement concluded that the design and construction of the basement accommodation is in line with industry norms and there are no technical reasons why the basement should not be constructed as planned. The basement accommodation was accepted by the Planning Inspector. The provision of basement accommodation is therefore considered to be acceptable in terms of policy DM D2.

7.7 Parking

The development would not provide any on-site vehicle parking spaces. This was the same as the previous scheme. The proposal does provide secure cycle parking for 13 cycles. The existing pair of houses benefits from 4 parking permits for on street parking and this number of permits would be retained with the additional four units being designated 'permit free' secured through a section 106 Agreement. The Planning Inspector accepted the use of a S.106 Agreement to restrict parking permits. The lack of a signed S.106 Agreement at the time of determining the appeal was the only reason the appeal was dismissed. The applicant has outlined a willingness to sign the S.106 Agreement and this is reflected in the recommendation.

7.8 Sustainability Issues

The proposed building has been design to incorporate sustainability measures including Grey water harvesting to provide irrigation and WC flushing to the building, surface water attenuation tank for storm water disposal of basement terraces and surplus cavity drain system and a Green roof to the main roof,

7.9 Developer Contributions

The proposal involves the erection of 8 new flats. A financial contribution towards affordable housing would not be required in this instance as the development is less than 10 units as set out in NPPG (2014). The proposed development would however, be subject to payment of the Merton Community Infrastructure Levy and the Mayor of London's Community Infrastructure Levy (CIL).

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 Planning Inspector in the decision letter dated 19 February 2018 in respect of the refusal of application LBM Ref.16/P1139 considered the design and layout of the proposed building to be acceptable and that the development would not harm neighbour amenity. The sole reason for dismissing the appeal scheme was on the lack of a signed S.106 Agreement to secure permit free designation for four of the flats. Accordingly it is recommended that planning permission be granted subject to the developer entering into a legal agreement that four of the units in the development being designated 'permit free' secured through a S.106 agreement.

RECOMMENDATION

GRANT PLANNING PERMISSION subject to a S.106 Agreement

Covering to following heads of terms:-

1. That four residential units on the site be designated 'Permit Free'.
2. That the developer paying the Councils legal and professional costs of drafting and completing the legal agreement.

And subject to 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 (Remove Permitted Development –Doors and Windows)
7. C.6 (Refuse and Recycling-Details to be Submitted)
8. C.8 (No Use of Flat Roof as Balcony/Terrace)
9. C.9 (Balcony Terrace Screening)
10. D.9 (External Lighting)
11. D.11 (Construction Times)
12. F.1 Landscaping Scheme
13. F.8 Site Supervision
14. H.9 (Construction Vehicles)
15. H.18 (Sustainable Urban Drainage)
16. No part of the development hereby approved shall be occupied until evidence has been submitted to the Local Planning Authority demonstrating that the development has achieved not less than CO2 reductions (ENE1) (a 25% reduction compared to 2010 part L regulations), and initial water usage (WA1)

(150 litres/per/day) standards equivalent to Code for Sustainable Homes Level 4.

17. Prior to commencement of development full details of the method of construction of the basement shall be submitted to and be approved in writing by the Local Planning Authority. The basement shall be constructed in accordance with the details set out in the Basement Construction Method Statement unless agreed in writing by the Local Planning Authority.

Reason for condition: In the interest of neighbour amenity and to comply with policy DM D2.

18. Prior to commencement of development full details of the design and planting of the green roofs shall be submitted to and be approved in writing by the Local Planning Authority and the green roofs installed in accordance with the approved details.

Reason for condition: To ensure a satisfactory appearance to the completed development and to comply with policy DM D2..

19. Informative
Evidence requirements in respect of condition 16 are detailed in the 'Schedule of evidence required for Post Construction Stage' from Ene1 and Wat 1 of the Code for Sustainable Homes Technical Guide.

20. INF.1 (Party Wall Act)

21. INF.7 (Hardstanding)

22. Informative
If as part of the basement development there is a proposal to discharge ground water to the public network, this would require a Groundwater Risk Management Permit from Thames Water. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of Water Industry Act 1991. The developer would be expected to demonstrate what measures will be undertaken to minimise ground water discharges into the public sewer. Permit enquiries should be directed to Thames Water Risk Management Team on 02035779483 or online via www.thameswater.co.uk/wastewaterquality

23. Informative
Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should you require further information please refer to the Thames Water website <https://developers.thameswater.co.uk/Developing-a-large-site/apply-and-pay-for-services/Wastewater-services>

24. Informative
Thames Water will aim to provide customers with a minimum pressure of 10m head (approx. 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 pressure in the design of the proposed development.

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

Appeal Decision

Site visit made on 28 November 2017

by **R J Marshall LLB DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 19 February 2018

Appeal Ref: APP/T5720/W/17/3181165

162, Hartfield Road, Merton, London, SW19 3TQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Ray Hosker (Hosker Wilson) against the decision of the Council of the London Borough of Merton.
 - The application Ref 16/P1139, dated 11 March 2016, was refused by notice dated 6 June 2017.
 - The development proposed is demolition of existing semi-detached properties at 162 and 164 Hartfield Road. New build residential development of 8 apartments, including a single storey basement.
-

Decision

1. The appeal is dismissed.

Background

2. The application was refused permission against the recommendation of the Council's officers. The recommendation to grant planning permission was subject to the completion of a Section 106 Agreement that 4 of the residential units on the site be designated as "Permit Free". No such agreement is in place. Thus in determining this appeal I need, in addition to the Council's reason for refusal, to consider whether the absence of a legal agreement on "Permit Free" parking should stand against the proposal. I have sought the parties observations on this and have taken into account those received.

Main Issues

3. Having regard to the above the main issues in this appeal are: **first**, the effect of the proposed development on the character and appearance of the surrounding area; and **second**, whether absence of a legal agreement on "Permit Free" parking should stand against the proposal.

Reasons

Character and appearance

4. The appeal site is towards the southern end of Hartfield Road. Taken as a whole this road has a varied character. Some way to the north of the appeal site, towards Wimbledon town centre, there are tall residential properties of varied age, design and height. At the far southern end of the road, on the opposite side of the road to the appeal site, are a few new flat developments,

- and the Council has recently permitted some new flats adjoining them in a modern contemporary style.
5. In the vicinity of the appeal site development is more uniform being predominantly 2 storey high Victorian style houses with bay windows. On the opposite side of the appeal site these houses are predominantly terraced and on the appeal side they are mostly semi-detached. It is one of these properties that it is proposed to demolish to make way for the proposed development.
 6. Although the appeal property is pleasant enough it, along with immediately adjoining properties, is not particularly noteworthy. Moreover, the varied gaps between the houses, a side extension and some rather unattractive garages between some of the houses, makes for a less uniform appearance in the vicinity of the appeal site than might otherwise be the case.
 7. The proposed flats would be on the same frontage as the existing property and located between 2 of the semi-detached houses. Substantial additional accommodation would be provided by an extension to the rear and the provision of basement flats.
 8. The proposed building would be the same height as the 2 adjoining properties. Like the adjoining properties it would have a hipped roof, albeit with a flat top to allow for the slightly increased roof pitch of the proposed building compared to its neighbours. There would be sufficient similarity between the proposed building and the adjoining houses to ensure that the proposed development would, seen from the roadside, fit in acceptably amidst its surroundings. Assisting in that regard would be its pleasingly uniform front facade with attractive detailing.
 9. Seen from the rear the proposed development would have a a rather more contrasting appearance than the neighbouring houses. However, it is an attractive enough design in its own right seen from the rear and the character and appearance of the area is more defined by the front than rear elevations. The provision of a basement well would be visible from some points but not to a degree that would make it appear overly intrusive especially as adequate rear garden space would remain available.
 10. There have along Hartfield Road been a few recent attractive conversions of existing Victorian properties. However, this does not mean that new development is unacceptable.
 11. It is concluded that the proposed development would not detract from the character and appearance of the surrounding area. There would be no conflict with Policy CS14 of the Adopted Merton Core Planning Strategy and Policy DM D2 of the Adopted Merton Sites and Policies Plan which seek to ensure that new development responds positively and appropriately to the surrounding area and respects and reinforces local character.

Absence of legal agreement

12. No car parking spaces are provided for the proposed development, which lies within a Controlled Parking Zone (CPZ). Given this the Council seeks to limit the number of parking permits to the 4 that are associated with the existing houses.

13. CS Policy CS 20 seeks to implement effective traffic management. To this end it requires, amongst other, that new development does not have an adverse effect on on-street parking and traffic management and supports permit free developments in CPZs such as this with good access to facilities and services.
14. What I saw of the take-up of existing parking spaces and the characteristics of Hartfield Road, supported by the observations of some local residents, backs up the Council's stance in seeking to limit the number of parking permits. The appellant has provided no evidence to the contrary.
15. One of the conditions suggested by the Council at appeal stage requires the appellant to enter into a Section 106 agreement that 4 of the proposed flats be "permit free". The appellant has raised no objection to this condition and considers it to be reasonable and enforceable. However, the Planning Practice Guidance (PPG) advises that a positively worded condition should not be used to require an applicant to enter into a planning obligation. Even a negatively worded condition is likely, it says, to be inappropriate in the majority of cases other than in the exceptional circumstances of more complex strategic development which is not the case here.
16. Given the above, it is concluded that absence of a legal agreement on "Permit Free" parking should stand against the proposal. Without the agreement I cannot be satisfied that there would not be an adverse effect on on-street parking and traffic management and thereby conflict with CS Policy CS 20.

Other matters

17. Local residents raise objections that go beyond those of the Council. However, having regard to the key concerns raised, I am satisfied that subject to conditions on balcony screening the proposed development would not, given its location relative to neighbouring properties, give rise to unacceptable loss of privacy. The rear projection of the proposed development would be sufficiently distant from neighbouring properties to cause no unacceptable harm through visual impact. There is no substantial evidence to support a restriction on basement development and the appellant has provided a detailed technical assessment on its acceptability. There is no evidence to support the contention that the loss of 2 family sized houses would be harmful or that acceptable drainage could not be provided.

Final balancing and Conclusion

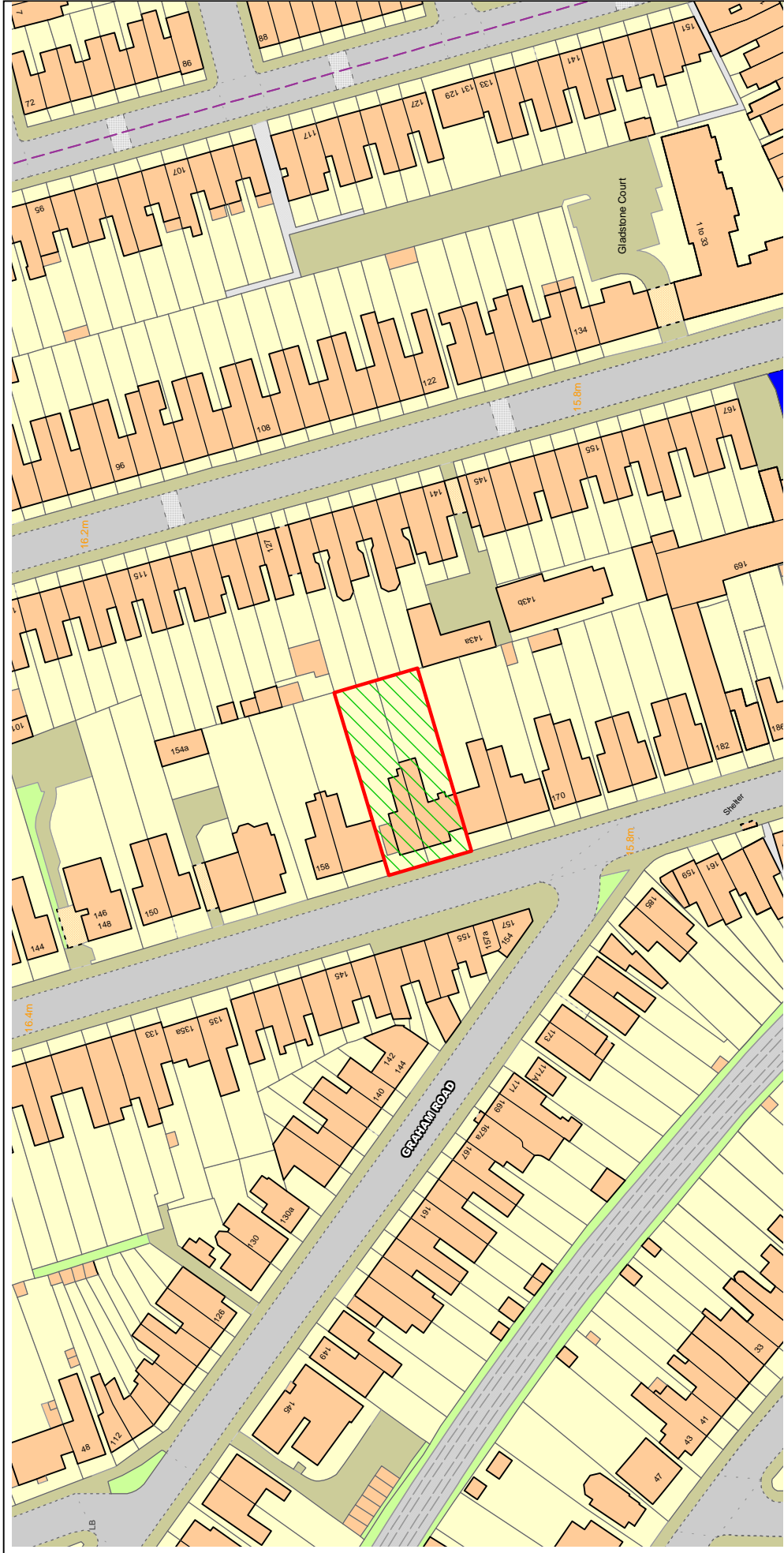
18. I have found no harm in relation to the first issue, nor to the "other matters" raised by third parties. However, I find the potential harm in relation to on-street parking and traffic management in the absence of a restriction on the number of parking permits to be a sufficient factor in its own right for the appeal to be dismissed. Taken as a whole the proposal would be contrary to the development plan. And whilst many aspects of sustainable development in terms of the National Planning Policy Framework (the Framework) would be met by the provision of additional housing the potential harm in relation to the on-street parking and traffic management is such that this would not be sustainable development in the terms of that document.

19. For the reasons given above it is concluded that the appeal should be dismissed.

R J Marshall

INSPECTOR

NORTHGATE SE GIS Print Template



Text Details **162-164 Hartfield Road**

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**PLANNING APPLICATIONS COMMITTEE
23 AUGUST 2018**

APPLICATION NO. DATE VALID

17/P1602 21/04/2017

Address/Site Lee House, 2 Lancaster Avenue, Wimbledon, SW19 5DE

Ward **Village**

Proposal: Erection of a two storey extensions to existing residential care home to provide 7 additional en-suite bedrooms, internal alterations to provide improved communal areas, formation of new reception area and alterations to roof profile above former stable block and cottage and laying out of parking area.

Drawing Nos P50190/03_0001 A, 003 B, 0004 B, 0006 B, 0007 , 0010 C, 0011 C, 0020 B, 0030 A and P50190/03_0002 Rev D, Design and Access Statement, Arbouricultural Survey and Report and Tree Protection Plan (MWA TPP001) and Travel Plan

Contact Officer: Richard Allen (020 8545 3621)

RECOMMENDATION

GRANT Planning Permission subject to competition of a S.106 Agreement and conditions

CHECKLIST INFORMATION

- Heads of agreement: Yes
- 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 – 13
- External consultants: None
- Density: n/a
- Number of jobs created: 5
- Archaeology Priority Zone: No

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 residential care home complex situated on the north east side of Lancaster Avenue. Lancaster Avenue is an un made dead end road which is also a private road. The main building is a three storey Victorian Villa with a former stable block to the north east corner and an 'L' shaped two storey deck accessed wing with corner tower that dates from the early 1990's. The application site is within the Merton (Wimbledon North) Conservation Area and is a Locally Listed Building. The application site is within a Controlled Parking Zone (VOn). The site surroundings comprise various residential plots.

3. **CURRENT PROPOSAL**

3.1 The main aspects of the proposal are:-

- Erection of a new two storey wing comprising six new en-suite bedrooms. The new two storey wing to the building would be sited alongside the north east boundary of the site and would be 16.8 metres in length and 8 metres in width. The extension would have an eaves height of 6 metres and have a pitched roof with a ridge height of 8 metres
- Enclosure of existing open area between the main building and former stable block to provide glazed entrance to Care Home.
- Internal alterations to improve circulation within the Care Home and additional dining room space.
- Extension of pitched roof at first floor level to 1990's wing of building.
- Landscaping works including rationalization of garden levels to reduce steps.
- Remodelling the existing store to create a bedroom and replacement of existing staff bedroom with a new bedroom.
- The formalisation of on-site parking spaces.

4. **PLANNING HISTORY**

4.1 In March 1990 planning permission and conservation area consent was granted for alterations to and erection of a two-storey rear extension and part two storey, part three storey side extension to residential home for the elderly involving demolition of existing single storey extensions to side and rear (LBM Ref.89/P1283 and 89/P1284).

4.2 In December 1992 planning permission was granted for the erection of a dormer window to front roof (LBM Ref.92/P0794).

4.3 In December 1993 planning permission was granted for the retention of roof void ventilators to north west and north east elevations of the roof (LBM Ref.93/P0401).

4.4 In August 2009 planning permission was granted for the erection of a brick lift enclosure on rear elevation of building (LBM Ref.09/P1472).

4.5 In March 2016 an pre-application meeting was held on-site to discuss proposed extensions and alterations to the existing residential care home (LBM Ref.P0543/NEW).

5. **CONSULTATION**

5.1 The application has been advertised by Conservation Area site and press notice procedure. In response 29 representations have been received from local residents raising objections. The comments are set out below:-

-The property was originally run by a small private charity and was subsequently purchased by Abbeyfield in 2009. In 1990 the property was expanded with the erection of a two storey wing. The current proposal to add 6 further rooms would make that garden even smaller in an area characterised by large gardens and very little communal space would be available for residents.

-What started as a small charity run home has turned into a large commercial operation in a residential area.

-There are currently 4 -5 parking spaces for the care home and the care home has 22 staff and regular visitors. Why is more parking not provided?

-The proposal represents an intensification of use.

-The proposed extension would fail to preserve or enhance the conservation area.

-The extension to the care home will put too much pressure on parking in the area.

-Lancaster Road cannot cope with the existing traffic and the extension to the care home will make the situation worse.

-The existing traffic levels in the area are already affecting the quality of life in the area.

-The proposal represents over development of the site.

-Lancaster Road is a narrow private road with parking for residents only.

-Lee House is one of five properties in the road but seems to have taken over the road.

-The access to Lee House is insufficient for large delivery vehicles, refuse vehicles and ambulances.

-Construction works would obstruct Lancaster Road.

-Further expansion of Lee House would affect the amenities of occupiers of nearby properties.

-Lee House used to be a small home that was in keeping with the area and is now a large commercial operation.

-The applicant should undertake a full and formal parking survey.

5.2 **Belvedere Estates Residents Association**

The extension is very close to the boundary with 37 Lancaster Road. Although in summer the trees provide a high degree of privacy too neighbours this is not so in winter and plans show windows that would overlook neighbouring properties. In the arbouricultural report two trees, a Holm Oak T2 and a Pear T4 are recommended for removal. These trees are visible from Lancaster road and Lancaster Gardens and provide valuable screening between Lee House and Lancaster Road. BERA is concerned, in general about the number of trees being removed to facilitate ever larger developments in the village

and surrounding area. There is also no evidence of a construction management plan being submitted to minimise disturbance to neighbours during the construction period.

The trees in the garden of 37 Lancaster Road are no shown on the plans and the root protection areas of these trees would be affected by the proposed development.

5.3 Tree Officer

There are no arbouricultural objections to the proposed development providing the retained trees are protected during the course of site works. The standard tree protection conditions should therefore be imposed on any grant of planning permission.

5.4 Conservation Officer

The Conservation Officer has no objections to the proposal.

5.5 Transport Planning

The existing care home at Lee House provides a total of 31 bedrooms comprising 27 registered bed spaces, a staff bedroom, a guest room and two further bedrooms. Occupancy will increase from 27 residents to 34, as well as staff numbers increasing from 22 to 27.

The position on room numbers is shown below.

<u>Room Types</u>	<u>Residents</u>	<u>Guest</u>	<u>Staff</u>	<u>Unused</u>	<u>Total</u>
<u>Existing</u>	<u>27</u>	<u>1</u>	<u>1</u>	<u>2</u>	<u>31</u>
<u>Proposed</u>	<u>33</u>	<u>1</u>			<u>34</u>
<u>Net Change</u>	+6		-1	-2	

There will not be any staff or unused bedrooms on the proposed scheme with all but the guest room being occupied by residents.

Access

Lee House is currently served by two accesses off the northern side of Lancaster Avenue. The western end access is some 5m wide and serves car parking and the main building entrance and the eastern end access is some 3.3m wide and serves car parking and the service entrance to the building.

The existing western and eastern site accesses would be retained and servicing would continue to be undertaken from the eastern access.

Lee House, nos.1 and 3 Lancaster Avenue and nos. 31 and 33 Lancaster Road are members of the Lancaster Avenue Residents Association (LARA). Membership entitles all members to use Lancaster Avenue for both access and parking. Lee House therefore has rights to use the parking spaces on Lancaster Avenue. Lancaster Avenue is not an adopted highway and so there is no public duty to maintain it or power to improve it.

Local Highway Network

All roads in the vicinity of the site are subject to a 30mph speed limit.

The local area forms part of Controlled Parking Zone VC. Restrictions are enforced from Monday to Saturday between 8:30 am and 6.30 pm with a maximum stay of 2 hours for pay and display customers. The majority of on-street parking in the vicinity of the site is dual-use and can be utilised by resident permit holders and the general public on a pay and display basis.

The number of parking bays available for Pay & Display use for at least two hours has been reviewed for walking distances of some 200m and 400m from Lancaster Avenue:

Walking Distance	Available Car Spaces			
	Pay & Display Only	Permit Holder and Pay & Display	Resident and Pay & Display	TOTAL
200m	17	29	17	63
400m	51	63	17	131

Car Parking Surveys

The applicant has carried out parking surveys on a weekday and weekend on the surrounding roads to ascertain the parking availability during peak demand for visitors to Lee House. The surveys were undertaken at 30 minute intervals between 08:00hrs -20:00hrs on Friday 19th and Saturday 20th January 2018. On street surveys were undertaken on the following public roads. Lancaster Road/Lancaster Gardens, CPZ ref. VOn – 51 spaces; High Street, CPZ ref. VC – 8 spaces; and Church Road, CPZ ref. VC – 12 spaces. Out of the overall 93 car parking spaces available for visitors to use the maximum occupation during the Friday survey period was 81 spaces or 87%. There was a minimum of some 12 car spaces available at any time during the survey period. Out of the overall 93 car parking spaces available for visitors to use the maximum occupation during the Saturday survey period was 75 spaces or 81%. This means there was a minimum of some 18 car spaces available at any time during the survey period. In summary the parking survey indicate there are unoccupied car parking spaces (12 spaces on Friday and 18 spaces on Saturday) available for use by visitors that would more than accommodate the very small potential increase in visitors as a result of the additional rooms at Lee House. In addition there are some 16 parking bays on the High Street in Wimbledon Village some 250m from Lee House that are Pay and Display with a maximum stay of 1 hour.

Proposed Car Parking:

Car parking standards for care homes are not provided in either the Merton Local Plan or the London Plan. The Mayor of London “wishes to see an appropriate balance being struck between promoting new development and preventing excessive car parking provision that can undermine cycling, walking and public transport use.” The available car parking on site at Lee House is not currently formalised. The proposed parking layout shows eight marked car spaces including one disabled space. The cars can enter and leave the site in a satisfactory manner.

Travel plan

A Travel Plan is not currently implemented at Lee House. However the applicant has submitted a Travel Plan with the planning application with measures to encourage use of sustainable travel by staff and visitors. This would help reduce the existing as well as future demand for car parking and therefore benefit conditions on site and on Lancaster Avenue. The implementation of the Travel Plan will help increase the use of sustainable travel modes such as walking, cycling, public transport and car sharing by staff and visitors to Lee house and therefore reduce the demand for car parking. Visitors will also be informed of the availability of Pay and Display parking spaces in the local area that would be satisfactory for short-term parking.

Traffic Generation:

Given that the site already has consent for a care home the key consideration in traffic terms is whether the additional bedrooms proposed would generate, if at all, a level of additional traffic that would be detrimental to existing conditions. By their nature care homes are low traffic generators. The proposals include a small increase in bedrooms at Lee House as well as formalised on-site parking and new sustainable travel measures to help reduce car travel by way of the Travel Plan and cycle parking. Based on trip rates from the TRICS national traffic survey database for care homes in London an increase in six bedrooms as is proposed could generate a maximum of one or two additional vehicle movements in any one hour. In traffic terms this is not a material increase and in any case there is more than enough parking available in the local area to accommodate these.

Care staff work over three shifts to provided 24 hour care. There is a maximum of 15 staff on site at the moment and with the proposals there could be up to 18 staff on site at any one time depending on specific resident needs. This modest increase in staffing level is unlikely to have a severe impact on the existing conditions.

Servicing: In terms of servicing the applicant informs that there will be one large food delivery per week, three smaller grocery deliveries per week, two refuse collections per week and one clinical waste collection per week. Operationally the minimal increase in room numbers at Lee House would not require an increase in delivery and other service vehicles to the site above the current schedule. The additional goods required would be accommodated in the vehicles already delivering to Lee House.

Emergency Vehicles: Will operate similar to current arrangements.

Waste Collection would occur as existing. Refuse collection will take place from the Lancaster road carriageway in the same manner as the existing nearby premises.

Cycle Parking:

The London Plan 2016 sets out cycle parking standards and indicates for care homes a minimum provision of 1 space/5 staff for long stay and 1 space/20

bedrooms for short stay. The proposal would require 6 long term cycle parking spaces (secure & undercover) and 2 visitor short term cycle parking spaces.

Recommendation:

The number of person trips likely to be generated by the proposed residential units will be low and consequently the development proposals would not have a material impact on the operation of the public highway or public transport network. Therefore there are no objections to the proposal objection subject to:

- The car parking areas shown on the approved plans shall be provided before the full occupation.
- Cycle parking provision (secure & undercover) to be shown on approved plans.
- The details of the travel plan should be subject to detailed agreement and monitoring over a five year period. A sum of £2,000 (two thousand pounds) is sought to meet the costs of monitoring the travel plan over five years, secured via the Section106 process.
- Demolition / Construction Logistic Plan (including a Construction Management Plan compliant with Chapter 8 of the Road Signs Manual for temporary Works) sent LPA before commencement of work be required.

5.6 Amended Plans

The applicant amended the site plan to show existing and proposed parking spaces and the elevation drawings were amended to show obscure glazing to north/south and east/west elevations of the stairwell. Additional transport and travel plan information was also submitted. A re-consultation took place on the 20th July, notifying third parties of the -parking surveys, parking note and swept path analysis. In response a further 12 letters of objection have been received. The grounds of objection are set out below:-

- Lancaster Avenue is a private gated road and both the residents of the road and the care home are against this proposal.
- Although residents of Lancaster Road have lived side by side with the care home for many years this is the third expansion since 1990. The expansion also begs the question why Abbeyfield closed Pelham House which is just two miles away.
- There is insufficient parking for the development.
- On street pay and display spaces are no use to staff as the maximum stay is 5 hours.
- A Travel Plan that encourages staff to use public transport id not practical for staff on shift work.
- Lee house is a cramped site and the development would cover 40% of the site.
- The proposal will result in the loss of views of trees through the site.
- The development would affect wildlife.
- The development will result in traffic generation and noise.

-The private road is already clogged up with care home staff and visitor's cars and proposal will make matters worse.

5.7 Transport Consultant (Paul Mew Associates) engaged by a group of residents
A Transport Statement has been prepared by Paul Mew Associates on behalf of local residents and the statement concluded that:-

-The applicant's current amended site layout fails to provide sufficient parking such that overspill is likely to occur.

-There is limited on-street parking availability in the area to accommodate the overspill parking from the care home.

-Despite the obvious conclusion that there will be increased pressure on local on-street parking facilities as a result of increased site parking demand and the limited level of on-street parking provision, the applicant has failed to address this issue by not carrying out parking surveys on current levels of on-street parking demand. In doing so they have also failed to provide a full planning submission as the assessment of the impact of the development in terms of parking is a key requirement of a transport assessment, and indeed a planning application.

-Servicing of the site will not be possible in line with the applicants suggested methodology and will result in vehicles continuing to make use of residential driveway access and reversing the length of Lancaster Avenue.

-It must be concluded that these aspects have still not been fully considered and addressed and as such the application continues to be deficient and should be refused.

5.8 Reconsultation – Additional highways Information

The applicant submitted additional highways information in the form of additional parking surveys and swept path analysis drawings. A reconsultation was undertaken and a further 4 letters of objection have been received. The grounds of objection are set out below:-

-The Belvedere Estates Residents association state that the Parking Survey and Swept Path analysis are all out of date and do not refer to the current drawings.

-The Abbeyfield Society Services statement dated March 2017 makes no reference of the current residents of Lee House. The Dementia and Alzheimers suffers need constant care and do not need sudden changes in their day to day living that can be upsetting.

-The development could be detrimental to the health of residents of the care home.

-The application should be refused if not withdrawn.

5.9 Transport Consultant (Paul Mew Associates) engaged by a group of residents

The applicants 'Parking Note' has over estimated the number of parking bays that can be used by visitors by exceeding the prescribed 200m walk distance the survey area inaccurately reports the presence of 'Pay and Display' machines on bays in Lancaster Road and Lancaster Gardens. The applicant's Swept Path Analysis fails to demonstrate that the current proposed site layout is workable and that the development could be safely serviced with increased parking on Lancaster Avenue.

5.10 Transport Planning -Observations on Paul Mew Associates Survey

In the Rebuttal Statement submitted by Paul Mew Associates (PMA) much emphasis is placed in the PMA Rebuttal on the criteria of the Merton Parking Survey Methodology. However this guidance is specifically for resident parking with surveys required to be undertaken during the night when it can be assumed that all residents are home. The Pay & Display parking on the local roads is provided for use by short-term visitors to the area during the day including spaces vacated by residents that would otherwise remain empty. This allows a turn-over of occupiers of the bays across the day. There are no visitors to care homes overnight and therefore this does not affect the parking conditions for local residents. It is debatable therefore whether a parking survey for a non-residential use using the residential parking Methodology is entirely appropriate.

The PMA parking survey was undertaken hourly and over shorter periods of 6 hours on the Friday and 5 hours on the Saturday. For the care home parking note 12 hour parking surveys were undertaken by an independent survey company during the day. The parking was counted every 30mins over the 12 hours on both the Friday and Saturday. The applicant's survey therefore provides a wider view of parking levels across the survey period.

The PMA note also refers to the extent of parking survey indicated in the Methodology to be 200m. However the Methodology allows for extending the survey area where the 200m falls before the end of a road as in practice drivers looking for a space will continue to the end of a road. The PMA survey has not allowed for this flexibility and the survey area stops in the middle of roads such as Church Road that have a high number of Pay & Display bays. These were included in the applicant's survey. In practice visitors looking for a parking space will circulate around a route which in this case includes both the High Street and Church Road which we included in our survey.

The PMA parking review has not included the parking at Lee House and on Lancaster Avenue in their 'parking stress' calculations. Given that this parking is available for use by staff and visitors to Lee House then it should be included in the overall review.

The PMA Rebuttal refers to a refused application for a development of 8 flats in Merton on the basis of increased pressure on car parking. However that is a residential development and therefore not comparable to the care home use, operation and circumstances.

The key consideration in terms of parking is whether the minimal likely increase in vehicle movements is 'severe' (NPPF) and detrimental to highway conditions. The Merton Parking Methodology does not state a guideline maximum accepted parking stress level. In absolute numbers the increase in parking demand could be for 1 or 2 cars at any one time. Our surveys have confirmed that with a minimum of 12 car spaces available on the Friday and 18 on the Saturday this minimal demand can be met satisfactorily either on site, on the private road Lancaster Avenue or in local

Pay & Display parking bays near the site. This would therefore not affect traffic, parking or safety conditions on the local road network.

Consideration should also be given to the implementation of a Travel Plan at Lee House that will encourage staff and visitors to use sustainable travel modes and help reduce travel by car and therefore the demand for parking. There is no Travel Plan at Lee House at present and therefore there would be a benefit with the proposals by implementing one. Generally policy in regards to sustainability is to minimise parking at development to discourage use of the car.

5.11 Recommendation from Transport Planning

The number of person trips likely to be generated by the proposed residential units will be low and consequently the development proposals would not have a material impact on the operation of the public highway or public transport network.

Raise no objection subject to:

- The car parking areas shown on the approved plans shall be provided before the full occupation.
- Cycle parking provision (secure & undercover) to be shown on approved plans.
- The details of the travel plan should be subject to detailed agreement and monitoring over a five year period. A sum of £2,000 (two thousand pounds) is sought to meet the costs of monitoring the travel plan over five years, secured via the Section106 process.
- Demolition / Construction Logistic Plan (including a Construction Management Plan compliant with Chapter 8 of the Road Signs Manual for temporary Works) sent LPA before commencement of work be required.

6. POLICY CONTEXT

6.1 Adopted Merton Core Strategy (July 2011)

CS14 (Design), CS18 (Active Transport) and CS20 (Parking, Servicing and Delivery).

6.2 Sites and Policies Plan (July 2014)

DM 02 (Nature Conservation, Trees, Hedges and Landscape Features), DM H1 (Supported care Housing), DM D2 (Design Considerations in all Developments), DM D3 (Alterations and Extensions to Existing Buildings), DM D4 (Managing Heritage Assets), DM T1 (Support for Sustainable and Active Travel), DM T2 (Transport Impacts of Development), DM T3 (Car parking Standards).

6.3 The London Plan (2016)

The relevant policies within the London Plan are 3.17 (Health and Care Facilities), 6.13 (Parking), 7.4 (Local Character), 7.6 (Architecture), 7.8 (Heritage and Archaeology)

6.4 The NPPF (2018)

7. **PLANNING CONSIDERATIONS**

7.1 The main planning considerations concern the existing lawful use, design/visual impact upon the Conservation Area, Locally Listed Building, impact on neighbour amenity, trees and parking/highway issues.

7.2 Existing Use

The application submission outlines that the site has an established use as a Residential Care Home (Class C2 Use) and Lee House provides a total of 31 bedrooms and 27 registered bed spaces, a staff bedroom, a guest bedroom and two further bedrooms. Lee House currently has some 29 staff, including managers, carers, administration, maintenance, kitchen, domestic, laundry and activities co-ordinator with different shift times. Up to a maximum of 15 staff are on-site at any one time. Care staff work over three shifts to provide 24 hour care with five staff on site during the morning/early afternoon, four during the afternoon/evening and three overnight. The shift times are 07.30-14.00, 14.00-21.00 and 21.00-07.30. Other staff working during the morning/afternoon includes the manager, head of care, administrator, cook and assistant, maintenance, laundry, domestic and activities co-ordinator. Staff are provided with a staff room and have access to showers and changing facilities. The proposal would provide an additional 7 care home bedrooms, which would result in an increase in staffing numbers by 5.

7.3 The applicant has submitted a Travel Note that sets out the staff travel modes used by Lee House staff, following a response from staff to a staff survey. A response rate of 96% (28 returns out of 29 staff) had been achieved. The results identify the following modal split.

Travel Mode	Lee House Staff Modal Split
Walking	0%
Bicycle	3.6%
Bus	39.3%
Train	0%
Underground	3.6%
Motorcycle	0%
Car Passenger	14.3%
Car Driver	39.3%
Taxi	0%

The data indicates that around 54% of staff at Lee House travel by car either as a driver or passenger, 4% cycle and the remainder use public transport. It should be noted that Lee House has rights to use Lancaster Avenue for parking for staff and visitors. In terms of servicing the care home has one

large food delivery per week, three smaller deliveries per week, two refuse collections per week and one clinical waste collection per week. Visitors to Lee House are permitted throughout the day which helps to spread traffic movements and avoid peak times. On average there are eight visitors over a day with 9 or 10 at weekends. Therefore, officers consider that the proposal would not result in a major intensification in use of the site.

7.4 Design/Conservation Issues and Locally Listed Building

The proposed works involve improvements to existing facilities at the Lee House Care Home, including provision of 7 additional en-suite bedrooms and formation of new entrance and a first floor link between the former stable block and the 1990's wing together with associated internal alterations. Although the main frontage building is Locally Listed the proposed two storey extension would be to the 1990's wing situated at the rear of the care home site. No significant alterations are proposed to the Locally Listed Building itself and the proposed two storey extension and other extensions and alterations would not harm the setting of the Locally Listed building or its character.

7.5 The Wimbledon North Conservation area is characterised by mainly larger residential properties set with mature gardens. The siting of the proposed new accommodation block adjacent to the northern boundary of the site is considered to be acceptable, with the new building being a continuation of the existing wing. The separation distance between the building and the side boundaries is considered to be acceptable. The only window in the flank elevation would be to a staircase and would be obscure glazed. It is however noted that it has not been possible to respect the existing eaves level of the 1990's wing, due to the 1990's block having a very shallow roof pitch which limits the internal headroom. In order to provide adequate headroom for both ground and first floor levels of the new accommodation block vertical two storey bays have been incorporated into the garden façade. The resulting building would also have a higher ridge height than the 1990's wing albeit that in the context of the Care home complex this is considered to be acceptable with the 1990's wing becoming a link between the new wing and the taller tower feature.

7.6 The enclosure of the open area between the former stable block and the Victorian Villa with a glazed link is considered to be acceptable and would provide a clear point of entry to the Care Home, as at present the entrance is not obvious. Part of the former stable block would also provide a dedicated reception area adjacent to the glazed link for improved security. The design of the link and internal works are considered to be acceptable. The alterations to the roof of the rear section of the stable block to enable the formation of a first floor link between the former stable block and the 1990's wing to improve circulation within the building is also acceptable. The rationalization of the steps and levels within the rear garden area and raised terrace are also acceptable and would improve accessibility to the terrace and garden for the residents of the Care Home. Officers note the concerns raised with regard to the scale of the extensions and resultant garden size. However, the garden would remain of an appropriate size and the extension is considered to be appropriately accommodated in the sites back land location and surrounding

context. Overall, the proposal is considered to not cause harm to the Conservation Area or character of the area.

7.7 Neighbour Amenity

SPP policy DM D2 states that proposals must be designed to ensure that they would not have an undue negative impact upon the amenity of neighbouring properties in terms of loss of light, quality of living conditions, privacy, visual intrusion and noise. The main concerns of the objections relate to intensification of use of the care home and parking issues. In terms of intensification of use the proposal involves the provision of 7 additional bedrooms which will increase the occupancy of the care home from 27 residents to 34 residents, representing a 26% increase in the number of residents at the care home. In order to care for the additional 7 residents the number of care staff would increase from 22 to 27 staff. However the staff work a shift system so not all the staff would be on site at any given time. It is therefore not considered that the additional 7 bedrooms would result in such an intensification of use to warrant refusal of the application, in terms of its effect on neighbour amenity.

7.8 The main aspect of the current application involves the erection of a new wing to the existing care home. The new wing would be sited alongside the north east boundary of the site. Windows to bedrooms at first floor level within the new block would face into the care home site and there would be no windows at first floor level facing the boundary with the large garden of number 36 Marryat Road. Although there would be windows within the south east elevation of the new wing, facing number 37 Lancaster Road and 1 Lancaster Gardens, the glazing within the east elevation would be obscured to prevent any overlooking and/or loss of privacy to occupiers of nearby residential properties. The other aspects of the proposal relate to improvements in the internal layout of the care home, provision of a more visible entrance and simplifying the roofs of the existing former stable block and cottage. None of these changes would have any impact upon neighbour amenity. Overall, the proposal is considered to be accommodated on the site that would not cause material harm to the surrounding neighbour amenity and is compliant with policy DM D2 (Design Considerations in all Developments).

7.9 Trees

The applicant has undertaken a Tree Survey that concluded that the proposal would not harm any trees of significance. The proposal includes the removal of 2 trees (1 Oak tree and 1 Pear tree). These are not considered to be of significant value and are Category C trees. The Councils Tree Officer has raised no objections to the proposed development, subject to conditions being imposed on any grant of planning permission to protect existing retained trees during construction works.

7.10 Parking/Highway Issues

The main concern of the objectors relates to traffic and parking issues. The application site is an already established care home and the key consideration in traffic terms is whether the additional bedrooms would generate a significant increase in traffic generation and increase parking pressure on the

local road network. The Council's Transport Planning section has examined the parking surveys undertaken by the applicant's consultant which indicates that the very small potential increase in visitors to the care home can be accommodated in the available on-street parking spaces. Several representations refer to parking conditions in Lancaster Avenue and the condition of the road. However, Lancaster Avenue is not an adopted highway and so there is no public duty to maintain it or power to improve it. The current proposal formulates the parking arrangements within the care home site. Although the site has a low PTAL rating, the site is within a short walk to High Street and a 10/15 minute walk from Wimbledon Town Centre. Therefore since the number of person trips likely to be generated by the proposed additional bedrooms is likely to be low, the development proposal would not have a severe impact on the public highway or transport network, or cause an unacceptable impact on highway safety. The proposal is therefore considered to be acceptable in terms of policies CS20 (Parking), DM T3 (Car Parking and Servicing Standards) and DM T2 (Transport Impacts of Development).

8. 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 concerns of the objectors have been carefully considered. However, the proposal involves the erection of a new two storey wing to the existing care home to provide an additional 7 bedrooms, together with internal alterations to improve the layout of the care home and alterations to the roof profile of the former stable block and cottage and formalising the layout of the car park. The proposed two storey wing has been designed to protect neighbour amenity with main windows facing onto the existing garden within the care home complex. There would be no windows at first floor level facing towards the rear gardens of properties in Marryat Road or Lancaster Road and the design of the proposed extension and associated alterations to the existing care home buildings are considered to be acceptable.
- 9.2 The proposal would result in the provision of 7 additional bedrooms for the care home and the additional traffic generation as a result of the proposal is considered to be low. However, at the present time there is no formal parking layout at the care home and the proposal provides 8 parking spaces (including a disabled space) and a condition requiring provision of secure cycle parking would assist with supporting sustainable travel for staff and visitors. Although representations have been made about traffic and car parking in the vicinity of the care home there are no adopted parking standards in either the Merton Local Plan or the London Plan that require on-site parking and the proposed parking provision is considered to be sufficient for the proposed use. A Travel Plan for the site secured through a S.106 Agreement would also support sustainable transport initiatives. Accordingly it is recommended that planning permission be granted subject to completion of a S.106 Agreement and conditions.

RECOMMENDATION

GRANT PLANNING PERMISSION

Subject to completion of a S.106 Agreement covering the following heads of terms:

1. The submission of a Travel Plan (to be monitored for a five year period) with a sum of £2,000 secured to meet the costs of monitoring the agreement.
2. The developer paying the Council's legal costs in drafting and completing the legal agreement.

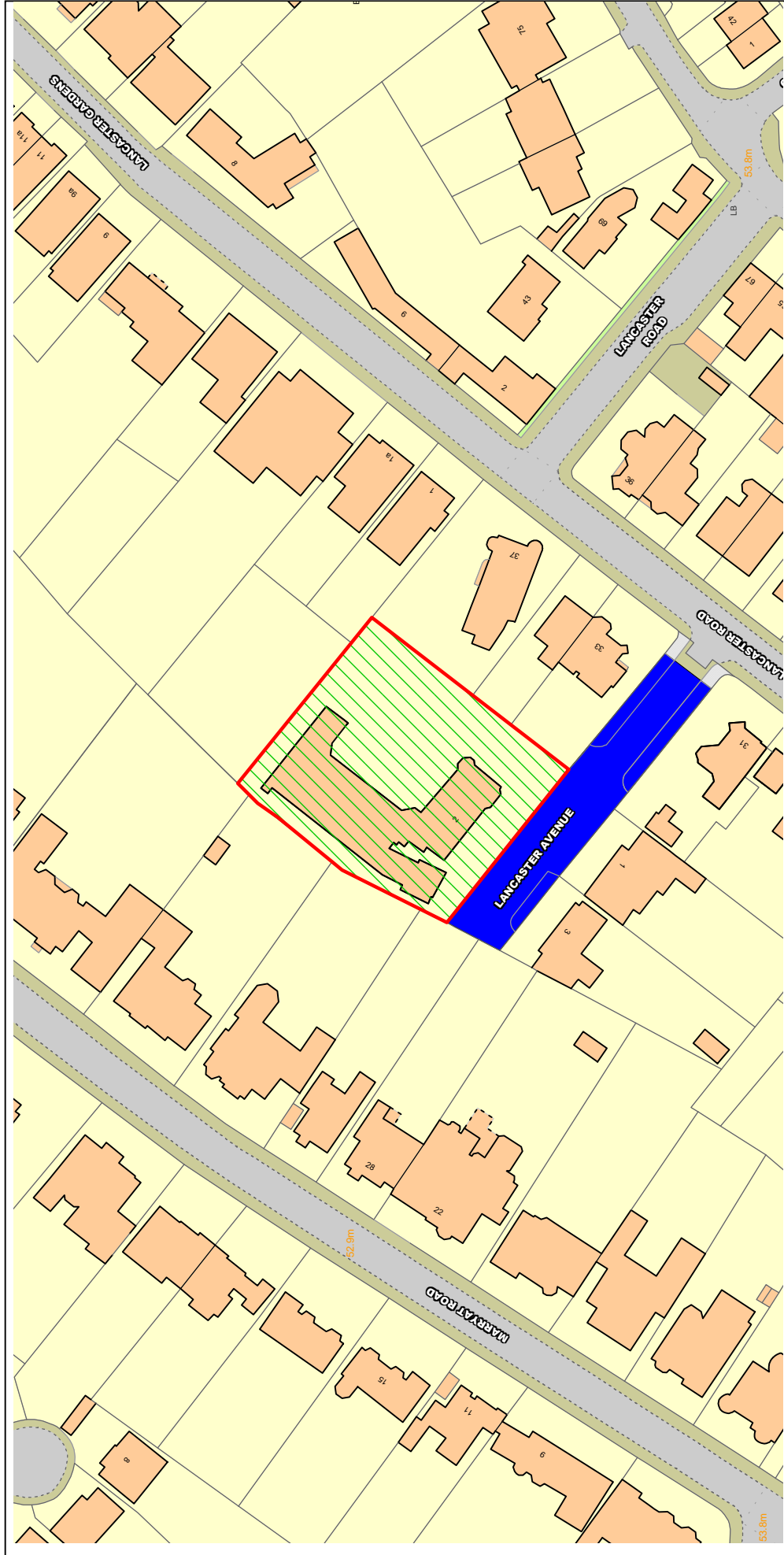
and subject to the following conditions:-

1. A.1 (Commencement of Development)
2. A.7 (Approved Drawings)
3. B.1 (Approval of Facing Materials)
4. C.2 (No Additional Window or Door Openings-North and East of New Wing)
5. D.11 (Hours of Construction)
6. F.1 (Landscaping Scheme)
7. F.5 (Tree Protection)
8. F.8 (Site Supervision-Trees)
9. H.4 (Provision of Parking –Drawing Number P50190/03_0002 D)
10. H.6 (Cycle Parking – Details to be Submitted)
11. H.8 (Travel Plan)
12. H.9 (Construction Vehicles)
13. H.13 (Construction Logistics Plan)

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**PLANNING APPLICATIONS COMMITTEE
23rd AUGUST 2018**

APPLICATION NO. **DATE VALID**

17/P3629 26/10/2017

Address/Site: 168a London Road
Morden
Surrey
SM4 5AT

Ward: Merton Park

Proposal: Continued use of vehicle sales yard (sui generis) involving relocation within the site.

Drawing No.'s: TP11B, TP13 and TP10.

Contact Officer: Jock Farrow (020 8545 3114)

RECOMMENDATION

Grant planning permission subject to conditions.

CHECKLIST INFORMATION

- S106: No
- Is a screening opinion required: No
- Is an Environmental Statement required: No
- Has an Environmental Statement been submitted: No
- Press notice: No
- Site notice: Yes
- Design Review Panel consulted: No
- Number of neighbours consulted: 25
- External consultations: 1
- Conservation area: No
- Listed building: No
- Tree protection orders: No
- Controlled Parking Zone: No
- Flood zone: No

1. INTRODUCTION

1.1 This application is being brought to the Planning Applications Committee for determination due to the nature and number of the objections received.

1.2 This application is one of three applications which were submitted concurrently and which relate to various parcels of the land making up the 168

London Road site; the other two applications were refused by the Planning Applications Committee on 26 April 2018, these applications being:

- 17/P3627 – Application for continued use of part of site as a vehicle tyre service centre (sui generis); and,
- 17/P3630 – Application for continued use of part of site as a car wash (sui generis) and its relocation within the site.

- 1.3 Enforcement notices are currently being prepared by Council in relation to the aforementioned uses.
- 1.4 This application was not considered by Committee in April as further consultation was being undertaken on the application.

2. SITE AND SURROUNDINGS

- 2.1 The application site forms part of a wider site which is 168 London Road. 168 London Road was formerly a milk storage and distribution depot (Class B8) belonging to Express Dairy. The wider site comprises a single storey warehouse building located toward the northeast corner of the site; a single storey office building positioned along the northern boundary of the site, to the western side; a single storey porta-cabin/office positioned along the western boundary of the site; with the remainder of the site comprising approximately 280sq.m of hardstanding. The warehouse building is positioned behind No. 166 London Road, a two storey building which was used as ancillary offices to the former use of the site. The site has existing access from London Road.
- 2.2 The warehouse building to the northeast is currently in use as a vehicle tyre and service centre. The hardstanding area to the rear of the site is in use as a carwash. The hardstanding area to the front of the site, adjacent to the vehicle access, is used for vehicle storage with the vehicles being sold online. The applicant asserted that the uses commenced on 03/10/2016 - none of the uses on site have planning permission.
- 2.3 The site is not located within a conservation area. The site is accessed from London Road which forms part of Transport for London's 'red route' network.
- 2.4 Beyond the north boundary near the northwest corner of the site are the rear gardens of two storey terraced properties in Cedars Road; beyond the western boundary, near the northwest corner of the site is the former Crystal Autocare site which has approval for a part 2, part 3 storey building providing 12 flats – construction has commenced and the building is substantially complete. The north east (side) boundary is adjacent to the rear garden boundary of two storey semi-detached properties in Camrose Close and the side boundary of the two storey semi-detached property at 164 London Road. The south west boundary is shared with the residential building called 'Homefield', Homefield provides 24 flats in a three storey building with a 50 metre long side elevation facing towards the application site. On the opposite side of London Road are the four storey residential buildings called Morden House (40 flats) and Grosvenor Court (96 flats).

3. CURRENT PROPOSAL

- 3.1 This application seeks planning permission to regularise the car sales use and to relocate it within the site. It is proposed to move the car storage element to the northwest portion of the site (to the rear).
- 3.2 The applicant has described the use as; car storage associated with online sales; customers collect vehicles from the site following purchase; on occasion, customers will also inspect vehicles at the site prior to purchase. Approximately 25 vehicles would be stored at the site in relation to the use. No servicing or repairs are carried out on site. Opening times are as follows: Monday to Saturday (inclusive): 09:00 – 18:00 while it would be closed on Sundays and public holidays.

4. RELEVANT PLANNING HISTORY

- 4.1 07/P2531: CHANGE OF USE FROM DAIRY DEPOT TO CAR PARK INCLUDING CONTRACT PARKING AND CAR VALETING – Refused.

Reason: The proposed change of use from milk depot (Class B8) to car parking, including contract parking and car valeting (Sui Generis) would:

- a) result in the loss of employment land, for which the applicant has failed to demonstrate that there is no demand, or that it is unsuitable or financially unviable for any employment or community use, to the detriment of providing and safeguarding employment opportunities in the Borough,**
- b) facilitate and lead to an increased number of vehicle/commuter trips to the town centre thereby failing to reduce the need to travel by car and failing to promote more sustainable forms of transport thereby constituting an unsustainable form of development; and would be contrary to policies E.6, PK4 and LU.3 of the Adopted Unitary Development Plan (October 2003).**
- 4.2 07/P2597: RETENTION OF ADVERTISING DISPLAYS, IN CONNECTION WITH THE USE OF THE LAND FOR CAR PARKING, ON AND TOWARDS THE LONDON ROAD FRONTAGE – Granted.
- 4.3 14/P3362: Demolition of the existing building [Use Class B8 1165 square metres] and the construction of a new building rising to a total of 4 storeys providing 29 (reduced from 34) residential dwellings [9 one bedroom, 16 two bedroom and 4 three bedroom flats] with 3 off street car parking spaces for people with disabilities, cycle storage, ground level and rooftop amenity space and the formation of new vehicle layby in London Road that includes adjustments to the existing public footpath – The application remains undetermined.
- 4.4 17/P3764: PRIOR APPROVAL IN RELATION TO THE CHANGE OF USE FROM OFFICE USE CLASS B1(a) TO RESIDENTIAL USE CLASS C3 – Refused.

Reasons:

- 1) The lawful use of the site has not been established as B1(a) and therefore Schedule 2, Part 3, Class O of the Town and Country Planning (General Permitted Development) Order 2015 is not considered to be applicable to this application.
- 2) The submitted application has failed to provide a plan indicating the site and showing the proposed development, contrary to condition O.2.- (1) and paragraph W.-(2) (b) of Schedule 2, Part 3, Class O of the Town and Country Planning (General Permitted Development) Order 2015.
- 3) The applicant has failed to provide a Noise Impact Assessment providing sufficient information to allow the impacts of noise from commercial premises on the intended occupiers of the development to be adequately assessed, contrary to condition O.2.- (1) and paragraph W.-(3)(b) of Schedule 2, Part 3, Class O of the Town and Country Planning (General Permitted Development) Order 2015.
- 4) As determined during the site visit on 05/12/2017, works to implement the conversion to dwellings had begun prior to written notice being issued to the applicant that prior approval is not required, prior approval is granted or the expiry of 56 days following the submission of the application without receiving notice from the planning authority, O.2.- (1) and paragraph W.-(11) (a) (b) and (c) of Schedule 2, Part 3, Class O of the Town and Country Planning (General Permitted Development) Order 2015.

- 4.5 17/P3630: APPLICATION FOR CONTINUED USE AS A CAR WASH (SUI GENERIS) INVOLVING ITS RELOCATION WITHIN THE SITE – Refused.

Reasons:

- 1) The operation of the proposed car wash has the potential to give rise to water pollution arising from waste water and would impact upon infrastructure. The applicant has failed to provide details of mitigation measures to demonstrate that the proposals will not give rise to a harmful impact. The proposed car wash is considered to be contrary to policies 5.14 of the London Plan (2016) and DM.F2 of the Merton Sites and Policies Plan (2014).
- 2) The operation of the proposed car wash would be likely to give rise to noise and disturbance to the detriment of neighbour amenity and is considered to be contrary to policies 7.15 of the London plan (2016), CS.14 of the Merton Core Planning Strategy (2011), and DM.EP4 and DM.D2 of the Merton Sites and Policies Plan (2014).
- 3) The operation of the proposed car wash adjacent to the public highway would detract from the appearance of the site to the detriment of the visual amenities of the area. The proposals are considered to be contrary to policies CS.14 of the Merton Core Planning Strategy (2011) and DM.D1 and DM.D2 of the Merton sites and Policies Plan (2014).

- 4.6 17/P3627: APPLICATION FOR CONTINUED USE AS A VEHICLE TYRE AND SERVICE CENTRE (SUI GENERIS) – Refused.

Reason: The operation of the vehicle tyre and service centre including ancillary storage of tyres gives rise to noise and disturbance to the

detriment of neighbour amenity and has the potential to detract from the visual amenities of the area. The continued operation of the vehicle tyre and service centre is considered to be contrary to policies 7.15 of the London plan (2016), DM.EP4 and DM.D2 of the Merton Sites and Policies Plan (2014)

5. CONSULTATION

5.1 Public consultation was undertaken by way of site notice and by post sent to neighbouring properties – 13 objections were received which are summarised as follows:

- Opening hours should be reduced.
- Site is kept in an untidy state.
- There should be no residential use on site.
- Activities are unauthorised.
- A strategy should be required for keeping the site tidy, pest control and tyre disposal.

5.2 Transport for London: Given the scale and nature of the proposal, no objection.

5.3 LBM Transport Planner: No objection. No vehicles should stop on London Road for loading/unloading.

5.4 Former Councillor John Sargeant (Officers note that John Sargeant was one of the Merton Park ward Councillors at the time of receipt of the application). The activities have been the cause of considerable disturbance and irritation for residents for many years, for them to continue as is would be unreasonable. If officers are minded to approve consider applying conditions and refer to Committee for determination. Areas for consideration include hours of operation, noise control, tyre storage and carwash runoff. No buildings should be used for residential purposes.

6. POLICY CONTEXT

6.1 National Planning Policy Framework (2018)
Section 6 - Building a strong, competitive economy.
Section 12 – Achieving well designed places.

6.2 London Plan (2015-6)
Relevant policies include:
4.1 Developing London's economy
4.4 Managing industrial land and premises
6.3 Assessing effects of development on transport capacity
6.9 Cycling
6.10 Walking
6.11 Smoothing traffic flow and tackling congestion
6.12 Road Network Capacity
6.13 Parking
7.2 An inclusive environment
7.14 Improving air quality
7.15 Reducing and managing noise

6.3 Merton Local Development Framework Core Strategy – 2011 (Core Strategy)

Relevant policies include:

- CS 11 Infrastructure
- CS 12 Economic Development
- CS 15 Climate Change
- CS 18 Active Transport
- CS 20 Parking servicing and delivery

6.4 Merton Sites and Policies Plan – 2014 (SPP)

Relevant policies include:

- DM D1 Urban design and the public realm
- DM D2 Design considerations
- DM T2 Transport impacts of Development
- DM T3 Car parking and servicing standards
- DM EP2 Reducing and mitigating noise
- DM EP4 Pollutants
- DM E1 Employment areas in Merton
- DM E4 Local employment opportunities

7. PLANNING CONSIDERATIONS

7.1 Material Considerations

- Principle of development.
- Impact upon neighbouring amenity.
- Transport and parking.

Principle of development

7.2 Notwithstanding that in 2015 Council endorsed proposals for the use of the site for housing resulting in the loss of employment land, the issue of the use of the land vis a vis Merton's adopted employment policies is nevertheless revisited. Policy DM E3 of the Sites and Policies Plan seeks to protect scattered employment sites, it states that where proposals would result in the loss of an employment site, they would be resisted except where: the site is located predominantly in a residential area and it can be demonstrated it is having a significant adverse effect on residential amenity, the site characteristics make it unviable for whole site employment, it has been demonstrated that there is no prospect of employment or community use on the site in the future. Where the above criteria cannot be met, the loss can be mitigated by providing employment as part of a mixed use scheme.

7.3 For the purpose of policy DM E3, 'employment sites' are sites that operate within use classes B1 (a, b & c), B2 and B8. However, the policy also states that it is intended to protect D2 and *sui generis* uses on scattered employment sites where appropriate. While the site has not operated as a storage and distribution depot for some time, its lawful use would still fall within B8.

7.4 This application seeks to regularise one of the current uses on site, being the vehicle sales yard; this use is considered to fall within use class *sui generis* i.e. it does not fall within a specific class as identified by the Use Class Order. While this use would not strictly fall within the definition of 'employment uses' for the purpose of policy DM E3, the use has similarities to class B8, insofar

as the use of the land is for the open storage of vehicles, and provides employment for 3 full time employees. Officers consider the use to be sufficiently different from the earlier refused application for contract parking, where concerns were raised regarding an increased number of vehicle/commuter trips to the town centre thereby failing to reduce the need to travel by car.

- 7.5 The Sites and Policies Plan (paragraph 4.30) states that in keeping with the spirit of Core Planning Strategy objectives and Policy CS12 Economic Development, it is intended for policy DM.E3 to protect other uses located on scattered employment sites such as leisure and entertainment (D2 Use Class) and uses identified as sui generis where appropriate. The use is “sui generis” and while the amount of employment it provides is modest, the use is one that might be considered as an appropriate short term measure on the site pending redevelopment for housing.
- 7.6 Given the above, it is considered the proposal is acceptable in principle; subject to compliance with the relevant London Plan policies, Merton Local Development Framework Core Strategy, Merton Sites and Policies Plan and supplementary planning documents.
- Impact upon neighbouring amenity
- 7.7 London Plan policies 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 neighbouring properties in terms of light spill/pollution, loss of light, quality of living conditions, privacy, visual intrusion, noise and pollution.
- 7.8 The car sale yard would accommodate approximately 25 cars. Given the nature of the proposal, being car storage and pickup, with minimal vehicle movements, it is not considered to unduly impact upon neighbouring amenity.
- 7.9 However, it is recommended to restrict opening hours to between 09:00 and 18:00 from Monday to Saturday (inclusive) with the operation to be closed on Sundays and public holidays. In addition, it is recommended to include a condition which would prohibit any servicing or repairs from occurring onsite.
- 7.10 Conditions may be used to restrict the life of a permission where there are reasonable grounds that monitoring the impact of the use is necessary in order to properly gauge environmental impact. While some concerns have been raised about hours of operation it is less clear that this specifically relates to the car sales use. Officers have no evidence to suggest that vehicles are serviced on site before being parked and offered for sale. Thus, other than the above amenity considerations (hours of operation and restricting servicing) which can in themselves be controlled by condition, it is considered that the use does not harm neighbour amenity. Officers therefore consider that it would be unreasonable to seek to restrict the use by condition to a limited period.

Transport and Parking

- 7.10 Core Strategy policy CS20 and SPP policy DM T3 require that developments would not adversely affect pedestrian or cycle movements, safety, the convenience of local residents, on street parking or traffic management.
- 7.11 The vehicle access along with the central portion of the site would be left clear to facilitate easy ingress and egress to/from London Road, thus the use of the site would not unduly impact traffic movements of the 'red route'. With regard to parking provisions, the operators would only accept as many cars as the site could reasonably accommodate.
- 7.12 Given the above, it is not considered that the proposal would unduly impact upon the highway network in terms of performance or safety. Furthermore, it is noted that neither TFL nor the LBM Transport Planner objected to the proposal.
- 7.13 Were the car sales use to expand onto more land within the site a breach of planning control would arise and the Council could then determine whether it was in the public interest to pursue enforcement action for a breach of planning control.

8. CONCLUSION

- 8.1 Given the nature of the proposal along with the employment generation, the principle of the use is considered to be acceptable. The proposal is not considered to unduly impact upon neighbouring amenity or upon the performance or safety of the highway network. As such, the proposal is considered to comply with London Plan policies 7.14 and 7.15, Core Strategy policy CS20 and Site and Policies Plan policies DM E3, DM T3, DM D2, DM EP2 and DM EP4.
- 8.2 The proposal would 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 appropriate conditions.

Conditions:

1. Standard condition [Commencement of development]: 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 [Approved plans]: The development hereby permitted shall be carried out in accordance with the following approved plans: TP11B, TP13 and TP10.

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

3. Standard condition [Opening hours]: The use hereby permitted shall operate only between the hours of 09:00 and 18:00 from Monday to Saturday (inclusive) and shall not operate on Sundays or bank holidays.

Reason: To safeguard the amenities of surrounding area and to ensure compliance with policy 7.15 of the London Plan 2016 and policies DM D2 & DM EP2 of Merton's Sites and Policies Plan 2014.

4. Non-standard condition [Restricted use]: No servicing or repairs of cars shall be undertaken as part of the operations of the development hereby permitted.

Reason: To safeguard the amenities of the area and the occupiers of neighbouring properties and to ensure compliance with the following Development Plan policies for Merton: policies 7.14 and 7.15 of the London Plan 2015 and policies DM D2, DM EP2 and DM EP4 of Merton's Sites and Policies Plan 2014.

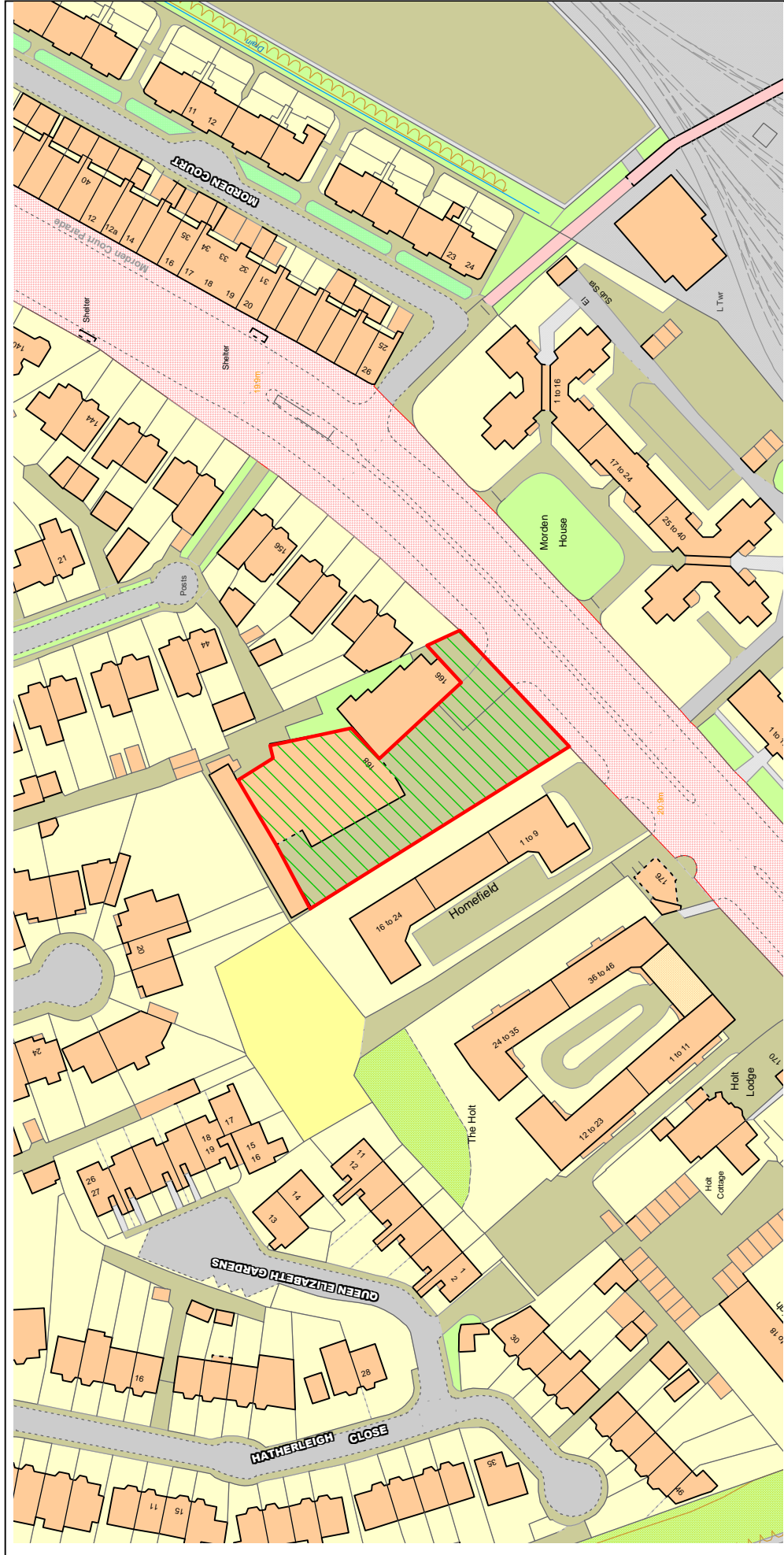
Informatives:

a) Informative: In accordance with paragraph 38 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 LBM officers have provided feedback and allowed for additional time and amendments to improve the scheme. In addition, the Planning Committee considered the application where the applicant or agent had the opportunity to speak to the committee and promote the application.

[Click here](#) for full plans and documents related to this application.
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**PLANNING APPLICATIONS COMMITTEE
23rd AUGUST 2018**

<u>APPLICATION NO.</u>	<u>DATE VALID</u>
15/P3293	04/08/2015
Address/Site:	Rose Court, 34 Woodside, Wimbledon, SW19 7AN
Ward	Hillside
Proposal:	Demolition of existing block of flats and erection of replacement 5 storey block of flats comprising 9 self - contained flats (3 x 1 bed, 5 x 2 bed & 1 x 3 bed)
Drawing Nos:	HAW.159.43a, 44a, 47a, 48a, 50a, 51a, 52a, 53a, 54a & 0126_e001(RevB)
Contact Officer:	David Gardener (0208 545 3115)

RECOMMENDATION

GRANT Planning Permission Subject to Conditions and S106 Agreement

CHECKLIST INFORMATION

- Heads of agreement: Permit free
- 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: 78
- External consultations: None

1. INTRODUCTION

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

2. SITE AND SURROUNDINGS

- 2.1 The application site is a 1960's four-storey building, located on the southeast side of Woodside at its junction with Springfield Road.

- 2.2 The adjoining properties along Woodside are characterised by a mixture of terrace, semi-detached and detached houses. Park Court and Springfield Court are positioned to the western side of the site, and are contemporary in terms of their design. Springfield Road is mainly characterised by semi-detached Victorian properties.
- 2.3 There are currently eleven flats within the building: 1 x studio flat, 1 x two bedroom, and 9 x one-bedroom flats.
- 2.4 The site is not located in a Conservation Area. The site has excellent public transport accessibility (PTAL 6a) and is also located in a controlled parking zone (zone 2F).

3. CURRENT PROPOSAL

- 3.1 The proposal is to demolish the existing 4 storey block of flats and erect a replacement 5 storey block of flats comprising 9 self-contained units (3 x 1 bed, 5 x 2 bed & 1 x 3 bed).
- 3.2 The proposed building has been fundamentally re-designed from when it was originally submitted in 2015. The original application proposed a brick construction at ground to 3rd floor level with the front part of the 4th floor also brick. The top floor as well as part of the rear part of the 4th floor would be glazed. The building would have featured a flat roof with splayed windows on its Springfield Road elevation. The latest design is brick built at all levels and features gabled slate roofs on both its Woodside and Springfield Road elevations. A turret feature is located on the front corner of the building.
- 3.3 All of the flats would have access to a 5sqm minimum private terrace or balcony. Secure cycle storage and bin storage is located at the rear of the building. No off-street car parking would be provided.

4. PLANNING HISTORY

The following planning history is relevant:

- 4.1 WIM5346 - Erection of 3 storey block of 8 flats and 6 garages. Granted, 29/10/1960.
- 4.2 WIM6190 - Erection of 4 storey block of 9 flats and 6 garages. Granted, 03/04/1962.
- 4.3 94/P1042 - Conversion of existing two bedroomed self contained flat and 9 no. self contained studio units to provide 5 no. two bedroomed self contained units and 4 no. one bedroomed self contained units involving the erection of a mansard roof extension, the erection of balconies, window alterations and the general refurbishment of the existing building. (renewal of previous permission 89/P0791). Granted, 24/03/1995.

- 4.4 97/P0249 - Alterations to existing block of flats including the formation of one additional flat within a roof extension and erection of 2 garages and bike store at rear (modification to previous planning permission dated 02/11/89 Ref:89/P0791 renewed 24/03/95 Ref:94/P1042). Granted, 21/11/1997.
- 4.5 01/P1922 - Alterations and extensions to the building: a rear extension at ground, first, second and third floors to provide two maisonettes; a roof extension to provide two additional flats and alterations to the car parking at the rear. Refused, 02/01/2002.
- 4.6 02/P0701 - Alterations and extensions to the building: a rear extension at ground, first, second and third floors to enlarge existing flats, and a roof extension to provide two additional flats with alterations to the car parking area. Granted, 01/07/2003.
- 4.7 08/P3125 - Refurbishment & extensions to existing four-storey building, including remodelling of elevations and the construction of 2 x flats at roof level, 2 x flats within a three-storey side extension, removal of one ground-floor flat and existing garage and the re-landscaping of front garden. Refused, 06/02/2009, for the following reason:
- “ The proposed development by reason of its height and bulk would be unduly dominant and unneighbourly and detract from the character of the area and the amenities of local residents. The development would therefore be contrary to policies BE.15, BE.22 and BE.23 of the Adopted Merton Unitary Development Plan (October 2003).”
- 4.8 09/P1196 - Refurbishment & extensions to existing four-storey building, including, the provisions of two new flats at roof level within a lightweight steel and glass structure, removing the existing garage structure and one of the existing ground floor flats, extending the existing building envelope to create better accommodation, re-landscaping of the surrounding gardens, including the provision of three new trees. Withdrawn on 10/05/2012, however, prior to its withdrawal there was a resolution to grant planning permission (subject to completion of S106 agreement).
- 4.9 13/P0258 - Refurbishment & extensions to existing four-storey building, including, the provisions of two new flats at roof level within a lightweight steel and glass structure, removing the existing garage structure and one of the existing ground floor flats, extending the existing building envelope to create better accommodation, re-landscaping of the surrounding gardens, including the provision of three new trees. Granted subject to S106 Agreement - 28/07/2016

5. POLICY CONTEXT

- 5.1 Adopted Merton Sites and Policies Plan and Policies Maps (July 2014): DM D1 (Urban design and the public realm), DM D2 (Design considerations in all developments), DM D3 (Alterations and extensions to existing buildings), DM H2 (Housing Mix), DM O2 (Nature Conservation, Trees, hedges and

landscape features), DM T1 (Support for sustainable transport and active travel), DM T2 (Transport impacts of development), DM T3 (Car parking and servicing standards)

- 5.2 Adopted Core Strategy (July 2011):
CS.8 (Housing Choice), CS.9 (Housing Provision), CS.14 (Design), CS.15 (Climate Change), CS.18 (Active Transport), CS.19 (Public Transport), CS.20 (Parking, Servicing and Delivery)
- 5.3 London Plan March 2015 (March 2016):
3.5 (Quality and Design of Housing Development), 5.2 (Minimising carbon dioxide emissions), 5.3 (Sustainable Design and Construction), 5.9 (Overheating and cooling), 6.3 (Assessing effects of development on transport capacity), 6.13 (Parking), 7.2 (An inclusive environment), 7.4 (Local character), 7.6 (Architecture)
- 5.4 Mayor of London Housing Supplementary Planning Guidance (March 2016)
- 5.5 Department for Communities and Local Government 'Technical housing standards – nationally described space standard'
- 5.6 National Planning Policy Framework (NPPF)

6. CONSULTATION

- 6.1 The application was originally publicised by means of a site notice and individual letters to occupiers of neighbouring properties. In response, 7 letters of objection were received. The letters of objection were on the following grounds:
 - Lack of affordable flats
 - Impact on existing tenants forced to move out
 - No off-street parking which could lead to increased demand for on-street parking
 - Disruption from building work
- 6.2 Following the re-design of the building a further re-consultation was undertaken in May/June 2018. In response 6 further objections were received on the following grounds:
 - Loss of affordable housing
 - Visually intrusive and imposing structure which will overlook surrounding properties
 - Loss of existing off-street parking spaces and impact that this will have on on-street parking
 - Loss of mature trees
 - Disruption and noise during build
 - Sunlight/daylight loss and loss of view
- 6.3 Future Merton - Transport Planning

6.3.1 No objections

7. PLANNING CONSIDERATIONS

7.1 Principle of Development

7.2 The proposal would result in the provision of 9 self-contained residential units (1 x 3 bed, 5 x 2 bed & 1 x 3 bed). Although this would result in a net reduction of two units this would not warrant a refusal of the application in this instance. The current building comprises 11 self-contained residential units of 1 x studio, 9 x one bedroom and 1 x 2 bedroom. Therefore the building can accommodate approx. 23 occupants assuming the one bedroom flats can accommodate 2 occupants each and the two bedroom flat, 4 occupants. Although the proposed building would have two fewer flats they would on average be significantly larger with 3 units being one bedroom (2 person), 5 units being two bedroom (4 person) and one unit being 3 bedroom (5 person). Therefore the building could accommodate approx. 31 occupants, a potential net increase of 8 occupants. In addition, the building would provide a three bedroom unit. Policy CS.8 of the core planning strategy supports the provision of three bedroom family sized units stating that Merton's 2010 Strategic Housing Market Assessment Study (Merton SHMA) has identified that there is a need for more housing types and sizes throughout the borough and that assessment of historical provision to date in the borough indicates a disproportionately greater delivery of smaller housing units of 1 to 2 bedrooms. The principle of development is therefore considered to be acceptable.

7.3 Visual amenity

7.4 Policy DM D2 of the Adopted Sites and Policies Plan and Policies Maps (July 2014) states that proposals for development will be required to relate positively and appropriately to the siting, rhythm, scale, density, proportions, height, materials and massing of surrounding buildings, whilst using appropriate architectural forms, language, detailing and materials which complement and enhance the character of the wider setting.

7.5 The application has been amended on officer advice and is now considered to be a high quality design that responds well to both the topography of the site and architectural styles of surrounding buildings. The massing, scale and height of the building are considered acceptable with the building responding well to the sloping site, stepping down with the gradient. This is achieved by having different levels for each half of the building. The roof is also considered to respond well to the skyline with the use of a mansard style roof with gables addressing both the Woodside and Springfield Road elevations. The use of slate roof tiles would further harmonise with the prevailing character of the local area.

7.6 In terms of siting the building, it would sit slightly forward of the main elevations of adjoining properties along Woodside and Springfield Road. This

is due to the site constraints and the fact that this is a corner site and as such the building can be considered more of a landmark feature, rather than as part of the uniform terraces either side. This is therefore considered to be acceptable. The building also successfully turns the corner with attention being drawn to the corner architecturally with a circular bay. This creates visual interest when the building is viewed from this corner.

- 7.7 It is also considered that the proposed building is high quality in terms of the detail of its facades with both the Woodside and Springfield Road elevations featuring square bay windows with gable roofs addressing the street. This gives the façade a high quality feel due to the depth which the bays create whilst the gables relate to the gabled roofs of surrounding properties albeit with a more contemporary interpretation, which is considered to be successful in this instance. Overall, it is considered that the proposal would result in a high quality development and as such complies with all the relevant design planning policies.

7.7 Residential Amenity

- 7.8 Policy DM D2 of the Adopted Sites and Policies Plan and Policies Maps (July 2014) states that proposals for development will be required to ensure provision of appropriate levels of sunlight and daylight, quality of living conditions, amenity space and privacy, to both proposed and adjoining buildings and gardens. Development should also protect new and existing development from visual intrusion.

- 7.9 The rear elevation of the proposed building at first floor level and above would be located approximately 11.2m from the boundary the site shares with No.22 Springfield Road. It is considered that the separation distance is acceptable and would respect the openness between the building and properties along Springfield Road. It is not considered that the proposal would have an unacceptable impact on levels of daylight/sunlight at No.22 Springfield Road given the building does not project beyond the rear wall of No.22 and is located approximately 11.2m from this property. The building is also located northwest of No.22, which further reduces the loss of direct sunlight at this property. It is considered that there would also be very limited impact on privacy with the flank wall of No.22 facing the development not comprising any windows to habitable rooms. With regards to privacy, the habitable room windows facing No.22 are located towards the southeast side of the building and are located 11.2m from the rear boundary.

- 7.10 The proposed building, at its closest would be located approximately 60cm from the side boundary with No.33 Woodside at first floor level and above, before it steps in another 2.4m from the side boundary. It should be noted that the part that is located closest to No.33 only projects 2.35m beyond the rear wall of No.33 at first floor level and above which is considered acceptable in this instance given there is a minimum separation distance of 2.65m between the proposed building and No.33 at first floor level and above.

7.11 The proposed balconies are located on the Springfield Road elevation, rear and front elevations of the building. It should also be noted that no habitable room windows would be located on the buildings side elevation facing No.33 Woodside, which means there would not be an unacceptable impact in terms of overlooking or loss of privacy. There would be some increase in outlook toward properties on the west side of Springfield Road, however, in comparison to the existing flats and distance across the road, this would not be materially harmful.

7.12 Overall, it is considered that the proposal would not have a detrimental impact on the levels of amenity currently enjoyed by occupiers of surrounding properties and would accord with policies DM D2 and DM D3 Adopted Merton Sites and Policies Plan and Policies Maps (July 2014):

7.13 Standard of Accommodation

7.14 The technical housing standards – nationally described space standard (March 2015) as well as the London Plan 2015, and Table 3.3 of policy 3.5 of the London Plan (March 2016) sets out a minimum gross internal area standard for new homes. This provides the most up to date and appropriate minimum space standards for Merton. In addition, adopted policy CS.14 of the Core Strategy and DM D2 of the Adopted Sites and Policies Plan and Policies Maps (July 2014) encourages well designed housing in the borough by ensuring that all residential development complies with the most appropriate minimum space standards and provides functional internal spaces that are fit for purpose. New residential development should safeguard the amenities of occupiers by providing appropriate levels of sunlight & daylight and privacy for occupiers of adjacent properties and for future occupiers of proposed dwellings. The living conditions of existing and future residents should not be diminished by increased noise or disturbance.

7.15 The proposed residential units all exceed national and regional standards in terms of gross internal floor size and bedroom sizes. All the flats are dual or triple aspect and all have adequate levels of light and outlook. The proposed flats all have private balconies and terraces which comply with the minimum space standards set out in policy DM D2 of the Adopted Merton Sites and Policies Plan and Policies Maps (July 2014), which requires for flatted dwellings, a minimum of 5sqm of private outdoor space should be provided for 1-2 person flatted dwellings with an extra 1sqm provided for each additional occupant.

7.16 Housing Mix

7.17 Policy DM H2 of the Adopted Merton Sites and Policies Plan and Policies Maps (July 2014) states that residential proposals will be considered favourably where they contribute to meeting the needs of different households such as families with children, single person households and older people by providing a mix of dwelling sizes, taking account of the borough level indicative proportions concerning housing mix. Therefore in assessing development proposals the council will take account of Merton's Housing

Strategy (2011-2015) borough level indicative proportions which are set out as follows:

Number of bedrooms	Percentage of units
One	33%
Two	32%
Three +	35%

7.18 It is considered that the proposal provides a good mix of properties with 3 one bedroom units (33%), 5 two bedroom units (56%) and one, three + bedroom unit (11%). It is considered that although there is an in-balance in terms 2 and 3 bedroom units it would not warrant a refusal of the application given the scheme overall is fairly well balanced. It is also considered that the two bedroom units, which are 4 person could accommodate a family.

7.19 Parking and Traffic

7.20 The application site has very good level of accessibility to public transport with a PTAL rating of 6a with the site located a short distance from a number of bus routes and Wimbledon Railway Station. The application site is also located in a Controlled Parking Zone (Zone W4) and as such is located in an area of the borough subject to high parking stress. The application would result in the loss of the existing off-street provision which includes 4 garages. Given the application would also result in a potential net increase of approx. 8 occupants it is considered that all of the proposed flats in the development should subject to a Section 106 'permit free' Agreement in accordance with policy CS.20 of the Core Strategy, which supports permit-free developments in areas within CPZ's benefiting from good access to public transport (PTAL 4 - 6), with good access to facilities and services. This would also avoid any over spill parking on the surrounding roads.

7.21 Secure cycle storage is located at the rear of the building with 15 spaces provided. This is considered to be acceptable and complies with London Plan policies, which requires 1 space per 1 bedroom unit and 2 spaces per all other dwellings.

7.22 Trees

7.23 There are 6 trees located on the site. The applicant has submitted a tree survey and arboricultural report with the application which classes three trees as Category B (Moderate Quality), 2 as Category C (Low Quality) and 1 as Category U (Unsuitable for Retention). The trees T1 to T6 (4 x Lime, 1 x Ash and 1 x Sycamore) shown on the tree survey are protected by the Merton (MER (507)) Tree Preservation Order. The arboricultural Implications Assessment recommends the removal of the Category U Sycamore Tree due to its poor condition and this is considered acceptable. A condition will be attached requiring the planting of a semi-mature tree to replace this tree. It is considered that the proposal would have a low impact on the root protection areas of the other 5 trees as the majority of the development would occur

below the existing building. However, to minimize any potential damage, precautionary manual excavation of the revised building line would be carried out to avoid any damage to tree roots.

8. ENVIRONMENTAL IMPACT ASSESSMENT

8.1 The application does not constitute Schedule 1 or Schedule 2 development. Accordingly, there are no requirements in terms of EIA submission.

9. LOCAL FINANCIAL CONSIDERATIONS

9.1 The proposal would result in a net gain in gross floor space and as such will be liable to pay a Community Infrastructure Levy (CIL).

10. SECTION 106 LEGAL AGREEMENT

10.1 Permit Free

10.1.1 The development is to be 'Permit Free' in line with policy CS.20 of the Core Planning Strategy, which seek to reduce reliance on private motor vehicles in locations with good access to public transport facilities.

10.1.2 Further information in respect of the above, including details of supplementary research carried out in justification of the S106 requirements, can be viewed here:

<http://www.merton.gov.uk/environment/planning/s106-agreements.htm>

11. CONCLUSION

11.1 It is considered that the proposed building is a high quality design that responds well to both the topography of the site and architectural styles of surrounding buildings. It is also considered that the proposal would be acceptable in terms of its impact on residential amenity and standard of accommodation. In terms of parking and traffic impact it is noted that the application site has excellent access to public transport and is in a controlled parking zone which means the flats would be 'permit free' in line with policy requirements. Overall, it is considered that the proposal would comply with all relevant planning policies and as such planning permission should be granted.

RECOMMENDATION

GRANT PLANNING PERMISSION subject to the completion of a S106 agreement covering the following heads of terms:

- 1) Permit free
- 2) Paying the Council's legal and professional costs in drafting, completing and monitoring the legal agreement.

And subject to the following conditions:

1. A.1 (Commencement of Development)
2. A.7 (Approved plans)
3. B.1 (External Materials to be Approved)
4. C.3 (Obscure Glazing (Fixed Windows))
5. C.7 (Refuse & Recycling (Implementation))
6. C.8 (No Use of Flat Roof)
7. C.9 (Balcony/Terrace (Screening))
8. D.11 (Construction Times)
9. F.1 (Landscaping/Planting Scheme)
10. F.2 (Landscaping (Implementation))
11. F.5 (Tree Protection)
12. F.8 (Site Supervision)
13. F.9 (Hardstandings)
14. H.7 (Cycle Parking to be Implemented)
15. H.13 (Construction Logistics Plan to be submitted)
16. Before the commencement of the development, details of the proposed green/brown roofs (including: species, planting density, substrate, a section drawing at scale 1:20 demonstrating the adequate depth availability for a viable green/brown; and a maintenance plan) shall be submitted to an approved in writing by the Local Planning Authority. The measures shall be implemented in accordance with the approved details and be permanently retained as such.

Reason: In order to conserve and enhance biodiversity and wildlife habitats in accordance with the provisions of policy CS.13 of Merton's Core Planning Strategy 2011.

17. No part of the development hereby approved shall be occupied until evidence has been submitted to the council confirming that the development has achieved not less than the CO2 reductions (ENE1), internal water usage (WAT1) standards equivalent to Code for Sustainable Homes Level 4. Evidence requirements are detailed in the "Schedule of Evidence Required"

for Post Construction Stage from Ene1 & Wat1 of the Code for Sustainable Homes Technical Guide (2010).

Reason: To ensure that the development achieves a high standard of sustainability and makes efficient use of resources and to comply with the following Development Plan policies for Merton: policy 5.2 of the London Plan 2016 and policy CS15 of Merton's Core Planning Strategy 2011.

18. Non-Standard Condition: No development approved by this permission shall be commenced until a detailed scheme for the provision of surface and foul water drainage has been implemented in accordance with details that have been submitted to and approved in writing by the local planning authority and in consultation with Thames Water. The drainage scheme will dispose of surface water by means of a sustainable drainage system (SuDS) in accordance with drainage hierarchy contained within the London Plan Policy (5.12, 5.13 and SPG) 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 and the method employed to attenuate flows to sewer. Appropriate measures must be taken to prevent pollution of the receiving groundwater and/or surface waters;
- ii. Include a timetable for its implementation;
- iii. Provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption and any other arrangements to secure the operation of the scheme throughout its lifetime;

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. Detailed Construction Method Statement.
20. No part of the development hereby approved shall commence until evidence has been submitted to and approved in writing by the Local Planning Authority confirming that the development will achieve a CO2 reduction of not less than a 19% improvement on Part L Regulations 2013, and internal water usage rates of no greater than 105 litres per person per day.

Reason: To ensure that the development achieves a high standard of sustainability and makes efficient use of resources and to comply with the following Development Plan policies for Merton: policy 5.2 of the London Plan 2015 and policy CS15 of Merton's Core Planning Strategy 2011.

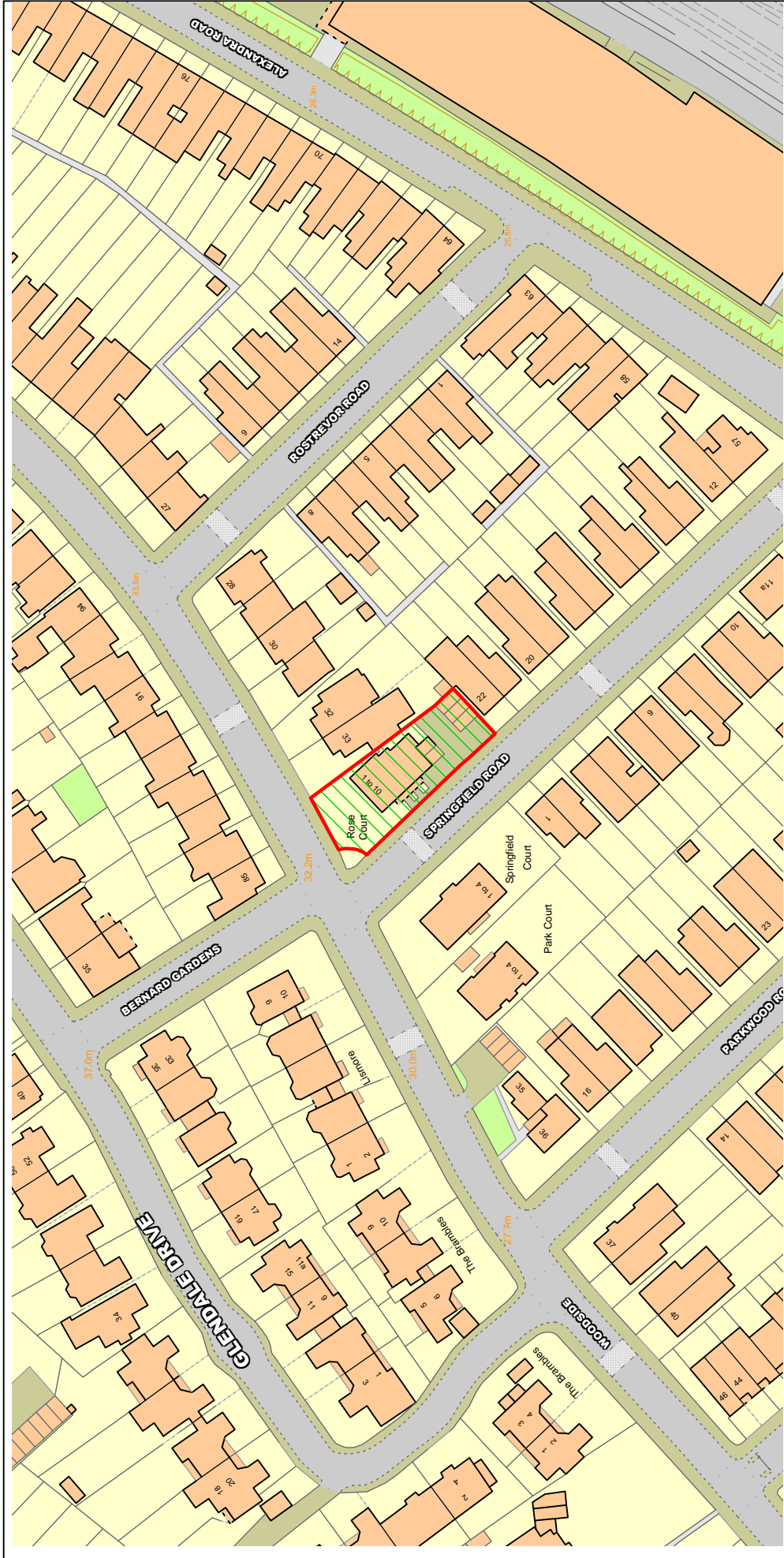
21. No part of the development hereby approved shall be occupied until evidence has been submitted to, and approved in writing by, the Local Planning Authority confirming that the development has achieved CO2 reductions of

not less than a 19% improvement on Part L regulations 2013, and internal water usage rates of not more than 105 litres per person per day.

Reason: To ensure that the development achieves a high standard of sustainability and makes efficient use of resources and to comply with the following Development Plan policies for Merton: policy 5.2 of the London Plan 2015 and policy CS15 of Merton's Core Planning Strategy 2011.

[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



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PLANNING APPLICATIONS COMMITTEE

23 AUGUST 2018

Wards: Village

Subject: Tree Preservation Order (No.726) at 49 Murray Road,
Wimbledon, London, SW19 4PF

Lead officer: HEAD OF SUSTAINABLE COMMUNITIES

Lead member: COUNCILLOR LINDA KIRBY, CHAIR, PLANNING
APPLICATIONS COMMITTEE

Contact Officer Rose Stepanek: 0208 545 3815
rose.stepanek@merton.gov.uk

Recommendation:

That the Merton (No.726) Tree Preservation Order 2018 be confirmed, but modified by the removal of the Irish Yew tree (T1)

1. Purpose of report and executive summary

This report considers the objection that has been made to the making of this tree preservation order. Members must take the objection into account before deciding whether or not to confirm the Order, without modification.

2. Details

- 2.1 On the 1 March 2018, the Council received a request from a local resident to make a tree preservation in respect of an Irish Yew tree located in the front garden and a Yew tree located in the rear garden of 49 Murray Road, Wimbledon, London, SW19 4PF. The resident was concerned about the future of both trees particularly since there was a current planning application (17/P2820) for the excavation of a basement and extension to the property.
- 2.2 The applicant provided an arboricultural report which gave both trees an 'A' category under the methods used to classify trees in the BS 5837:2017 'Trees in relation to design, demolition and construction – Recommendations'. A category 'A' tree is described as having a high quality and is a particularly good example of the species. Both trees are shown as retained on the approved site layout plan.
- 2.3 The property is located in the Wimbledon West Conservation Area and both trees contribute to the amenities enjoyed by the local residents and public alike. The tree officer concluded that both trees should be protected as the tree preservation order would provide the maximum legal protection to trees that are to be retained as part of a development.

2.4 In response to this request, the Merton (No.726) Tree Preservation Order 2018 was made and this took effect on the 7 March 2018. A copy of the tree preservation order plan is appended to this report.

3. Planning history

3.1 In August 1995 a Certificate of Lawfulness was issued in respect of the erection of a single storey rear extension (LBM Ref: 95/P0446).

3.2 In August 2017 planning application ref: 17/P2820 was submitted for the 'Excavation of basement level extension, erection of a single storey rear extension, a first floor rear extension and new front porch'. This was approved at Planning Applications Committee on the 22 March 2018.

3.3 In April 2018 planning application ref: 18/P1535 was submitted for an 'Application for non-material amendments to planning application 17/P2820 (dated 16/04/2018) in respect of the excavation of basement level extension, erection of single storey rear extension, a first floor rear extension and erection of new front porch (amendment involves re-alignment of internal walls within the property'. This was approved at officer level on the 10/05/2018.

3.4 A new planning application ref: 18/P2301 has been submitted for the 'Demolition of existing dwelling house and erection of a new three storey detached dwelling house behind retained facade (with accommodation at basement level) together with provision of parking and associated landscaping works'. At the time of this report, this application is awaiting registration. The existing Yew tree located in the rear garden is shown as retained.

4. Legislative Background

4.1 Section 198 of the Town and Country Planning Act 1990 (as amended), empowers Local Planning Authorities to protect trees in the interests of amenity, by making tree preservation orders. Points to consider when considering a tree preservation order are whether the particular trees have a significant impact on the environment and its enjoyment by the public, and that it is expedient to make a tree preservation order.

4.2 When issuing a tree preservation order, the Local Planning Authority must provide reasons why the tree has been protected by a tree preservation order. In this particular case 11 reasons were given that include references to the visual amenity value of the trees in the area; that the trees should be protected in line with BS 5837:2012; that the trees have an intrinsic beauty; that the trees are visible to the public view; that the trees make a significant contribution to the local landscape; that the trees form part of our collective heritage for present and future generations; that the trees are an integral part of the urban forest; that the trees contribute to the local bio-diversity; and that the trees protect against climate change.

4.3 Under the terms of the provisional status of an Order, objections or representations may be made within 28 days of the date of effect of the Order. The Council must consider those objections or representations before any decision is made to confirm or rescind the Order.

5. Objection & representation to the Order

5.1 On 11 April 2018, the Council received an objection to the Order from the owner of the property. The objection included a report from a landscape company.

5.2 The objection to the Order can be summarised as follows:

- The Irish Yew tree obscures their view of the footpath and part of the road when reversing off the drive. This has proven to be dangerous to pedestrians and traffic on the road. A new Cherry tree is proposed as a replacement;
- Is worried about the toxicity of the tree.
- The Yew tree in the rear garden is not in particularly good condition and is competing for room with a far more attractive tree. A very large dense evergreen tree is not appropriate for the location. A new Cherry tree is proposed to be planted;
- Is worried about the toxicity of the tree;
- It is hard to maintain;
- It is impossible to grow other plants beneath the crown.

6. Planning Considerations

6.1 The Tree Officer would respond to each of the respective points as follows:

- The position of the Irish Yew tree in relation to the public footpath and highway is a valid concern. For this reason it is proposed to remove this tree from the tree preservation order.
- The arboricultural report submitted with planning ref: 17/P2820 states this tree to be in good physical condition with no obvious external indications of weakness or decay. The tree is positioned at the bottom of the rear garden and there is ample room around this tree. The tree is growing in close proximity to a larger Oak tree located in the neighbouring garden. The canopies of the two trees are growing in a satisfactory way;
- Yew trees are toxic, but are one of many plants which are harmful to human health. Recent health records on Yew trees suggest that of the few instances of human fatalities that are on record relate to deliberate acts of suicide. Education is the key to co-existing with such risks.
- The Council has no record of the submission of any notifications concerning works to this tree. Yew trees can be readily pruned and maintained;
- As the tree is located at the bottom of the rear garden, there is ample room around this tree to incorporate the tree into a landscaped garden.

7. Officer Recommendations

7.1 The Merton (No.726) Tree Preservation Order 2018 should be confirmed, but modified by the removal of the Irish Yew tree (T1).

8. Consultation undertaken or proposed

None required for the purposes of this report

9. Timetable

N/A

10. Financial, resource and property implications

The Order may be challenged in the High Court and legal costs are likely to be incurred by Merton. However, it is not possible to quantify at this time, and may be recoverable from the property owners if the Court finds in favour of the Authority.

11. Legal and statutory implications

The current tree preservation order takes effect for a period of 6 months or until confirmed, whichever is the earlier. There is no right of appeal to the Secretary of State. Any challenge would have to be in the High Court.

12. Human rights, equalities and community cohesion implications

N/A

13. Crime and disorder implications

N/A

14. Risk Management and Health and Safety implications.

N/A

15. Appendices – the following documents are to be published with this report and form part of the report Background Papers

Tree Preservation Order plan

16. Background Papers

The file on the Merton (No.726) Tree Preservation Order 2018
Government Planning Practice Guidance on Tree Preservation Orders and trees in conservation areas.



Map Legend

- Children Services
- Day Nurseries_Playgroups_Preschool
- Children Centres
- Youth Centres
- Youth Centres Extras

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Merton (No.726) Tree Preservation Order 2018 - 49 Murray Road

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MERTON COUNCIL

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Committee: Planning Applications

Date: 23 August 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/P2077**
Site: Pavement outside Metrobank, 1-2 Wimbledon Bridge House
Development: Installation of proposed telephone box
Recommendation: Refused (Delegated Decision)
Appeal Decision: **REFUSED**
Date of Appeal Decision: 23rd July 2018

[Link to Appeal Decision Notice](#)

Application Numbers: **17/P2078**
Site: Pavement outside Starbucks, 5-10 Wimbledon Hill Road
Development: Installation of proposed telephone box
Recommendation: Refused (Delegated Decision)
Appeal Decision: **ALLOWED**
Date of Appeal Decision: 23rd July 2018

[Link to Appeal Decision Notice](#)

Application Numbers: **17/P2079**
Site: Pavement outside Centre Court Shopping Centre, Wimbledon
Development: Installation of proposed telephone box
Recommendation: Refused (Delegated Decision)
Appeal Decision: **Refused**
Date of Appeal Decision: 23rd July 2018

[Link to Appeal Decision Notice](#)

Application Numbers: **17/P4070**
Site: 16 Rodney Place, South Wimbledon SW19 2LQ
Development: Erection of a single storey detached timber outbuilding
Recommendation: Refused (Delegated Decision)
Appeal Decision: **ALLOWED**
Date of Appeal Decision: 17th July 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.

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Committee: Planning Applications Committee

Date: 23rd August 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:	793	¹ (785)	New Appeals:	(1)	(0)
New Complaints	33	(38)	Instructions to Legal	0	(0)
Cases Closed	25		Existing Appeals	1	(1)
No Breach:	13		<hr/>		
Breach Ceased:	7		TREE ISSUES		
NFA ² (see below):	10		Tree Applications Received	33	(32)
Total	25	(22)	% Determined within time limits:	94%	
New Enforcement Notices Issued			High Hedges Complaint	0	(1)
Breach of Condition Notice:	0		New Tree Preservation Orders (TPO)	1	(1)
New Enforcement Notice issued	1	(1)	Tree Replacement Notice	0	
S.215: ³	2		Tree/High Hedge Appeal	0	(1)
Others (PCN, TSN)	1	(1)			
Total	1	(0)			
Prosecutions: (instructed)	0	(1)			

Note (*figures are for the period 12th July 2018 to 13th August 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.

2.0 New Enforcement Actions

- **39 West Barnes Lanes, SW20 0BL.** The council issued a S215 notice on 23rd July 2018 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 property". The notice will come into effect on 23/08/18.
- **228 Lynmouth Avenue, SM4 4RP.** The Council issued a S215 notice on 23rd July 2018 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 property". The notice will come into effect on 23/08/18.
- **100 The Broadway, Wimbledon SW19 1RH.** This matter concerns a dilapidated shopfront. A s215 Notice has been authorised and will be issued requiring the shop front to be restored and tidied up.
- **118 Central Road, Morden SM4 5RL.** A planning Enforcement Notice has been authorised relating to the covering of the rear yard of this commercial garage. The Councils Legal services are in the process of issuing the Notice.

- **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. An appeal has been received on grounds (c) only (that planning permission is not required). The Council will submit its statement in due course.
- **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. The owner has complied, no further action.
- **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. The owner has complied, no further action.

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 was a planning appeal against the refusal of planning permission for the retention of the two flats. An appeal was made against the refusal of planning permission.
Appeal allowed under development control. No further action
- **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. The owner has complied, no further action.
- **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. The Notice has been reissued and the Council has to consider Mental health issues in this matter.

3.00 New Enforcement Appeals

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 to date.

3.1 Existing enforcement appeals

Appeals determined

- **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. The appeal has been dismissed
- **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. Awaits for compliance
- **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. New Officer’s report has been rafted for further enforcement notice to be served on the three 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. Awaiting prosecution proceedings.

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. The rear window has been addressed and resolved. No further action under section 215 notice is required.
- **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.

The defendant's appeared at Lavender Hill Magistrates Court. But the case was deferred and sent to the Crown Court as the penalties available to the Magistrates Court were considered by the court, to be insufficient, should the defendants be found to be guilty. It is likely that this case will be heard at the Crown Court in August 2018. The Court has imposed a £1,000 fine plus costs of £1,500. The occupier was instructed to comply with the notice within one week by 15/08/2018. Officer's will visit and check for compliance.

3.4 Requested update from PAC

None

4. Consultation undertaken or proposed

None required for the purposes of this report

5 Timetable

N/A

6. Financial, resource and property implications

N/A

7. Legal and statutory implications

N/A

8. **Human rights, equalities and community cohesion implications**
N/A
9. **Crime and disorder implications**
N/A
10. **Risk Management and Health and Safety implications.**
N/A
11. **Appendices – the following documents are to be published with this report and form part of the report Background Papers**
N/A
12. **Background Papers**