

Merton Council

Planning Applications Committee Agenda

Membership

Councillors:

Aidan Mundy (Chair)
Simon McGrath (Vice-Chair)
Sheri-Ann Bhim
Michael Butcher
Edward Foley
Susie Hicks
Dan Johnston
Gill Manly
Martin Whelton
Thomas Barlow

Substitute Members:

Caroline Charles
Kirsten Galea
Nick McLean
Stephen Mercer
Stuart Neaverson
Matthew Willis

Date: Thursday 9 February 2023

Time: 7.15 pm

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

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<https://www.youtube.com/user/MertonCouncil>

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Planning Applications Committee Agenda

9 February 2023

- | | | |
|---|--|---------|
| 1 | Apologies for absence | |
| 2 | Declarations of Pecuniary Interest | |
| 3 | Minutes of the previous meeting | 1 - 6 |
| 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 | 19 Arras Avenue, Morden SM4 6DG | 7 - 56 |
| | Application No: 22/P2258 | |
| | Ward: Ravensbury | |
| | Recommendation: GRANT Planning permission subject to conditions | |
| 6 | Planning Appeal Decisions | 57 - 60 |
| | Officer Recommendation: | |
| | That Members note the contents of the report. | |
| 7 | Planning Enforcement - Summary of Current Cases | 61 - 72 |
| | Officer Recommendation: | |
| | That Members note the contents of the report. | |
| 8 | Glossary of Terms | 73 - 78 |

Note on declarations of interest

Members are advised to declare any Disclosable Pecuniary Interest 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. For further advice please speak with the Managing Director, South London Legal Partnership.

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Agenda Item 3

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

PLANNING APPLICATIONS COMMITTEE

17 JANUARY 2023
(7.15 pm - 9.30 pm)

PRESENT Councillors Councillor Aidan Mundy (in the Chair),
Councillor Simon McGrath, Councillor Sheri-Ann Bhim,
Councillor Michael Butcher, Councillor Edward Foley,
Councillor Susie Hicks, Councillor Dan Johnston,
Councillor Gill Manly, Councillor Martin Whelton and Councillor
Thomas Barlow

ALSO
PRESENT: Jonathan Berry (Interim Head of Development Management and
Building Control), Tim Bryson (Development Control Area
Manager– North), David Gardener (Principal Planning Officer),
Wendy Wong Chang (Principal Planning Officer), Raymond
Yeung (Principal Planning Officer), Jayde Watts (Democratic
Services Officer)

IN
ATTENDANCE
REMOTELY: Amy Dumitrescu (Democracy Services Manager)

1 APOLOGIES FOR ABSENCE (Agenda Item 1)

There were no apologies for absence.

2 DECLARATIONS OF PECUNIARY INTEREST (Agenda Item 2)

There were no declarations of interest.

3 MINUTES OF THE PREVIOUS MEETING (Agenda Item 3)

RESOLVED: That the minutes of the meeting held on 8 December 2022 were
agreed as an accurate record.

4 TOWN PLANNING APPLICATIONS (Agenda Item 4)

The Committee noted the amendments and modifications to the officer's report. The
Chair advised that the agenda would be taken in the published agenda order.

5 81-83 WIMBLEDON HILL ROAD, WIMBLEDON, LONDON, SW19 7QS (Agenda Item 5)

The Planning Officer presented the report.

The Committee received presentations from two objectors who raised points including:

- This application was similar to the application that was refused in 2021 which continued to conflict with Merton's policy on affordable housing.
- Objectors felt that the property was visually intrusive, overbearing and unneighbourly due to its mass, height, bulk and sighting.
- The development would cause overshadowing, overlooking and a 30% loss of light
- The existing property built in 1900 should be a heritage asset
- There have been 48 letters of objections
- No affordable housing has been provided
- There was a security concern of the communal area of the two linked apartment blocks
- The impact of car parking could impact neighbours
- There was no like for like replacement of trees
- As the property was on a hill slope, there was a risk to the foundations of neighbouring homes.

The committee received presentations from Ward Councillor Daniel Holden who raised points including:

- This was the second time that the site had come to the Planning Application Committee.
- Neighbours would be negatively impacted by this development, with negatives outweighing any positives of the scheme.
- The application should be refused due to an overbearing loss of light and loss of privacy, harming the resident's rights to a peaceful enjoyment of their homes and gardens.
- The application was previously refused due to a lack of affordable homes which has not changed with this application. This has meant that this proposal has failed to meet the Merton Council and London Plan policies on affordable housing units.
- The proposal was contrary to policy DMD2 of the sites and policy plan, policy CS14 of Merton's core strategy as well as the London Plan.

The committee received presentations from the representative of the applicant, Stephen Norris, who raised points including:

- As per the current Planning policy, the development made the most efficient use of the land.
- The site was within the public transport accessibility level 6A which was considered to be very high.
- As the first scheme was refused by the Committee in December 2021, they have worked with Planning Officers to overcome the previous objections and have made a positive contribution towards the character and appearance of the area.
- 17 new units have been proposed which would be a net gain of 13 units.

- Further consideration was given to minimise the impact to surrounding dwellings by controlling the views out from the new block to minimise overlooking.
- The development maximised the amount of green and amenity spaces around the building
- The height of the building was reduced by 2.05 meters, the shoulder of the building reduced by approximately 2 meters and the boundaries from Bluegates was extended by a further 1 meter.
- The gap between the development and the back of Leeward Gardens would be between 20 to 25 meters. To prevent direct overlooking, all of the facing windows have been indented and angled.
- Three reports were commissioned, one from the applicant and two from the council with regards to affordable housing. The reports from the council stated that the scheme would be in deficit and not viable for affordable housing. The applicant has however agreed to an early and late state review of the scheme to capture any potential uplift in value.
- Previous concerns raised in relation to car parking provisions have been addressed and resulted in the removal of the basement car park. The car park now consists of four level car parking spaces consisting of one disabled space, two car club spaces and one space for the house. All car parking spaces would have electric charging points.
- An energy statement concluded that the development would provide a 60% reduction in CO2 emissions.

In response to questions raised by the committee, Planning Officers advised:

- There were two affordability reviews completed that was separate to the one submitted by the applicant. Both reviews showed a significant deficit, with the first showing a deficit of 2.9 million and the second showing a deficit of 1.6 million.
- The early state review would usually take place once the foundations were built. If there was an uplift in value, it may allow for some affordable housing. The late stage review would normally take place approximately 75% into the development at which point a review would take place for a financial contribution.
- 7.2 meters from Bluegates to the development was measured from the closest part of Bluegates to the closest part of the proposed development.
- The windows at Bluegates would be 9.68 meters from the elevation.
- As the development would be a side elevation to a block of flats, it would be unrealistic to expect the development to not have any impact.
- The proposed development would be lower in height than Bluegates and there would be a sizable gap between properties.
- Numbers 26 – 30 at Leewood Gardens would be oriented to directly face the side of the proposed development's boundary and as such would be heavily prejudiced on what could be done with the site. This has resulted in a 20 meter gap located to the west of the development
- The resident commission daylight sunlight is a more comprehensive report which showed a 50% reduction. The applicant report was based on the VSC

- component which measured daylight at the window. The applicant would not be required to provide any form of test as per existing policy or guidance.
- At an appeal the inspector would focus on the issues raised at the Planning Application Committee, the reasons for refusal and review the evidence to support such reasons. Three professional viability reviews concluded that this scheme would make a deficit and the second review is what was used by planning officers. If the body of evidence required is not produced there would be a risk of financial sanctions to the Council. Officers have accepted the opinions received and as such have recommended approval for the proposed development.
 - Overbearing impact would be more subjective and would be less likely to incur costs awarded against the Council.
 - The applicants transport statement accepted that all parking spaces would be actively charged which would exceed the 20% requirement of the London Plan.
 - Previous reasons for refusal were due to height, mass and bulking when viewed from Leewood Gardens and impact on daylight sunlight at Bluegates. The height of the proposed development has now been reduced by 2.05 meters and further adjustments were made to the footprint, which resulted in the development being further away from Bluegates. Officers concluded that these amendments addressed concerns raised from the previous application and now complies with the relevant policies of the Local Plan.
 - The 7.2 meters mentioned in the agenda papers was the distance to the nearest point of the building. The elevation of the windows would be set back 9.6 to 9.7 meters from the building.
 - With the existing appeal at an advanced stage of the process, a condition could not be placed on the applicant to withdraw the appeal. The only option available would be for the applicant to volunteer to withdraw the existing appeal.

The Chair invited the applicant to respond to clarify details raised within questions from the committee.

The representative of the applicant informed the committee of the following:

- The applicant has previously used the consultant for affordable housing and despite there being differences in figures, the conclusions of all three reports have all been the same.
- As part of the early and late state review, if the development made additional money, considerations could be reviewed for affordable housing.
- A larger development may have produced larger profits but may not have necessarily made the development more viable for affordable housing if you were to factor in manufacturing costs.
- The applicant would not be prepared at this stage to agree to withdraw the existing appeal if the current application were to be granted.

The Chair moved to the vote on the Officers' recommendation.

The Committee agreed to:

REFUSE the application for the following reason:

The impact on the relationship between neighbours, occupiers and how they would perceive the development as not being in line with local distinctiveness

6 18 WHITFIELD COURT, 508 KINGSTON ROAD, RAYNES PARK, SW20 8DT
(Agenda Item 6)

The Planning Technician presented the report.

There were no objectors registered to address the Committee on this item.

In response to questions from the committee, the Planning Officer advised:

- It would be a requirement as per Condition 20 that requested details of the air source heat pump be provided.
- A condition could be included which would require compliance to noise
- Detail of walls and fences would be required as part of Condition 5 to be submitted as a pre-commencement condition. Amendments could be made to include citing, height and external appearance as well as Hedgehog tunnels.
- The highway and transport officers have acknowledged that this would be a restricted site and have recommended a condition that there would be a Logistics Plan in place.

The Chair moved to the vote on the Officers' recommendation with the following additional conditions:

- Air source heat pump agreed subject to noise.

RESOLVED: That the Committee GRANTED Planning Permission Subject to Conditions

7 PLANNING APPEAL DECISIONS (Agenda Item 7)

The report was noted.

8 PLANNING ENFORCEMENT - SUMMARY OF CURRENT CASES (Agenda Item 8)

The report was noted.

Members of the committee expressed gratitude for the work completed thus far by the Planning Team.

PLANNING APPLICATIONS COMMITTEE

09 FEBRUARY 2023

CASE OFFICER REPORT

<u>APPLICATION NO.</u>	<u>DATE VALID</u>
22/P2258	27/07/2022
Site Address:	19 Arras Avenue, Morden SM4 6DG
Ward:	Ravensbury
Proposal:	Part single /part two storey side and rear extensions, roof extensions and conversion of property into 6 self-contained flats (2 x 3-bed, 1 x 2-bed, 3 x 1-bed/1-person) with associated outside amenity space and refuse and bicycle enclosures
Drawing Nos:	01, 18 Rev A, 19 Rev A, 20 Rev A, 21 Rev A, 22 Rev A, 23 Rev A, 24 Rev A, 25 Rev A, 26 'PROPOSED BIN STORAGE DETAIL' Rev A, 26 'BIKE STORE' Rev A
Contact Officer:	Sarah Muckian (020 854453297)

RECOMMENDATION

GRANT Planning permission subject to conditions

CHECKLIST INFORMATION

Is a screening opinion required	No
Is an Environmental Statement required	No
Press notice	No
Site notice	No
Design Review Panel consulted	No
Number of neighbours consulted	13
External consultations	0
Internal consultations	4
Controlled Parking Zone	No
Conservation Area	No

Archaeological Priority Zone	No
Public Transport Accessibility Rating	2
Tree protection orders	No

1. **INTRODUCTION**

- 1.1.1 This application is being brought to the Planning Applications Committee for determination due to number of objections received. The application has also been called in by Councillor Stephen Alambritis.

2. **SITE AND SURROUNDINGS**

- 2.1.1 The application site comprises a semi-detached 3 bedroom house located on a corner plot south of Arras Avenue and east of Ravensbury Avenue, Morden.
- 2.1.2 Arras Avenue is characterised by a mixture of detached bungalows, detached two storey dwellings, semi-detached two storey dwellings and a two storey terrace. A mixture of side and rear ground floor extensions and hip to gable and roof extensions are prevalent throughout the area in a mixture of architectural styles and sizes.
- 2.1.3 17 Arras Avenue forms the other half of the semi, whilst 21 Arras Avenue is located on the opposite corner to the west of Ravensbury Avenue. Directly opposite the application site at 18 Arras Avenue is Wyvern Lodge/Youth Centre comprising 6 flats.
- 2.1.4 The site has a Public Transport Accessibility (PTAL) rating of 2 and is not located within Controlled Parking Zone.
- 2.1.5 The site is not within a Conservation Area nor is it a Listed Building.

3. **CURRENT PROPOSAL**

- 3.1.1 The application seeks planning permission for the erection of part single, part two storey side and rear extensions, roof extensions and conversion of existing single dwellinghouse into 6 self-contained flats.
- 3.1.2 The proposal would include the following mix of units:

Flat (level)	No. beds	No. persons	Storeys	Required GIA (sqm)	Proposed GIA (sqm)	External amenity (sqm)	Compliant
1 (ground)	3	4	1	74	80.0	22.0	Yes
2 (ground)	3	4	1	74	77.0	36.5	Yes
3 (first)	1	1	1	39(37)	37.4	104.4 Communal	Yes
4 (first)	1	1	1	39(37)	39.1	104.4 Communal	Yes
5 (first)	1	1	1	39(37)	42.0	104.4 Communal	Yes

6 (loft)	2	3	1	61	66.6	104.4 Communal	Yes
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Note – Where a 1b1p has a shower room instead of a bathroom, the floor area may be reduced from 39m² to 37m², as shown bracketed.

- 3.1.3 Flat 1 would have access to 22sqm of external amenity space. Flat 2 would have 36.5sqm. Flats 3-6 would have access to 104.4sqm of communal garden space. The amenity space would be divided with 1.8m high timber fencing.
- 3.1.4 The following extensions and external alterations are proposed:
- Installation of 5 rooflights on the front roofslope, 1 rooflight to the side roofslope, 1 rooflight above rear dormer roof extension and 2 rooflights above the single storey rear extension.
 - Erection of a two-storey side and rear extension with the following approximate measurements; maximum width 8.7m, maximum depth 8.7m, maximum height 9.3m, eaves height 6.3m and 6m. The resultant roof form would be hipped to the side and rear.
 - Erection of a rear roof extension extending across the existing building and two storey side extension with the following approximate measurements; height 2.5m, depth 3.3m and length 9.8m.
 - Erection of a single storey rear extension the following approximate measurements; depth 3.5m, width 15.2m, eaves height 2.8m, maximum height 3m.
- 3.1.5 The proposed external materials include render, roof tiles and windows to match the existing host dwelling
- 3.1.6 Proposed plans indicate that refuse storage would be located in the front garden. Cycle storage for the provision of 11 spaces would be located in the rear garden. There would be 6 air source heat pumps located in the rear garden.
- 3.1.7 Amendments: During lifecycle of the application amended drawings were received providing sufficient refuse storage in the front garden as requested by Waste Services.

4. PLANNING HISTORY

- 4.1.1 22/P1620 - Erection of 1 x two storey end terrace dwellinghouse -Grant Permission subject to Conditions 22/07/2022
- 4.1.2 22/P0696 - Application for a lawful development certificate in respect of the proposed erection of a hip to gable roof extension, rear roof extension and installation of x3 rooflights on the front roofslope - Issue Certificate of Lawfulness 25/04/2022
- 4.1.3 22/P0695 - Erection of a single storey rear extension - Grant Permission subject to Conditions 22/04/2022

5. CONSULTATION

- 5.1.1 The application has been advertised by standard site notice procedure and letters of notification to the occupiers of neighbouring properties.
- 5.1.2 In response to the consultation, letters of objection were received from forty-one (41)

households.

The letters of objection raise the following points:

Highways

- The Parking Survey has not been carried out properly, does not follow the Lambeth Methodology and draws false conclusions
- Questions available parking spaces stated in Parking Survey, the Wyvern Centre residents have moved in and generated extra vehicles parking on the street as well as households owning more than one vehicle
- The parking survey was assessed against a single house and not a residential scheme
- Nearby Controlled Parking Zone M2 means there is further pressure on the available parking
- Parking stress levels are close to or over 100%
- Providing no off street parking would result in an intolerable burden
- Additional unacceptable movements by residents and refuse vehicles would be generated
- A Transport Statement, Transport Assessment and Travel Plan should be required
- Concerns of increases traffic and footfall
- Recent nearby developments on Victory and Leonard Avenues provided parking
- Application 17/P4387 at Wyvern Lodge provides an example of the difference between planning guidance and the actual impacts- 4 off-street parking spaces were provided however car ownership is 10 vehicles and no residents cycle
- The site does not have good public transport accessibility therefore the density proposed is not supported by policy

Design

- Contrary to character of area
- Overdevelopment
- The amount of refuse storage provided would not be sufficient
- Questions why no solar panels are required
- The majority of flats would fall short of minimum space standards
- Aluminium windows proposed would be out of character with Arras Avenue

Neighbour Amenity

- Loss of amenity to neighbouring properties and rear garden
- Concerns of increased noise due to increased number of occupiers and air source heat pumps
- Loss of privacy and overlooking
- The application is not accompanied by a daylight and sunlight assessment

Other

- Received consultation letter 5 days late
- No site notice was erected
- Wyvern Centre does not set a precedent for conversion to flats
- Concerns on Planning Statement provided relating to brownfield sites, incorrect description of existing materials and roof form, and does not mention

- unadopted Merton Local Plan, or refer to NPPF
- Application 94/P0698 was omitted from previous Delegated Reports
- Loss in faith with LBM as a result of Application 17/P4387 Wyvern Lodge as conditions were not implemented despite referral to Enforcement including disabled bays, lighting and street tree.
- Loss of wildlife habitats
- Questions the inclusion NPPF quotation
- There is no justification for providing more housing units as per the 2020 and 2021 Housing Delivery Test
- Application documents not referring to up to date policy and guidance

Amended Parking Survey (06/10/2022)

5.1.3

Following the original parking survey, an amended Parking Survey (by ATC traffic Consultants) was received responding to the concerns of objectors and the Transport Planner. The survey was updated to show results within 200m of the application site, correcting the date the survey was carried out, correcting the description of development proposed, updating maps to show the dropped kerb crossings, where there is disabled parking bays, restricted parking and where spaces were occupied and empty at time of survey. The amended parking survey was received on 06/10/2022 and a re-consult carried out on (07/10/22). Six (6) households again objected. These letters of objection raise the following points:

Highways

- Claims that the parking survey was carried out by a 'fictitious company' and has overstated the parking availability and site area
- The parking survey consultant has not understood the Lambeth Guidance
- Neighbour at 22 Arras Avenue has carried out their own parking survey based on Lambeth Guidance showing 151 available spaces
- Requests a new parking survey be carried out

Other

- Delegated reports for 22/P0695, 22/P0696 and 22/P1620 omitted an application from 1994 where part of the rear gardens of 17 and 19 Arras Avenue were divided to allow erection of 1A Ravensbury bungalow.
- Requests that each household has its own refuse bins or large communal bins with a separate gateway
- Out of character and overdevelopment of the site
- Noise from communal garden which is next to 1A Ravensbury and from air source heat pumps which would be 1.5m away from bedroom window.
- 6 air source heat pumps in a small space would not comply with regulations for noise and pollution

New Parking Survey (16/12/22)

5.1.4

Following concerns raised by objectors about the validity of the original parking survey report, a new parking survey by Alpha Parking (a different company to the original parking survey) was received. The report states that the survey assessment was undertaken on 29th and 30th November 2022. Following receipt of the new report on

16/12/22, a re-consultation was carried out on the 19/12/22 to notify neighbours of this new parking survey. Forty-one (41) households wished to still express objection. The points raised included;

- The new parking survey does not reflect current difficulties in finding somewhere to park
- Concerned about multiple occupancy development in a neighbourhood of houses, bungalows and purpose-built maisonettes
- The refuse collection has implications for pedestrians and cleanliness
- Refers to a condition of 22/P1620 removing permitted development rights
- Requests application be heard at planning applications committee
- Noise from communal garden and air source heat pumps
- Recommendations for air source heat pumps require that they are not installed by a neighbours bedroom or fence, they should be 1m away from a fence and should have 30cm around the sides and rear with 1.5m unobstructed space in front. The plans do not meet the requirements.

LBM Highways Officer

- 5.1.5 Recommended condition H9 (Construction Management Plan) and informatives INF9 (Approvals and Licences) and INF12 (Work affecting public highway)

LBM Transport Officer (Original comments (08/08/22))

- 5.1.6 Conversion of house into 6 x self-contained units comprising, 2 x 3-bed/4-person flats, 1 x 2-bed/3-person flat and 3 x 1-bed/1-person flats.

Location

The site is a corner plot, located at the junction of Arras Avenue with Ravensbury Avenue.

PTAL

The site lies within an area PTAL 2 which is considered to be poor. A poor PTAL rating suggests that only a few journeys could be conveniently made by public transport.

Car Parking

No off street parking is provided.

The location of the proposal is outside the controlled parking zone so no possibility of having a permit free development.

The applicant has undertaken a parking stress survey which demonstrate that the average stress of all available unrestricted parking spaces within the survey area is 56%. Therefore, it is demonstrated that unrestricted parking within the survey area is currently not at a level that is considered to suffer from undue parking stress and the proposed development would not have an impact on the current parking situation.

Cycle Parking

The proposed layout shows 11 cycle parking spaces which satisfies the London Plan Standards.

Refuse

The servicing, refuse and recycling for the residential units would be undertaken on-street, as per the existing situation.

Recommendation: Raise no objection subject:

- Cycle Parking as shown (secure & undercover).

Comments on new parking survey (16/12/22)

5.1.7

Parking stress survey carried out by Alpha Parking Ltd The surveys carried out between 01:00am and 05:30am on Tuesday 29th and Wednesday 30th November 2022. Day 1 result at 61.54% and day 2 result at 63.19% give an average occupancy level of 62.36%, reflecting an average of 69 unoccupied parking spaces during the survey nights. Parking stress exceeding 85% is an indicative level at which the area would be a concern for parking. A result of 62.36% provides capacity for further parking within the area.

Recommendation: The submitted independent survey carried out within 200m of the site demonstrates that unrestricted parking is currently not at a level that is considered to suffer from undue parking stress and the proposed development is unlikely to have a significant impact on the adjoining highway network.

5.1.8

LBM Environmental Health Officer

The submitted documents do not address any aspect regarding potential noise emissions from the Air Source Heat Pumps. These are positioned close to a neighbouring dwelling and away from the proposed development building. There is no noise assessment submitted with the application. I would recommend that this information is provided in order that the application can be properly determined.

However, should you be minded to approve the application in any case, then I would suggest the following planning conditions:

- 1) Noise levels, (expressed as the equivalent continuous sound level) LAeq (15 minutes), from the air source heat pumps shall not exceed LA90-10dB at the boundary with any residential property.
- 2) A post confirmation noise survey shall be undertaken following completion of the development to ensure the specified levels are achieved, if not achieved additional mitigation shall be installed to the levels are achieved before use. Reason: To protect the amenities of the occupiers in the local vicinity.

5.1.9

LBM Waste Services

This is acceptable. As previously advised, these bins will all need to be presented for collection by kerbside on scheduled collection days, the crew will not go into the bin store. This is the same arrangement for all properties on the kerbside waste collection arrangement.

6. POLICY CONTEXT

List of relevant planning policies

National Planning Policy Framework (2021)

- Chapter 2 Achieving sustainable development

- Chapter 5 Delivering a sufficient supply of homes
- Chapter 9 Promoting sustainable transport
- Chapter 11 Making effective use of land
- Chapter 12 Achieving well-designed places
- Chapter 14 Meeting the challenge of climate change, flooding and coastal change

London Plan 2021

- Policy D1 London's form, character and capacity for growth
- Policy D3 Optimising site capacity through the design-led approach
- Policy D4 Delivering good design
- Policy D5 Inclusive design
- Policy D6 Housing quality and standards
- Policy D7 Accessible housing
- Policy D11 Safety, security and resilience to emergency
- Policy D12 Fire safety
- Policy D13 Agent of Change
- Policy D14 Noise
- Policy H1 Increasing housing supply
- Policy H2 Small sites
- Policy SI 1 Improving air quality
- Policy SI 2 Minimising greenhouse gas emissions
- Policy SI 7 Reducing waste and supporting the circular economy
- Policy SI 8 Waste capacity and net waste self-sufficiency
- Policy SI 13 Sustainable drainage
- Policy T1 Strategic approach to transport
- Policy T4 Assessing and mitigating transport impacts
- Policy T5 Cycling
- Policy T6 Car parking
- Policy T6.1 Residential parking
- Policy T7 Deliveries, servicing and construction

Merton Core Strategy (2011)

- Policy CS 8 Housing Choice
- Policy CS 9 Housing Provision

- Policy CS 14 Design
- Policy CS 15 Climate Change
- Policy CS 17 Waste Management
- Policy CS 18 Active Transport
- Policy CS 20 Parking, Servicing and Delivery

Merton Sites and Policies Plan (2014)

- DM H2 Housing mix
- DM D2 Design considerations in all developments
- DM D3 Alterations and extensions to existing buildings
- DM EP2 Reducing and mitigating noise
- DM F2 Sustainable urban drainage systems (SuDS) and; Wastewater and Water Infrastructure
- DM T1 Support for sustainable transport and active travel
- DM T2 Transport impacts of development
- DM T3 Car parking and servicing standards

7. PLANNING CONSIDERATIONS

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

- History (Material Planning Consideration)
- Principle of development
- Design (character and appearance)
- Impact upon neighbouring amenity
- Standard of accommodation
- Transport
- Sustainable design and construction
- Air Quality Neutral
- Flood risk and urban drainage
- Biodiversity

7.2 History (Material Planning Consideration)

7.2.2 It must be noted that the external design, appearance, character, height, siting and form etc of the proposal is nearly identical to the recently approved application for a new single dwellinghouse on the site (22/P1620 - Erection of 1 two storey end terrace dwellinghouse - Grant Permission subject to Conditions 22/07/2022). The only differences between the current application and 22/P1620 are:

- Internal changes to create 6 flats (rather than 2 houses)
- Garden split into 3 areas (private areas for flats 1 and 2 and a communal at the rear for flats 3-6)
- Reconfiguration of two front roof lights and a new roof light above rear dormer roof extension.

- Alterations to windows/doors of the ground floor single storey rear extension
- Redesign of front doors
- Additional bins storage within front gardens
- Relocation and increase of air source heat pumps in rear garden
- Cycle parking provided within rear garden

7.2.3 Therefore, in this instance, members of the planning committee need to fully consider the planning history of the site as a strong material planning consideration as the Council has already supported the design, massing, height and appearance of the proposed extensions and new building. Therefore, officers advise that the principle of the built design does not need to be reconsidered as there have been no material changes to the context of the site or planning policy since the previous decision back in July 2022.

7.3 Principle of development

7.3.4 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that when determining a planning application, regard is to be had to the development plan, and the determination shall be made in accordance with the development plan, unless material considerations indicate otherwise.

7.3.5 National Planning Policy Framework (NPPF) 2021 - Paragraph 124 explains planning decisions should support development that makes efficient use of land, taking into account the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it; the desirability of maintaining an area's prevailing character and setting, and the importance of securing well-designed, attractive and healthy places.

7.3.6 NPPF Paragraph 125 states that it is especially important that planning decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site.

Housing targets

7.3.7 Planning Policy H1 (Increasing housing supply) of the adopted London Plan 2021 has significantly increased Merton's housing target over a 10 year period (2019/20 - 2028/29) to 9,180 new homes. This equates to 918 homes annually, an increase of 507 compared to the former target (411) set out in Merton's current Sites and Policies Plan. The new target therefore seeks to deliver more than double the former annual target. This sets Merton a challenging target to deliver the expected number of new homes that London needs to meet demand.

Small Sites

7.3.8 The application site has a site area of less than 0.25 hectare. The application site therefore falls under planning policy H2 (Small Sites) of the London Plan 2021. Following on from the housing targets set out above, small sites are expected to deliver 2,610 new homes over the 10 year period (2019/20 - 2028/29). Policy H2 sets out that for London to deliver more of the housing it needs, small sites (below 0.25 hectares in size) must make a substantially greater contribution to new supply across the city. Therefore, increasing the rate of housing delivery from small sites is a strategic priority. Achieving this objective will require positive and proactive planning by boroughs both in terms of planning decisions and plan-making.

Five year land supply

7.3.9 At the time of writing, Merton currently does not have a five-year supply of deliverable housing. It is therefore advised that members should consider this position as a significant material consideration in the determination of planning applications proposing additional homes. Where local planning authorities cannot demonstrate a five year supply of deliverable housing sites, relevant decisions should apply the presumption in favour of sustainable development. This means that for planning applications involving the provision of housing, it should be granted permission unless:

- the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- any adverse effect of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.

7.3.10 In real terms, if Merton continues to not meet its housing supply, then greater weight will need to be given to delivering more housing in the planning balance. Therefore, it is important that the Council seeks to deliver new housing now and make the most efficient use of sites to deliver new homes with appropriately designed buildings. The scheme is considered to make the most efficient use of the site with a good quality development that respects the character and appearance of the area without being harmful. The additional units created on the site will make a valuable contribution towards Merton meeting its housing targets.

Conversion of house into flats

7.3.11 Policy CS14 (Design) of Merton's Core Planning Strategy 2011 states that schemes involving dwelling conversions that result in the loss of an existing family sized unit must incorporate the re-provision of at least one family sized unit - a family sized unit is one which has at least 3 bedrooms. The policy seeks to encourage well designed housing in the Borough by requiring development to comply with the following criteria:

- (a) by ensuring that all residential development complies with the most appropriate minimum space standards;
- (b) by requiring existing single dwellings that are converted into two or more smaller units of accommodation to:
 - i. incorporate the re-provision of at least one family sized unit where resulting in the loss of an existing family sized unit;
 - ii. comply with the most appropriate minimum space standards;
 - iii. not result in an adverse impact on the suburban characteristics of the streetscape.

7.3.12 The proposal would provide 2 family sized units as a result of the conversion and extension of the existing house on the site. The development would therefore meet the principle of planning policy CS14 (Design) by retaining family sized units on the site. As a result of the conversion, the prevailing character of the area would still remain single family dwelling houses and as set out in the report below all the flats meet minimum space standards.

Conclusion

7.3.13 The proposed development would bring forward additional residential units that would

help deliver Merton's increased housing targets. The principle of the development to deliver additional residential accommodation is therefore considered acceptable and in line with policies seeking to increase provision of additional homes by finding opportunities through intensification of small sites.

7.4 Design (character and appearance)

- 7.4.14 The National Planning Policy Framework (NPPF) states that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. The regional planning policy advice in relation to design is found in the Chapter 3 of the London Plan (2021). These policies state that Local Authorities should seek to ensure that developments promote high quality inclusive design, enhance the public realm, and seek to ensure that development promotes world class architecture and design.
- 7.4.15 London Plan Policy D3 requires development proposals to enhance local context by delivering buildings and spaces that positively respond to local distinctiveness through their layout, orientation, scale, appearance and shape, with due regard to existing and emerging street hierarchy, building types, forms and proportions. Local Policies CS14, DMD1 & DMD2 further supports this, requiring new developments to reflect the best elements of the character of the surrounding area, or have sufficient distinctive merit so that the development would contribute positively to the character and appearance of the built environment.
- 7.4.16 In line with the above policies, as set out in the history section of the main report, the design of the extensions and new building has already been considered to be acceptable under 22/P1620 (approved in July 2022). The proposed changes to the design of the development (as set out in section 7.2.2) are minor changes which have no material impact on the already agreed design approach. Therefore, officers maintain their view that the proposal would respect the visual amenities of the site and area.
- 7.4.17 For members information, extract from Delegated Report (22/P1620):
- The design of the proposed dwellinghouse would replicate the existing to appear as a continuation to create a terrace row in terms of massing with bay windows and fenestration but would have a slightly subordinate appearance to the end with a setback element to the side. So, while the new dwelling would be of substantial scale, it is considered it would be acceptable given the massing relates well to the existing pattern of the semi-detached pair.
- The roof would display a hipped roof to the main roof and subservient end element, which is considered appropriate to retain a semblance of symmetry along the new terrace.
- The permitted development rear roof extension on the roof of the existing dwelling would be seamlessly carried across the roof of the new dwelling. Therefore, it is considered to be of acceptable scaling and massing with setback from the eaves.
- So as to not appear contrary, at the rear, the new dwelling would replicate the existing gable at first floor level and at ground floor would have the appearance of an extension to match the host dwelling.
- 7.4.18 The proposed plans detail that planting would be established in the front garden. A suitable worded condition should be applied requiring details of the landscaping as this element would enhance this characteristic present in a number of front gardens along Arras Avenue.

- 7.4.19 Therefore, Officers maintain the extensions would not be considered harmful to the character and appearance of the dwelling and street scene. Subsequently, the proposal is therefore acceptable in terms of policies CS14, DM D2 and DM D3 in respect of character and appearance.

7.5 Impact upon neighbouring amenity

- 7.5.20 Planning Policy D6 (Housing quality and standards) of the London Plan 2021 states that the design of development should provide sufficient daylight and sunlight to new and surrounding housing that is appropriate for its context, whilst avoiding overheating, minimising overshadowing and maximising the usability of outside amenity space.
- 7.5.21 Planning policy CS policy 14 of Merton's Core Planning Strategy and policy DM D2 of Merton's Sites and Policies Plan seek to ensure new developments does not unacceptably impact on the amenities of the occupiers of any adjoining and nearby surrounding properties. Planning policy DM D2 (Design considerations in all developments) states that amongst other planning considerations that proposals will be expected to ensure provision of appropriate levels of sunlight and daylight, quality of living conditions, amenity space and privacy, to both proposed and adjoining buildings and gardens.
- 7.5.22 As set out within the committee report, officers have already considered that the built form of the development is acceptable, this includes from both a design and neighbour amenity perspective. However, as the proposal now seeks to provide 6 flats on the site, there are changes to the layout of the development, which include an increase in the number of units on the site, changes to amenity space, minor external changes and an increase and relocation of cycle/air source heat pumps.

17 Arras Avenue

- 7.5.23 This neighbour forms part of the other half of the semi detached house. The neighbour has an existing single storey rear extension. The proposed extensions at ground floor level would not extend beyond the neighbours existing extension. Therefore, there would be no undue loss of amenity.
- 7.5.24 At first floor level, the proposed extension would be sited to the flank of the existing two storey rear outrigger (on the side away from this neighbour), therefore, there would be no undue impact upon this neighbours amenity.
- 7.5.25 The rear roof extension, whilst large in size, is sited above the eaves of the roof and therefore away from the neighbours rear windows. In terms of overlooking, first floor rear windows already exist on the host property and neighbouring properties, therefore a degree of overlooking already exists. Given the established arrangement, it is considered that there would be no additional overlooking to warrant refusal of planning permission.
- 7.5.26 The subdivision of the house into flats over the three floors (which adjoin this neighbour) would result in the space potentially being more intensely used, however there is no evidence that this would create a demonstrable adverse impact on the amenities of the neighbour to warrant refusal of planning permission. Likewise, the splitting of the rear garden may or may not result in the gardens being more intensely used, but there is no evidence to justify a refusal of planning permission.

21 Arras Avenue

- 7.5.27 This neighbouring property which is located on the other side of Arras Avenue would be separated from the application site by a public highway (Ravensbury Avenue) which would offer some visual relief between neighbours. This is a standard

relationship within urban areas. The level of separation from this neighbour to the proposed extensions are also well distanced away to ensure that there would be no undue loss of amenity.

1a Ravensbury Avenue

7.5.28 This neighbouring property which is located directly to the rear of the application site is a single storey bungalow that is orientated at a right angle to the application site. Therefore, the majority of the proposed extensions would sit opposite the flank wall of this neighbouring property (note neighbours flank wall is inset approximately 1.1m from the rear boundary of the application site). The neighbours flank wall does include a side window which is directed towards the application site, however this window serves a bathroom (according to approved plans of 94/P0698) which is not considered to be a habitable room.

7.5.29 The ground floor extensions would be set back approximately 7m from the rear boundary of the application site and approximately 8m from the proposed first floor extension, which offers a good level of separation to respect neighbouring amenity. As the neighbouring house is positioned to the south of the application site, there are no concerns with loss of light or overshadowing from the proposed extensions. The proposed extensions include rear facing windows which would be directed towards this neighbour, however rear windows already exist on the host property and neighbouring properties, therefore a degree of overlooking already exists. Given the established arrangement, it is considered that there would be no additional overlooking to warrant refusal of planning permission

Air source heat pumps

7.5.30 Six (6) new air source heat pumps would be located in the rear garden close and along the shared boundary with 1A Ravensbury Avenue. The pumps would be screened by the location of the proposed cycle store and the existing high boundary fences. These existing and proposed structures will help reduce noise levels and screen views of the pumps from surrounding properties and the street scene. The Councils Environmental Health Officer has raised no objection to the instalment of the pumps, subject to suitably worded conditions to ensure that noise levels do not exceed LA90-10dB and the requirement of a noise survey report to confirm compliance upon completion.

Conclusion

7.5.31 Overall, officers have already considered the extensions to have no adverse impact on neighbours and the proposed changes under the current application are still considered to respect neighbouring amenity. The proposal with recommended conditions in place would safeguard the living conditions of adjoining neighbours, and therefore would comply with relevant local plan policy.

7.6 Standard of accommodation

7.6.32 Planning Policy D6 (Housing quality and standards) of the London Plan 2021 states that housing development should be of high quality design and provide adequately-sized rooms with comfortable and functional layouts which are fit for purpose and meet the needs of Londoners without differentiating between tenures. The design of development should provide sufficient daylight and sunlight for future occupiers, have adequate and easily accessible storage space and maximise the provision of dual aspect dwellings (normally avoiding the provision of single aspect dwellings). All units must be designed to meet or exceed the minimum Gross Internal Area (GIA) standards as set out in Planning Policy D6 (Housing quality and standards).

7.6.33 Core Planning policy CS 14 and SPP policies DM D1 and DM D2 seek to ensure that

new residential development is of a high standard of design both internally and externally and provides accommodation capable of adaptation for an ageing population and for those with disabilities, whilst offering a mix of unit size reflective of local need. The proposed schedule of accommodation for this current application is set out below:

Flat (level)	No. beds	No. persons	Storeys	Required GIA (sqm)	Proposed GIA (sqm)	Compliant	External amenity (sqm)
1 (ground)	3	4	1	74	80.0	Yes	22.0
2 (ground)	3	4	1	74	77.0	Yes	36.5
3 (first)	1	1	1	39(37)	37.4	Yes	104.4 Communal
4 (first)	1	1	1	39(37)	39.1	Yes	104.4 Communal
5 (first)	1	1	1	39(37)	42.0	Yes	104.4 Communal
6 (loft)	2	3	1	61	66.6	Yes	104.4 Communal

Note – Where a 1b1p has a shower room instead of a bathroom, the floor area may be reduced from 39m² to 37m², as shown bracketed.

- 7.6.34 All of the flats would exceed Internal Space Standards (GIA), and would have adequately sized rooms and convenient and efficient room layouts, which are functional and fit for purpose. Good outlook as well as adequate daylight / sunlight would be received into habitable rooms. All units would be dual aspect however, officers note Flat 6 in the loft would be served by a rear window and front rooflights. No objections are raised towards this configuration.

Amenity Space

- 7.6.35 Planning Policy D6 (Housing quality and standards) of the London Plan 2021 states that a minimum of 5 sqm of private outdoor space should be provided for 1-2 person dwellings and an extra 1 sqm should be provided for each additional occupant.

- 7.6.36 The family sized ground floor units would have direct access to 22sqm and 36 sqm of private external amenity space, thereby complying with the above policies.

- 7.6.37 Officers note there is adequate external space for the remaining 4 flats in the rear by means of 104.4sqm of communal garden space. This arrangement is considered acceptable, given further subdividing of the space would not be practical.

- 7.6.38 Overall, the proposal meets the requirements of policy D6 of the London Plan 2021 and policy DMD2 of the Council's Sites and Policies Plan.

7.7 Transport and parking and cycle storage

- 7.7.39 Planning Policy T1 (Strategic approach to transport) of the London Plan 2021 states that the delivery of the Mayor's strategic target of 80 per cent of all trips in London to be made by foot, cycle or public transport by 2041. All development should make the most effective use of land, reflecting its connectivity and accessibility by existing and future public transport, walking and cycling routes, and ensure that any impacts on

London's transport networks and supporting infrastructure are mitigated.

7.7.40 Planning Policy DM T2 (Transport impacts of development) of Merton's Sites and Policies Plans seeks to ensure that development is sustainable and has minimal impact on the existing transport infrastructure and local environment.

7.7.41 Core Strategy policy CS20 and SPP policy DM T3 require that developments do not adversely affect pedestrian or cycle movements, safety, the convenience of local residents, on street parking or traffic management.

Car Parking

7.7.42 Planning Policy T6 Car parking of the London Plan 2021 states that Car-free development should be the starting point for all development proposals in places that are (or are planned to be) well-connected by public transport, with developments elsewhere designed to provide the minimum necessary parking ('car-lite'). Car-free development has no general parking but should still provide disabled persons parking in line with Part E of this policy.

7.7.43 The application site has a Public transport accessibility level (PTAL) rating of only 2 (poor) and is not located within a Controlled Parking Zone. Therefore, in this instance, the development is not suitable as a permit free development.

7.7.44 London Plan policy T6.1 (Residential Parking) of the London Plan states that new residential development should not exceed the maximum parking standards set out in Table 10.3. As no car parking is proposed, the development would comply with the maximum standards identified in policy T6.1 (which in this instance would be 1-2 beds (up to 0.75 spaces per dwelling and 3+ beds (up to 1 space per dwelling)).

7.7.45 As no onsite car parking is proposed and the site is not within a controlled parking zone (where the Council could restrict car parking permits), the development could create the potential for additional car parking in surrounding streets as more units (and persons) are proposed. Therefore, consideration must be given the scale of the proposal (plus considering the existing situation) and its impact on the surrounding road network.

7.7.46 In this instance, the proposed development is considered to be modest scaled residential development. There is an existing 3 bedroom house on the site and 6 flats are proposed. In terms of the net number of persons created by the development, the existing house could accommodate 5 persons whilst the proposal has been designed for up to 14 persons. So, there could be an increase of 9 persons following the redevelopment of the site. In a worst-case scenario (if none of the occupants of existing house have cars and all occupants of the new development had cars), then consideration needs to be made if the local road network can satisfactorily accommodate 14 additional cars.

7.7.47 The applicant has provided two separate car parking surveys, both of which confirm similar results of an average occupancy level of either 57% (results from ATC traffic Consultants) or 62.36% (results from Alpha Parking). In relating to the parking survey from Alpha Parking, it states that of the 182 spaces included in the survey area (within 200m walking distance of the site), 112 and 115 were occupied on each of the two nights surveyed (leaving 70 and 67 spaces free for parking). The Councils Transport Planning has considered the parking surveys and has raised no objections to the proposal. As set out in section 5.1.7 of this report, Councils Transport Planner makes the following comments on the new parking survey:

"Parking stress survey carried out by Alpha Parking Ltd The surveys carried out between 01:00am and 05:30am on Tuesday 29th and Wednesday 30th

November 2022. Day 1 result at 61.54% and day 2 result at 63.19% give an average occupancy level of 62.36%, reflecting an average of 69 unoccupied parking spaces during the survey nights. Parking stress exceeding 85% is an indicative level at which the area would be a concern for parking. A result of 62.36% provides capacity for further parking within the area.

Recommendation: The submitted independent survey carried out within 200m of the site demonstrates that unrestricted parking is currently not at a level that is considered to suffer from undue parking stress and the proposed development is unlikely to have a significant impact on the adjoining highway network”.

- 7.7.48 During the application process, officers have responded to the concerns raised by neighbours about the parking surveys and impact on the local road network. Officers have taken into consideration those concerns and acknowledge that sometimes parking very close to your home is not always possible and can be inconvenient/frustrating (as with many streets in London), however there are spaces within the local area which can accommodate the proposed development without causing significant harm or disruption to the local road network to warrant refusal of planning permission.

Cycling

- 7.7.49 Planning Policy T5 (Cycling) of the London Plan 2021 states that development proposals should help remove barriers to cycling and create a healthy environment in which people choose to cycle. Developments should provide cycle parking at least in accordance with the minimum standards set out in Table 10.2. In accordance with Table 10.2, residential dwellings should provide 1 space per studio/1 person 1 bedroom dwelling, 1.5 spaces per 2 person 1 bedroom dwelling and 2 spaces per all other dwellings. For developments with 5-40 dwellings, 2 additional short stay spaces are required.

- 7.7.50 Secure and covered cycle storage would be located in the rear garden for 11 cycle spaces. Therefore, the proposal complies with policy T5 of the London Plan 2021.

Construction

- 7.7.51 As requested by the Councils Highways Officer, details of the provision of site workers and construction vehicles shall be agreed via planning condition to ensure the safety of pedestrians and vehicles during construction.

Refuse storage and collection

- 7.7.52 Policy D6 (Housing quality and standards) of the London Plan 2021 states that housing should be designed with adequate and easily accessible storage space that supports the separate collection of dry recyclables (for at least card, paper, mixed plastics, metals, glass) and food waste as well as residual waste.

- 7.7.53 Initial comments from Waste Services indicated that the use of 1100l communal eurobins would not be permissible for flats under 10 units. Shared wheelie bins and individual waste bins should be provided. It was discussed that 330l wheelie bins to be shared by 2 units be implemented to minimise space taken by refuse. Consequently, amended drawings were provided showing the new arrangements.

- 7.7.54 The refuse storage would be located in the front garden which is considered a suitable location. This would be convenient on collection days when needing to wheel/bring forward to the kerbside. The proposal indicates the residual waste bin; paper and card bin; dry recycling container; and food waste bins would be enclosed in a timber store. The Councils Waste Officer has confirmed that the amended refuse design is

acceptable. Therefore, the proposal complies with policy CS17 of the council's Core Strategy Policy and policy SI 7 and SI 8 of the London Plan 2021.

7.8 Sustainable design and construction

- 7.8.55 Merton's Core Planning Strategy (2011) Policy CS15 outlines how all minor and major development, including major refurbishment, should demonstrate: how the proposal makes effective use of resources and materials, minimises water use and CO2 emissions; makes the fullest contribution to minimising carbon dioxide emissions in accordance with the energy hierarchy and designed to withstand the long term impacts of climate change.
- 7.8.56 The applicant has submitted an Energy Statement with the application which states that several options to reduce the energy demand were considered in terms of feasibility and viability. It was concluded that the most effective low carbon technology for the new flats was the addition of Air Source Heat Pumps. The Air Source Heat Pumps proposed were chosen as they consider that these will have minimal material, noise and minimal visual impacts on the proposed development.
- 7.8.57 Part L of Building Regulations was updated (Part L 2021) and Part L 2021 is estimated to represent a 31% improvement against Part L 2013. As a result, the new Part L 2021 exceeds the 19% improvement against Part L 2013 target which Merton requires for minor schemes. Therefore, better improvements to building standards will now be controlled under building control regulations, however under planning, we will still need to see evidence of meeting Merton's internal water use rate of 105 Litres per person per day for minor residential schemes. In order to secure this requirement, a planning condition can be attached requiring evidence that the development has met this standard.

7.9 Air Quality

- 7.9.58 London Plan Policy SI 1 requires all minor development to be air quality neutral. An Air Quality Statement or Assessment has not been submitted with the application, however given the modest scale of the development with no on-site car parking proposed and use of air pumps rather than gas boilers, the development is assumed Air Quality Neutral. Officers recommend a pre-occupation condition is attached ensuring that the development has achieved assumed air quality neutral status in line with draft guidance.

7.10 Flood risk and urban drainage

- 7.10.59 London Plan Policies SI12 (Flood Risk Management) and SI13 (Sustainable Drainage) seek to protect the borough from flooding and provide sustainable urban drainage where appropriate. This is supported by Merton Core Strategy Policy CS16 (Flood Risk Management) and Merton SPP policies DM F1(Support for Flood Risk Management) and DM F2 (Sustainable Urban Drainage Systems).
- 7.10.60 Planning Policy SI 13 (Sustainable drainage) states that development proposals should aim to achieve greenfield run-off rates and ensure that surface water run-off is managed as close to its source as possible. There should also be a preference for green over grey features, in line with the following drainage hierarchy:
- 1) rainwater use as a resource (for example rainwater harvesting, blue roofs for irrigation)
 - 2) rainwater infiltration to ground at or close to source
 - 3) rainwater attenuation in green infrastructure features for gradual release

(for example green roofs, rain gardens)

4) rainwater discharge direct to a watercourse (unless not appropriate)

5) controlled rainwater discharge to a surface water sewer or Drain

6) controlled rainwater discharge to a combined sewer

- 7.10.61 The application site is situated in Flood Zone 1 (low probability of flooding from rivers and the sea). The application does not include details of sustainable drainage aspirations. However, some measures, such as water butts at the very least could be incorporated and this matter can be addressed by condition. Officers conclude that subject to condition, the proposed development would be acceptable in terms of drainage and runoff.

7.11 Biodiversity

- 7.11.62 Planning Policy G6 of the London Plan sets out that development proposals should manage impacts on biodiversity and aim to secure net biodiversity gain, including sites not within areas of special protection. Planning Policy DM O2 (Nature conservation, trees, hedges and landscape features) of Merton's Sites and Policies Plan seeks to protect and enhance biodiversity. Policy CS13 of the Core Planning Strategy requires proposals for new dwellings in back gardens must justify the impact on biodiversity value of the site.
- 7.11.63 It is considered the biodiversity value of the existing site is limited, however as part of the development of the site, further details of biodiversity features can be controlled via a planning condition so that there is some biodiversity value delivered.

8. ENVIRONMENTAL IMPACT ASSESSMENT

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

9. LOCAL FINANCE CONSIDERATIONS

- 9.1.1 Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority must have regard to a local finance consideration as far as it is material. The weight to be attached to a local finance consideration remains a matter for the decision maker. The Mayor of London's CIL and Merton CIL are therefore material considerations.
- 9.1.2 On initial assessment this development is considered liable for the Mayoral and Merton CIL.

10. CONCLUSION

- 10.1.1 The principle of development is considered to be acceptable by maximizing the potential of the site, helping Merton deliver its increased housing targets and retaining family sized units on the site. The standard of residential accommodation is considered to offer good accommodation that would meet the needs of future occupiers. Each flat would have access to suitable bin and cycle facilities and direct access to amenity spaces which exceeds minimum standards. The proposed conversion and extensions are considered to respect the host building, semi, street scene and would have no undue impact upon neighbouring amenity, highways, or flooding. The proposals are therefore considered to be in accordance with Adopted Sites and Policies Plan, Core

Planning Strategy and London Plan policies. The proposal is therefore recommended for approval subject to conditions.

11. RECOMMENDATION

11.1.1

GRANT PLANNING PERMISSION subject to the following conditions:

1. Commencement of development (full application) - 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. A7 Approved Plans - The development hereby permitted shall be carried out in accordance with the following approved plans: [18 Rev A, 19 Rev A, 20 Rev A, 21 Rev A, 22 Rev A, 23 Rev A, 24 Rev A, 25 Rev A, 26' BIKE STORE PLAN' Rev A, 26 'TIMBER REFUSE STORE PLAN' Rev A]

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

3. External Materials as Specified - The facing materials to be used for the development hereby permitted shall be those specified in the application form 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: policies D4 and D8 of the London Plan 2021, policy CS14 of Merton's Core Planning Strategy 2011 and policies DM D2 and D3 of Merton's Sites and Policies Plan 2014.

4. Refuse & Recycling (Implementation) - 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: policies T4 and T7 of the London Plan 2021, policy CS17 of Merton's Core Planning Strategy 2011 and policy DM D2 of Merton's Sites and Policies Plan 2014.

5. No Use of Flat Roof - 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.

Reason: To safeguard the amenities and privacy of the occupiers of adjoining properties and to comply with the following Development Plan policies for Merton: policies D3 and D4 of the London Plan 2021, policy CS14 of Merton's Core Planning Strategy 2011 and policies DM D2 and D3 of Merton's Sites and Policies Plan 2014.

6. Construction Times - 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: policies D14 and T7 of the London Plan 2021 and policy DM EP2 of Merton's Sites and Policies Plan 2014.

7. Cycle Parking to be implemented - The development hereby permitted shall not be occupied until the cycle parking shown on the plans hereby approved has been provided and made available for use. These facilities shall be retained for the occupants of and visitors to the development at all times.

Reason: To ensure satisfactory facilities for cycle parking are provided and to comply with the following Development Plan policies for Merton: policy T5 of the London Plan 2021, policy CS18 of Merton's Core Planning Strategy 2011 and policy DM T1 of Merton's Sites and Policies Plan 2014.

8. The development shall not commence until details of the provision to accommodate all site workers', visitors' and construction vehicles and loading /unloading arrangements during the construction process have been submitted to and approved in writing by the Local Planning Authority. The approved details must be implemented and complied with for the duration of the construction process.

Reason: In the interests of the safety of pedestrians and vehicles and to comply with the following Development Plan policies for Merton: policies CS18 and CS20 of Merton's Core Planning Strategy 2011 and policies DM T2, T3, T4 and T5 of Merton's Sites and Policies Plan 2014.

9. Prior to the first occupation of the dwelling hereby approved, a scheme for ecological enhancements on the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved measures prior to the first occupation of the dwelling hereby approved. The approved measures shall be retained thereafter.

Reason: Having regard to the ecological value of the site and to comply with the following Development Plan policies for Merton: G6 of the London Plan 2021, policy CS13 of Merton's Core Planning Strategy 2011 and policy DM 02 of Merton's Sites and Policies Plan 2014.

10. 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 internal water consumption rates of no greater than 105 litres per person per day

Reason: To ensure that the development achieves a high standard of sustainability and makes efficient use of resources and to comply with the

following Development Plan policies for Merton: Policy SI 2 and SI 3 of the London Plan 2021 and Policy CS15 of Merton's Core Planning Strategy 2011.

11. The development hereby approved shall not be occupied until a scheme for the provision of surface water drainage has been implemented in accordance with details that have been submitted to and approved in writing by the local planning authority.

Reason: To ensure satisfactory means of surface water drainage, to reduce the risk of flooding and to comply with the following Development Plan policies for Merton: policy SI 13 of the London Plan 2021, policy CS16 of Merton's Core Planning Strategy 2011 and policy DM F2 of Merton's Sites and Policies Plan 2014

12. Noise levels, (expressed as the equivalent continuous sound level) LAeq (15 minutes), from the air source heat pumps shall not exceed LA90-10dB at the boundary with any residential property.

Reason: To safeguard the amenities of the occupiers of adjoining properties and to comply with the following Development Plan policies for Merton: policies D3 and D4 of the London Plan 2021, policy CS14 of Merton's Core Planning Strategy 2011 and policies DM D2 and D3 of Merton's Sites and Policies Plan 2014.

13. A post confirmation noise survey shall be undertaken following completion of the development to ensure the specified levels are achieved, if not achieved additional mitigation shall be installed to the levels are achieved before use.

Reason: To safeguard the amenities of the occupiers of adjoining properties and to comply with the following Development Plan policies for Merton: policies D3 and D4 of the London Plan 2021, policy CS14 of Merton's Core Planning Strategy 2011 and policies DM D2 and D3 of Merton's Sites and Policies Plan 2014.

14. No development (other than below ground works) shall take place until details of all boundary walls or fences are submitted in writing for approval to the Local Planning Authority. No works which are the subject of this condition shall be carried out until the details are approved, and the development shall not be occupied / the use of the development hereby approved shall not commence until the details are approved and works to which this condition relates have been carried out in accordance with the approved details. The walls and fencing shall be permanently retained thereafter.

Reason: To ensure a satisfactory and safe development in accordance with the following Development Plan policies for Merton: policies D4 and D8 of the London Plan 2021, policy CS14 of Merton's Core Planning Strategy 2011 and policies DM D1 and D2 of Merton's Sites and Policies Plan 2014.

15. No external lighting shall be installed without the prior approval in writing of the Local Planning Authority.

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: policies DM D2 and DM EP4 of Merton's Sites and Policies Plan 2014.

16. No development (other than below ground works) shall take place until full details of a landscaping and planting scheme has been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved before the commencement of the use or the occupation of any building hereby approved, unless otherwise agreed in writing by the Local Planning Authority. The details shall include on a plan, full details of the size, species, spacing, quantities and location of proposed plants, together with any hard surfacing, means of enclosure, and indications of all existing trees, hedges and any other features to be retained, and measures for their protection during the course of development.

Reason: To enhance the appearance of the development in the interest of the amenities of the area, to ensure the provision sustainable drainage surfaces and to comply with the following Development Plan policies for Merton: policies G7 and D8 of the London Plan 2021, policies CS13 and CS16 of Merton's Core Planning Strategy 2011 and policies DM D2, DM F2 and DM O2 of Merton's Sites and Policies Plan 2014.

17. The hardstanding hereby permitted shall be made of porous materials, or provision made to direct surface water run-off to a permeable or porous area or surface within the application site before the development hereby permitted is first occupied or brought into use.

Reason: To reduce surface water run-off and to reduce pressure on the surrounding drainage system in accordance with the following Development Plan policies for Merton: policy SI12 of the London Plan 2021, policy CS16 of Merton's Core Planning Strategy 2011 and policy DMF2 of Merton's Sites and Policies Plan 2014.

18. The gates hereby approved shall not open over the adjacent highway.

Reason: In the interests of the safety of pedestrians and vehicles and to comply with the following Development Plan policies for Merton: policies CS18 and CS20 of Merton's Core Planning Strategy 2011 and policies DM T2, T3, T4 and T5 of Merton's Sites and Policies Plan 2014.

19. No refuse or waste material of any description shall be left or stored anywhere on the site other than within a building or refuse enclosure.

Reason: To safeguard the appearance of the property and the amenities of the area

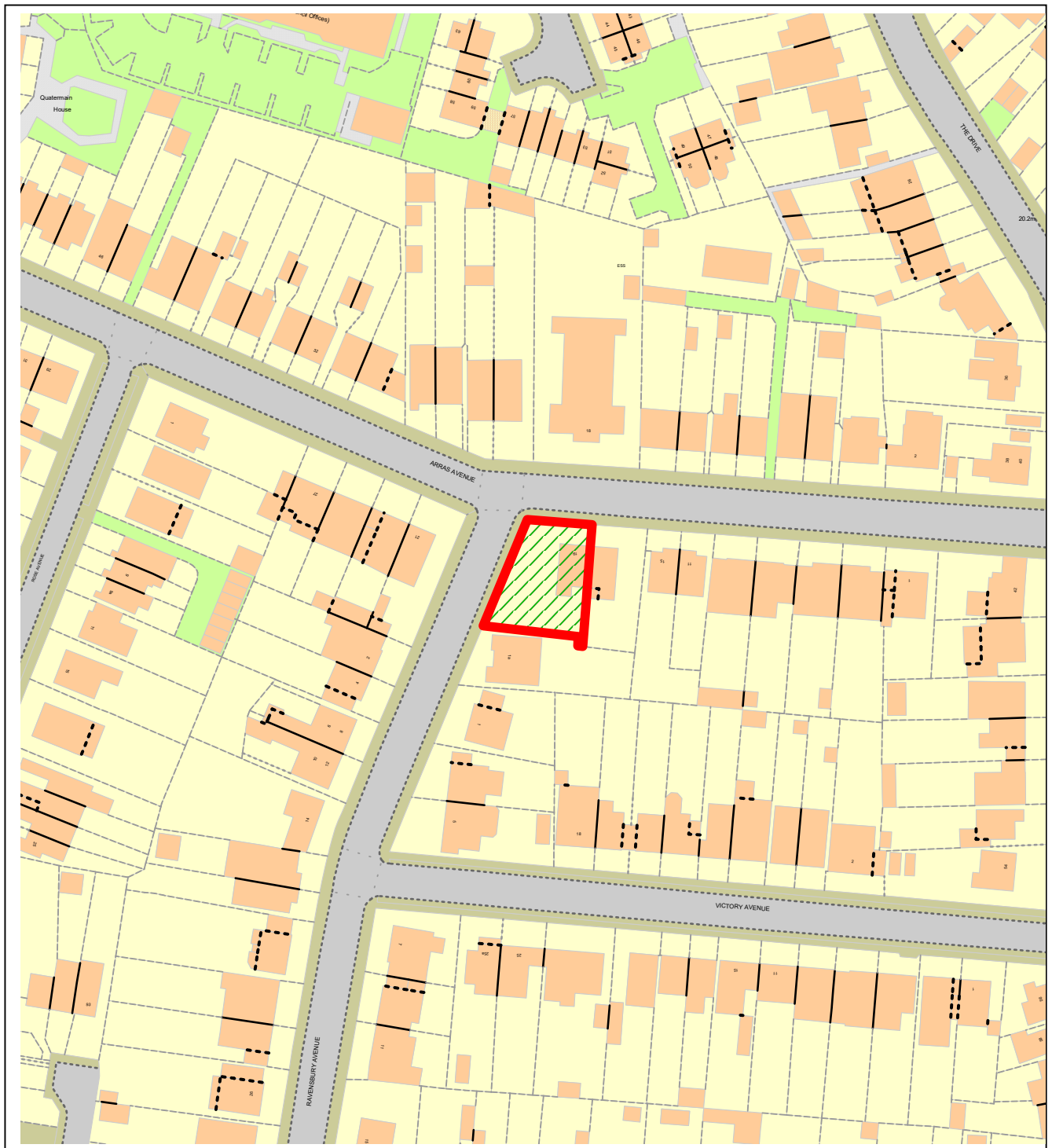
20. Prior to the first occupation of the dwelling hereby approved, details of features to ensure the development is air quality neutral shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved measures prior to the first occupation of the dwelling hereby approved. The approved measures shall be retained thereafter.

Reason: To ensure the development is Air Quality Neutral in line with draft guidance (LPG) and does not worsen air quality and to comply with London Plan policy SI1.

Informatives:

1. INF 00 Non-Standard/ Blank Informative The applicant should be aware that the site may provide a useful habitat for swifts. Swifts are currently in decline in the UK and in order to encourage and improve the conservation of swifts the applicant is advised to consider the installation of swift nesting box/bricks on site.
2. INF 09 Works on the Public Highway You are advised to contact the Council's Highways team on 020 8545 3700 before undertaking any works within the Public Highway to obtain the necessary approvals and/or licences. Please be advised that there is a further charge for this work. If your application falls within a Controlled Parking Zone this has further costs involved and can delay the application by 6 to 12 months.
3. INF 12 Works affecting the public highway Any works/events carried out either by, or at the behest of, the developer, whether they are located on, or affecting a prospectively maintainable highway, as defined under Section 87 of the New Roads and Street Works Act 1991, or on or affecting the public highway, shall be co-ordinated under the requirements of the New Roads and Street Works Act 1991 and the Traffic management Act 2004 and licensed accordingly in order to secure the expeditious movement of traffic by minimising disruption to users of the highway network in Merton. Any such works or events commissioned by the developer and particularly those involving the connection of any utility to the site, shall be co-ordinated by them in liaison with the London Borough of Merton, Network Coordinator, (telephone 020 8545 3976). This must take place at least one month in advance of the works and particularly to ensure that statutory undertaker connections/supplies to the site are co-ordinated to take place wherever possible at the same time.
4. INF 20 Street naming and numbering INFORMATIVE This permission creates one or more new units which will require a correct postal address. Please contact the Street Naming & Numbering Officer at the London Borough of Merton Street Naming and Numbering (Business Improvement Division) Corporate Services 7th Floor, Merton Civic Centre London Road Morden SM4 5DX Email: street.naming@merton.gov.uk

NORTHGATE SE GIS Print Template



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EXISTING FRONT ELEVATION



PROPOSED FRONT ELEVATION

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drawing title
EXISTING & PROPOSED
FRONT ELEVATION

date July 2022	scale 1:100@A3	dwn AD
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drawing number 01	sheet no. 01 of 13	rev -
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drawing number 02	sheet no. 02 of 13	rev -



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date July 2022	scale 1:100@A3	dwn AD
drawing number 13	sheet no. 13 of 13	rev -

PROPOSED GROUND FLOOR PLAN
166.3m²

SCALE BAR [1:100@ A3]

0 1 2 3 4 5m



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drawing title
PROPOSED GROUND FLOOR PLAN

date
SEPTEMBER 2022

scale
1:100@A3

drawing number
18

sheet no.
18 of 27

rev
A

PROPOSED FIRST FLOOR PLAN
134.1m²

SCALE BAR [1:100@ A3]



FLAT 3 37.4m ²
FLAT 4 39.1m ²
FLAT 5 42.0m ²
FLAT 6 66.6m ²

BOUNDARY LINE

GARDEN AREA
22.0m²

COMMUNAL
GARDEN AREA
104.4m²

GARDEN AREA
36.5m²

BIKE HANGER

AIR SOURCE
HEAT PUMP

BOUNDARY LINE

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PROPOSED FIRST FLOOR PLAN

date SEPTEMBER 2022	scale 1:100@A3	dwn O.M
drawing number 19	sheet no. 19 of 27	rev A

PROPOSED SECOND FLOOR PLAN
74.1m²

SCALE BAR [1:100@ A3]

0 1 2 3 4 5m



- FLAT 6
66.6m²
- AREA UNDER
2.3m
- STORAGE UNDER
1.5m

BOUNDARY LINE

GARDEN AREA
22.0m²

COMMUNAL
GARDEN AREA
104.4m²

GARDEN AREA
36.5m²

BIKE HANGER

AIR SOURCE
HEAT PUMP

BOUNDARY LINE

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drawing title
PROPOSED LOFT PLAN

date SEPTEMBER 2022	scale 1:100@A3	dwn O.M
drawing number 20	sheet no. 20 of 27	rev A

PROPOSED ROOF PLAN

SCALE BAR [1:100@ A3]



TIMBER BIN STORE

TIMBER BIN STORE

AOV
1.5m²

4

3

BOUNDARY LINE

OBSCURED
GLAZED ROOF
LIGHT

OBSCURED
GLAZED ROOF
LIGHT

BIKE HANGER

AIR SOURCE
HEAT PUMP

BOUNDARY LINE

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drawing title
PROPOSED ROOF PLAN

date
SEPTEMBER 2022

scale
1:100@A3

dwn
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drawing number
21

sheet no.
21 of 27

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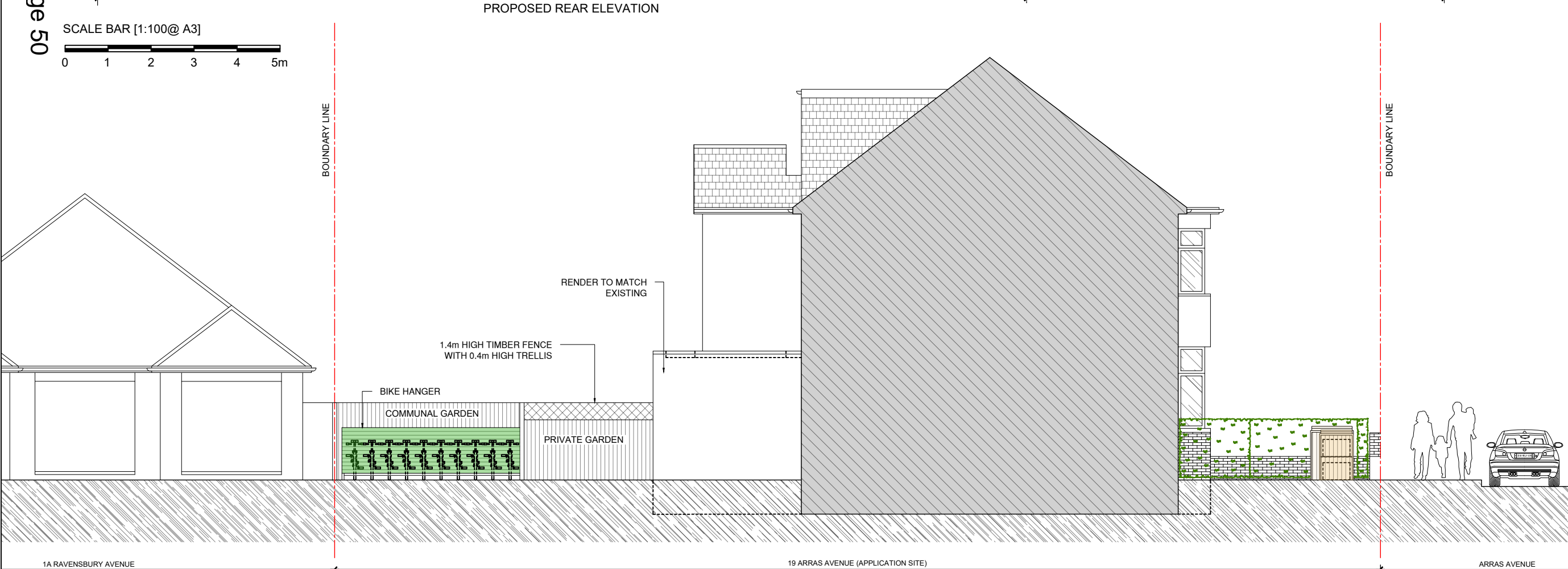
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drawing title
PROPOSED FRONT ELEVATION

date SEPTEMBER 2022	scale 1:100@A3	dwn O.M
drawing number 22	sheet no. 22 of 27	rev A



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drawing title
**PROPOSED REAR ELEVATION
& ELEVATION 3**

date
SEPTEMBER 2022

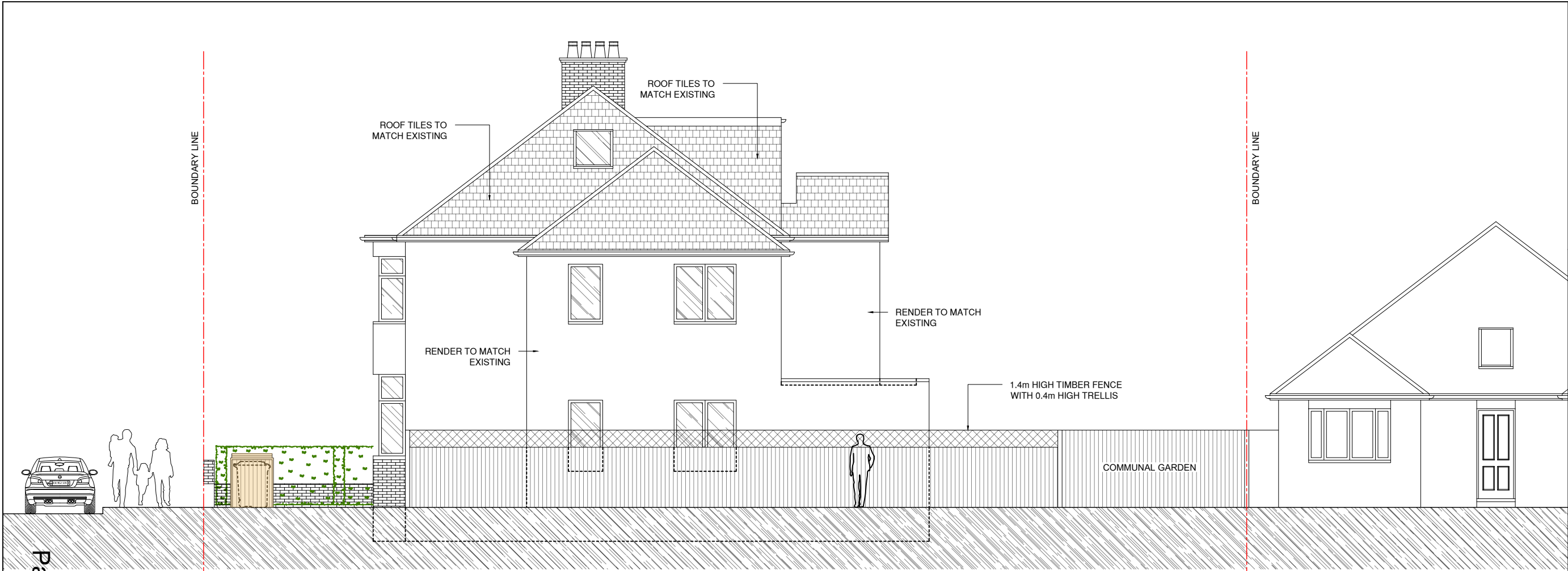
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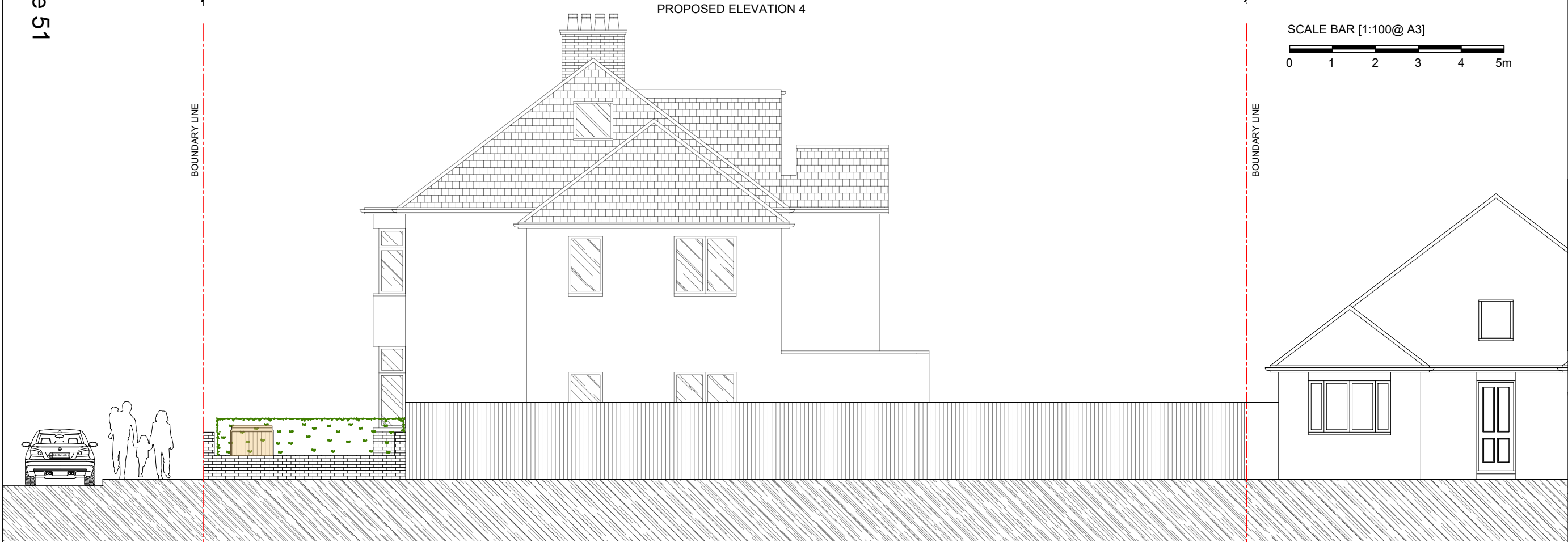
drawing number
23

sheet no.
23 of 27

rev
A



ARRAS AVENUE 19 ARRAS AVENUE (APPLICATION SITE) 1A RAVENSBURY AVENUE



ARRAS AVENUE 19 ARRAS AVENUE (APPLICATION SITE) 1A RAVENSBURY AVENUE

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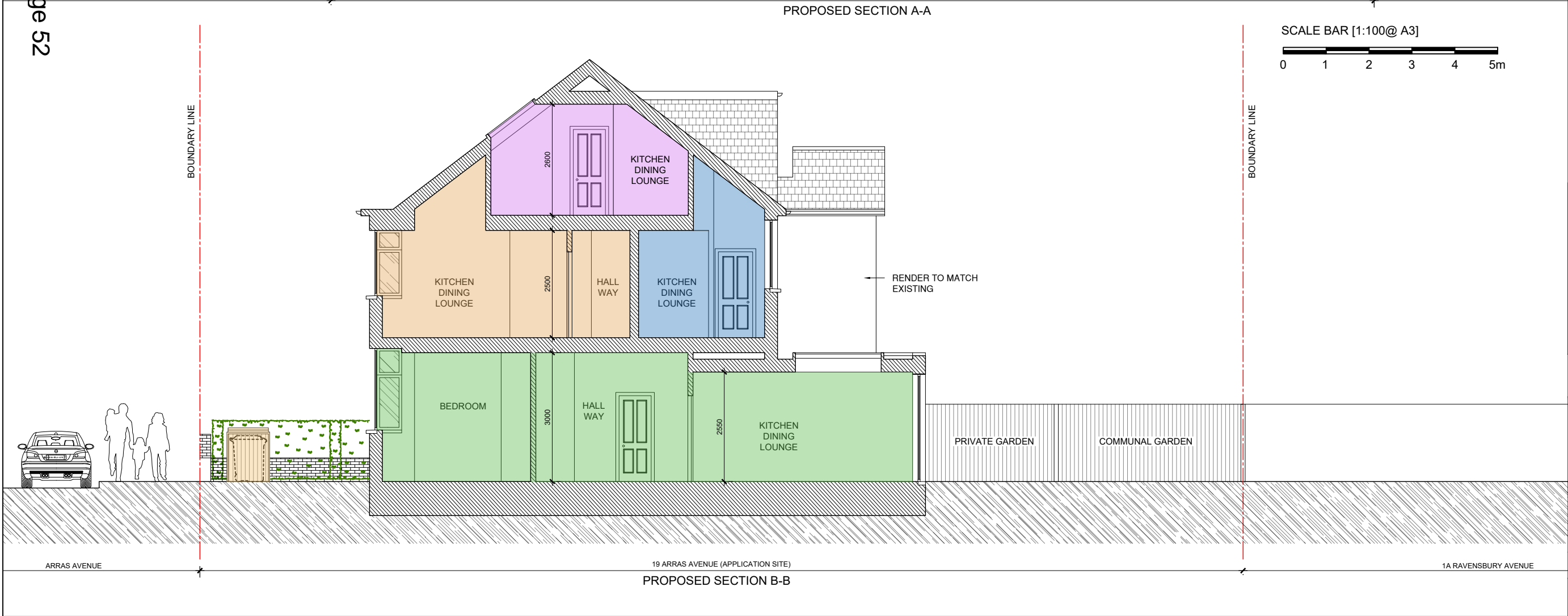
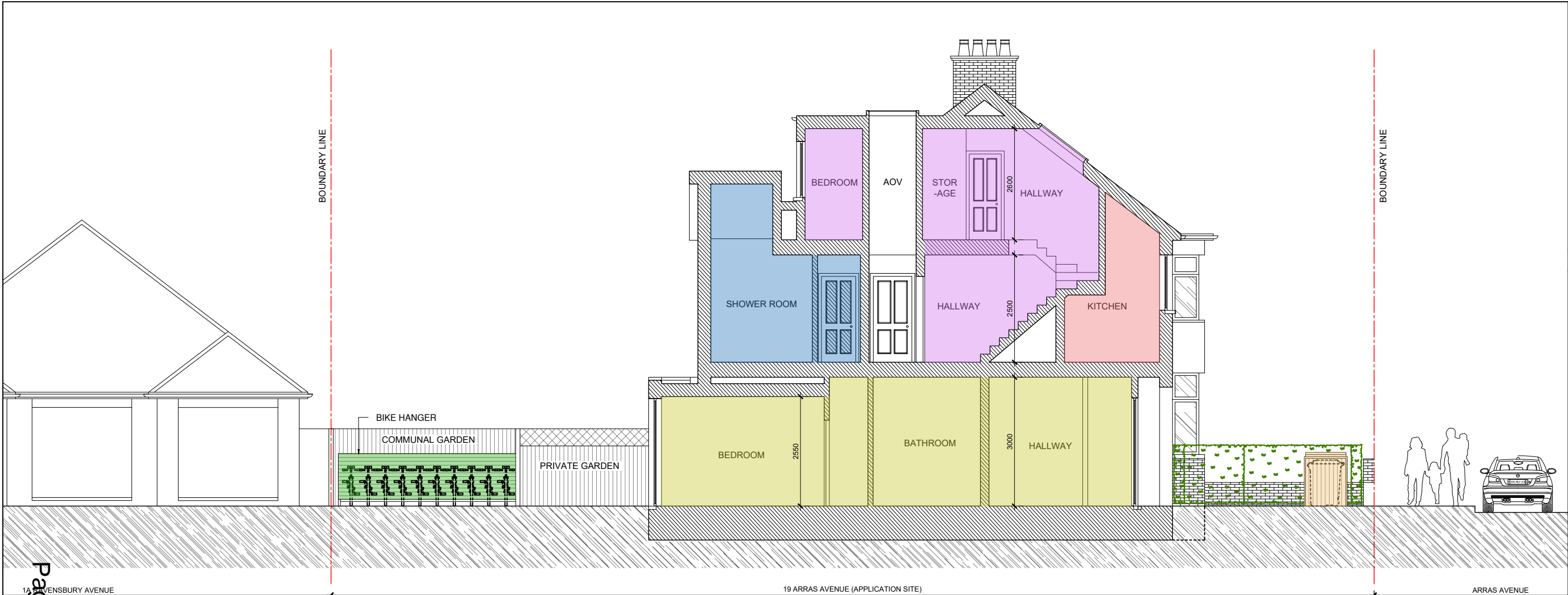
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drawing title
PROPOSED ELEVATION 4

date
SEPTEMBER 2022 scale
1:100@A3 dwn
O.M

drawing number
24 sheet no.
24 of 27 rev
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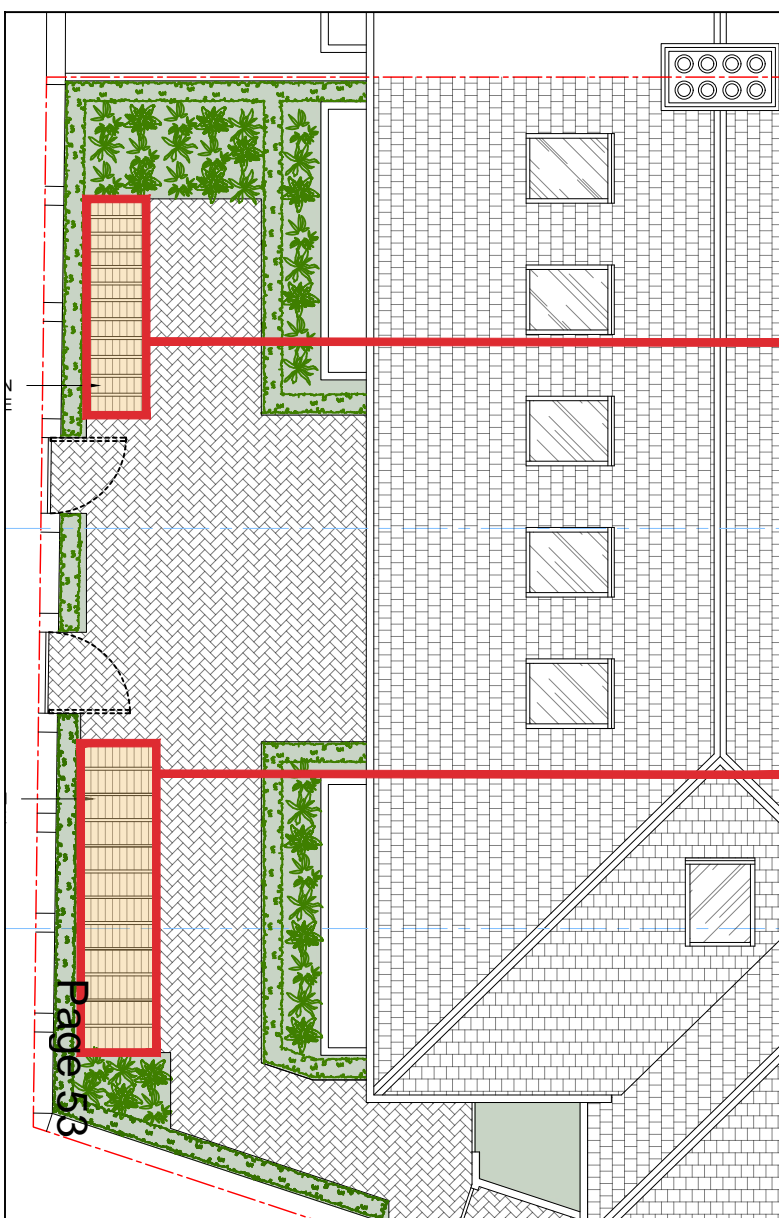
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drawing title
PROPOSED SECTION A-A & B-B

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drawing number 25	sheet no. 25 of 27	rev A



1 BIN STORE LOCATION PLAN
SCALE 1 : 100

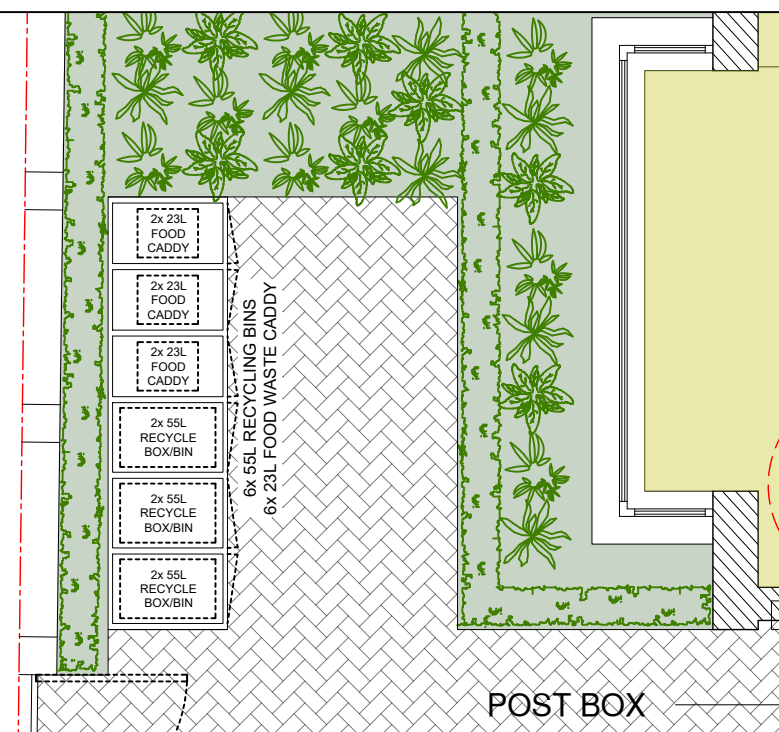


55 LITRE RECYCLE BOX & DIMENSIONS

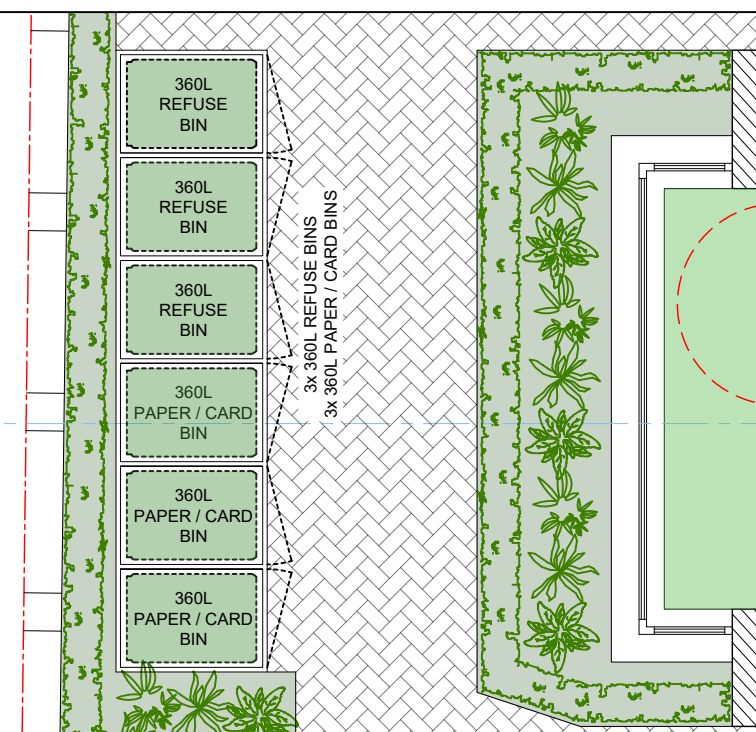
CAPACITY	55 LITRE
WIDTH	630mm
DEPTH	390mm
HEIGHT	355mm

1 TIMBER REFUSE STORE

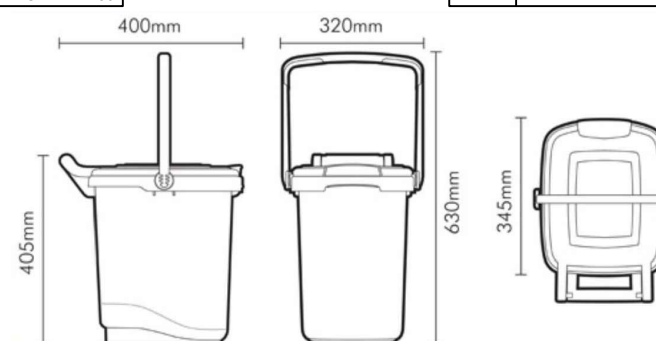
2 TIMBER REFUSE STORE



2 #1 TIMBER REFUSE STORE PLAN
SCALE 1 : 50



3 #2 TIMBER REFUSE STORE PLAN
SCALE 1 : 50



EXAMPLE 23L FOOD CADDY & DIMENSIONS



360 LITRE BIN DIMENSIONS



EXAMPLE TIMBER REFUSE STORAGE

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drawing title
PROPOSED BIN STORE DETAIL

date
SEPTEMBER 2022

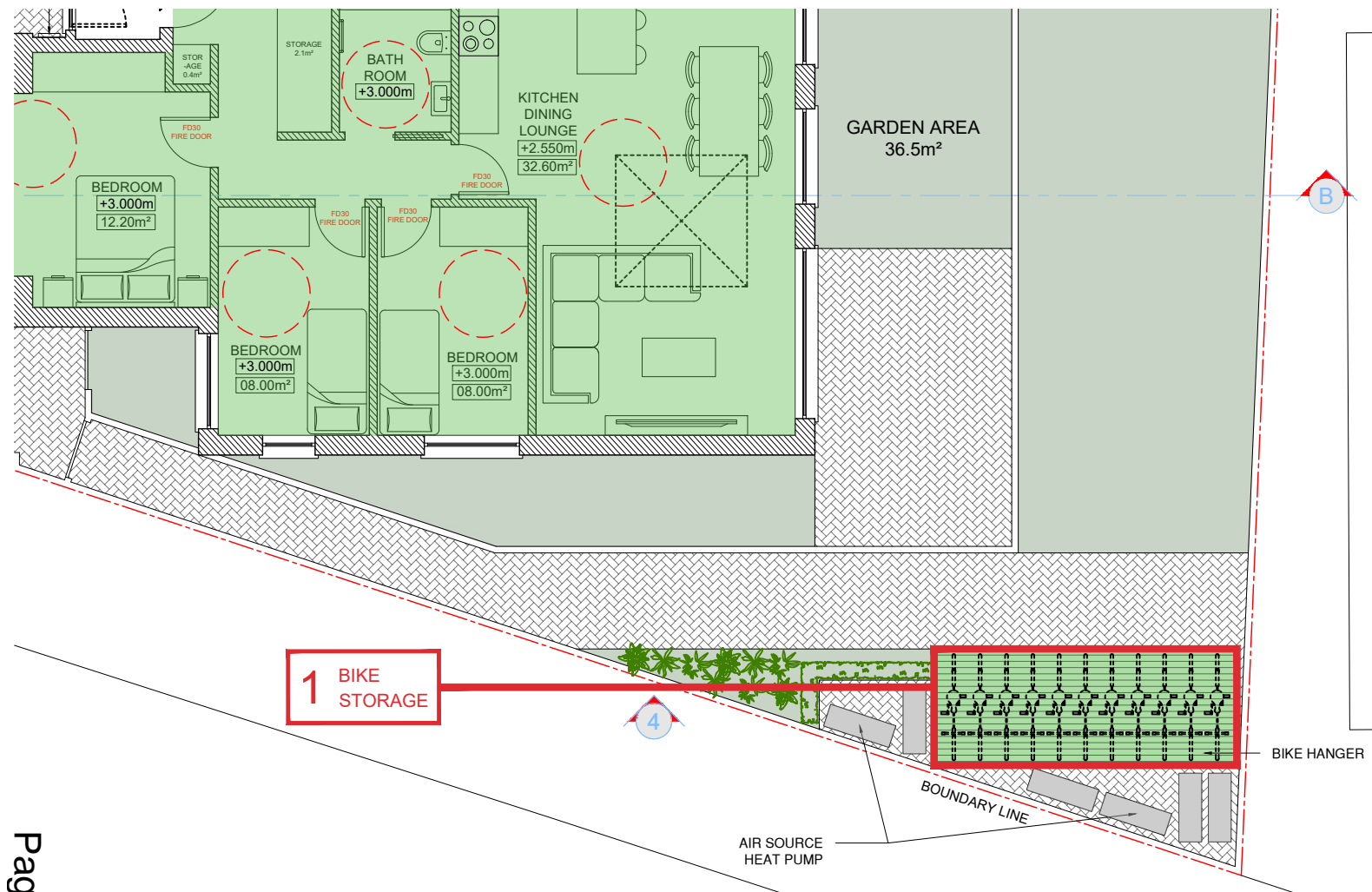
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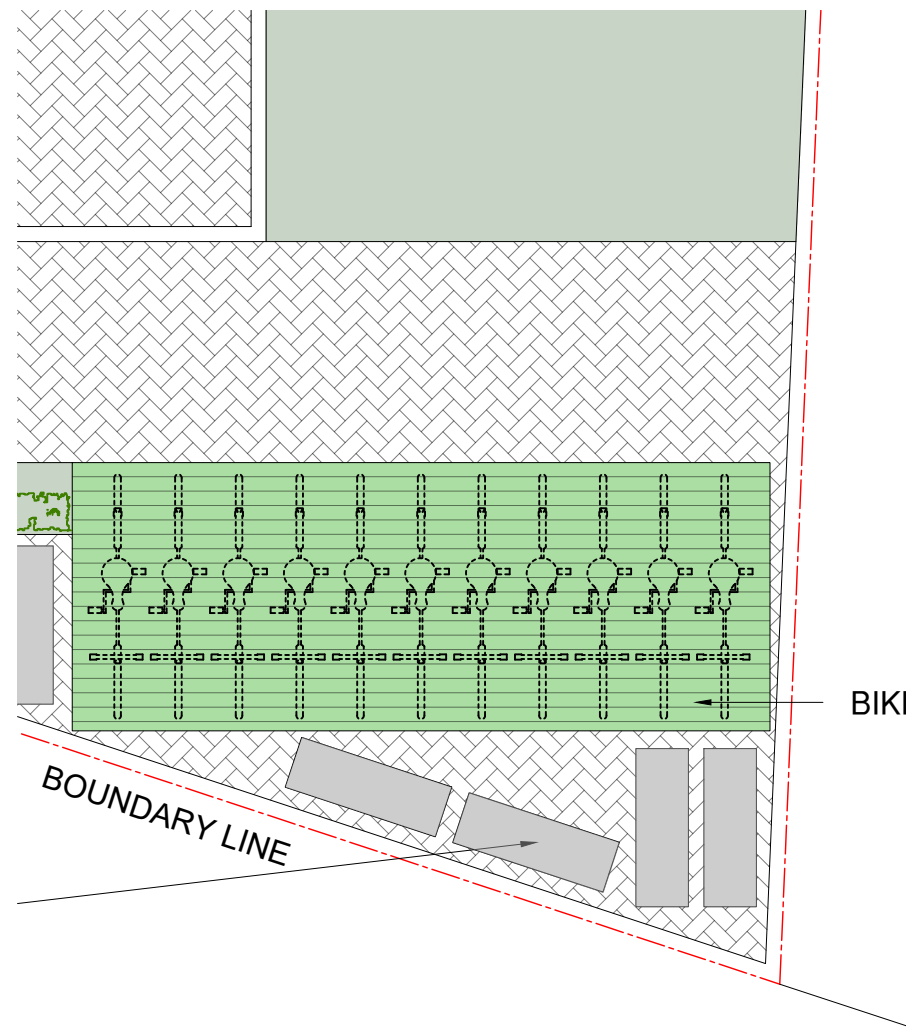
drawing number
26

sheet no.
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1 BIKE STORE LOCATION PLAN
SCALE 1 : 100



2 BIKE STORE PLAN
SCALE 1 : 50

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drawing title
PROPOSED BIN STORE DETAIL

date
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scale
1:100@A3

dwn
O.M

drawing number
26

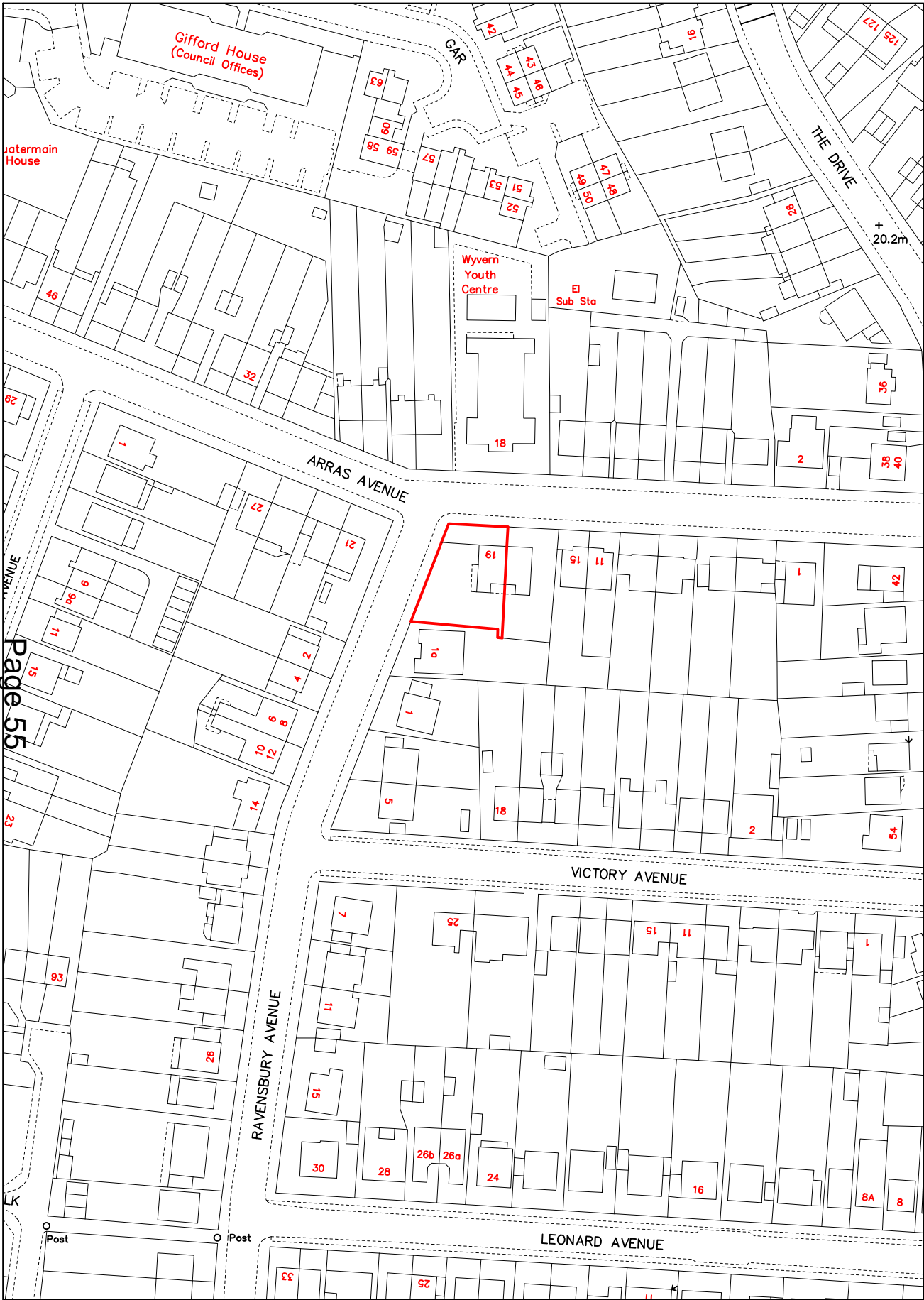
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EXAMPLE BIKE HANGER





1 SITE LOCATION

SCALE 1 : 1250



2 BLOCK PLAN

SCALE 1 : 500

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drawing title
LOCATION PLAN

date JULY 2022	scale N/A	dwn O.M
drawing number 01	sheet no. 01 of 27	rev -

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Committee: Planning Applications

Date: 9th February 2023

Subject: Planning Appeal Decisions

Lead officer: Head of Sustainable Communities

Lead member: Chair, Planning Applications Committee

Recommendation:

That Members note the contents of the report.

1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY

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

[LINK TO COMMITTEE PAGE](#)

DETAILS

Application Number 22/P0481

Appeal number: APP/T5720/W/22/3303038

Site: 133 Durham Road, London SW20 0DF

Development: ERECTION OF A TWO STOREY REAR INFILL EXTENSION TO BUILDING CORNER, WITH EXTENSIONS OF THE ROOF, INCLUDING A REAR DORMER. PLUS THE INSTALLATION OF WINDOWS AND A BIFOLD DOOR.

Recommendation: Refuse (Delegated)

Appeal Decision: **DISMISSED**

Date of Appeal Decision: 26th January 2022

[click LINK TO DECISION NOTICE](#)

Application Number **21/P2846**
Appeal number: APP/T5720/W/22/3293959
Site: 39 Arundel Avenue, Morden SM4 4DR
Development: ERECTION OF A HIP TO GABLE ROOF EXTENSION, CONVERSION OF GARAGE INTO HABITABLE ROOM, RAISING RIDGE HEIGHT BY 450MM AND REBUILDING THE FRONT AND REAR WALLS.
Recommendation: Non-Determination
Appeal Decision: **ALLOWED**
Withdrawal Date: 30th January 2023

[click LINK TO DECISION NOTICE](#)

Alternative options

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

1 CONSULTATION UNDERTAKEN OR PROPOSED

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

2 TIMETABLE

- 2.1. N/A

3 FINANCIAL, RESOURCE AND PROPERTY IMPLICATIONS

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

4 LEGAL AND STATUTORY IMPLICATIONS

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

5 HUMAN RIGHTS, EQUALITIES AND COMMUNITY COHESION IMPLICATIONS

5.1. None for the purposes of this report.

6 CRIME AND DISORDER IMPLICATIONS

6.1. None for the purposes of this report.

7 RISK MANAGEMENT AND HEALTH AND SAFETY IMPLICATIONS

7.1. See 6.1 above.

8 BACKGROUND PAPERS

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

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Committee: Planning Applications Committee

Date: 9th February 2023

Agenda item: Enforcement Report

Wards: All

Subject: PLANNING ENFORCEMENT - SUMMARY OF RECENT WORK

Lead officer: HEAD OF SUSTAINABLE COMMUNITIES

COUNCILLOR Aidan Mundy, CHAIR of PLANNING APPLICATIONS COMMITTEE

Contact Officer Raymond Yeung: 0208 545 4352
Raymond.Yeung@merton.gov.uk

Recommendation:

That Members note the contents of the report.

1. Purpose of report and executive summary

This report details a summary of casework 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 Enforcement Cases:	347	New Appeals:	10
New Complaints	20	Existing Appeals	4
Cases Closed	27	<i>There is a high volume of backlog at the Planning Inspectorates to determine appeals, the waiting time with them is several months, the existing appeals have not progressed with the inspectors.</i>	
New Enforcement Notices Issued			
Breach of Condition Notices	0	Prosecutions: (instructed)	0
Enforcement Notices	1	New Instructions to Legal	3
S.215: ³	0	Existing instructions to Legal	6
Others (PCN, TSN)	1		
Total	2		
		TREE ISSUES	
		Tree Applications Received	80
		% Determined within time limits:	98%
		High Hedges Complaint	1
		New Tree Preservation Orders (TPO)	1
		Tree Replacement Notice	0
		Tree/High Hedge Appeal	0
		5-Day notice	3

Note (**figures are for the period from (from 6th January 2022 to 30th January 2023).**)

¹ S215 Notice: Land Adversely Affecting Amenity of Neighbourhood.

It should be noted that due to the pandemic the Planning Inspectorate have over a year's backlog of planning enforcement appeals to determine. The Planning Inspectorate have recently stated that they are concentrating on the larger complexed schemes which take priority over householder and smaller cases.

2.0 **Recent Enforcement Actions**

52-54 High Street, Wimbledon, London SW19 5AY

A notice was served for the installation of roller shutters on the shopfront

The Subject site, is located on the east side of High Street, Wimbledon, SW19 in the Wimbledon Village Conservation. The property comprises of 5 storey buildings with commercial premises on the ground floor and residential accommodation above. The surrounding area comprises of commercial and residential mix of properties.

The case was served on the back of planning application ref: 21/P3884 for the retention of the shop front and the roller shutter was refused, it was considered harmful in the Wimbledon conservation area and to the street scene.

Requirements of the Notice

1. Permanently remove the roller shutters.
2. Remove all materials, fixtures, fittings and debris associated in compliance with the works (1) above and permanently take off site.

Land at 129 Pelham Road Wimbledon London SW19 1NZ

A notice was served for the unauthorised material change of use of the Land from ancillary car parking for use class E to commercial car park (sui generis).

The breach relates to the change of use of the land from B1 storage and ancillary use car parking to offices and working of motor vehicles and garages to the current use as a commercial car park in a residential area.

The land rear of 129 Pelham Road, is in South Wimbledon within a residential area. The site is within walking distance to Central Wimbledon, where there are good transport links and access by train, bus, tubes and multi-storey car parking facilities.

As mentioned above, the land was used through various uses such as ancillary staff car parking for the surrounding offices or parking of cars relating to a workshop/garage car repairs and ancillary cars to those businesses. They are restricted to either staff users or customers relating to the local business.

The land is currently being used as an unattended commercial car park open to the all of the public, operating from 7am -7pm. The running of engines of vehicles entering and leaving the site results in noise disturbance and the increase of air pollution to those who reside, work, visit and go to school in the area.

The commercial car park is sited within a residential area, walking distance to central Wimbledon where there are good connections to public transport and car parks. The car park has changed from class B1 storage and light industrial with ancillary staff car park (restricting car park access to staff only during office hours) to a unrestricted and unattended commercial car park operating 7 days a week outside working hours of

8am to 6pm Monday to Friday This has an adverse impact in terms of noise, air pollution, road and crime safety on local residents, those who work, visit and go to school.

The land is left unattended and abuts residential units which are easily accessed from the car park and is open to crime and anti-social behavior.

By the virtue of the siting of the land within a residential area being used in a commercial capacity is unsympathetic to the locality.

The commercial car park (sui generis) by reason of opening hours, unrestricted and unattended vehicle movements, noise, disturbance and increased opportunities for potential anti-social behaviour and crime fails to protect the amenity of nearby residential occupiers.

The unattended new car park use leads to unrestricted vehicle movements, and limited visibility splay entering/leaving the site on Pelham Road compromises highway safety for pedestrians and road users.

Requirements of the Notice

- To permanently cease the use of the land as a commercial car park (sui-generis).
- Permanently remove all paraphernalia relating to the new car park such as (but not limited to) advertising boards and directional signs.
- Permanently remove all materials, fixtures, fittings and debris associated in compliance with the works (1) above and permanently take off site.

Broken telecoms cabinets Middleton Road/ Lilleshall Road Muchelney Road

A report was made with regards to Middleton Road/ Lilleshall Road Muchelney Road junction with regards to broken cabinets with a potential issue of s215 untidy land. Our officers went out on site to inspect to find the contact details to the telecommunications company Virgin Media who are responsible. The officer negotiated to fix these boxes without requiring any formal action. The matter resolved 2 months later as shown below and is a visual improvement to the streetscene and health and safety of the public.

Before



After



391 Cannon Hill Lane Raynes Park London SW20 9HH

An enforcement notice was served the unauthorised installation of solar panels raised above the ridgeline of the roof of the property on the Land. The requirements are to Completely remove the solar panels from the roof; Or (b) Reconfigure the solar panels to lay flat on the roof below the ridgeline And (c) Remove from the Land all materials, fixtures, fittings and debris associated with compliance with the works in (a) or (b) above.

Land to the rear of 42 Tamworth Lane, Mitcham, CR4 1DA.

The council will be re-serving a notice but to reinstate the garage and rear boundary adjacent to Acacia Road.

The planning enforcement team have been working with the police and anti-social behaviour team to find a solution to board up the site, the process is ongoing.

To summarise:

A s215 notice was issued on 10th May 2021. This notice requires compliance at the end of July 2021 requiring the Land to be tidied up / cleared.

The Land is again being fly tipped a further s215 Notice was issued on 28th February 2022 including enclosing and clearing the untidy / overgrown Land.

31 Dundonald Road, Wimbledon, London, SW19 3QH

An enforcement notice has been served to remove the front, ground floor single storey extension from the front of the shop unit. This came after 2 retrospective planning applications and 2 refusals.

The unauthorised ground floor single storey extension from the front of the shop unit would fail to relate positively and appropriately to the rhythm, siting and scale of the building and existing pattern of development along the street to the detriment of the character and appearance of the building, street and surrounding area.

The requirement is to return the ground floor shop front to its former unaltered state before the unauthorised front, ground floor single storey extension.

28 Oakleigh Way, Mitcham, CR4 1AL

This notice is intended to resolve the breach of planning control relating to the unauthorised conversion of the rear extension into a self-contained unit and rear canopy.

The conversion of rear extension to a self-contained unit would deliver one additional residential unit within the borough, which is a strategic objection of the Council. However, the local development framework also requires that development have a high quality design and form that responds to the local area, parking provisions should maintain the safe and efficient operation of the highway, and proposals should not adversely impact adjoining neighbours. Weighing up the merits of the scheme the proposal is considered unacceptable due to the standard of accommodation, impact on the local highway and absence of cycle and refuse storage.

The rear canopy is not be sympathetic in terms of massing, form or overall design. Although it is at the rear, it is assessed not to be sympathetic to its surroundings. It is inappropriate in terms of scale and design. Therefore it is considered expedient to issue the notice. The notice requires to cease the self-contained residential unit and to remove the canopy.

8 Dahlia Gardens

On 16th August 2022 the Council issued an enforcement notice the unauthorised construction of an upper-floor extension to an existing detached outbuilding without the benefit of planning permission. This came immediately after the refusal of planning application for the same under ref no. 22/P1540.

What was single storey outbuilding was altered into a two storey outbuilding, and by reason of its design and form fails to blend and integrate well with its surroundings, is considered to be unduly dominant and visually intrusive, having a negative impact on the character and appearance of Dahlia Gardens and Hadley Road. It created unacceptable loss of light, privacy and outlook toward the adjoining properties along Dahlia Gardens and Hadley Road.

LAND AT 8A-F SOUTH PARK ROAD, WIMBLEDON, LONDON, SW19 8ST

Breach of condition notice following Temporary Stop Notice

On 12th July 2022, the Council has issued this temporary stop notice alleging that there has been a breach of planning control on the land described in paragraph 4 below.

This temporary stop notice is issued by the Council, in exercise of their power in section 171E of the Act, because they think that it is expedient that the activity specified in this notice should cease on the land described. The Council now prohibits the carrying out of the activity specified in this notice.

A breach of planning control has taken place as a result of the commencement of development works on the Land carried out prior to the discharge of condition 6 (Construction management plan) of planning permission granted by the Council bearing reference number 21/P3487 for the erection of an additional floor comprising 3 x self-contained residential flats.

The commencement of development works creates an amenity harm to the neighbouring occupiers with regards to noise, dust and general safety, the pedestrians and traffic flow on the highway, the appearance of the property and adjacent highway is a detriment to the visual appearance of the property and streetscene as a result of the commencement of works. For the reasons above it is considered expedient to serve a Temporary Stop Notice to remedy the breach of planning control identified.

Following the temporary stop notice, the construction management plan, was approved and works commenced.

However works were continuing but were contrary of conditions 4 and 6;

Condition 4- 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.

Condition 6-The development shall not commence until details of the provision to accommodate all site workers', visitors' and construction vehicles and loading /unloading arrangements during the construction process have been submitted to and approved in writing by the Local Planning Authority. The approved details must be implemented and complied with for the duration of the construction process. The details shall include how any adverse impact of noise, dust, vibration and traffic on occupiers of the building and adjoining owners or occupiers will be mitigated.

A site visit/meeting with the planning officer, residents, councillor and MP on 8th July 2022, confirmed that works had commenced prior to the discharge of condition 6 ref:22/P1840 and safety measures to mitigate dust had not been put in place. Dust mitigation had not been implemented - polythene dust sheets around the scaffolding had not been put on, and therefore there is no dust barrier between the site and surrounding properties. Debris from the construction works are not confined, posing a danger to the public and residents. Site Access and Hoarding

requirement – hoarding to be constructed and all works are to be within the hoarding line. Hoarding around the building was not been erected.

As of December 2022- The notice was complied with and works are complete.

310 & 372 Grand Drive SW20 9NQ – Untidy land

Before



After



An unannounced visit was made by the council as shown in the photograph on the left, soon after the investigation by an enforcement officer and making contact to the property owners, the land was cleared soon after.

70 Linkway, SW20 9AZ. Unauthorised hardsurfacing of front garden.

Before



After



The breach has now been rectified the hardstanding or cement has been removed and the front garden has been reinstated with a grassed area and a wooden boundary fence.

Land at 22 Vectis Road London SW17 9RG -Untidy land

A section 215 notice has been served to the above property, the rubbish and vegetation to the front and the rear of the property increases its adverse impact on the amenity of the area. Section 215 of the Town and Country Planning Act (1990) provides local authorities with an additional discretionary power for requiring landowners to clean up 'land adversely affecting the amenity of the neighbourhood'

This matter concerns the adverse impact that the condition of the land at 22 Vectis Road has on the amenity of the surrounding area. The owner of the land has failed to clear rubbish and vegetation to the front and to the rear. To the front this includes, but is not limited to: large weeds in excess of three metres in height, trees and bushes, abandoned bins, abandoned car parts, household plastics, wooden boards, bricks which have been abandoned, motorcycle helmet, wooden boards, a mattress, a white household appliance. To the rear this includes, but is not limited to: overgrown vegetation, including overgrowth of seedling trees and shoots, household waste and appliances, garden waste and appliances and a derelict outbuilding which is in a state of disrepair.

Enforcement officers will be re-visiting and potentially re-serving the notice soon to see if the notice has been complied with.

61a WORPLE ROAD LONDON SW19 4LB. A Breach of Condition Notice was served. The developers failed to provide screening required by condition on a planning permission for a new residential development, no screening leads to an overlooking and loss of privacy issue towards existing neighbouring adjoining residents.

The owner has not complied with the notice following a compliance site visit check. A letter of alleged offence was served at the beginning of August.

12A Deer Park Road, South Wimbledon, London SW19 3TL.

An enforcement notice was served from a change of industrial/office unit into a 16 unit House In Multiple Occupation (HMO), it did not receive planning permission and is expedient due to the creation of the poor residential accommodation in a commercial area. The notice requires the cessation of the HMO use requiring to remove kitchen and toilets from the units.

100 Garth Road, Morden, SM4 4LR. Relates to the unauthorised erection of a self-contained residential unit on top of an existing garage. An enforcement notice has been served dated 28th March 2022, the Notice will take effect on 2nd May 2022 with a 3 months compliance period unless an appeal is submitted. The notice requires: Completely demolish the Unit or Restore that part of the property to its condition prior to the breach of planning control by complying with approved drawing number E-1672-PJ-03A planning permission 17/P2214.

Successful Prosecution case-update

7 Streatham Road, Mitcham, CR4 2AD- Summary of the prosecution:

The Council served two enforcement notices on 6th June 2019 for the unauthorised outbuilding and roof extension, the enforcement notice required the outbuilding to be demolished and to clear debris and all other related materials. Following the non-compliance of said notices, this is a criminal offence which lead to prosecution proceedings.

The plea hearing took place at Lavender Hill Magistrates Court, where the defendant pleaded not guilty and the second hearing is due on the 14th January 2020.

A second hearing was held on 14th January 2020, and adjourned until 4th February 2020 in order for the defendant to seek further legal advice.

The defendant again appeared in court and pleaded not guilty, a trial date was set for 21st May 2020. Due to the Covid-19 pandemic this has been postponed. The case has been listed for a 'non-effective' hearing on Tuesday 14 July 2020, where a new trial date will be set.

This was postponed until another date yet to be given. The Council has now instructed external Counsel to prosecute in these matters.

The next 'non-effective' hearing date is 2nd October 2020. This date has been re-scheduled to 27th November 2020. This was again re-scheduled to 4th January 2021. Outcome not known at the time of compiling this report.

A trial date has now been set for 28th and 29th April 2021.

At trial the defendant changed his plea from not guilty to guilty on the two charges of failing to comply with the two Planning Enforcement Notices, however due to the current appeals with the Planning Inspectorate relating to two planning application appeals associated with the two illegal developments, sentencing was deferred until 7th October 2021 at Wimbledon Magistrates Court.

The two planning appeals were dismissed dated 5th October 2021.

Sentencing was again deferred until 16th December 2021 at Wimbledon Magistrates Court.

The result of the sentencing hearing was:

1. Fine for the outbuilding EN: £6,000, reduced by 10% so £5,400
2. Fine for the dormer EN: £12,000, reduced by 10% so £10,800
3. Surcharge: £181
4. Costs: £14,580
5. Total being £30,961. To be paid over a period of three years in monthly instalments.

The defendant was fined for the outbuilding and the dormer extensions due to non-compliance with two enforcement notices.

Latest

Enforcement officers have written to the landowner to state that The Council is minded to take direct action to undertake the works to secure compliance with the enforcement notices, pursuant to section 178, Town and Country Planning Act 1990 (as amended). This would result in further costs that would be recoverable from them directly.

To date the notice still has not been complied with, in October 2022, a meeting was taken place with a contractor to get quotes for the removal of both outbuilding and roof extension and rebuilding of the roof.

Quotes were received in November 2022 and discussions were had internally in view to accept one of the tasks involved to do it in stages due to budget reasons (removal of outbuilding first and then dormer and rebuild later), it is understood that any agreement of such works needs approval by the council.

The owner has made contact with the council in January 2023 in view of complying with the notice, however no further contact was made and the council are looking into going ahead with direct action.

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

32 Glossary of terms

Glossary of Terms:

A complete glossary of planning terms can be found at the Planning Portal website: <http://www.planningportal.gov.uk/> The glossary below should be used as a guide only and should not be considered the source for statutory definitions.

Affordable Housing - Affordable Housing addresses the needs of eligible households unable to access or afford market housing. Affordable housing includes social rented and intermediate housing and excludes low cost market housing. Affordable housing should be available at a cost low enough for eligible households to afford, determined with regard to local incomes and local house prices. Provision of affordable housing should remain at an affordable price for future eligible households or if these restrictions are lifted, for the subsidy to be recycled for alternative affordable housing provision. Further information can be found in Planning Policy Statement 3 (Housing)

Area Action Plan (AAP) – Area action plans are part of the Local Development Framework. They should be used when there is a need to provide the planning framework for areas where significant change or conservation is needed. Area action plans should deliver planned growth areas, stimulate regeneration, protect areas particularly sensitive to change, resolve conflicting objectives in areas subject to development pressures or focus the delivery of area based regeneration initiatives.

Area for Intensification (AFI) – As defined in the London Plan. Areas that have significant potential for increases in residential, employment and other uses through development of sites at higher densities with more mixed and intensive use.

Brownfield land - Previously developed land is that which is or was occupied by a permanent structure (excluding agricultural or forestry buildings), and associated fixed-surface infrastructure. The definition covers the curtilage of the development. Planning Policy Statement Note 3 (Housing) has a detailed definition

Community Plan – refer to Sustainable Community Strategy (SCS).

Comparison Retailing - Comparison retailing is the provision of items not obtained on a frequent basis. These include clothing, footwear, household and recreational goods.

Convenience Retailing - Convenience retailing is the provision of everyday essential items, including food, drinks, newspapers/magazines and confectionery.

Conservation Area - An area of special architectural and historic interest, the character or appearance of which it is desirable to preserve or enhance.

Core Strategy (CS) - The Core Strategy is the key plan within the Local Development Framework. Every local planning authority should produce a core strategy which includes:

- an overall vision which sets out how the area and the places within it should develop;
- strategic objectives for the area focusing on the key issues to be addressed;
- a delivery strategy for achieving these objectives. This should set out how much development is intended to happen where, when, and by what means it will be delivered. Locations for strategic development should be indicated on a key diagram; and
- clear arrangements for managing and monitoring the delivery of the strategy.

Development Plan Documents (DPD) – The statutory component parts of the [local development framework](#). Core strategies, area action plans and site-specific allocations are all DPDs. The procedure for their creation is set out in [Planning Policy Statement 12](#).

District Centre – District centres comprise groups of shops often containing at least one supermarket or superstore, and a range of non-retail services, such as banks, building societies and restaurants, as well as local public facilities such as a library.

Floodplain - Generally low lying areas adjacent to a watercourse, tidal lengths of the river or sea, where water flows in times of flood or would flow but for the presence of flood defences.

Floorspace (gross) - all floorspace enclosed within the building envelope

Floorspace (net - for retail purposes) - area of a shop that is accessible to the public: sales floor, sales counters, checkouts, lobby areas, public serving and in-store cafes. Excludes goods storage, delivery, preparation area, staff offices, staff amenity facilities, plant rooms, toilets and enclosed public stairwells and lifts between floors.

Historic environment – All aspects of the environment resulting from the interaction between people and places through time, including all surviving physical remains of past human activity, whether visible, buried or submerged, and landscaped and planted or managed flora. Those elements of the historic environment that hold significance are called heritage assets.

Independent Examination - The process by which a planning inspector may publicly examine a [development plan document](#) before issuing a binding report.

Intermediate Housing – housing at prices and rents above social rent but below market price or rents. This includes various forms of shared equity products. Homes provided by the private sector or without grant funding may be included for planning purposes as affordable housing, providing these homes meet the affordable housing definition as set out in Planning Policy Statement 3 (Housing).

Issues, Options and Preferred Options - The pre-submission/ pre-production consultation stages on a [development plan document \(DPD\)](#) with the objective of gaining public consensus before submission of documents for [independent examination](#).

Listed Buildings - These are buildings or other built structures included in the statutory list of buildings of special architectural or historic interest of national significance, which is compiled by the Secretary of State for Culture, Media and Sport. Buildings are graded and are protected both internally and externally. [Listed building consent](#) is required for almost all works to a listed building.

Local Area Agreement (LAA) - Local Area Agreement is normally a three year agreement, based on the Sustainable Community Strategy vision that sets out improvement targets for the priorities of a local area. The agreement is made between central government and local authorities and their partners on the Local Strategic Partnership.

Local Centre - Local centres include a range of small shops of a local nature, serving a small catchment. Typically, local centres might include services such as a small supermarket, a newsagent, a sub-post office and a pharmacy. Other facilities could include a hot-food takeaway and launderette.

Local Development Framework (LDF) - The Local Development Framework is the collection of local development documents produced by the local planning authority which collectively delivers the spatial planning strategy for its area.

Local Development Scheme (LDS) - This is the business plan for production of the [local development framework](#) (LDF). It identifies and describes the [development plan documents](#) (DPDs) and when they will be produced. It covers a three-year timespan and is subject to updating following production of an annual monitoring report to check progress.

Local Planning Authority (LPA) - The statutory authority (usually the local council) whose duty it is to carry out the planning function for its area.

Local Strategic Partnerships (LSP) - Local Strategic Partnerships are not statutory bodies, but they bring together the public, private and third sectors to coordinate the contribution that each can make to improving localities.

London Plan - the London Plan is the Spatial Development Strategy for London. Produced by the Mayor of London, it provides the overall spatial vision for the entire region, identifying the broad locations for growth, often by identification of sub-regions, and major infrastructure requirements, together with the housing numbers to be provided for in boroughs' LDFs. It is part of the development plan for Merton together with the borough's LDF documents and should be used to guide planning decisions across London. All LDF documents have to be in general conformity with the London Plan

Major Centre – Major Centres normally have over 50,000 square metres of retail floorspace and their retail offer is derived from a mix of both comparison and convenience shopping. Some Major Centres, which have developed sizeable catchment areas, also have some leisure and entertainment functions.

Neighbourhood parades: convenience shopping and other services easily accessible to those walking or cycling or those with restricted mobility.

Planning Application - Administrative process by which permission to carry out development is sought from the [local planning authority](#). The form and content of the application is laid down in guidance. Application can be made in outline or detailed form for some categories of development.

Planning Permission - The consent given by the [local planning authority](#) for building operations as defined in the Town and Country Planning Act that do not constitute permitted development as defined in the general permitted development order (GPDO) or uses permitted by the use classes order. Usually subject to conditions and sometimes a legal agreement.

Planning Policy Guidance Notes (PPG) - Former central government guidance on a range of topics from transport to retail policy giving advice to regional and local policy makers on the way in which they should devise their policies in order to meet national planning goals. Most PPGs have now been replaced by [Planning Policy Statements](#).

Planning Policy Statements (PPS) - Planning Policy Statements set out the government's policies on different aspects of spatial planning in England.

Public realm - This is the space between and surrounding buildings and open spaces that are accessible to the public and include streets, pedestrianised areas, squares, river frontages etc.

Spatial Development Strategy - (see London Plan)

Registered Social Landlords (RSLs) - Technical name for independent, not-for-profit organisations registered with and regulated by the Housing Corporation. These organisations own or manage affordable homes and are able to bid for funding from the Housing Corporation.

Sequential Test - A planning principle that seeks to identify, allocate or develop certain types or locations of land before others.

Scattered Employment Sites - An employment site that is not a designated employment site (a site that is not a Strategic Industrial Location or Locally Significant Industrial Site) as detailed in Merton's adopted Proposals Map (as amended).

Sites of Importance for Nature Conservation (SINC) - Locally important sites of nature conservation adopted by local authorities for planning purposes and identified in the local development plan.

Site of Special Scientific Interest (SSSI) – A site identified under the Wildlife and Countryside Act 1981 (As amended by the Countryside and Rights of Way Act 2000) as an area of special interest by reason of its plants, animals and natural features relating to the earth's structure.

Socially Rented Housing - Planning Policy Statement 3 (Housing) states that this is rented housing owned and managed by local authorities and registered social landlords for which guideline target rents are determined through the national rent regime. It may also include rented housing owned or managed by other persons and provided under equivalent rental arrangements (specified in Planning Policy Statement Note 3) as agreed with the local authority or the Housing Corporation as a condition of grant.

Statement of Community Involvement (SCI) - This sets out how, when and where the council will consult with local and statutory stakeholders in the process of planning for the local authority area, both in producing development plan documents and in carrying out the development control function.

Strategic Environmental Assessment (SEA) - A process of environmental assessment of certain plans and programmes which are likely to have significant effects on the environment. It is required by European Directive 2001/42/EC (the Strategic Environmental Assessment or SEA Directive)

Supplementary Planning Documents (SPDs) - Supplementary planning documents (SPDs) give further guidance on specific policy topic areas such as [affordable housing](#) provision, that have been identified in core policy in the [local development framework](#) (LDF), or to give detailed guidance on the development of specific sites in the form of a [master plan](#) framework plan or [development brief](#).

Sustainability Appraisal (SA) - A form of assessment used in the UK, particularly for regional and local planning, since the 1990s. It considers environmental, social and economic effects of a plan and appraises them in relation to the aims of sustainable development. Sustainability appraisals that fully incorporate the requirements of the [SEA Directive \(2001/42/EC\)](#) are required for [local development documents](#) and [regional spatial strategies](#) in England under the Planning and Compulsory Purchase Act 2004.

Sustainable Community Strategy (SCS) – The overarching strategy for the local area, which sets out of the overall direction and vision for the borough over the next 10 years. It tells the story of a place, and what needs to be achieved for the local area and its residents, based on what is most important to them. It is also known as the Community Plan.

Sustainable development - Development which meets the needs of the present generation without compromising the ability of future generations to meet their own needs.

Town centre type uses – In accordance with PPS4 Planning for Sustainable Economic Development, the main uses to which town centres policies can apply are:

- retail development (including warehouse clubs and factory outlet centres)

- leisure, entertainment facilities, and the more intensive sport and recreation uses (including cinemas, restaurants, drive-through restaurants, bars and pubs, night-clubs, casinos, health and fitness centres, indoor bowling centres, and bingo halls)
- offices, and arts, culture and tourism development (including theatres, museums, galleries and concert halls, hotels and conference facilities)

Unitary Development Plan (UDP) - This is the former statutory development plan system and contains the framework to guide development in local areas. Under the Planning and Compulsory Purchase Act 2004 it was replaced by Local Development Frameworks. UDP policies will continue to operate for a time after the commencement of the new development plan system in 2004, by virtue of specific transitional provisions, though they should all be eventually superseded by LDF policies

Use Classes Order – Schedule of class of use for land and buildings under Town and Country Planning (Use Classes) Order 1987 as amended 2005:

A1	Shops
A2	Financial and Professional Services
A3	Restaurants and Cafés
A4	Drinking Establishments
A5	Hot Food Take-away
B1	Business
B2	General Industrial
B8	Storage or Distribution
C1	Hotels
C2	Residential Institution
C2A	Secure Residential Institution
C3	Dwelling Houses
D1	Non-residential Institutions
D2	Assembly and Leisure
Other	Sui Generis