

# Merton Council

## Planning Applications Committee

### Membership

#### Councillors

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

#### Substitute Members:

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

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

**Date: 20 September 2018**

**Time: 7.15 pm**

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

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

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# Planning Applications Committee

## 20 September 2018

- 1 Apologies for absence
- 2 Declarations of Pecuniary Interest
- 3 Minutes of the previous meeting 1 - 8
- 4 Town Planning Applications  
The Chair will announce the order of Items at the beginning of the Meeting.  
A Supplementary Agenda with any modifications will be published on the day of the meeting.  
Note: there is no written report for this item
- 5 141 The Broadway, Wimbledon, SW19 1QJ 9 - 28  
Application number: 16/P2585 Ward: Abbey  
  
Officer Recommendation: GRANT Planning Permission subject to completion of a S106 Agreement and conditions
- 6 35 Coombe Lane, Raynes Park, SW20 0LA 29 - 40  
Application number: 18/P2210 Ward: Raynes Park  
  
Grant planning permission subject to a S106 Agreement for permit free development and conditions
- 7 Land on South side of Wyke Road, Raynes Park 41 - 70  
Application number: 17/P0609 Ward: Raynes Park  
  
Officer Recommendation: Grant planning permission subject to conditions and S106 legal agreement
- 8 Planning Appeal Decisions 71 - 74  
Officer Recommendation:  
That Members note the contents of the report.
- 9 Planning Enforcement - Summary of Current Cases 75 - 82  
Officer Recommendation:  
That Members note the contents of the report.

## **Declarations of Pecuniary Interests**

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

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

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

## **Human Rights Implications:**

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

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

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

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

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

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

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

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

**PHONE:** 020-8545-3445/3448

**e-mail:** [planning@merton.gov.uk](mailto:planning@merton.gov.uk))

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

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

**Please note:**

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

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

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Phone – 020 8545 3356

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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](http://www.merton.gov.uk/committee).

## PLANNING APPLICATIONS COMMITTEE

23 AUGUST 2018

(7.15 pm - 10.10 pm)

PRESENT Councillor Peter Southgate (in the Chair),  
Councillor Laxmi Attawar, Councillor David Chung,  
Councillor David Dean, Councillor Russell Makin,  
Councillor Simon McGrath, Councillor Marsie Skeete and  
Councillor Dave Ward, Councillor Rebecca Lanning and  
Councillor Stephen Crowe

ALSO PRESENT Councillor Nick Draper  
Councillor Caroline Cooper-Marbair  
Councillor Anthony Fairclough  
Councillor Nigel Benbow  
Jonathan Lewis  
Tim Bryson  
Sarath Attanayke  
Lisa Jewell

### 1a APOLOGIES FOR ABSENCE (Agenda Item 1)

Apologies for absence were received from the Chair, Councillor Linda Kirby and the Vice Chair, Councillor Najeeb Latif.

Councillor Rebecca Lanning and Councillor Stephen Crowe attended as Substitutes

### 1b ELECTION OF CHAIR (Agenda Item )

Owing to the absence of The Chair and Vice Chair, it was proposed, seconded and agreed by the Committee that Councillor Peter Southgate would be appointed Chair for this meeting.

### 2 DECLARATIONS OF PECUNIARY INTEREST (Agenda Item 2)

There were no declarations of Pecuniary interest.

### 3 MINUTES OF THE PREVIOUS MEETING (Agenda Item 3)

RESOLVED: That the minutes of the meeting held on 19 July 2018 are agreed as an accurate record.

### 4 TOWN PLANNING APPLICATIONS (Agenda Item 4)

Supplementary Agenda: Amendments and modifications to the Officer's report were published in a Supplementary Agenda. This applied to items 5,6,8 and 9.

Order of the meeting – The Chair announced that the items would be taken in the following order 5,6,8,7,9,10, 11 and 12

5 162-164 HARTFIELD ROAD, SW19 3TQ (Agenda Item 5)

Proposal: Demolition of two semi-detached dwellings and erection of a three storey building (with basement) comprising 4 x 2-bedroom flats, 3 x 1-bedroom flats and 1 x studio flat together with associated landscaping.

The Committee noted the officer's report, the Planning Inspectors appeal decision from the previous application, the officer's presentation and additional information in the Supplementary Agenda

The Committee received verbal representations from two objectors to the proposal and Ward Councillor Anthony Fairclough.

The Objectors made points including:

- There are now 229 signatures on a petition against this application
- The application is a clear breach of Merton Council Policies
- The new NPPF (National Planning Policy Framework) says that old buildings should be used in a more sustainable way, and not just demolished
- These Victorian homes have heritage value and should not be lost
- The application is not well designed
- The proposed basement is over 80% of the application site and therefore contravenes Merton's own policy on Basement development
- This was previously refused on grounds of scale and massing
- The new NPPF says that proposals should be visually attractive and can be refused for poor design. This application is a poor design and is ugly.
- The application contains single aspect flats, also in contravention of Merton's policies.

The Ward Councillor, Anthony Fairclough made points including:

- The Inspectors Decision is not the only material consideration
- This application breaches Merton Policies and the previous reasons for refusal are still valid

In response to Members' questions the Planning Team Leader (North) replied:

- The Design and Scale of the application has been tested and found to be acceptable against Merton Policies by the Planning Inspector
- The Inspector dismissed the appeal on the previous application only on the grounds that a legal agreement on parking and being "permit free" was absent.
- This application included a signed S106 agreement that covers all parking issues, but in all other matters is the same as the previous scheme.
- All matters of design and scale were found acceptable by the very recent Planning Inspectors decision. This is given weight in the Officers Recommendation.
- New NPPF was a material consideration. Whilst it does talk about design it also talks about using Brownfield sites, such as this one. It also talks about housing provision and supply

- The Merton Basement Policy does talk about 50% of the garden area being a maximum for basement size but this is geared towards basements being built under existing properties. This application is a new build and therefore the 50% figure is not given as much weight as it is much easier to build a basement on a new build when taking the development site as a whole.
- The Scale of the basement was tested against Merton Policy and then considered by the Planning Inspectors appeal decision, therefore we know that this has already been considered and accepted..
- The reasons for refusing the Previous identical application did not mention the scale of the basement.
- The Roof material is Zinc, which will start off as a light grey colour and then darken.

Members made comments including:

- The Inspector viewed this property almost a year ago, and took 4 months to publish decision. This application was made in May 2018, and the NPPF was updated in July 2018. The new NPPF supports the previous reasons for rejection.
- Important to preserve the Victorian Heritage, we previously rejected on scale and mass but not specifically on the scale of the basement
- Considering the Inspector only dismissed the Appeal on the lack of an S106 for parking, we can assume that he had no concerns regarding the scale and mass of the proposal.
- The only new consideration is the new NPPF, but we need to be very clear on how this changes the proposal
- These existing properties do have architectural value and this is protected by the NPPF section 127
- Concern about the scale of the basement
- Members should consider the housing need in the borough, these 1 and 2 bedroomed flats are needed

The Chair Commented that the Basement had not been included in the past reason for refusal, and that it was officer's advice not to include new reasons for refusal in cases that had already raised no concerns from the Planning Inspector. He advised that Members needed to be confident that their reasons for refusal overrode the past decision.

A motion to refuse was proposed and seconded, for the same reasons as the previous application and also with reference to the new NPPF and its promotion of Sustainability with reference to keeping and renovating the existing houses. This motion was defeated by the vote.

The Committee then voted on the Officers recommendation to Grant Planning Permission and this was carried. Councillor Dean requested that the minutes should record that he voted against granting planning Permission.

RESOLVED

The Committee voted to GRANT Planning Permission subject to conditions

6 LEE HOUSE, 2 LANCASTER AVENUE, WIMBLEDON SW19 5DE (Agenda Item 6)

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

The Committee noted the officer's report, presentation and additional information in the Supplementary Agenda – Modifications. The Committee noted that the Supplementary Agenda contained details of a report from the Applicant's highways Consultants considering the report of the Objectors transport consultants.

The Committee received verbal representations from two Objectors to the proposal scheme and from the applicant.

The Objectors raised points including:

- This application seeks a 26% expansion and will shrink the current garden area
- No Bat survey has been provided
- The Home already causes problems for local residents by increasing parking stress on their roads
- Residents commissioned their own transport survey which shows that parking stress is at a level of 89%
- The application is overdevelopment of a business in a residential area
- The application is contrary to Merton Policies and to the new NPPF
- It is overdevelopment in a Conservation Area and does not respect the conservation area.
- Requires two trees to be removed, which will lead to overlooking

The Applicant made points including:

- Abbeyfield is a leading not-for-profit organisation, and is committed to developing this site to provide much needed specialist dementia care.
- We are aware of neighbours concerns around parking, we will manage this issue
- The Design of the proposed scheme will compliment the existing building
- We will manage the concerns of existing residents of the home
- New landscaping will compensate for the loss of garden
- The proposal will meet needs and ensure longevity for the home

In reply to Member Questions officers made points including:

- The two trees to be removed are part of a well-treed boundary and are off the boundary. The Council's tree officer has no objections to the removal of these two trees. There is a tree protection condition and we can ask for some enhancement to the screening if needed.



- Lancaster Avenue is not an adopted road and the Council has no duty to maintain or monitor operation of the road. It is a private gated road, which is why the applicant had to carry out their own traffic and parking survey
- Merton does not have a specific policy to increase bedrooms in supported care homes
- There are no parking standards for care homes, Ambulances would take the best route
- At the moment the home does not have a travel plan but one is proposed for this application, but this is different to discussions about extra traffic from additional rooms
- Officers are content with the proposed % coverage of the site, there will still be garden space. However, if at some point in the future, further development is proposed this may constitute over development
- Emergency Vehicle access operates already via ,Lancaster Avenue. This road is wide enough for such vehicles, including Fire Engines, even when parked on both sides. As it is a private Road it is up to residents if they want to do anything about this.
- Transport Planning Officers believe that there are adequate parking spaces in the surrounding streets to cope with the net increase of 3 rooms.

The Chair asked the residents to clarify the situation of the Gate opening from Lancaster Road onto Lancaster Avenue. Residents confirmed that the gate opens automatically when any vehicle approaches

Members made comments including:

- This application will increase staff and bedrooms at the home, but this increase won't significantly increase the number of ambulances arriving at the home, it is the increase in visitors and their parking that will have a significant effect on parking in the area.
- Although the Report says that there are parking spaces available in the area, it is human nature to attempt to park as close as possible, to go through the gates to Lancaster Avenue to attempt to park in the Home and then park on Lancaster avenue when the home parking is full.
- Parking stress already exists in this area, so the increase in number of bedrooms will exacerbate these current problems
- The area has a low PTAL rating and the majority of visitors will arrive in cars. Staff need to work 24 hours a day
- The design of the building is horrendous
- The proposal is overdevelopment and will exacerbate an already chaotic situation with parking in the local area
- Given the figures provided in the report for Staff numbers and Staff who drive, and the fact that only 8 parking spaces are provided, members felt that this proposal would lead to increased number of visitors parking on the surrounding streets, thus exacerbating the parking stress particularly in Lancaster Avenue

One Member commented to remind Members that Officers did not think that emergency vehicles would have a problem entering the site, that additional provision

of rooms was required and that there were parking problems all over the borough, not just in this area.

A motion to refuse was proposed and seconded, for the reasons of not enough on-site parking leading to an exacerbation of existing problems on surrounding streets and the proposal constituting overdevelopment.

RESOLVED

The Committee agreed to:

1. REFUSE the application for the following reasons:
  - The development would exacerbate existing local parking stress
  - The development is overdevelopment of the site
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 168A LONDON ROAD, MORDEN, SM4 5AT (Agenda Item 7)

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

The Committee noted the officer's report and presentation

Members asked officers about the possibility of residential use of the existing site and were assured by Officers that this was highly unlikely and if it did occur enforcement action could be taken.

Members asked about vehicle movements on and off the site and noted that this was probably less than when the site was in use as a dairy.

RESOLVED

The Committee voted to GRANT Planning Permission subject to conditions

8 CRICKET GREEN SCHOOL, LOWER GREEN WEST, CR4 3AF (Agenda Item 8)

Proposal: Construction of new two storey building and demolition of existing modular building, construction of new hard play area and soft landscaping. Erection of single storey extension to block A (main school building) and block C(chapel orchard building). Refurbishment of internal spaces and new boundary treatment.

The Committee noted the officers report and presentation and additional information provided in the Supplementary Agenda – Modifications, which included reference to the reply from Historic England, and the resulting amendment to the archaeological condition.

The Committee received a verbal representation from Councillor Draper. He stated that he was involved with the School and that it was arguably the best School in Merton given its achievements. He continued that the School needs to expand as there is a demand for spaces, and every room and space created by this application has had its use plotted out already, in consultation with the Children. This proposal will open up the School for the pupils, and they see only the possibilities it creates not the style of the buildings.

Members asked officers about the net loss of trees, and noted that officers had considered all the options available but the loss of some trees was necessary to provide enough space for the School to continue to operate whilst also providing the new buildings for the expansion.

Members noted that the proposal would create 80 new school places.

Members noted that the Landscaping Condition was worded to ensure that the School properly managed the new trees.

Officers advised that a Travel Plan would be in place, and also advised that if Members had issues with the Travel Plans of other Schools they should raise this with senior Officers in E&R and CSF.

Members felt that their concerns on the views of the DRP and on tree loss were greatly outweighed by the benefits of the proposal.

#### RESOLVED

The Committee voted unanimously to GRANT Planning Permission subject to conditions

9 ROSE COURT, 34 WOODSIDE, WIMBLEDON, SW19 7AN (Agenda Item 9)

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)

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

Members commented that the proposal would be an improvement on the current building on this site.

#### RESOLVED

The Committee voted to GRANT Planning Permission subject to conditions and S106 Agreement

10 TPO 49 MURRAY AVENUE, SW19 4PF (Agenda Item 10)

Members noted the tree officers recommendation:

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

Members noted the Resident's reason for objecting to the inclusion of Yew Tree T1 into TPO 726, which was that it blocked the view of the road and pedestrians when reversing a vehicle off the drive. Members commented that the Highway Code recommends that vehicles should be reversed onto drives and then driven forward back onto the road. Members agreed that if the resident followed the recommendation of the Highway code then the Tree T1 did not present any risk to road or pedestrian safety.

Members agreed that they wanted T1 included in TPO 726. A member who had been on a recent site visit said that he had not been able to see the tree at that time.

RESOLVED: That the Merton (No.726) Tree Preservation Order 2018 be confirmed to cover both T1 and T2

#### 11 PLANNING APPEALS (Agenda Item 11)

RESOLVED: The Committee noted the report on recent Planning Appeals

#### 12 PLANNING ENFORCEMENT (Agenda Item 12)

Members asked the following questions:

- Why has the enforcement action at 13 Fairway Raynes Park, taken so long?
- When was the site visit to Burn Bullock that observed water ingress?

The Planning Officers present could not answer but Members will receive an answer either before or at the next PAC meeting

RESOLVED: The Committee noted the report on current Enforcement Cases

**PLANNING APPLICATIONS COMMITTEE  
20 SEPTEMBER 2018**

<b><u>APPLICATION NO.</u></b>	<b><u>DATE VALID</u></b>
16/P2585	03/09/2016
<b>Address/Site</b>	141 The Broadway, Wimbledon, SW19 1NE
<b>Ward</b>	Abbey
<b>Proposal:</b>	Redevelopment of site with demolition of 1st & 2nd floors levels, remodeling of retained ground floor restaurant (Class A3) and erection of 6 storey building consisting of 16 residential units (7x 1 and 9 x 2 bedroom flats). (Identical to previous application 14/P1008 dismissed at appeal for lack of legal agreement relating to affordable housing)
<b>Drawing Nos</b>	A1000, A1-100 Rev G, 101 Rev J, 102 Rev H, 103 Rev H, 104 Rev F, 105 Rev L, 106 Rev J, 108 Rev B, 109 Rev A, 110 Rev A and 111
<b>Contact Officer:</b>	Stuart Adams (0208 545 3147)

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**RECOMMENDATION**

**GRANT Planning Permission subject to S106 agreements and conditions.**

**CHECKLIST INFORMATION.**

Heads of agreement: - Affordable Housing & 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 – 103  
External consultations – No.  
PTAL score – 6a  
CPZ – VOs

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## 1. **INTRODUCTION**

- 1.1 The application has been brought before the Planning Application Committee for consideration in light of the number of objections and also at the request of former Councillor Charlie Chirico.

## 2. **SITE AND SURROUNDINGS**

- 2.1 The application site comprises a three storey period building with a hipped roof on the south side of The Broadway, Wimbledon. The ground floor has been in use as a bar/restaurant (Class A3/A4) for a number of years with residential accommodation above. The building has a single storey rear extension with plant equipment accommodated on top and with an external seating area behind. The property is gated to the front with a low wall and metal railings to the public footpath and main road. Vehicular access is possible to a service area to the west flank of the building.
- 2.2 The immediate surrounding area is mixed both in use and townscape terms. Immediately to the west of the site is Ashville House (Nos 131-139 Broadway), a 1980's four storey mixed use red brick building. To the east is 151 The Broadway (CIPD building), a relatively recent 5/6 storey office development with a contemporary appearance and a distinctive curved glazed frontage with a buff brick surround. Opposite the site is Broadway House, a recent 6/7 storey residential led mixed-use development with retail at ground floor constructed in a mixture of brick, white/grey cladding and timber. To the west of the site are houses in Palmerston Road.
- 2.3 The site is not in a Conservation Area nor is the building included on the statutory or non-statutory list.

## 3. **CURRENT PROPOSAL**

- 3.1 The proposal is for the redevelopment of site with demolition of 1st & 2nd floors levels, remodeling of retained ground floor restaurant (Class A3) and erection of 6 storey building consisting of 16 x residential units (7x 1 and 9 x 2 bedroom flats).
- 3.2 The new upper floors would maintain the set back above the ground floor and would be set back further at top floor level. It adopts a modern design approach with front projecting glazed bays set either side of external balconies. Proposed materials are a mixture of yellow stock brick and part render at the upper levels. In height terms, the proposed building would provide a transition between 151 The Broadway (CIPD) on one side and Ashville House on the other. The proposed building would feature a small internal courtyard on its eastern side.

- 3.3 The proposed flat sizes in relation to the London Plan GIA standards are as follows:

	Dwelling type (bedroom (b)/ /bedspaces (p))	London Plan	GIA (sq m)	Amenity Space (Lon Plan)	Amenity Space (Proposed)
Flat 1	2b3p	61	61	6	12
Flat 2	1b2p	50	53.4	5	10
Flat 3	1b2p	50	50	5	0
Flat 4	2b4p	70	105	7	7
Flat 5	2b3p	61	61	6	12
Flat 6	1b2p	50	53.4	5	10
Flat 7	1b2p	50	50	5	0
Flat 8	2b4p	70	105	7	7
Flat 9	2b3p	61	61	6	12
Flat 10	1b2p	50	53.4	5	10
Flat 11	1b2p	50	50	5	0
Flat 12	2b4p	70	105	7	7
Flat 13	2b3p	61	61	6	12
Flat 14	1b2p	50	50	5	13
Flat 15	2b4p	70	105	7	7
Flat 16	2b4p	70	101	7	77

- 3.4 The proposal is identical to the previous application 14/P1008 (other than amendments made to materials), which was refused at Planning Application Committee in October 2015. Although the subsequent appeal was dismissed in May 2016, the Inspector's decision letter found in favour of the appellant in relation to the effect of the proposed development on the character and appearance of the street scene and dismissed the appeal only because a signed and completed legal agreement had not been submitted in respect of the affordable housing.

#### 4. **PLANNING HISTORY**

- 4.1 17/P0296 - Redevelopment of site to create 20 x self-contained flats within a six storey residential block with new frontage to ground floor commercial unit – Pending decision
- 4.2 14/P1008 - Demolition of first and second floors of existing building, retention of ground floor within use class A3 and erection of six storey building to provide 16 residential units – Refused at Planning Application Committee on 13/10/2015 for the following reason:

The proposed building due to its design, detailing, materials and proportions would fail to appropriately relate to the architectural forms, language, detailing and materials which complement and enhance the character of the wider setting and would therefore fail

to achieve a high quality design that relates positively and appropriately to the rhythm, proportions and materials of surrounding buildings. The proposal would therefore be contrary to policies DM D2 Design considerations in all developments & DM D3 Alterations to existing buildings of Merton's Sites and Policies Plan and CS 14 (Design) of Merton's Core Planning Strategy (July 2011).

An appeal was lodged against the refusal , (Appeal Ref – APP/T5720/W/16/31430), which was dismissed by the Planning Inspector in May 2016. In reaching his decision to dismiss the appeal, the planning inspector considered that the two main issues to be the effect of the proposed development on the character and appearance of the street scene and whether the proposed development makes adequate provision in respect of local infrastructure.

The planning inspector considered that the proposed development would not have an unacceptable impact on the character and appearance of the street scene. However, he found that although the appellant had indicated their willingness to enter into a legal agreement, the lack of a signed and completed agreement meant the appeal proposal failed to secure appropriate financial or other contribution towards the provision of affordable housing and so would be in conflict with Policy DM H3 of the Sites and Policies Plan and Policy CS8 of the Core Strategy and therefore dismissed the appeal.

- 4.2 07/P0817 - Display of various internally illuminated signs to the building and a freestanding double sided internally illuminated sign in the forecourt – Grant - 04/05/2007.
- 4.3 02/P2477 - display of various externally illuminated signs to the building and forecourt – Grant - 09/01/2003
- 4.4 98/P1619 - Display of non-illuminated fascia signs and an externally illuminated pole sign – Grant - 23/03/1999 23/03/1999
- 4.5 98/P1072 - Erection of single storey front extension in conjunction with use of ground floor of property as restaurant/bar with alterations to roof of existing rear conservatory, provision of covered dining area with a canopy within existing rear beer garden and erection of 2.4m high gates across side passage – Grant - 20/11/1998
- 4.6 94/P0404 - Erection of a canopy above front entrance – Grant - 13/07/1994
- 4.7 94/P0403 - Installation of no.1 externally illuminated fascia sign on front



elevation of premises – Grant - 13/07/1994

- 4.8 89/P0469 - Display of a double sided internally illuminated projecting box sign – Grant - 20/06/1989
- 4.9 87/P1598 - Erection of a single storey conservatory at rear of existing public house – Grant - 11/02/1988
- 4.10 MER7/70 - Single sided illuminated box sign – Grant - 19/03/1970
- 4.11 MER855/69 - Double sided illuminated sign – Grant - 27/10/1969

## 5. **CONSULTATION**

- 5.1 The application has been advertised by major site notice procedure and letters of notification to the occupiers of neighbouring properties.
  - 5.1.1 In response to the consultation, 19 letters of objection, including one from Wimbledon E Hillside Residents Association (WEHRA) and The Wimbledon Society have been received. The letters raise the following objections:
    - Overlooking from balcony and windows, glass on the side elevation must be obscured glazed
    - Overshadowing and loss of light. Light pollution from the use of artificial light
    - Use of cheap and nasty materials. Above ground floor extension is too close to the pavement and dominates. Request for the use of more brick and less render. The images still do not show the quality of the materials, white render will look dirty unless regularly painted
    - Should be a condition preventing visual clutter from storage of items such as prams, BBQ's etc on balconies
    - Landscaping/ tree planting needed fronting Broadway
    - Solar panels should be installed
    - Application does not include a daylight/sunlight report, no roof plan, no plans showing effects of balconies, poor elevations, no work/construction schedule, minimal energy/sustainability report, no details on plant machinery which could have impact on noise levels.
    - Height of building could create urban corridor comprising featureless tall buildings, overbearing and out of character, too high and will detract from CIPD next door. Negative impact upon listed building (Wimbledon Theatre). The Council should be aiming for higher quality on this part of the Broadway.
    - No plant or machinery should be allowed on the roof to protect the vista from the other side of the street.

- Increase traffic, lack of parking and pressure on surrounding roads. The development must be permit free but will not stop owners applying for visitor parking permits. Travel plan is not robust enough.
- Existing Infrastructure is inadequate.
- Noise and vibration
- 40% affordable housing target must be met, application provides no comment on the financial or other contribution towards provision of affordable housing (reason why appeal was dismissed), viability assessment should be made public

#### 5.1.2 WEHRA raises the following objections:

- Proposal has ignored the context of the site adjacent to the distinctive and very high standard of CIPD. The hodgepodge of retaining a restaurant on the ground, rebuilding behind, looks really uncomfortable.
- Building should be demolished and new building designed to complement CIPD, whereby allowing the inclusion of a pocket park. Some semi mature trees/landscaping and bit of paving and benches for staff/visitors to use.
- Been advised by Merton Council that the Broadway would have four star, highest quality offices, how does that sit with this proposal?
- Flats with balconies/terraces are wrong in this location (drying clothes and storing old toys, rusting bikes and miscellaneous junk in full public view. Request that balconies/terraces are removed.
- The design has a bizarre mixture of large plate glass on top of a traditional Victorian style restaurant fascia. This is not design; it is a mishmash that is not good enough for Future Wimbledon.
- The proposed render at this location is white/grey. Concerns over the use of render as seen on 120 The Broadway (very filthy). Materials subject to condition if allowed to require more expensive render with anti-mold properties built in, allowing for longer life without requiring regular repainting.
- Where are the PV panels to reduce energy bills, why isn't the BREEAM rating higher, why is there no proposal for rainwater storage and use?

#### 5.1.3 The Wimbledon Society raises the following objections:

- The plan does not show the effect the proposed very tall new building with its windows and balconies will have on the adjoining residential gardens.
- The character of the proposed development does not integrate sufficiently well with the white rendered façade of the remaining ground floor.
- No mention of affordable housing in application and so fails to make adequate provision in terms of local infrastructure.

- 5.1.4 Former Councillor Chirico states that although this is not in Trinity Ward, our residents will be directly affected yet again by a development being approved without any parking. Trinity and South Park roads are already completely over used by Broadway visitors, the last thing they need is extra pressure. Former Councillor Chirico raises the following objections:
- Height is too high for the Broadway. The Premier Inn should be the exception not the rule, whilst I appreciate it is not as high as the Premier Inn the current height should be the limit for this site as vertical expansions continue to offend the suburban Broadway feel and look our Wimbledon residents wish to retain.
  - Lack of parking (none)
  - Inadequate materials (too much glass, why not better quality London brick?)
  - Inadequate restrictions on balcony use

5.1.5 Transport Planning – No objection subject to condition and S106 agreement (permit free development)

## 5.2 Climate Officer

5.2.1 The submitted energy statement indicates that the proposed development should achieve an 68.64% improvement in CO2 emissions on Part L 2013. This exceeds the minimum sustainability requirements of Merton's Core Planning Strategy Policy CS15 (2011) and Policy 5.2 of the London Plan (2015), and is equivalent to the 25% improvement over Part L 2010 required under Code for Sustainable Homes Level 4.

5.2.2 The internal water consumption calculations submitted for the development indicates that internal water consumption should be less than 105 litres per person per day, equivalent to Code for Sustainable Homes Level 4.

5.2.3 The Climate Officer is therefore content that the proposed energy approach to the development is policy compliant.

## 6. POLICY CONTEXT

### 6.1 Adopted Sites and Policies Plan (July 2014)

DM R1 Location and scale of development in Merton's town centres and neighbourhood parades

DM H2 Housing Mix

DM H3 Support for affordable housing

DM R5 Food and drink/leisure and entertainment uses

DM R6 Culture, arts and tourism development

DM E1 Employment areas in Merton

DM E4 Local employment opportunities

DM D1 Urban design and the public realm  
DM D2 Design considerations in all developments  
DM EP2 Reducing and mitigating noise  
DM T1 Support for sustainable transport and active travel  
DM T2 Transport impacts of development  
DM T3 Car parking and servicing standards

## 6.2 Adopted Core Planning Strategy (July 2011)

CS 7 - Centres  
CS 12 - Economic Development  
CS14 - Design  
CS15 – Climate Change  
CS18 – Active Transport  
CS19 – Public Transport  
CS20 - Parking, Servicing and Delivery

LDF Tall Buildings Background Paper (2010) is also pertinent to the application.

## 6.3 London Plan (2016)

2.15 (Town Centres)  
3.5 (Quality and Design of Housing Developments)  
3.8 (Housing Choice)  
4.1 (Developing London's Economy)  
5.1 (Climate Change Mitigation),  
5.3 (Sustainable Design and Construction).  
7.3 (Designing Out Crime)  
7.4 (Local Character)  
7.5 (Public Realm)  
7.6 (Architecture)

## 7. **PLANNING CONSIDERATIONS**

7.1 The principal planning considerations relate to the principle of development, the design and appearance and impact upon Wimbledon Town Centre and The Broadway street scene, including the previous appeal decision, impact upon neighbouring amenity, traffic and highway considerations, sustainability and affordable housing provision.

### 7.2 Principle of Development

7.2.1 The London Plan and both the Council's adopted LDF and Sites and Policies Plan seeks to increase housing provision where it can be shown that an acceptable standard of accommodation will be provided and

provide a mix of dwelling types. The proposed development of the site would create 16 flats on the site. The principle of development is considered acceptable, making a modest contribution towards meeting housing choice and housing targets.

7.3 Impact on the Streetscene/Height/Design /Materials and the Previous Appeal Decision

Appeal Decision

- 7.3.1 The previously submitted application (14/P1008) was refused at the May 2015 Planning Application Committee (14/P1008) on the following grounds:

*The proposed building due to its design, detailing, materials and proportions would fail to appropriately relate to the architectural forms, language, detailing and materials which complement and enhance the character of the wider setting and would therefore fail to achieve a high quality design that relates positively and appropriately to the rhythm, proportions and materials of surrounding buildings. The proposal would therefore be contrary to policies DM D2 Design considerations in all developments & DM D3 Alterations to existing buildings of Merton's Sites and Policies Plan and CS 14 (Design) of Merton's Core Planning Strategy (July 2011).*

- 7.3.2 In the subsequent appeal by the applicant (Appeal Ref – APP/T5720/W/16/31430), the Planning Inspector considered the main issues to relate to design and appearance and provision of local infrastructure, dismissing the appeal on the basis that a signed legal agreement in relation to affordable housing was not in place. As the proposed application is identical to the appeal scheme, the findings of the Inspector in the May 2016 appeal decision letter carries considerable weight as a material planning consideration.

- 7.3.3 The relevant extract relating to character and appearance, paras 3-6 of the appeal decision notice, are as follows:

*Character and appearance*

*3. The appeal site is located on the south side of The Broadway. The appeal building itself is a three storey period property, with a hipped roof and the ground floor used as commercial premises. The street scene comprises a mixture of four, five and six storey height forms; with examples of both residential and commercial uses nearby. Many of these buildings are modern in terms of their design, form, appearance and materials.*

*4. The appeal scheme seeks the demolition of the upper two floors and the creation of a six storey building, with a total of 16 residential units being provided by 7 one-bedroom flats and 9 two-bedroom units. A modern design approach has been adopted for the proposed storeys, with front projecting glazed bays set between central external balconies and a mixture of part brick and part metal cladding. The Council has raised concerns with what appear to be differences in materials as shown on the submitted drawings compared to some CGI images used to illustrate the proposal. However, it is reasonable for matters, such as the specific materials and finishes, to be secured by condition. What is more, the modern nature of nearby buildings permits a fairly wide pallet of materials and finishes, which a condition would allow the Council to control. I do not therefore find that the material finish of the building justifies the dismissal of the appeal scheme.*

*5. In terms of the building's design, overall this would respond positively to the form, scale and design of other nearby taller buildings along The Broadway. This is reinforced by the fact that there would be a gradual transition between the adjacent CIPD building and Nos 131 to 139 The Broadway. The design proposed would also ensure that the distinctive curved frontage of the CIPD building would be maintained as viewed from both the east and west directions. Overall the combination of these factors means that the proposed design would both reinforce and promote local distinctiveness and relate appropriately to the architectural form and language of the street scene.*

*6. I therefore conclude that the proposed development would not have an unacceptable impact on the character and appearance of the street scene. As such, it would accord with Policies DM D2 and DM D3 of the Sites and Policies Plan and Policies Map 2014 (SPPPM) and CS14 of the LDF Core Planning Strategy 2011 (CS), which, amongst other aims, seek to ensure that proposals for all development relate positively and appropriately to the siting, rhythm, scale, density, proportions, height, materials and massing of surrounding buildings and existing street patterns.*

7.3.4 As set out above, the planning inspector considered that the buildings design overall would respond positively to the form, scale and design of other nearby taller buildings along the Broadway. In terms of the detailing of the building, the planning inspector highlights that the modern nature of nearby buildings permits a fairly wide pallet of materials and finishes, which the Council can control via a planning condition.

## Ground Floor

- 7.3.5 There was some inconsistencies between the submitted elevations and CGI' in regards to the treatment of the ground floor. The CGI's submitted with the application and appeal scheme showed the existing ground floor to be retained, whilst the proposed elevations showed a new ground floor treatment. The applicant has now updated the plans/CGI's and confirmed that the proposed alterations to the ground floor are part of the application. This will address concerns raised by objectors in regards to the mismatch design of a traditional retained ground floor and modern above. The detailing of the proposed modern ground floor and its quality can be controlled via a planning condition, requiring details to be submitted and approved prior to development.

## Design/Materials

- 7.3.6 As the proposed application is identical to the appeal scheme (apart from some changes to materials). The planning inspector considered the proposed design would both reinforce and promote local distinctiveness and relate appropriately to the architectural form and language of the street scene. The findings of the Inspector in the May 2016 appeal decision letter carries considerable weight as a material planning consideration.
- 7.3.7 The planning inspector also confirmed that the modern nature of nearby buildings permits a fairly wide pallet of materials and finishes, which a condition would allow the Council to control. The inspector did not therefore find that the material finish of the building justified the dismissal of the appeal scheme.
- 7.3.8 Despite the planning inspector confirming that the Council can control materials and finishes as part of a planning condition, the applicant has sought to address some concerns raised by neighbours and committee members by replacing the cladding and render sections between the windows on the flank elevation to brickwork. The introduction of more brickwork is considered to a positive improvement to the design of the building. Whilst the building would still include some render, which can be prone to staining and can appear in a poor condition quickly; this is not the main material. Render is sparingly used at the upper levels where the walls can be easily accessible from flat roof areas for maintenance purposes. The Council can also require as part of the material planning condition that the render includes anti moulding agents.
- 7.3.9 Objections have been received in regards to the use of the front balconies and visual clutter from screening being attached to the balustrade, the space being cluttered by bikes, toys and other related equipment. In order

to mitigate visual clutter of the front balconies, as part of the planning condition relating to materials, the Council can require that the glass balustrade is frameless obscured glazed screen.

7.3.10 As set out in the inspector's appeal decision, the Council can have full control of the proposed materials by way of planning condition. The planning condition would require the submission of details, including type of materials proposed and detailed plans at a scale of 1:20 showing typical key design features such as window reveals, bay detailing and balustrade fixing for the balconies. The applicant has confirmed that details relating to materials can be adequately controlled via planning conditions.

7.3.11 In conclusion, the applicant has now introduced more brickwork and as set out by the planning inspector, the Council can control the materials and finishes through planning conditions to ensure a suitable quality. The design of the proposed building is considered to be an improvement on the appeal scheme with a remodeled ground floor clearly being incorporated into the design and more brickwork being introduced.

#### Landscaping

7.3.12 The Council's tree officer stated that potentially there is scope to introduce trees within the frontage as part of wider improvements to soft landscaping. The applicant has amended the landscaping plan to take into consideration the comments made by the Council's Tree Officer. The plans include provision for 2 new trees within the frontage and larger planting beds throughout. Full details of landscaping can be secured as part of planning conditions.

#### 7.4 Standard of Accommodation

7.4.1 Planning policy DM H2 (Housing Mix) of Merton's Sites and Policies Plan seeks to create socially mixed communities by providing a choice of housing with respect to dwelling size and type in the Borough. The proposal would create 16 flats (7 x 1 and 9 x 2 bedroom units). No family sized accommodation is proposed (three bedrooms plus), however this is not unusual in a town centre location; particularly where accommodation is on upper levels, making suitable provision of amenity space more challenging.

7.4.2 In terms of the quality of the accommodation, the proposed flats would meet or exceed the London Plan Gross Internal Area minimum standards, each room would be capable of accommodating furniture and fittings in a suitable manner. Each flat, apart from flats 3, 7 & 11 (1b2p) would have direct access to amenity space (balconies/terrace or winter garden). Given the constraints of the site, it is not possible to provide private amenity



space for flats 3, 7 & 11 as these are located on the flank elevation and balconies would cause overlooking of gardens/properties in Palmerston Road. However, given the town centre location, overall quality of the accommodation and flats 3, 7 & 11 offering smaller occupancy levels, it is not considered sufficient grounds to refuse planning permission. It is noted that some rooms face onto the central courtyard and the middle flats within the development have sideward facing windows, however all flats are considered to receive adequate levels of outlook and natural light.

7.4.3 Access to the proposed flats would be gained from the existing side entrance. New landscaping and lighting would be required via a planning condition to ensure an attractive and safe access point.

## 7.5 Neighbouring Amenity

### 7.5.1 Ashville House, 131 – 139 The Broadway

7.5.2 The ground and first floor levels of this neighbouring building are in use as office accommodation. Therefore given the non-residential use of these floors there would be no undue loss of amenity.

7.5.3 The second and third floor levels of the building are used for residential purposes with four flats on each floor. The proposed building would not project beyond the frontage of this neighbouring property therefore there would be no undue loss of amenity to the front rooms of the flats. The four flank windows at second and third floor level serve the small kitchen areas for four of the flats. These are not the main habitable rooms and in this urban context, the relationship is considered to be acceptable.

7.5.4 The proposed building at first, second and third floor levels would project 27m beyond the rear elevation of this building. The fourth floor has been set back at the nearest side by 9.5m. The fifth floor (top floor) would be a lightweight structure which would be inset and well set back from the rear of the building. The proposed flank wall of the building would follow the line of the existing building, being inset between 4.1m at its narrowest point and 6.069m at its greatest point from the site boundary. It is considered that due to the elevated position of these neighbouring flats and the setting away of the proposed building from the boundary, this would ensure that there is no undue loss of amenity within this town centre location.

### 7.5.5 143 – 154 The Broadway (CIPD building)

7.5.6 The proposed building would project parallel with the flank of this building. In addition the CIPD building is as a wholly commercial building and therefore there would be no undue loss of amenity.

### 7.5.7 2 – 8 Palmerston Road

7.5.8 These neighbouring houses are located to the west and are orientated at a right angle to the application. The proposed houses are distanced at least 20m from the flank wall of the proposed building. The proposed building is also inset between 5.1m and 6.069m from the site boundary. A rear car park to the rear of 2 & 4 Palmerston Road also provides a visual barrier between the application site and these neighbours. In order to mitigate overlooking and sense of being overlooked from the proposed terraces, a planning condition requiring the terraces to be fitted with a 1.7m high obscured side screen would be applied.

7.5.9 It is considered that the proposed building would have no undue impact upon these neighbours' amenity. The proposed building would be seen in context to the larger CIPD building behind. There would be no undue loss of light or overshadowing given the siting and degree of separation.

## 8. Trees

8.1 The application site is not located within a conservation area and no trees on the site are protected by tree preservation orders. The two trees at the far end of the application site have limited public amenity value and are not protected so they can be removed without any permission. In any event, the proposed building would be set away from these trees which would provide a suitable level of separation for their retention.

## 9. Traffic, Parking and Highways conditions

9.1 The high PTAL rating of 6a would mean that future occupants would have very good access to a number of alternative public transport options. The area is located within Wimbledon town centre which is controlled by various CPZ's and on street car parking is already very limited. Given the relative modest size of the proposal in a town centre location, it is considered that there would be no undue impact upon existing highway conditions in the vicinity. However, the site is located within a CPZ which is already oversubscribed, therefore given the very good level of public transport options within the area, the development would be required to be car parking permit free which can be controlled via a section 106 agreement.

9.2 Secured cycle parking is provided within a bike store within the building at levels from floor 1 to floor 4. The cycle storage at each floor would accommodate 4 cycle spaces (16 in total), the stores would be safe & secure and can be accessed via the communal corridor and lift facility. The London Plan requires a minimum of 1 cycle space per 1 bedroom unit

and 2 cycle spaces for units with more than one bedroom. In this instance, the development would require 9 further spaces to give a total of 25 to meet the London Plan standards. There is scope to accommodate additional cycle parking within the side passage of the site or potentially within existing structures/stores at the rear/side of the building. The applicant has confirmed that they will provide full details of cycle parking as part of a planning condition. Therefore in order to meet the shortfall in cycle parking provision, a planning condition requiring further details of cycle parking should ensure that the proposal meets London Plan standards.

## 10. Affordable Housing

10.1.1 Planning policy CS 8 (Housing Choice) of Merton's Core Planning Strategy states that development proposals of 10 units or more require an on-site affordable housing target of 40% (60% social rented and 40% intermediate). In seeking affordable housing provision the Council will have regard to site characteristics such as site size, its suitability and economics of provision such as financial viability issues and other planning contributions.

10.1.2 The amount of affordable housing this site can accommodate has been subject of a viability assessment. The application has been with the Council since November 2016 and following extensive discussions with the Councils independent viability assessor, it is concluded that the scheme is able to support the provision of 4 on-site affordable units (2 rent and 2 intermediate). In this instance, it is noted that there could be difficulties securing and delivering the affordable housing on-site provision by a Registered Provider (RP). This is due to practical difficulties within a town centre location, existing commercial unit being retained and sitting below the residential units and the small number of affordable units on offer. The applicant has submitted some correspondence with RP's which state that the scheme is too small and not suitable. In order to proactively redevelop the site, in this instance, given the circumstances above, if a RP cannot be secured within 6 months of the planning approval (following evidence being submitted that the applicant has taken appropriate measures) then a financial contribution of £500, 000 would be required.

## 11. Sustainability

11.1 The submitted energy statement indicated that the proposed development should achieve a 68.64% improvement in CO2 emissions on Part L. This exceeds the minimum sustainability requirements of Merton's Core planning Strategy Policy CS15 and 5.2 of the London Plan (2016) and is equivalent to the 25% improvement over Part L (2010) required under Code for Sustainable Homes Level 4. The Councils Climate Officer has

confirmed that he has no objection subject to suitable conditions relating to energy and water.

## 12 Local Financial Considerations

- 12.1 The proposed development is liable to pay the Mayoral Community Infrastructure Levy, the funds for which will be applied by the Mayor towards the Crossrail project. The CIL amount is non-negotiable however planning permission cannot be refused for failure to agree to pay CIL.

## 13. **SUSTAINABILITY AND ENVIRONMENTAL IMPACT ASSESSMENT REQUIREMENTS**

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

## 14. **CONCLUSION**

- 14.1 It is considered that subject to suitable conditions, the design and appearance would satisfactorily relate to the Broadway street scene and Town Centre location. The proposal would create 16 new residential units within a town centre which would make a modest contribution to the Borough housing stock, offering flats with a good standard of accommodation and direct access to excellent public transport options. The proposal is considered to be in accordance with Adopted Site and Polices Plan, Core Planning Strategy and London Plan policies. The proposal is therefore recommended for approval subject to conditions and S106 agreement.

## **RECOMMENDATION**

### GRANT PLANNING PERMISSION

Subject to the completion of a Section 106 Agreement covering the following heads of terms:-

1. Designation of the development as permit-free and that onstreet parking permits would not be issued for future residents of the proposed development.
2. That the developer makes an on-site contribution towards Affordable housing (4 flats) or if a registered provider cannot be secured to deliver the onsite provision then a £500,000 financial contribution will be required.

3. The developer agreeing to meet the Council's costs of preparing, drafting and monitoring the Section 106 Obligations.

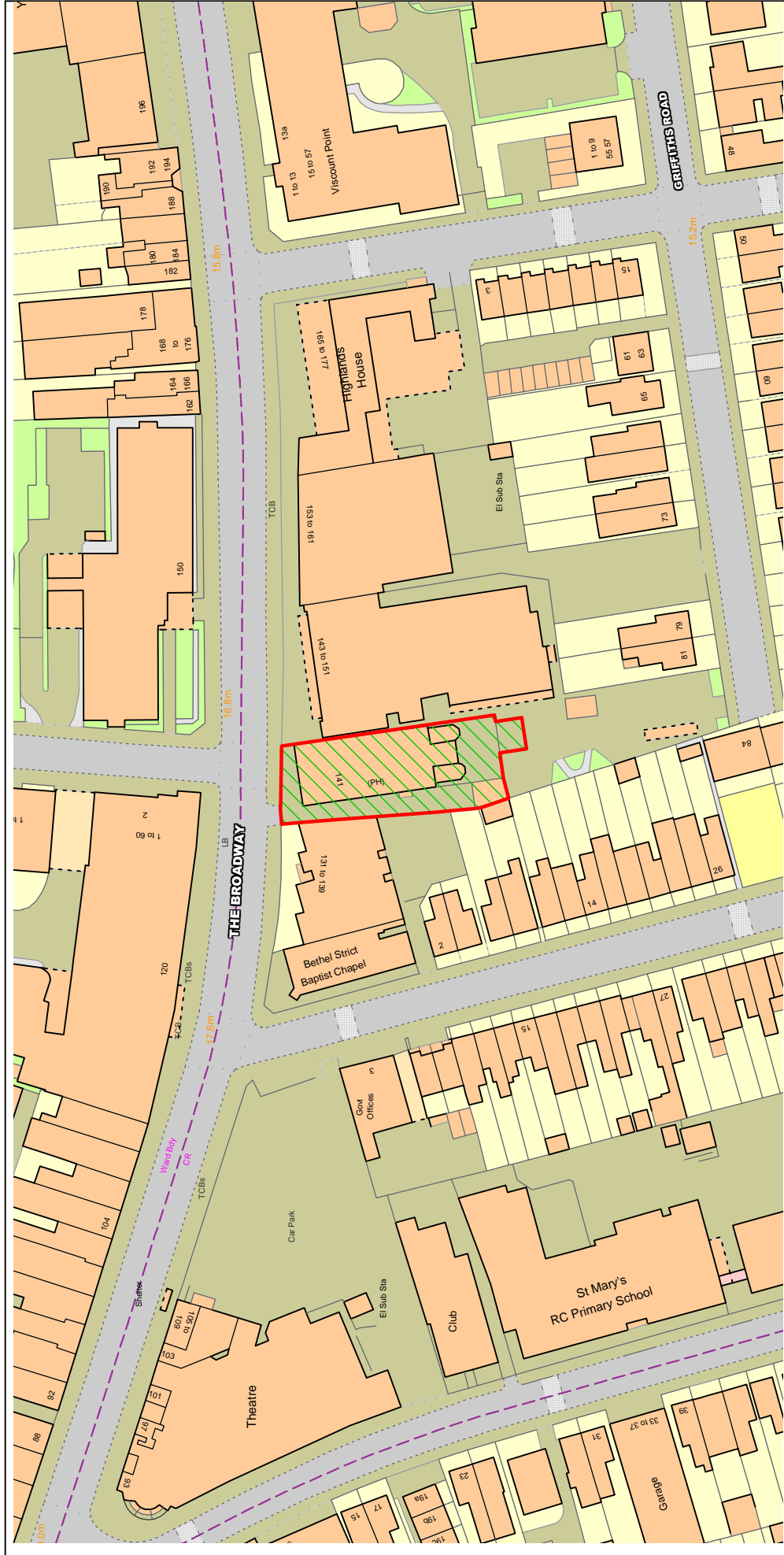
And the following conditions:

1. A1 Commencement of Development (full application)
2. A7 Approved Plans
3. B.1 Materials to be approved, including detailed plans at a scale of 1;20 of some of the typical details
4. B.4 Details of Surface Treatment
5. B.5 Details of Walls/Fences
6. C07 Refuse & Recycling (Implementation)
7. C08 Other than the balconies/terraces as shown on the approved plans, access to the flat roof of the development hereby permitted shall be for maintenance or emergency purposes only, and the flat roof shall not be used as a roof garden, terrace, patio or similar amenity area.
8. The flats shall not be occupied until a scheme of details of screening of the balconies/terrace has been submitted for approval to the Local Planning Authority. No works which are the subject of this condition shall be carried out until the details are approved, and the development shall not be occupied unless the scheme has been approved and implemented in its approved form and those details shall thereafter be retained for use at all times from the date of first occupation.
9. D10 External Lighting
10. D11 Construction Times
11. F01 Landscaping/Planting Scheme including tree planting to front boundary
12. F02 Landscaping (Implementation)
13. H07 Cycle Parking to be implemented
14. H14 Garages doors/gates
15. Sustainability

16. Construction Management Plan
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 internal water usage rates of 105 litre per person per day. Evidence requirements are detailed in the "Schedule of Evidence Required" for Post Construction Stage from 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 2011 and policy CS15 of Merton's Core Planning Strategy 2011.
18. 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 Part L carbon savings and renewable energy generation equipment outlined the "ENERGY AND SUSTAINABILITY STATEMENT - 141 The Broadway, Wimbledon SW19 1QJ" December 2016 submitted as part of the approved plans.'
- 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 2011 and policy CS15 of Merton's Core Planning Strategy 2011.
19. C06 Cycle Parking details to be submitted – 9 additional Cycle spaces required.
20. Noise (plant)
- 

[Click here](#) for full plans and documents related to this application.  
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# NORTHGATE SE GIS Print Template



Text Details **141 The Broadway**

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## PLANNING APPLICATIONS COMMITTEE 20 SEPTEMBER 2018

**APPLICATION NO.**                      **DATE VALID**  
18/P2210                                      04.06.2018

**Address/Site**                      Land at 35 Coombe Lane, Raynes Park, SW20 0LA

**Ward**                                      Raynes Park

**Proposal:**                              Construction of an additional floor containing two x 2 bedroomed flats on an existing residential building

**Drawing Nos;**                      Site location plan and drawings; 5016 3 19, 5016 3 20, 5016 3 21 Rev A, 5016 3 22 Rev A & 5016 3 23

**Contact Officer:** Leigh Harrington (020 8545 3836)

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### **RECOMMENDATION**

Grant planning permission subject to a S106 Agreement for permit free development and conditions.

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### **CHECKLIST INFORMATION.**

- Heads of agreement: Yes
- Is a screening opinion required: No
- Is an Environmental Statement required: No
- Has an Environmental Impact Assessment been submitted: No
- Design Review Panel consulted: No,
- Number of neighbours consulted: 117
- Press notice – No
- Site notice – Yes
- External consultations: Nil
- Archaeological Priority Zone – No
- Controlled Parking Zone - Yes
- Number of jobs created: N/A

## **1      INTRODUCTION**

- 1.1      The application has been brought before the Committee due to the level of public interest.

## **2.      SITE AND SURROUNDINGS**

- 2.1 The 0.08 hectare site is located within the Raynes Park Town Centre, designated as a Local Centre in the Sites and Policies Plan approximately 80 metres west of the main shopping parade, and 200 metres west of Raynes Park Railway Station.
- 2.2 Bordering the site to the west is Milburn House, a 1930's two-storey residential development extending along the frontages of Coombe Lane and West Barnes Lane.
- 2.3 To the east of the application site is the development granted planning permission under references 08/P2116 and 09/P1564 for the provision of the Waitrose supermarket and 88 residential units (Hurricane, Spitfire and Dowding House).
- 2.4 Opposite the site, on the north side of Coombe Lane, is Cottenham Parade comprising a mix of shops and restaurants on the ground floor with residential above. On the eastern side of Durham Road is Sheffield House, a six-storey block forming part of the core-shopping parade and comprising a Co-op supermarket on the ground floor with a Travelodge hotel above.
- 2.5 The site and immediate vicinity has a medium public transport accessibility level (PTAL 3) with Raynes Park Railway Station within 5 minutes walking distance and a bus stop located almost immediately outside the site currently served by Bus Nos. 57, 131, 200 and N77.
- 2.6 The existing building on the application site is a four storey block of 14 flats which, while still under construction, is nearing completion.

### 3. **CURRENT PROPOSAL**

- 3.1 The proposal under consideration is for the construction of an additional floor containing two x 2 bedroomed flats on the existing building.
- 3.2 The new fourth floor will be partially set back from the footprint of the existing third floor on the Coombe Lane elevation and fully set in on the other two sides, the fourth elevation abutting Hurricane House. Both units would have two bedrooms one large double and one large single and Unit 15 would have two separate outdoor amenity spaces whilst Unit 16 would have a large single outdoor terrace.
- 3.3 The roof above the two units would be fitted with two rows of PV panels and would house the lift overrun. The exterior would be finished in a shade of light grey cladding panel in order to give it a lighter appearance and a 'top' to the overall building and the fenestration would be the same Dark Grey aluminium frames.

#### **4. PLANNING HISTORY**

4.2 2004 - 04/P1069 - demolition of the existing buildings on the site and the development of a residential building (C3 use) to provide 26 dwellings, a new service road, ancillary cycle parking and service area, and a new transformer chamber. Permission refused for the following reasons:

**(1) The proposal because of its size, its incongruous nature in Raynes Park and its lack of sufficient architectural quality is contrary to policies BE.16(i), BE20(i), (ii), (iii), (iv) and (vi) and BE.22(i) and (ii).**

**(2) Excessive density contrary to policy HP.4.**

**(3) Provides no car parking, contrary to policy PK2 and schedule 6 of the Unitary Development Plan leading to on-street car parking contrary to policy PK.3 and/or use of public car parks contrary to the Council's management plan outlined in policy PK.4 and does not meet the car parking standards for car free development in policy PK.6.**

**(4) Contains inadequate amenity space contrary to policy HS.1 and the distance the site is from public open space makes compensatory provision inadequate in these circumstances.**

**(5) In respect of PPG 3, paragraph 60, Council is of the view that potential occupiers might want more than no car parking on the site and that there would be a need for off-street parking given the merely good public transport links that Raynes Park has.**

4.3 2005 - 04/P2719 - Permission granted for the demolition of existing buildings on the site and the development of a residential building (C3 use) to provide 14 dwellings, amenity space, including a roof terrace, a new service road, 5 parking spaces, ancillary cycle parking and service area with a bin store, and a new transformer chamber.

4.4 2010 - permission granted to extend the time limit for implementing the previously approved development for the demolition of existing buildings on site and the development of a residential building (C3 use) to provide 14 dwellings, amenity space, including a roof terrace, a new service road, ancillary cycle parking and service area with a bin store, and a new transformer chamber (ref 04/P2719).

4.5 2013 - 13/P0886 - approval to discharge of conditions attached to LBM planning permission 10/P0367 (dated 17/05/2010) relating to the extension of time limit for implementing the previously approved development for the demolition of existing buildings on site and the development of a residential building (c3 use) to provide 14 dwellings, amenity space, including a roof terrace, a new service road, ancillary cycle parking and service area with a bin store, and a new transformer chamber (ref 04/P2719).

4.6 2013 - 13/P1176 - non-material amendment approved to the planning permission under reference 10/P0367 (dated 17/05/2010) to add a new

planning condition requiring the development to be carried out in accordance with the approved plans.

- 4.7 2014 - 14/P1921 - minor material amendment approved [variation of the condition listing approved plans] to the development previously granted planning permission (reference 10/P0367 dated 17/05/2010) including an increase in the height of the approved building, increasing the floor space provided at third floor level, internal layout changes and a reduction in the quantity of glazing with the original approval for the demolition of existing buildings on the site and the development of a residential building (C3 use) to provide 14 dwellings, amenity space, including a roof terrace, a new service road, ancillary cycle parking and service area with a bin store, and a new transformer chamber.

## **5. CONSULTATION**

- 5.1 The application was advertised through the display of a site notice and individual consultation letters. As a result of this consultation letters of objection have been received from five neighbouring residents raising concerns relating to;
- The original scheme should not have been approved and why was this element not applied for then, it is circumventing the system.
  - The current building has not been built to plan and there is an aerial which was not on the plans
  - The height of the new floor will be higher than illustrated as developer has no intention of building in accordance with their original plan.
  - Plans don't include full details of terraces for Hurricane house
  - The roof of the new floor can give access to neighbouring flats with impact on security.
  - Might affect our rights of light and privacy.
  - New floor will overlook the terrace
- 5.2 The Wimbledon Society objected that;
- There appears to be no provision for affordable housing
  - The extra floor adds considerable bulk and massing and will dominate the two storey block next to it and parade of shops opposite it. It would be better if set back from Coombe lane.
  - Unhappy that the communal amenity space has been lost so that two flats can be built with very little amenity space of their own
- 5.3 Climate change officers confirmed that as this was an application for two new units, albeit to an existing building, the proposal would be 'minor' and therefore subject to the lower 19% CO<sub>2</sub> emissions requirement.

## **6 POLICY CONTEXT**

- 6.1 London Plan 2016.

3.3 (Increasing housing supply), 3.4 (Optimising housing potential), 3.5 (Quality and design of housing developments), 3.8 (Housing choice), 5.1 (Climate change mitigation), 5.3 (Sustainable design and construction), 5.7 (Renewable energy), 6.9 Cycling, 7.5 (Public realm) & 7.6(Architecture).

6.2 Merton LDF Core Strategy 2011.

CS8 (Housing choice), CS 9 (Housing targets), CS 14 (Design), CS 15 (Climate change), CS 18 Active transport & CS 20 Parking, Servicing & delivery.

6.3 Merton Sites and Policies Plan 2014.

DM D1 (Urban Design and the public realm), DM D2 (Design considerations in all developments), DM D3 Alterations and extensions, DM EP 2 (Reducing and mitigating noise), DM H2 (Housing mix), DM T2 (Transport impacts of development) & DM T3 (Car parking and servicing standards).

6.4 Supplementary guidance and standards.

DCLG Technical standards 2015

London Plan Housing Supplementary Planning Guidance 201

**7. PLANNING CONSIDERATIONS**

7.1 The key planning considerations include assessing the principle of development and additional housing, the impact of the increase in the height and size of the building, the standard of accommodation to be provided and on the amenities of adjacent residential occupiers.

7.2 Principle

The National Planning Policy Framework 2018, London Plan 2016 policy 3.3 and the Council's Core Strategy policy CS9 all seek to increase sustainable housing provision where it can be shown that an acceptable standard of accommodation will also provide a mix of dwelling types.

7.3 Currently Policy CS. 9 within the Council's Adopted Core Strategy and policy 3.3 of the London Plan state that the Council will work with housing providers to provide a minimum of 4,107 additional homes [411 new dwellings annually] between 2015 and 2025 with the Draft London Plan seeking a significant increase in this figure. This proposal will provide two new units of accommodation and is therefore considered to accord with these policies.

7.4 Impact on the Street scene.

London Plan policies 7.4 and 7.6, Sites and Policies Plan policies DM D1 (Urban design), DM D2: (Design considerations) as well as LBM Core Strategy Policy CS14 (Design) are all policies that seek to ensure that proposals are well designed and in keeping with the character of the local area. Policy DM D3 requires that proposals such as this respect and

complement the design, form, scale, bulk and proportions of the original building.

- 7.5 The application site forms part of a streetscene that is typified by its diversity of architectural style, siting and scale of buildings including the six storey Travelodge hotel on the opposite side of the road at the junction with Amity Grove and the 5 storey Hurricane & Spitfire Houses with Waitrose at ground floor level. Whilst it is acknowledged that the increased height will further increase the height differential with Milburn House to the west of the site, the site itself, and indeed Milburn House are predominantly viewed in the context of the 5 storey height of Hurricane House which would continue to dominate the skyline. This siting context, the setting back of most of the new floor and the use of lighter exterior materials are considered to result in a proposal that would be consistent with the requirements of SPP policy DM D2 in that it would relate positively and appropriately to the scale, proportions, height, materials and massing of Hurricane House which is the predominant architectural feature of the area. The setting in design and the use of matching fenestration and light coloured cladding are all features designed to ensure that the proposal will respect and complement the design, form, scale, bulk and proportions of the original building.

7.6 Design and the standard of accommodation

London Plan policies 7.4 and 7.6, Core Strategy policy CS14 and SPP policies DM D2 and DM D3 require proposals to demonstrate a high standard of design. Externally the units will reflect the overall design of the existing building whilst internally the units are considered to be well laid out with dual aspects and ample fenestration.

- 7.7 SPP Policy DM D2, Core Strategy 2011 policies CS 9 Housing Provision and CS 14 Design and London Plan policies 3.3 Increasing Housing Supply, 3.4 Optimising Housing Potential and, 3.5 Housing Standards are all policies that seek to provide good quality residential accommodation and set the minimum Gross Internal Area that a new property should achieve in order to provide a satisfactory standard of occupier amenity. Both flats have oversized bedrooms but even if the smaller bedroom was used as a double the overall GIA requirement (61sqm for 2B3P and 70sqm for 2B4P) would be readily exceeded as Unit 15 would be 81.3sqm and Unit 16 76sqm. As such both flats are considered to offer a generous level of internal living space with ample storage and a multi aspect layout that would provide good levels of natural daylight. Each unit would be required to provide 7sqm of exterior amenity space and this proposal provides Unit 15 with one terrace of 6sqm and one of 7.5sqm and Unit 16 with a 13.8sqm terrace. There have been objections to the loss of the communal amenity space and a previous application was refused on lack of amenity space but that was based on previous policies which required a greater level of provision than that currently set by the London Plan. The proposals therefore exceed minimum standards for both internal and external space provision.

7.8 Impact on neighbour amenity.

London Plan policy 7.6, and Sites and Policies Plan policy DM D2 require proposals not to have a negative impact on the amenity of neighbouring occupiers through loss of light, overshadowing, outlook, privacy, visual intrusion or disturbance.

#### 7.9 Loss of light;

There were objections that the proposals would lead to a loss of light to neighbouring properties at Hurricane and Spitfire Houses. However the proposal is set to the north of these blocks and set against and back from the edge of the existing flank wall of that adjoining block. Consequently it is considered that there would be no material harm to neighbour amenity in terms of a loss of light.

#### 7.10 Loss of privacy;

In the case of Unit 15 which faces onto Coombe Lane, the closest amenity terrace is set back from the building line with Hurricane House and therefore there would not be any overshadowing or loss of privacy. In the case of Unit 16 the bedroom windows align on the same level as the wall line of the rear of Hurricane House whilst the amenity terrace is on the opposite side of the building. Therefore, whilst it would be possible to look down onto the roof terrace on Spitfire House this would be limited to looking through bedroom windows that are to be set back from the edge of the building and angled away. That terrace is already overlooked from the existing building on the application site as well as neighbouring amenity terraces on the rear of units in Hurricane House. Given these factors it is not considered that the level of any additional potential overlooking would cause material harm to the amenity of neighbouring occupiers that would warrant a refusal of planning permission.

#### 7.11 Security

There was also a comment that the scheme would make the neighbouring properties less secure but the proposed balconies do not facilitate access from ground level and accessing those neighbouring flats from the proposed flats would be difficult in the extreme. In view of these considerations it is considered that the proposals will not result in any material harm to the amenity of neighbouring occupiers.

#### 7.12 Affordable housing

Objections were received that the proposals did not provide affordable housing. However, the number of units proposed does not trigger consideration under the Council's affordable housing policies and there is no legal agreement pertaining to the development that is nearing completion that would require affordable housing in the event that additional units were to be constructed over and above those comprising the consented scheme.

#### 7.13 Sustainability

In order to ensure the development meets the requirements of a reduction in carbon emissions and lower water consumption an appropriate condition is recommended although as the scheme is for the addition of two units to an existing consent the requirements fall into the minor category and no carbon offset contribution would be required.

7.14 Parking and Access

The approved extant approval provides 14 flats (6 one bedroom and 8 two bedroom flats) and the proposal will add two more flats. Details of refuse and cycle storage for the development have been previously approved but this proposal includes the addition of an additional four cycle storage spaces adjacent to the approved bays whilst the size of the refuse store can accommodate an extra two flats.

7.15 The existing development is subject to a permit free agreement and the applicant submitted a draft unilateral undertaking that would extend that arrangement to include the two new flats. In view of the above the proposals are considered acceptable in terms of cycle, refuse and parking arrangements.

**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.

8.2 In order to ensure that the development is policy compliant a condition requiring CO<sub>2</sub> 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 is recommended.

**9. CONCLUSION**

9.1 The proposals will provide two large spacious residential units in a sustainable location for which there is an identified need. The scheme has been designed to mitigate their impact on the street scene and although the building will be taller than originally approved it is considered that the positioning in relation to the larger Hurricane House is such that it would not have a negative impact on the appearance or character of the local area and that there would be no material harm to the amenity of neighbouring occupiers. In all respects officers considered the scheme is acceptable and accordingly is recommended for approval subject to a s106 agreement to make the development permit free and appropriate planning conditions.



## **RECOMMENDATION**

Grant planning permission subject to sect 106 agreement for permit free development and conditions

Heads of terms

- i) Permit free development.
- ii) The developer agreeing to meet the Councils costs of preparing, drafting and monitoring the Section 106 Obligations.

## **Conditions**

1. A1 Commencement of works
2. A7 In accordance with plans; Site location plan and drawings; 5016 3 19, 5016 3 20, 5016 3 21 Rev A, 5016 3 22 Rev A & 5016 3 23,
3. B3 External materials as specified.
4. D9 No external lighting
5. D11 Construction Times
6. C7 Refuse storage implementation
7. H7 Secure cycle storage implementation
8. Non standard '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

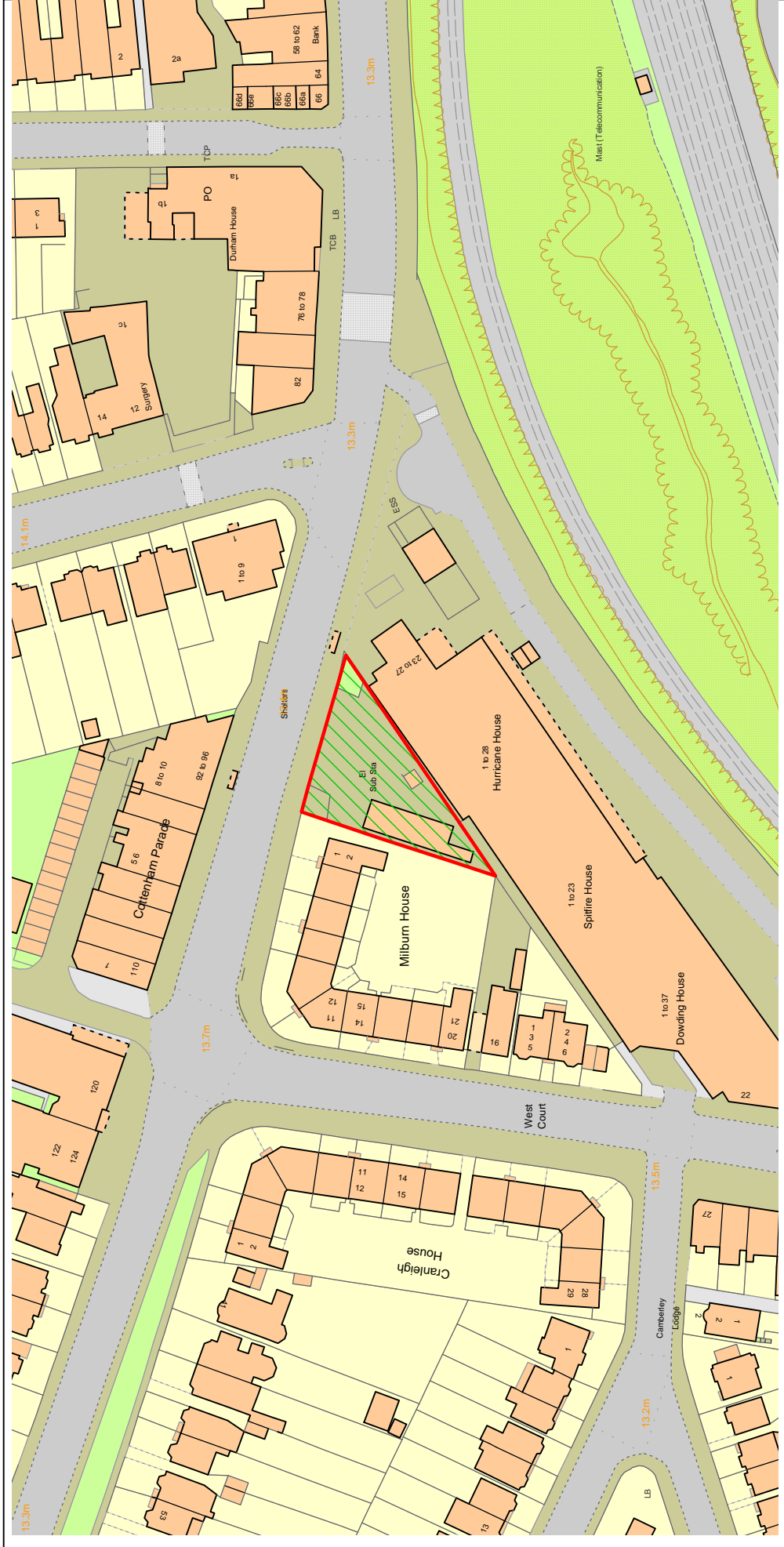
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[Click here](#) for full plans and documents related to this application.

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# NORTHGATE SE GIS Print Template



Text Details **35 Coombe Lane**

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**PLANNING APPLICATIONS COMMITTEE  
20 SEPTEMBER 2018**

**APPLICATION NO.**

**DATE VALID**

17/P0609

24/02/2017

**Address/Site:** Land on south side of Wyke Road  
Opposite Langham Court  
Wyke Road  
Raynes Park  
London

**Ward:** Raynes Park

**Proposal:** Construction of three, 3 storey apartment blocks  
comprising 9 x 1 bedroom flats

**Drawing No.'s:** 01B, 02a, 03a, 05b, 06C, 07C, 08C, 11 revD, Proposed  
Flats Materials Schedule\_MSCHED\_01 and Site Location  
Plan.

**Contact Officer:** Jock Farrow (020 8545 3114)

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**RECOMMENDATION**

**Grant planning permission subject to conditions and S106 legal agreement.**

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**CHECKLIST INFORMATION**

- S106: Yes
- Is a screening opinion required: No
- Is an Environmental Statement required: No
- Has an Environmental Statement been submitted: No
- Press notice: Yes (initially lodged as a major application)
- Site notice: Yes (initially lodged as a major application)
- Design Review Panel consulted: No
- Number of neighbours consulted: 174
- External consultations: 5
- Conservation area: No
- Listed building: No
- Tree protection orders: No
- Controlled Parking Zone (CPZ): Yes (zone RPE)
- Flood zone: No (but known for surface flooding)
- Town centre: Partially (western end within Raynes Park Town Centre)
- Site of importance for nature conservation (SINC): Yes
- Green corridor: Yes

## **1. INTRODUCTION**

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

## **2. SITE AND SURROUNDINGS**

- 2.1 The application site comprises land along the southern side of Wyke Road, between the road and a railway embankment which borders the site to the south. The site is narrow and elongated, running in an approximate southwest to northeast direction, it is approximately 200m in length and ranges from 2.5m in width at the southwest end, increasing to around 6.3-6.6m near the middle and reducing to approximately 5m at the north-eastern end. The site is currently vacant of development. The majority of the site comprises overgrown vegetation while the south-western end is used for informal parking; however, it is noted that this area is zoned as a 'no parking area'. The applicant's planning advisor has confirmed that area shown as private parking is leased out to Raynes Park Motors and has been used for cars either awaiting to be serviced or having just been serviced at its garage. The company is aware of the development proposal and that the availability of the land is not a long term arrangement with the owner. The parking land has been the subject of enforcement action with a notice served in 2016 and an appeal dismissed in 2017.
- 2.2 Wyke Road serves Langham Court and provides a connection between Langham Road and Pepys Road. Wyke Road (including the pavements on both sides) is on average, approximately 9m wide. The north side of the road is characterised by extensive vegetation and mature trees; there is also a mature street tree on the south side of the road immediately in front of the site. Along the southern side of Wyke Road, immediately in front of the site, are parking spaces which straddle the pavement – these spaces are subject to the CPZ.
- 2.3 To the south of the site is a railway embankment which rises to a height of approximately 5-5.5m, immediately beyond which are railway tracks. To the north, of the north-eastern end of the site (across Wyke Road), is Langham Court, a part 5, part 6 storey block of flats. The main block of Langham Court is setback from the Wyke Road some 18m; at either end of Langham Court, two 5 storey wings extend toward Wyke Road to within a distance of 5-6m. To the north, of the south-western end of the site, are 3 storey blocks of flats, and a single storey car workshop at the south-western most point.
- 2.4 The site is a green corridor and a site of importance for nature conservation (SINC). The site is located within a CPZ and has a public transport accessibility level (PTAL) ranging from 4 to 5 (0 being the lowest and 6b being the best). The southwestern end of the site is located within the Raynes Park town centre. While the site is not within a designated flood risk zone, it is known to suffer from surface water flooding. The site is not located within a conservation area and there are no listed buildings on or adjoining the site.

### **3. CURRENT PROPOSAL**

- 3.1 This application seeks planning permission for the construction of three, 3 storey blocks of flats, each comprising 3x1 bedroom units; giving a total of 9 residential units.
- 3.2 The blocks of flats would be positioned near the central portion of the site, with the ends of the site being landscaped. Between and immediately adjacent to the buildings would be a combination of amenity (private and communal) space and cycle and refuse stores. The buildings would have regular footprints, abutting the pavement to the front of the site and comprising a setback from the rear boundary of approximately 1.5m. Blocks A and B would have a separation distance between them of 23m while B and C would have a separation distance of 15m. Separation distances from the proposed buildings to the train tracks range from approximately 13m to 15m. From Block A to the closest residential property (block of flats at the south-western end of Wyke Road) is approximately 19m at the closest point. From Block B to Langham Court is approximately 15m at the closest point. From Block C to Langham Court is approximately 18m at the closest point.
- 3.3 The buildings would be contemporary in appearance, comprising large, bold openings and a mansard style top floor. The openings would be configured into a vertical and horizontal alignment, including the dormer windows within the mansard level. Full length glazed doors with metal balustrades and full length windows would occupy the ends of the buildings, serving winter gardens and stairwells respectively. Ground floor windows to the front would be screened with perforated metal sheets to a height of 1.7m above adjacent pavement level. The buildings would be constructed in red brick, the mansard level would be grey standing seamed zinc, between the main façade and the mansard level would be a band of decorative brickwork, windows and folding doors would be grey aluminium, main entrance doors would be hardwood timber, upon the mansard level would be a green roof and photovoltaic (PV) panels.
- 3.4 Each building would comprise 3x1 bed units, with each unit occupying one floor. Blocks A and B would have lifts and stairwells while Block A would also have wheelchair ramps at either end of the building. Block C would not be served by a lift.
- 3.5 The proposed buildings would have the following dimensions: 20.5m long, 4.7m wide, 6.2m high to the eaves and 8.8m maximum height.
- 3.6 The application was initially submitted as a 10 unit scheme, with Block B (the middle block) being 4 storeys in height and comprising 4x1 bed units; in addition, the scheme comprised 10 vehicle parking spaces and shared gardens spaces. Officers raised concerns regarding the scale of the 4 storey building and its impact upon the streetscene, the privacy of the proposed ground floor units, road safety, and the potential for the garden spaces to facilitate anti-social behaviour. Revised drawings were subsequently submitted which reduced Block B to 3 storeys in height and reduced the total

number of residential units from 10 to 9, consequently the scheme was downgraded from a 'major' application to a 'minor'. Other key amendments included removing all parking spaces from the scheme, removing the shared garden spaces, increasing the outlook through the ends of the units and adding screening to the ground floor windows to the front.

#### **4. RELEVANT PLANNING HISTORY**

- 4.1 86/P0867: Erection of two three storey blocks to provide 12 studio flats with 12 garages and 12 open parking spaces – Refused.

**Reasons:**

**1) The proposed development would result in an unsatisfactory living environment for the occupiers of the flats by reason of excessive noise from the adjacent railway.**

**2) The site is not suitable or appropriate for residential development as proposed by reason of its narrow shape and close proximity to the railway embankment and the proposed three storey buildings would appear as a cramped and incongruous form of development out of character with the general pattern of development in this area.**

- 4.2 87/P0686: Outline application for the erection of office buildings comprising 540 m. sq. of floor area together with the erection of 12 lock-up garages – Refused.

**Reasons:**

**1) The proposed development would be contrary to Policy P4.20 of the Merton Borough Plan.**

**2) The site is not suited to office development as proposed by reason of its location within a predominantly residential area, the narrow shape of the site, and the poor working environment likely to arise so close to a busy railway.**

**3) By reason of the long, narrow shape of the site, the development by the erection of a building or buildings comprising 540 sq.m. of offices is likely to appear cramped and incongruous and out of character with the general pattern and layout of the surrounding area.**

- 4.3 87/P1143: Outline application for the erection of buildings comprising 12 one person flats 12 parking spaces and 12 garages – Refused.

**Reasons:**

**1) The proposal would result in an unsatisfactory living environment for the occupiers of the flats, by reason of excessive noise from the adjacent railway.**

**2) The site is not suitable or appropriate for residential development, by reason of its narrow shape and close proximity to the railway embankment and any new buildings would be likely to appear as cramped and incongruous forms of development, out of character with the general pattern of development in this area.**



- 4.4 87/P1468: Erection of buildings to form a medical centre comprising surgeries for doctor dentist chiropodist and veterinary surgeon – Refused.

**Reasons:**

**1) The erection of buildings comprising 400 m<sup>2</sup> Medical centre on this long narrow site will appear cramped, incongruous and out of character with the general pattern and layout of development in the surrounding area.**

**2) The proposal would conflict with the views expressed by a Department of Environment Inspector in dismissing an appeal (APP/T5720/A/86/061201/P5) for residential development on this site.**

**3) Insufficient information has been provided to enable assessment of the parking provision in relation to the Local Planning Authority's requirements.**

- 4.5 89/P0005: Outline application for the erection of office buildings comprising approximately 540 sq.m gross floor area together with the provision of car parking spaces – Granted.
- 4.6 89/P1199: Erection of a two-storey building comprising 612 square metres for use as offices together with the provision of 25 car parking spaces – Granted.
- 4.7 91/P0898: Use of site for the display and sale of motor vehicles – Refused.

**Reasons:**

**1) The proposal is unacceptable in that the vehicle movements associated with the use would be prejudicial to the free flow of traffic and to highway safety contrary to Policy S.16 of the Unitary Development Plan Draft for Public Consultation.**

**2) The proposal would be likely to lead to an increase in the undesirable practice of kerbside parking in the locality which would be prejudicial to highway safety and damaging to the amenities of adjoining residents contrary to policies M.40 and S.16 of the Unitary Development Plan Draft for Public Consultation.**

- 4.8 95/P0468: Erection of a two storey b1 office building with 12 off-street car parking spaces – Granted.
- 4.9 10/P2500: Erection of two-storey office building (class b1) with off-street parking and associated facilities – Undetermined.
- 4.10 13/P2080: Construction of a new car park including formation of a new vehicular crossover – Refused.

**Reasons:**

**1) The proposed new formalised parking area, by virtue of its substandard layout and lack of management strategy, would result in development detrimental to pedestrian and highway safety and as such,**

**is contrary to policy CS 20 of the London Borough of Merton Core Strategy - 2011.**

**2) The proposed new formalised parking area would result in development detrimental to a Green Corridor and Borough SINC and for which insufficient mitigation measures have been provided. As such, the proposed development is contrary to policy NE.8 of the London Borough of Merton UDP - 2003, policy CS 13 of the London Borough of Merton Core Strategy - 2011, policy 7.19 of the London Plan - 2011, and the National Planning Policy Framework - 2012.**

- 4.11 15/P2530: Erection of 6 x 2 bed dwellinghouse arranged in 3 pairs of semi-detached units – Refused.

**Reasons:**

**1) The proposed development would constitute a cramped form of development that would lack adequate amenity space provision and would provide a poor quality living environment contrary to policies DM D2 and DM EP2 of the Merton Sites and Police Plan (July 2014).**

**2) The proposed development would fail to contribute to meeting affordable housing targets and in the absence of a legal undertaking securing a financial contribution towards delivering affordable housing off-site, would be contrary to policy CS8 of Merton's Adopted LDF Core Planning Strategy (July 2011).**

- 4.12 Western end of site. 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. On 11<sup>th</sup> April 2017 the appeal was dismissed and the Notice upheld. The compliance date was 12<sup>th</sup> May 2017.

## **5. CONSULTATION**

- 5.1 Public consultation was initially undertaken by way of site and press notices (as it was lodged as a 'major' application) and by post sent to neighbouring properties, two periods of re-consultation were then undertaken to alert residents of the aforementioned amendments to the scheme. The results of the combined consultation exercises are summarised as follows:
- 5.2 19 objections from individual properties were received which are summarised as follows:
- Removal of resident parking bays
  - Exacerbate parking pressure
  - Loss of light
  - Loss of outlook
  - Increased overlooking
  - Increased noise and pollution from the trains
  - Disturbance during construction
  - Restricted access to Wyke Road during construction, including emergency vehicles
  - Increased congestion

- Exacerbate flooding
- Loss of trees and associated vista
- Land is too narrow for the development
- Unsuitable living conditions given noise and vibration from trains
- Excessive scale
- Loss of wildlife/habitat/biodiversity
- Devaluation of surrounding properties
- Concern regarding the existing street tree
- Fly tipping currently occurs on the land
- Land should be used for public transport purposes
- Land should be used to provide more parking spaces

- 5.3 1 letter of support was received which is summarised as follows:
- Green walls and roof would be sympathetic to the local environment and would improve the condition of the land which has been subject to fly tipping
  - The acoustic barrier would reduce noise for surrounding properties

**External**

- 5.4 The Wimbledon Society: Objection. The land is in close proximity to the railway tracks and may be required in the future for Crossrail 2 or for changes to Raynes Park Station. Concerns regarding noise and vibration from frequent trains in close proximity to the development. The proposed garden spaces would be substandard.

- 5.5 Langham Court Residents' Association: Mainly in objection, with two residents expressing some support. The loss of 30 residents parking spaces. Removal of trees will impact upon wildlife, vistas and increase noise. Exacerbate flooding. Land will likely to be compulsory purchased by Network Rail in the future to facilitate Crossrail 2. Disruption during the works will include road blockages, noise and dust. Once constructed, the increased density will result in additional traffic, noise refuse collections. Land unsuitable for the development given width and proximity to the railway tracks. Residents of the development would suffer from poor light, noise and vibration. Council should enforce regulations to stop the garage misusing parking areas, to make the land owner remove fly tipping and to reinstate the damaged railings. Council should remove the recycling station at the end of the road. The addition of only 9 flats would disrupt approximately 200 residents in Langham Court, which is a disproportionate way of addressing the housing need.

Comments in support: The scheme would improve the streetscene. The development would likely reduce crime, anti-social behaviour and fly tipping. The development would stop the garage using the land for parking and vehicle repairs.

- 5.6 Thames Water: No objection with regard to water or waste. Advised that the developer would need to approach Thames Water for a pre-development inquiry.

- 5.7 Transport for London: Objection. The site is not located within a safeguarding zone; however, ongoing design work would indicate that the site would be in a future safeguarding zone for Crossrail 2.
- 5.8 Crossrail: Stated they are not required to comment on the application given the site falls outside of the safeguarding zone for Crossrail.
- 5.9 Network Rail: Objection. Network Rail are working with TFL for the delivery of Crossrail 2, while the scheme is outside of the safeguarding zone, Crossrail 2 are of the opinion that the scheme would prejudice the delivery of Crossrail 2. Network Rail provided detailed guidance in relation to developments near railway tracks - these were passed on to the developer.
- 5.10 Metropolitan Police – Designing out Crime Officer: No objection. The area currently lacks natural surveillance and is subject to fly tipping. The scheme has the potential to increase natural surveillance. The scheme should be designed to eliminate climbing aides and uncontrolled access to the site. Lighting should be to British Standards and any planting should not impede natural surveillance or create opportunities for people to hide.

#### **Internal**

- 5.11 Transport and Highways Officers: Advised that given the narrow width of the road, the car parking would result in a safety risk to the highway, as such, the parking spaces should be removed from the scheme. Following the removal of the parking spaces LBM's Transport Planner advised that the scheme would be acceptable in highway terms subject to being ineligible for parking permits (secured by legal agreement) and to conditions requiring a construction method statement and a delivery and servicing plan.
- 5.12 Flood Risk Engineer: Advised that while the site is not located within a designated flood zone, it does suffer from surface water and sewer flooding, thus the floor levels should be raised 300mm above pavement level. Further advice was provided on the requirements of a 'major' application, however, the scheme has since been downgraded to a 'minor' application thus the requirements are no longer relevant.
- 5.13 Environmental Health: Advised that if the recommendations of the noise and vibration report are adhered to then the development can achieve suitable internal noise levels. Recommended conditions relating to noise mitigation, light spill, contamination and a construction method statement.
- 5.14 Climate Change Officer: Advised that the scheme can achieve the relevant sustainability standards and that they should be secured by way of condition. Further advice was provided on the requirements of a 'major' application, however, the scheme has since been downgraded to a 'minor' application thus the requirements are no longer relevant.
- 5.15 Trees Officer: Advised that there is a street tree in close proximity to the proposal, albeit the root protection zone appears to be accounted for. The proposed planting scheme will make a significant contribution to the green

amenities of the area. Advised conditions relating to the protection of existing trees and a full landscaping scheme.

## **6. POLICY CONTEXT**

### **6.1 National Planning Policy Framework (2018)**

- 5. Delivering a sufficient supply of homes
- 8. Promoting healthy and safe communities
- 9. Promoting sustainable transport
- 11. Making effective use of land
- 12. Achieving well-designed places
- 14. Meeting the challenge of climate change, flooding and coastal change
- 15. Conserving and enhancing the natural environment

### **6.2 London Plan (2016)**

Relevant policies include:

- 3.3 Increasing housing supply
- 3.4 Optimising housing potential
- 3.5 Quality and design of housing developments
- 3.8 Housing choice
- 5.1 Climate change mitigation
- 5.2 Minimising carbon dioxide emissions
- 5.3 Sustainable design and construction
- 5.10 Urban greening
- 5.11 Green roofs
- 5.12 Flood risk management
- 5.17 Waste capacity
- 5.21 Contaminated land
- 5.22 Hazardous substances and installations
- 6.9 Cycling
- 6.10 Walking
- 6.12 Road network capacity
- 6.13 Parking
- 7.1 Lifetime Neighbourhoods
- 7.2 An inclusive design
- 7.3 Designing out crime
- 7.4 Local character
- 7.5 Public realm
- 7.6 Architecture
- 7.15 Reducing and managing noise, improving and enhancing the acoustic environment and promoting appropriate soundscapes
- 7.19 Biodiversity and access to nature
- 7.21 Trees and woodlands
- 8.2 Planning Obligations

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

Relevant policies include:

- CS 4 Raynes Park sub-area
- CS 7 Centres
- CS 8 Housing choice

CS 9 Housing provision  
CS 11 Infrastructure  
CS 13 Open space and leisure  
CS 14 Design  
CS 15 Climate change  
CS 16 Flood risk management  
CS 17 Waste management  
CS 18 Transport  
CS 19 Public Transport  
CS 20 Parking servicing and delivery

6.4 Merton Sites and Policies Plan – 2014 (SPP)

Relevant policies include:

DM R1 Location and scale of development in Merton's town centres  
DM H2 Housing mix  
DM D1 Urban Design  
DM D2 Design considerations  
DM EP 2 Reducing and mitigating noise  
DM O2 Nature conservation  
DM EP4 Pollutants  
DM T2 Transport impacts of development  
DM T3 Car parking and servicing standards  
DM T4 Transport infrastructure

6.5 Supplementary planning considerations

GLA - London Housing SPG 2016  
DCLG - Technical Housing Standards 2015  
GLA - Sustainable Design and Construction SPG 2014

**7. PLANNING CONSIDERATIONS**

7.1 Material Considerations

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

- Principle of development
- Design and impact upon the character and appearance of the area
- Impact upon neighbouring amenity
- Standard of accommodation
- Transport, parking and cycle parking
- Refuse storage and collection
- Sustainable design and construction
- Landscaping and impact upon trees and biodiversity
- Flood risk
- Site contamination

Principle of development

7.2 Policy 3.3 of the London Plan 2016 states that development plan policies should seek to identify new sources of land for residential development including intensification of housing provision through development at higher densities. Core Strategy policies CS8 & CS9 seek to encourage proposals for well-designed and conveniently located new housing that will create socially

mixed and sustainable neighbourhoods through physical regeneration and effective use of space. The National Planning Policy Framework 2018 and London Plan policies 3.3 & 3.5 promote sustainable development that encourages the development of additional dwellings at locations with good public transport accessibility.

- 7.3 The site is currently free of development, it is located within a residential area and has a public transport accessibility level (PTAL) ranging from 4 to 5 (0 being very poor and 6b being excellent). The site is an underutilised site which is considered to present opportunities for a residential development. The proposals would meet NPPF and London Plan objectives by contributing towards London Plan housing targets within sustainable areas.
- 7.4 Historic planning decisions have focused on the proximity of the site to the railway and its narrowness in shaping reasons to refuse housing schemes. Most recently the decision to refuse permission was shaped by concerns that the site was unsuited to family housing. Officers have reviewed the most recent Planning Inspector's decision (Appended to this report) regarding the scheme for six houses. It is considered that the Inspector's decision while dismissing the appeal may reasonably be interpreted as not resisting the principle of some form of residential development on the site. In excess of 30 years has lapsed since permission was refused for a scheme of flats in 1986 during which time there has been a greater focus on housing delivery with the emergence of the London Plan first setting targets of 321 units per year for Merton, rising to 411 and with the latest draft London Plan currently proposing more than tripling Merton's annual target. The emphasis in both the London Plan and the National Planning Policy Framework is very much towards maximising development opportunities to deliver housing and to explore innovative design solutions. Given the above, along with the most recent appeal decision, it is considered the principle of residential development on the site should be looked at afresh. Officers are of the opinion that a non-family residential development may be considered 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.
- 7.5 It is noted that TfL and Network Rail have objected on the basis that the site may be required for the delivery of Crossrail 2 in the future. Policies DM T4 of Merton's Sites and Policies Plan and CS19 of Merton's Core Strategy seek to improve public transport and to safeguard land for the delivery of major public transport projects. However, there is an established procedure for safeguarding land for major transport projects and the site is not currently within a safeguarded area. Given there is no formal protection relating to the land for the delivery of Crossrail 2, it is considered that it would be unreasonable to withhold planning permission for this reason.

Design and impact upon the character and appearance of the area

- 7.6 The NPPF section 12, London Plan policies 7.4 and 7.6, Core Strategy policy CS14 and SPP Policies DM D1 and DMD2 require well designed proposals which would optimise the potential of sites, that are of the highest architectural

quality and incorporate a visually attractive design that is appropriate to its context, so that development relates positively to the appearance, scale, bulk, form, proportions, materials and character of their surroundings, thus enhancing the character of the wider area.

- 7.7 Paragraph 1.3.61 of the London Plan Housing SPG 2016 states that *fully optimising housing potential will necessitate high quality, innovative design to ensure new development successfully responds to challenges and opportunities presented on a particular site*. The site is considered to be unique in that it is isolated from other development i.e. there is a railway embankment to the rear and there is no other development along the southern side of Wyke Road, thus it would not be 'read' together with surrounding buildings. There is therefore an opportunity to develop a unique design approach, appropriate to the unique characteristics of the site in this instance. It is within this context that the development should be considered. It is further noted that there is a part 5, part 6 storey art deco style building opposite the proposed development, namely, Langham Court.
- 7.8 Given the aforementioned characteristics of the site, the width of the Wyke Road and separations distances to surrounding development, it is considered that the site can comfortably accommodate buildings of the height proposed. It is noted that the bulk of the buildings are effectively broken up by the use of a mansard top floor, which provides a visual break in the building and gives an appearance akin to a two storey building with a pitched roof. The positioning and footprints of the proposed buildings are considered to make effective use of the site while allowing for generous gaps between the buildings. Given the above, and notwithstanding earlier historic decisions reached against the background of a different policy context, officers are of the opinion that the development may reasonably be considered as not overbearing to the streetscene.
- 7.9 The scheme proposes a contemporary appearance, making use of bold fenestration and openings, perforated metal screens, red brick facades and decorative patterns, brick window surrounds and a grey zinc standing seam mansard level. The use of contrasting materials, recesses, horizontal separation between floors and a strong vertical alignment throughout the scheme successfully defines the individual façade elements, creating an interesting and high quality appearance with a strong vertical emphasis.
- 7.10 While the proposal does not seek to replicate the surrounding development, it is considered to achieve a coherent and high quality design while also picking up important visual cues from Langham Court, mainly in its use of large, regular openings and red brick. Given the development does not seek to create a single, isolated building, but rather an ensemble of three apartment blocks, it is considered to achieve a semblance of its own character while successfully harmonizing with its surroundings.

Impact upon neighbouring amenity

- 7.11 London Plan policy 7.6 and SPP policy DM D2 state that proposals must be designed to ensure that they would not have an undue negative impact upon



the amenity of surrounding land and buildings, particularly residential properties, in terms of loss of daylight or sunlight/overshadowing, quality of living conditions, privacy, visual intrusion, amenity space or noise.

7.12 Given the scale of the proposed development along with the separation distance to surrounding buildings, the proposal would pass the “25 degree test” at the closest point of surrounding buildings, and that as such, the development would not result in undue visual intrusion or loss of daylight or sunlight.

7.13 The proposal is not considered to unduly impact upon neighbouring amenity. Outlook to the rear would be toward railway land, to the sides would be within the site itself and to the front would be across Wyke Road, which is public space. Furthermore, there is considerable green screening in front of Langham Court.

#### Standard of accommodation

7.14 Policies 3.5 and 3.8 of the London Plan 2016 state that housing developments are to be suitably accessible and should be of the highest quality internally and externally and should ensure that new development reflects the minimum internal space standards (specified as Gross Internal Areas) as set out in table 3.3 of the London Plan (amended March 2016) and the DCLG – Technical Housing Standards 2015. The London Plan Housing SPG – 2016 states that homes should provide a place of retreat; factors to be considered include privacy, the importance of dual aspect development, noise mitigation, floor to ceiling heights and daylight and sunlight. Policy DM D2 of the Adopted Sites and Policies Plan (2014) states that developments should provide for suitable levels of privacy, sunlight and daylight and quality of living conditions for future occupants.

7.15 According to the DCLG – Technical Housing Standards 2015, all proposed units are categorised as 1bed, 2person, 1storey units; the Housing Standards state that units of this size and nature must have a minimum GIA of 50sq.m. The GIA of the proposed units ranges from 51.5sq.m to 56sq.m, thus all units exceed the minimum standards.

7.16 All units are considered to have a layout which offers a high standard of living and all habitable rooms are served by windows which are considered to offer suitable natural light, ventilation, privacy and outlook to prospective occupants.

7.17 With regard to the ground floor units, these units abut the pavement and have front facing windows, meaning that passers-by would be able to see straight into their living space, thus a solution was required to protect the privacy of the prospective occupants while still providing suitable outlook. To address these issues, amendments were made to the scheme which opened up the ends of the ground floor units with full length glazing and folding doors to provide their primary outlook into their private gardens. In addition, the floor level of the building was raised by 300mm above pavement level and perforated metal screens were added to the lower portion of the front windows

- the screens would measure to a height of 1.7m above adjacent pavement level. 1.7m high screening is the accepted height to maintain privacy levels, and as the building would be raised 300mm above pavement level, internally the screens would only appear to be 1.4m in height, thus some level of outlook would still be achieved. In addition to the perforated screens, wooden shutters would be installed internally to give occupants the option of complete privacy should they so desire. Considering all of these techniques together, it is considered that the ground floor units would achieve suitable levels of both privacy and outlook.

- 7.18 Given the proximity of the railway tracks, the consideration of noise and vibration and their potential to impact upon occupants of the scheme are of particular importance. Policies 7.6 and 7.15 of the London Plan and policy DM D2 of Merton's Sites and Policies Plan require developments to provide a suitable living environment for occupants in terms of noise. As such, an independent Noise and Vibration Assessment was commissioned by Merton Council. The assessment was informed by noise levels measured at the site and it recommended the use of specific double glazed windows, mechanical ventilation, insulation to the building envelope and acoustic fencing; the assessment found that provided the recommendations were adhered to, the development could achieve an internal acoustic environment that was within the relevant standards. In addition, further amendments were made to the upper floor units which positioned the hallway between the train tracks and the bedroom, creating an additional level of noise mitigation to the most noise sensitive room. With regard to vibration, the assessment found that the potential for vibration would be below the threshold levels to require specific mitigation measures.
- 7.19 In accordance with the London Housing SPG, policy DMD2 of the Council's Sites and Policies Plan states that there should be 5sq.m of external space provided for 1 and 2 person flats with an extra square metre provided for each additional occupant. In this instance the amenity space has been provided primarily in the form of winter gardens, this is an accepted form of amenity space and is particularly suited to this development, given it protects users from surrounding noise levels. In addition to the winter gardens, the ground floor units are provided with outdoor gardens and a provision of communal amenity space is provided near the centre of the site, between Blocks A and B. All units would be provided with amenity space that exceed the relevant standards and are considered to be high quality.
- 7.20 London Plan policy 3.8 requires all units to be provided with 'step free' access (i.e. lifts to upper floors) and for 10% of units to cater for wheelchair users, subject to viability. Blocks A is provided with a lift, wheelchair ramps and the ground floor unit is fully adaptable to cater for wheelchair users. In addition, Block B is also provided with a lift. Block C would not be served with a lift; however, given the size of the scheme it would not be considered practicable to provide lifts to all blocks, thus the scheme is considered to comply with London Plan policy 3.8.

### Transport and Parking

- 7.21 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.
- 7.22 Officers acknowledge that the proposals would displace parking currently used by a nearby MOT and servicing business. However the parking area has been the subject of enforcement action with an appeal to retain the parking dismissed. It is considered that it would be unreasonable for the loss of the parking to be a basis for resisting the proposals.
- 7.23 As previously mentioned, all parking spaces were removed from the scheme as they were considered to pose a risk to highway safety. It is now proposed for the scheme to be permit (parking) free which would be secured by way of legal agreement. Given the occupants of the development would be ineligible for parking permits, the scheme is not considered to unduly impact upon parking pressure locally.
- 7.24 The scheme would introduce 3 small blocks of flats where no residential units currently exist, and where access to the new flats would be immediately alongside a pavement where the Council has sanctioned parking partly on the highway and partly on the pavement. Along with the presence of a mature street tree in the middle of the pavement along the Wyke Road frontage, the parking of vehicles over the pavement has the potential to compromise the movement and safety of pedestrians. Notwithstanding that the Planning Inspector was silent on the issue of parking and pedestrian safety in her recent appeal decision, officers consider it would be prudent to carefully review the available space, comprising the shared footway along this part of Wyke Road, and around the mature street tree, and for any legal agreement to make provision for the applicant to cover the Council's costs so as to enable making appropriate adjustment to parking bays and for the footway around the street tree to provide a safe pedestrian route/access to the units. The applicant has given an indication that they are amenable in principle to this proposal.
- 7.25 To mitigate the impact of the proposal during construction, it is recommended to require details of a construction management statement by way of condition.
- 7.26 In accordance with London Plan policy 6.9 and table 6.3, 9 cycle storage spaces would be required for the development. 24 cycle storage spaces are proposed which exceeds the standards by a considerable margin. It is recommended to require specific details of the cycle storage enclosures by way of condition.

### Refuse storage and collection

- 7.27 Refuse would be stored within enclosures adjacent to the highway with collection to occur from Wyke Road, this arrangement is considered to be acceptable and would comply with policy 5.17 of the London Plan and policy CS 17 of the Core Strategy.

#### Sustainable design and construction

- 7.28 London Plan policy 5.3 and Core Strategy policy CS15 seek to ensure the highest standards of sustainability are achieved for developments which includes minimising carbon dioxide emissions, maximising recycling, sourcing materials with a low carbon footprint, ensuring urban greening and minimising the usage of resources such as water.
- 7.29 As per Core Strategy policy CS15, minor residential developments are required to achieve a 19% improvement on Part L of the Building Regulations 2013 and water consumption should not exceed 105 litres/person/day. It is recommended to include a condition which will require evidence to be submitted that a policy compliant scheme has been delivered prior to occupation.

#### Landscaping and impact upon trees and biodiversity

- 7.30 The site is a designated SINC and green corridor. NPPF section 15, London Plan policies 7.5, 7.19 and 7.21, CS policy CS13 and SPP policies DM D2, DM O2 seek to ensure high quality landscaping to enhance the public realm, protect trees that significantly improve the public realm, to enhance biodiversity, encourage proposals to result in a net gain in biodiversity and to discourage proposal that result in harm to the environment, particularly on sites of recognised nature conservation.
- 7.31 A Preliminary Ecological Appraisal was submitted with the application. The appraisal found that some level of habitat would be lost as a result of the development; however, the green corridor would be maintained and the loss of habitat could be offset by the use of living walls and green roofs. In addition, the appraisal made a number of recommendations for the protection of species and for the enhancement of the biodiversity value of the site, these included: the removal of any non-native invasive species by a suitably qualified and licensed contractor; the use of green roofs and living walls; the protection of the London Plane street tree; the retention of the scrub and tree lines; to design any lighting in such a way as to not impact upon bats; to install bat boxes; to undertake a badger update survey; to retain as many trees as possible and to only remove trees outside of bird breeding season; to avoid disturbing deadwood piles with the potential to support stag beetles, or where necessary, to relocate deadwood piles to a suitable location; to use local native species in the landscaping scheme. The methodology, findings and recommendations of the appraisal are considered to be fair and reasonable and it is recommended to secure them by way of conditions.
- 7.32 The proposal would involve the protection of the London Plane street tree, which is considered to be 'high quality', along with 23 trees of 'moderate quality'; 9 trees of low quality would be removed. The scheme would include substantial landscaping including trees, shrubs and/or hedges and grassed areas. The exact details, including species, of the landscaping has not been provided, it is therefore recommended to require full details of the landscaping scheme by condition and to require planting to be undertaken prior to occupation. In addition, it is recommended to include conditions to ensure the protection of the aforementioned trees.

- 7.33 Subject to the aforementioned conditions, it is not considered that the proposal would unduly impact upon trees, ecology or biodiversity and it is considered that the landscaping scheme would make a positive contribution to the streetscene and green network.

#### Flood risk

- 7.34 While the site is not located within a designated flood risk zone, it is known to suffer from the surface water and sewer flooding. Policy DM F1 of Merton's Sites and Policies Plan requires all sources of flooding to be considered and for developments to incorporate flood resilient and resistant measures.
- 7.35 Amendments were made to the scheme to raise the floor levels by 300mm above adjacent pavement level which is considered to be adequate to avoid flooding into the development.

#### Site contamination

- 7.36 London Plan Policy 5.21 and SPP policy DM EP4 state that developments should seek to minimise pollutants, reduce concentrations to levels that have minimal adverse effects on human or environment health and to ensure contamination is not spread.
- 7.37 In the event contamination is encountered during construction works, planning conditions are recommended which would require the submission of details of measures to deal with this contamination.

## **8. CONCLUSION**

- 8.1 The site has an extensive planning history with various residential schemes having been resisted. Changes in planning policy since the first refusal in 1986 have seen a significant increase in pressure to deliver housing, and to explore innovative design solutions. Officers have interpreted the last appeal decision as signalling a resistance to more conventional family housing on the site but not necessarily non-family housing. Officers are therefore of the opinion that a non-family housing development is acceptable in principle given it would contribute toward London's housing stock and it is on an empty site which is within a residential area with excellent public transport links.
- 8.2 The development is considered to respond well to the challenges and opportunities of the site; despite the numerous constraints of the site, creative solutions have been found which are considered to address all material planning considerations to a high standard. The development is considered to be high quality and to make a positive contribution to the streetscene. The development is not considered to unduly impact upon neighbouring amenity. The proposal would offer high quality living standards for prospective occupants. The proposal would not unduly impact upon the highway network, including parking pressure. The proposal would achieve suitable refuse provisions. It is considered that the proposal would achieve appropriate sustainable design and construction standards. The proposal would appropriately mitigate any impact upon biodiversity and provide a high quality landscaping scheme.

- 8.3 The proposal is considered to accord with the relevant National, Strategic and Local Planning policies and guidance and approval could reasonably be granted in this case. It is not considered that there are any other material considerations which would warrant a refusal of the application.

### **RECOMMENDATION**

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

#### **Section 106 legal agreement:**

1. Restrictions to prevent the future owner/occupiers of the development from being issued on-street parking permits within the surrounding Controlled Parking Zones;
2. The developer meeting the Council's costs for any work (both legal work and street works) associated with making adjustments to on street parking arrangements, and, where necessary, pavement alignment, along the south side of Wyke Road.
3. The developer agreeing to meet the Council's costs of preparing [including legal fees] the Section 106 Obligations [to be agreed by developer];
4. The developer agreeing to meet the Council's costs of monitoring the Section 106 Obligations [to be agreed by developer].

#### **Conditions:**

- 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: [Refer to the schedule on page 1 of this report].

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

- 3) Amended standard condition [Materials]: The facing materials, including roofing materials, to be used for the development hereby permitted shall be those specified on the approved plans unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure a satisfactory appearance of the development and to comply with the following Development Plan policies for Merton: policy 7.6 of the London Plan 2016, policy CS14 of Merton's Core Planning Strategy 2011 and policies DM D2 and D3 of Merton's Sites and Policies Plan 2014.

- 4) Standard condition [Timing of construction]: No demolition or construction work or ancillary activities such as deliveries shall take place before 8am or

after 6pm Mondays - Fridays inclusive, before 8am or after 1pm on Saturdays or at any time on Sundays or Bank Holidays.

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

- 5) Amended-standard condition [Use of flat roof]: Access to the flat roof parts of the development hereby permitted, shall be for maintenance or emergency purposes only and shall not be used as a roof garden, terrace, patio or similar amenity area.

Reason: To safeguard the amenities and privacy of the occupiers of adjoining properties and to comply with the following Development Plan policies for Merton: policy 7.6 of the London Plan 2016, policy CS14 of Merton's Core Planning Strategy 2011 and policies DM D2 and D3 of Merton's Sites and Policies Plan 2014.

- 6) Non-standard condition [screening]: The external screening to the front of the buildings along with the internal shutters as shown on the approved plans shall be implemented before the development is first occupied and retained permanently thereafter.

Reason: To ensure appropriate levels of privacy for the occupiers of the development and to comply with the policy 7.6 of the London Plan 2016 and policy DM D2 of Merton's Sites and Policies Plan 2014.

- 7) Standard condition [Cycle storage]: Prior to occupation of the development hereby approved, details of secure cycle parking facilities for the occupants of the development shall be submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be fully implemented and made available for use prior to the first occupation of the development and retained thereafter for use at all times.

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

- 8) Standard condition [Refuse storage]: The development hereby approved shall not be occupied until the refuse and recycling storage facilities shown on the approved plans have been fully implemented and made available for use. These facilities shall thereafter be retained for use at all times.

Reason: To ensure the provision of satisfactory facilities for the storage of refuse and recycling material and to comply with the following Development Plan policies for Merton: policy 5.17 of the London Plan 2015, policy CS17 of Merton's Core Planning Strategy 2011 and policy DM D2 of Merton's Sites and Policies Plan 2014.

- 9) Non-standard condition [Sustainability]: No part of the development hereby approved shall be occupied until evidence has been submitted to the Local Planning Authority confirming that the development has achieved CO2 reductions not less than a 19% improvement on Part L of the Building Regulations 2013 and internal water usage 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 2016 and Policy CS15 of Merton's Core Planning Strategy 2011.

- 10) Amended standard condition [Working method statement]: Prior to the commencement of development [including demolition] a working method statement shall be submitted to and approved in writing by the Local Planning Authority that shall include measures to accommodate: the parking of vehicles of site workers and visitors; loading and unloading of plant and materials; storage of construction plant and materials; wheel cleaning facilities; control of dust, smell and other effluvia; measures to control noise and vibration; measures to control dust and dirt; control of surface water run-off; a scheme for recycling and disposing of waste from demolition and construction. No development shall be take place that is not in full accordance with the approved method statement.

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

- 11) Standard condition [Delivery & servicing plan]: Prior to the occupation of the development, a Delivery and Servicing Plan (the Plan) shall be submitted in writing for approval to the Local Planning Authority. No occupation of the development shall be permitted until the Plan is approved in writing by the Local Planning Authority and implemented in accordance with the approved plan. The approved measures shall be maintained, in accordance with the Plan, for the duration of the use, unless the prior written approval of the Local Planning Authority is obtained to any variation.

Reason: To ensure the safety of pedestrians and vehicles and the amenities of the surrounding area and to comply with the following Development Plan policies for Merton: policies 6.3 and 6.14 of the London Plan 2015, policy CS20 of Merton's Core Planning Strategy 2011 and policies DM T2, T3 and T5 of Merton's Sites and Policies Plan 2014.

- 12) Non-standard condition [Lighting strategy]: Prior to the installation of any external lighting, an external lighting strategy shall be submitted in writing for approval to the Local Planning Authority. No works which are the subject of this condition shall be carried out until the scheme has been approved and those works shall be carried in accordance with the approved details.



Reason: To safeguard the amenities of the area and the occupiers of neighbouring properties, to protect nature conservation in the area and to avoid an adverse impact on the operation of the adjacent train network, in accordance with policies DM D2 and DM EP4 and DM O2 of Merton's Sites and Policies Plan 2014.

- 13) Non-standard condition [Details of glazing]: Development shall not commence (other than site clearance, preparation and demolition) until details of the glazing to be used in any windows facing within 90 degrees of adjacent train tracks has been submitted in writing for approval to the Local Planning Authority. No works which are the subject of this condition shall be carried out until the scheme has been approved and those works shall be carried in accordance with the approved details and retained as such thereafter.

Reason: To ensure the development would not have an adverse impact upon the operation of the adjacent train network, in accordance with policy CS19 of Merton's Core Planning Strategy 2011 and policy DM T4 of Merton's Sites and Policies Plan 2014.

- 14) Non-standard condition [Noise mitigation]: The development hereby authorised shall be carried out in accordance with the details, measures, and recommendations set out in the 'Noise And Vibration Assessment' dated February 2018 and with reference: P18-032-R01, and those measures shall be in place prior to the first occupation of the development and shall be retained at all times thereafter, or as otherwise agreed in writing by the local planning authority.

Reason: To ensure a suitable living environment for occupants of the development and to comply with policies 7.6 and 7.15 of the London Plan 2016 and policy DM D2 of Merton's Sites and Policies Plan 2014.

- 15) Non-standard condition [Noise mitigation verification]: No part of the development hereby approved shall be occupied until evidence has been submitted to the Local Planning Authority confirming that the development has achieved an internal acoustic environment in accordance with the following criteria, from 07:00 to 23:00 (16 hours) 35 dB LAeq for the living/dining rooms and bedrooms; and from 23:00 to 07:00 (8 hours) 30 dB LAeq for the bedrooms with no more than 10 events exceeding 45 dB L<sub>Amax</sub>.

Reason: To ensure a suitable living environment for occupants of the development and to comply with policies 7.6 and 7.15 of the London Plan 2016 and policy DM D2 of Merton's Sites and Policies Plan 2014.

- 16) Standard condition [Tree protection]: No development [including demolition] pursuant to this consent shall commence until an Arboricultural Method Statement and Tree Protection Plan, drafted in accordance with the recommendations and guidance set out in BS 5837:2012 has been submitted to and approved in writing by the Local Planning Authority and the approved details have been installed. The details and measures as approved shall be retained and maintained, until the completion of all site operations.

Reason: It is necessary for the condition to be discharged prior to the commencement of development to protect and safeguard the existing retained trees in accordance with the following Development Plan policies for Merton: policy 7.21 of the London Plan 2015, policy CS13 of Merton's Core Planning Strategy 2011 and policy O2 of Merton's Sites and Policies Plan 2014.

- 17) Standard condition [Site supervision]: The details of the Arboricultural Method Statement and Tree Protection Plan shall include the retention of an arboricultural expert to supervise, monitor and report to the LPA not less than monthly the status of all tree works and tree protection measures throughout the course of the construction period. At the conclusion of the construction period the arboricultural expert shall submit to the LPA a satisfactory completion statement to demonstrate compliance with the approved protection measures.

Reason: To protect and safeguard the existing retained trees in accordance with the following Development Plan policies for Merton: policy 7.21 of the London Plan 2015, policy CS13 of Merton's Core Planning Strategy 2011 and policy O2 of Merton's Sites and Policies Plan 2014.

- 18) Amended-standard condition [Landscaping/Planting Scheme]: Prior to the first occupation of the development hereby approved, full details of a landscaping and planting scheme, shall be submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved before the commencement of the use or the occupation of any building hereby approved, unless otherwise agreed in writing by the Local Planning Authority. The details shall include on a plan the size, species, quantities and location of the proposed new trees and plants. The approved works shall be planted in the first available planting season following the development or prior to the use/occupation of any part of the development, whichever is the sooner, and should any trees die within a period of 5 years from the completion of the development, be removed or become seriously damaged or diseased or dying, shall be replaced in the next planting season with others of the same approved specification, unless otherwise agreed in writing by the local planning authority.

Reason: To enhance the appearance of the development and the open space in the interest of the amenities and biodiversity of the area and to comply with the NPPF section 15, policies 7.5, 7.19 and 7.21 of the London Plan 2016, policies CS13 of Merton's Core Planning Strategy 2011 and policies DM D2, 01 and O2 of Merton's Sites and Policies Plan 2014.

- 19) Non-standard condition [Ecological and biodiversity measures]: The development hereby authorised shall be carried out in accordance with the avoidance, mitigation and enhancement measures recommended/proposed and follow the sequence of events set out in the submitted in the submitted 'Preliminary Ecological Appraisal', and those measures shall be in place prior to the first occupation of the development, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To mitigate and offset the impact of the development and to ensure a net gain in biodiversity and improvements to the visual amenity of the area, in accordance with NPPF section 15, London Plan 2016 policies 7.5, 7.19 and 7.21, Merton's Core Planning Strategy 2011 policy CS13 and Merton's Sites and Policies Plan 2014 policies DM D2 and DM O2.

- 20) Non-standard condition [Badger update survey]: Development shall not commence until a badger update survey has been submitted to and approved in writing by the Local Planning Authority. All works shall be carried out in accordance with any details, measures, and recommendations of the approved survey and shall remain in place for the duration of the construction period, unless otherwise agreed in writing by the planning authority.

Reason: It is necessary for the condition to be discharged prior to the commencement of development to protect ecology of the site and to accord with NPPF section 15 and Merton's Sites and Policies Plan 2014 policy DM O2.

- 21) Non-standard condition [Contamination]: If during construction works contamination is encountered which has not previously been identified and considered, the Council's Environmental Health Section shall be notified immediately and no further development shall take place until remediation proposals (detailing all investigative works and sampling, together with the results of analysis, risk assessment to any receptors and proposed remediation strategy detailing proposals for remediation) have been submitted to and approved by the Local Planning Authority and the approved remediation measures/treatments implemented in full.

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

- 22) Before occupation of the relevant block of flats comprising part of the development hereby approved the applicant shall have submitted to and had approved by the local planning authority, a specification for a green roof to the relevant block including measures for its on-going maintenance. The green roof for each block shall be installed before occupation of the relevant block and thereafter maintained in accordance with such details as are approved.
- Reason: To mitigate and offset the impact of the development and to ensure a net gain in biodiversity and improvements to the visual amenity of the area, in accordance with NPPF section 15, London Plan 2016 policies 7.5, 7.19 and 7.21, Merton's Core Planning Strategy 2011 policy CS13 and Merton's Sites and Policies Plan 2014 policies DM D2 and DM O2.

## **INFORMATIVES:**

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

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

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

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

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## Appeal Decision

Site visit made on 25 July 2016

**by Zoe Raygen Dip URP MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 15 August 2016**

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**Appeal Ref: APP/T5720/W/16/3149922**

**Wyke Road, Raynes Park, London SW20 8RT**

- 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 Martin Gregory against the decision of the Council of the London Borough of Merton.
  - The application Ref 15/P2530, dated 21 April 2015, was refused by notice dated 10 November 2015.
  - The development proposed is described as the construction of six, two-bed houses arranged in three pairs on unoccupied land adjacent to the railway at Raynes Park. The accommodation is arranged over three levels. Ground floor consists of kitchen and dining, first consists of bedrooms and third is to be amenity/living. The houses are designed to be empathetic to the area as possible by creating a green corridor on the site. The development will create "stepping stones" for species such as birds, bats and invertebrates by using green roofs and living walls. The railway embankment will not be impacted upon during the development works and will remain as is.
- 

### Decision

1. The appeal is dismissed.

### Procedural matters

2. The Council's first reason for refusal related to the absence of a planning obligation to secure a financial contribution towards affordable housing. A Court of Appeal judgement on 11 May 2016 upheld the Secretary of State's appeal on all grounds relating to the High Court judgement in *R (on the application of West Berkshire District Council and Reading Borough Council) v SSCLG* [2015] EWHC 2222 (Admin) on 31 July 2015. As a consequence, a Written Ministerial Statement published on 28 November 2014 and Planning Practice Guidance (PPG) are material considerations that set out Government policy defining the specific circumstances where contributions for affordable housing and tariff style planning obligations should not be sought for small scale development. The definition includes the proposal before me. The Council have therefore withdrawn this reason for refusal.
3. The appellants have submitted revised plans as part of their statement which propose an acoustic fence and a glazed enclosure to the second floor terraces in order to overcome the reason for refusal regarding future occupiers living conditions. They have asked that the revisions be taken into account and, if necessary, be the subject of a condition. However, the revisions have not been the subject of consultation and therefore were I take them into account in my decision interested parties could be prejudiced. It would also therefore be

unreasonable for them to be the subject of a condition. Furthermore, if I were to take the plans into account, it could preclude the appellant reaching an alternative satisfactory conclusion regarding noise with the Council.

### **Main Issue**

4. The main issue is whether the proposal would provide acceptable living conditions for future occupiers with particular regard to garden space and noise and disturbance.

### **Reasons**

5. Each housing unit would have a small garden area to its side and rear which together would be below the 50 square metres required by Policy DM D2 of the Sites and Policies Plan and Policies Map 2014 (the SPPP). However the appellant submits that in accordance with paragraph 6.32 of the SPPP the garden should include paved and unpaved front, rear and side gardens. It goes on to state that existing ancillary buildings within the garden e.g. sheds, garages etc. will generally be regarded as part of the garden area. If the parking space for each house was to be included in the calculation of the garden area then each side section would be above 50 square metres.
6. However, the definition in paragraph 6.32 is in relation to basement and subterranean development. The requirement for new garden space within Policy DM D2 specifies a single useable regular shaped amenity space. The inclusion of the parking area would not facilitate a useable amenity space. As a result therefore the remaining section of garden is small. The appellant also points to the provision of the second floor terraces and balconies for each dwelling which would add about 12 square metres to each garden area and means that the garden space for each dwelling would be about or above 50 square metres. The Council does not dispute this.
7. Although future occupants of the dwellings proposed may be at various stages in their lives (whether elderly, family or single, young professionals) it is likely that they would still desire a private area to sit out in and relax, garden or perhaps to erect a small shed for the storage of garden tools or a bicycle. Furthermore, as the proposed houses would have two bedrooms it is conceivable that they would be occupied by small families who would require play equipment.
8. The garden space or the balconies and terraces that would be provided with the dwellings proposed would be segregated to such a degree that they would not be of a sufficient size or quality to comfortably accommodate these needs. While the terraces and balconies would provide a sitting out area they would both be open to public view from users of Wyke Road. In addition the narrow private area to the rear of the houses would be enclosed by the steep railway embankment, which together with the proposed rear overhang of the new building, would create an oppressive, enclosed small area. Moreover, each of the gardens falls below the space standards set out within Policy DM D2 of the SPPP in that they do not comprise a single useable regular shaped amenity space.
9. The garden space and the terraces would be adjacent to the railway line to the rear of the site. Wykes Lane is a quiet, mainly residential, road located away from the busier commercial area to the north-west. At the time of my site visit

the relative quietness was punctuated by the very loud sound of frequent trains, sometimes two passing each other.

10. The appellant's Environmental Assessment and Vibration Assessment report (the EAVA) states that the noise levels in the gardens would be about 60dBLAeq16h. As a result it would be considerably above the upper guideline within the BS 8233:2014 Sound Insulation and Noise Reduction for Buildings – Code of Practice (the BS) of 55dBLAeq. I note that the BS recognises that it is not always practicable to achieve these levels in urban areas and adjacent to transport networks and therefore it states that development should be designed to achieve the lowest practicable levels in these external amenity areas but should not be prohibited. Furthermore, I acknowledge that the UK National Noise Incidence Study 2000/2001 found that 54% of UK homes were exposed to noise above 55dB LAeq16hr.
11. Nevertheless, in addition to the high noise levels there would be a near constant number of trains passing by within the day. At the time of my site visit I noted 11 trains passing the appeal site within a fifteen minute period. This is supported by the EAVA which noted 732 trains passing throughout the day time period. I note that the Council's Environmental Health officer raised no objections to the proposal, nonetheless, in my view, such a high frequency of trains with excessive noise levels would significantly detract from the occupier's enjoyment of their garden space.
12. I have had regard to the appeal sites location within a reasonable walking distance of areas of open space. However, Policy DM D2 does not allow for provision of garden space off site. Moreover the areas of public open space would afford limited privacy for occupiers.
13. I saw that other houses were close to the railway line to the north east of the appeal site. However, these properties had significantly larger, private rear gardens. I have also been directed to residential properties on Broughton Street in London that are located near to the railway line. Nevertheless, these properties are some distance from the appeal site and I cannot be sure that the details, particularly in respect of the noise and frequency of the trains, are directly comparable. In any case I have determined this appeal based on its own merits.
14. The Council has also raised concerns regarding the overall living conditions of the future occupiers. However the EAVA has adequately demonstrated that high noise levels could be sufficiently mitigated in the day and night. Other means of ventilation could be used in bedrooms to ensure that occupiers did not suffer by having to have their windows shut at night. Such an approach would be in accordance with Paragraph 006 of the Planning Practice Guidance (the PPG).
15. I have found the proposal to be acceptable in some respects. However, for the reasons above I conclude that it would not provide acceptable living conditions for future occupiers with regard to garden space and noise and disturbance within the garden. It would therefore be contrary to Policies DM D2 and DM EP2 of the SSSP. These require amongst other things that outdoor amenity space accords with the appropriate minimum standards and that development does not have a significant effect on the living conditions of future occupiers due to noise.

### **Balancing and Conclusion**

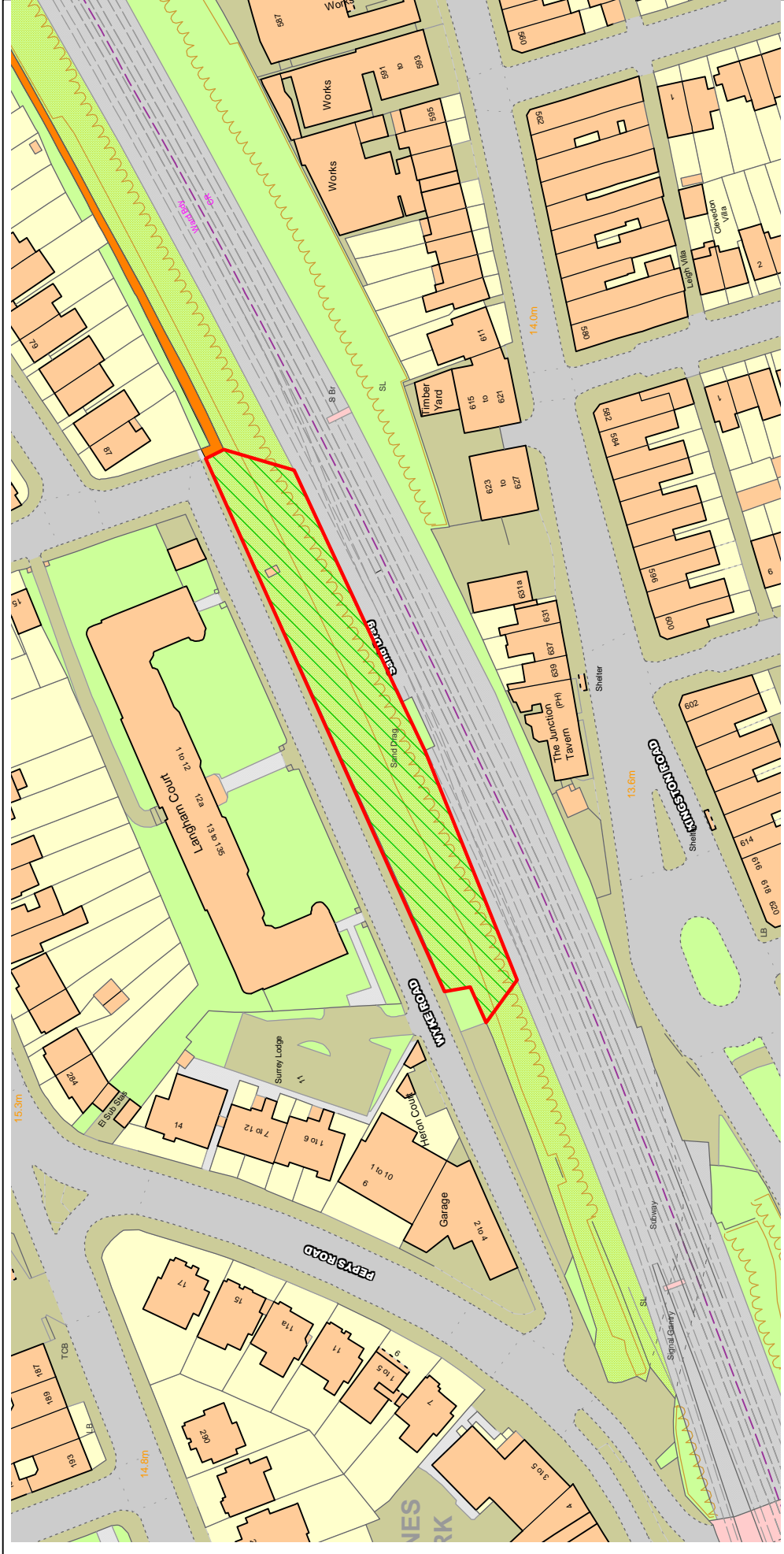
16. In considering the potential benefits of the proposal, I note that the six proposed dwellings would contribute to the Council's five year housing land supply as required by the Framework. A net increase of six dwellings would be a modest contribution and I afford this benefit moderate weight. Furthermore, I acknowledge that the proposal is located near to public transport links and local services which also carries some weight.
17. The proposed development would be significantly harmful to the living conditions of its future occupiers. This impact is contrary to both local and national planning policy to which I give considerable weight.
18. I am not aware as to whether the Council has a shortfall of housing supply. Even if the Council does have a shortfall and paragraphs 49 and 14 of the Framework are relevant, I have considered the benefits which would be derived from the appeal scheme but these only carry limited to modest weight. I conclude therefore that the considerable harm I have found would significantly and demonstrably outweigh these benefits when assessed against the policies in the Framework as a whole. The proposal would conflict with the Framework and Development Plan when taken as a whole and consequently the proposal is not sustainable development for which the Framework carries a presumption in favour. For this reason, and having regard to all other matters raised, I conclude the appeal should be dismissed.

*Zoe Raygen*

INSPECTOR



# NORTHGATE SE GIS Print Template



Text Details **Wyke Road**

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**Committee:** Planning Applications

**Date:** 20 September 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](#)**

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### **DETAILS**

Application Numbers: **17/P1351**  
Site: 208 Runnymede, Colliers Wood SW19 2RG  
Development: Erection of a hip to gable and rear roof extension with rear Juliette balcony  
Recommendation: Refused (Delegated Decision)  
Appeal Decision: **DISMISSED**  
Date of Appeal Decision: 17<sup>th</sup> August 2018

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

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Application Numbers: **17/P1400**  
Site: Workshops 1 to 3 Wellington Works, Wellington Road, Wimbledon Park SW19 8EQ  
Development: Demolition of workshops & telecom tower and erection of a part four/part two storey block comprising B1 use at ground floor and 22 self-contained flats above with roof terrace  
Recommendation: Refused (Delegated Decision)  
Appeal Decision: **DISMISSED**  
Date of Appeal Decision: 13<sup>th</sup> August 2018

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

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Application Numbers: **17/P1712**  
Site: 7 Christchurch Close, Colliers Wood SW19 2NZ  
Development: Erection of a detached, single storey dwellinghouse  
Recommendation: Refused (Delegated Decision)  
Appeal Decision: **DISMISSED**  
Date of Appeal Decision: 21<sup>st</sup> August 2018

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

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Application Numbers: **17/P2624**  
Site: 15 Ravensbury Avenue, Morden SM4 6ET  
Development: Erection of a detached bungalow  
Recommendation: Refused (Delegated Decision)  
Appeal Decision: **DISMISSED**  
Date of Appeal Decision: 20<sup>th</sup> August 2018

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

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Application Numbers: **17/P4193**  
Site: Land adj No 7 Juniper Gardens, Streatham SW16 5TJ  
Development: Demolition of existing building and erection of a new block comprising 2 x flats  
Recommendation: Refused (Delegated Decision)  
Appeal Decision: **DISMISSED**  
Date of Appeal Decision: 20<sup>th</sup> August 2018

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

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Application Numbers: **18/P0296**  
Site: Flat 4, 11 Mitcham Park, Mitcham, CR4 4EN  
Development: Erection of a single storey rear extension  
Recommendation: Refused (Delegated Decision)  
Appeal Decision: **ALLOWED**  
Date of Appeal Decision: 29<sup>th</sup> August 2018

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

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### **Alternative options**

- 3.1 The appeal decision is final unless it is successfully challenged in the Courts. If a challenge is successful, the appeal decision will be quashed and the case returned to the Secretary of State for re-determination. It does not follow necessarily that the original appeal decision will be reversed when it is re-determined.
- 3.2 The Council may wish to consider taking legal advice before embarking on a challenge. The following applies: Under the provision of Section 288 of the Town & Country Planning Act 1990, or Section 63 of the Planning (Listed Buildings and Conservation Areas) Act 1990, a person or an establishment who is aggrieved by a decision may seek to have it quashed by making an application to the High Court on the following grounds: -
1. That the decision is not within the powers of the Act; or
  2. That any of the relevant requirements have not been complied with; (relevant requirements means any requirements of the 1990 Act or of the Tribunal's Land Enquiries Act 1992, or of any Order, Regulation or Rule made under those Acts).

### **1 CONSULTATION UNDERTAKEN OR PROPOSED**

- 1.1. None required for the purposes of this report.

### **2 TIMETABLE**

- 2.1. N/A

### **3 FINANCIAL, RESOURCE AND PROPERTY IMPLICATIONS**

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

### **4 LEGAL AND STATUTORY IMPLICATIONS**

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

**5 HUMAN RIGHTS, EQUALITIES AND COMMUNITY COHESION IMPLICATIONS**

5.1. None for the purposes of this report.

**6 CRIME AND DISORDER IMPLICATIONS**

6.1. None for the purposes of this report.

**7 RISK MANAGEMENT AND HEALTH AND SAFETY IMPLICATIONS**

7.1. See 6.1 above.

**8 BACKGROUND PAPERS**

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

## **Committee:** Planning Applications Committee

**Date:** 20<sup>th</sup> September 2018

**Wards:** All

**Subject:** PLANNING ENFORCEMENT - SUMMARY OF CURRENT CASES

**Lead officer:** HEAD OF SUSTAINABLE COMMUNITIES

**Lead member:** CABINET MEMBER FOR REGENERATION, HOUSING AND  
TRANSPORT COUNCILLOR MARTIN WHELTON

**COUNCILLOR LINDA KIRBY, CHAIR, PLANNING APPLICATIONS COMMITTEE**

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

### **Recommendation:**

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That Members note the contents of the report.

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#### **1. Purpose of report and executive summary**

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

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

It should be noted that this section currently comprises of:

The Deputy Planning Enforcement Manager (full time).

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

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

<b>Current Enforcement Cases:</b>	<b>801</b>	<sup>1</sup> (793)	<b>New Appeals:</b>	(1)	(0)
<b>New Complaints</b>	<b>35</b>	(33)	<b>Instructions to Legal</b>	<b>0</b>	(0)
<b>Cases Closed</b>	<b>27</b>		<b>Existing Appeals</b>	<b>1</b>	(1)
No Breach:	14		<hr/>		
Breach Ceased:	10		<b>TREE ISSUES</b>		
NFA <sup>2</sup> (see below):	3		<b>Tree Applications Received</b>	<b>31</b>	<b>(33)</b>
Total	27	(25)	<b>% Determined within time limits:</b>	<b>91%</b>	
<b>New Enforcement Notices Issued</b>			<b>High Hedges Complaint</b>	<b>0</b>	<b>(1)</b>
Breach of Condition Notice:	0		<b>New Tree Preservation Orders (TPO)</b>	<b>1</b>	<b>(1)</b>
New Enforcement Notice issued	2	(1)	<b>Tree Replacement Notice</b>	<b>0</b>	
S.215: <sup>3</sup>	0		<b>Tree/High Hedge Appeal</b>	<b>0</b>	<b>(0)</b>
Others (PCN, TSN)	0	(1)			
Total	2	(1)			
<b>Prosecutions: (instructed)</b>	<b>0</b>	<b>(1)</b>			

Note (*figures are for the period 14<sup>th</sup> August 2018 to 7<sup>th</sup> September 2018*). The figure for current enforcement cases was taken directly from M3 crystal report.

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

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

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

## 2.0 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 16<sup>th</sup> 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.

**29 Belgrave Walk, Mitcham, CR4 3QQ.** The Council issued a Planning Enforcement Notice on 24<sup>th</sup> August 2018 requiring the removal of a first floor rear extension. The Notice will come into effect on 30<sup>th</sup> September 2018 with a 3 months compliance period unless an appeal is made before 30<sup>th</sup> September 2018.

**17 Burley Close, Streatham, SW16 4QQ.** The Council issued a Planning Enforcement Notice on 24th August 2018 requiring the removal of a tree house. The Notice will come into effect on 30th September 2018 with a 2 months compliance period unless an appeal is made before 30th September 2018.

## 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 30<sup>th</sup> October 2017. The Notice came into effect on 4<sup>th</sup> December 2017 with a compliance period of 3 calendar months from 4<sup>th</sup> 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 9<sup>th</sup> February 2016 against the unauthorised conversion of the former public house into eight self-contained flats. The notice came into effect on 18<sup>th</sup> March 2016 as there was no appeal prior to that date and the requirement is to cease using the building as eight self-contained flats within 6 months. Six of the flats are vacant and the owners have instructed builders to remove all 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 27<sup>th</sup> August 2014 to require a schedule of works to be carried out for the preservation of the Building which is listed.

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

The Council has now been provided with a copy of the archaeological survey report officers will be reviewing and making their recommendations. Case to be re-allocated to a new officer but kept under re-view.

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

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

- **13 Fairway, Raynes Park SW20.** On 2nd December 2016, the Council issued an amenity land notice against the untidy front and rear gardens of the property to require the owner to trim, cut back and maintain the overgrown bushes, weeds and trees. The compliance period is within one month of the effective date. No action has been taken by the owner. The Next step is to either take direct action or prosecution. This case is now to proceed to prosecution.
- **14 Tudor Drive SM4.** An Enforcement Notice was issued on the 9th February 2017 to cease the use of the land (outbuilding and garden) from residential (Class C3) to storage (Class B8). The Notice took effect on the 15th February 2017, no appeal was made. Compliance with the Notice was expected at the end of March 2017. Site visit to be undertaken to check for compliance.
- **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.

### 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 1<sup>st</sup> February 2018 with a three months compliance period from 1<sup>st</sup> 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. 11<sup>th</sup> April 2017 Appeal dismissed and Notice upheld. The compliance date was 12<sup>th</sup> May 2017, however an acceptable scheme has now been approved.

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

letter dated 27th September 2017. The Council is now going to issue a new enforcement Notice referring to the building as 3 garages. 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 28<sup>th</sup> February 2018. The appeal was dismissed by Decision Letter dated 7<sup>th</sup> March 2018. The period of time for compliance with the Enforcement Notice was extended from three months to six months from 7<sup>th</sup> 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 10<sup>th</sup> 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 –N/A**