

# 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 16 March 2023

**Time:** 7.15 pm

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

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# Planning Applications Committee Agenda

## 16 March 2023

- |   |   |              |
|---|---|--------------|
| 1 | Apologies for absence   |              |
| 2 | Declarations of Pecuniary Interest  |              |
| 3 | Minutes of the previous meeting   | To<br>Follow |
| 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 | 115 Kingston Road, Wimbledon, London, SW19 1LT  | 1 - 60       |
|   | <i>Application No: 22/P2865</i>   |              |
|   | <i>Ward: Abbey</i>  |              |
|   | <i>Officer Recommendation: GRANT Planning Permission</i>  |              |
|   | <i>Subject to Conditions and S106 Agreement</i>   |              |
| 6 | 310-356 Grand Drive, Raynes Park, London, SW20 9NQ  | 61 - 84      |
|   | <i>Application No: 22/P2855</i>   |              |
|   | <i>Ward: Lower Morden</i>   |              |
|   | <i>Officer Recommendation: GRANT PRIOR APPROVAL subject to conditions and S106 legal agreement</i>  |              |
| 7 | 153 Links Road, Tooting, London, SW17 9EW   | 85 - 106     |
|   | <i>Application No: 23/P0237</i>   |              |
|   | <i>Ward: Graveney</i>   |              |
|   | <i>Officer Recommendation: Grant planning permission subject to conditions</i>  |              |
| 8 | Objection to the Merton (No.784) Tree Preservation Order 2022 at 12 Thurleston Avenue, Morden, SM4 4BW  | 107 -<br>112 |
| 9 | Decision Log  |              |
|   | <i>22/P0641 - 47 Strathearn Road, Wimbledon</i>   |              |
|   | <i>The Chair of the Planning Applications Committee made the decision on 2 March 2023 that the above application should be discharged under delegated powers.</i>   |              |
|   | <i>The Chair's comments: The application is an example of the use of a small site to deliver a residential building. Concerns raised by neighbours for light and overlooking have been addressed by officers through condition. Balancing the value</i> |              |

*the committee could add to deliberations weighed against the scale, mass and number of objections it's the Chair's judgement the application should continue under delegated track.*

10	Planning Appeal Decisions	113 - 116
	Officer Recommendation: That Members note the contents of the report.	
11	Planning Enforcement - Summary of Current Cases	117 - 128
	Officer Recommendation: That Members note the contents of the report.	
12	Glossary of Terms	129 - 134

**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.

## PLANNING APPLICATIONS COMMITTEE

16<sup>th</sup> March 2023

### Item No:

### UPRN

### APPLICATION NO.

### DATE VALID

22/P2865

20/09/2022

### **Address/Site:**

115 Kingston Road, Wimbledon, SW19 1LT

### **(Ward)**

Abbey

### **Proposal:**

DEMOLITION OF THE EXISTING BUILDINGS ON THE SITE AND THE CONSTRUCTION OF A 4 STOREY BUILDING WITH ACCOMMODATION WITHIN THE ROOF COMPRISING OF 7 X SELF-CONTAINED UNITS (1 X 3-BED/4PERSON, 5 X 2-BED/3-PERSON, 1 X 1-BED/1 PERSON) WITH ASSOCIATED REFUSE AND CYCLE STORAGE.

### **Drawing Nos:**

Planning Statement & Design & Access Statement; Daylight & Sunlight Assessment; Energy Sustainability Statement; Fire Safety Strategy; 01; 02; 03; 04; 05; 06; 07; 08; 09; 10; 11; 12; 13; 14; 20 Rev A; 21 Rev A; 22 Rev A; 23 Rev A; 24 Rev A; 25 Rev A; 26 Rev A; 27 Rev A; & 28 Rev A.

### **Contact Officer:**

Brenda Louisy-Johnson (0208 545 3169)

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## **RECOMMENDATION**

**GRANT Planning Permission Subject to Conditions and S106 Agreement**

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### **CHECKLIST INFORMATION**

- Heads of agreement: Permit free
- Is a screening opinion required: No
- Is an Environmental Statement required: No
- Has an Environmental Impact Assessment been submitted: No
- Press notice: No
- Site notice: No
- Design Review Panel consulted: No
- Number of neighbours consulted: 46
- External consultations: Thames Water

## **1. INTRODUCTION**

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

## **2. SITE AND SURROUNDINGS**

- 2.1 The application site measures 0.024 hectares and is located on the corner of Kingston Road and Palmerston Road. The application site comprises a two storey end of terrace building with a former commercial use at ground and first floor level. The building comprises yellow stock brick at first floor level and white render at ground level. The site is bounded by a glass balustrade and lean-to shed style structure. There is an access from Palmerston Road to the rear of the building where there is a small car parking area.
- 2.2 The properties to the east, fronting Kingston Road, are built of yellow brick and have rendered ground floors. The properties are aligned as a terrace. To the west of the application site, also on Kingston Road, there is a large 5 storey building constructed in 2017 from Yellow London Stock bricks on the lower levels then grey zinc on the upper levels consisting of 24 self-contained flats. The site has a good PTAL rating of 6A, being sited 200 meters from South Wimbledon Underground Station and with a bus stop providing access between Colliers Wood to the east and Raynes Park to the west. The site has no local plan designations and is not in Flood Zones 2 or 3.

## **3. CURRENT PROPOSAL**

- 3.1 Planning permission is sought for the demolition of the existing buildings on the site and the construction of a 4 storey building with accommodation within the roof comprising of 7 x self-contained residential flats (1 x 3 bed, 5 x 2 bed and 1 x 1 bed) with associated refuse and cycle storage.
- 3.2 All flats would have private amenity space in the form of terraces. 11 cycle spaces are proposed and bin storage is proposed in the communal area at ground floor level. One of the proposed units would be accessed from Kingston Road and all the others from the communal entrance in Palmerston Road. Soft landscaping is proposed around the front and side of the proposed building.

## **4. PLANNING HISTORY**

- 4.1 The site has planning history dating back to 1968. The most recent planning history is given below:
- 4.2 10/P1394 - CONVERSION OF GROUND FLOOR OFFICE AND FIRST FLOOR FLAT TO AN ANTE AND POST-NATAL TREATMENT AND TEACHING CENTRE WITH ANCILLARY FACILITIES, INCLUDING TWO STOREY REAR EXTENSION, OUTSIDE BUGGY STORE, BIKE STORE, PARKING, AND CAFÉ. Grant Permission Subject to Conditions 05/07/2010.

- 4.3 22/P1552 - PRIOR APPROVAL FOR CHANCEE OF USE FROM COMMERCIAL, BUSINESS AND SERVICE (USE CLASS E) TO DWELLINGHOUSES (USE CLASS C3) CONVERSION OF CAFÉ/YOGA STUDIO TO 1 X 3 BEDROOM FLAT AND 1 X 2 BEDROOM FLAT WITH ASSOCIATED OUTSIDE PRIVATE AMENITY SPACE, REFUSE AND CYCLE STORAGE AND OFF-STREET CAR PARKING. Prior Approval Granted 26/09/2022.

## 5. CONSULTATIONS

Neighbouring properties were consulted via letter. 13 neighbour representations have been received objecting to the proposal. One of the neighbour representations is from No.110 Palmerston Road and the other 12 representations form a petition from the occupants of 12 flats in Vertex Apartments on the corner of Palmerton Road and Kingston Road to the west of the site.

Reasons for objection:

- Loss of light to the side window of 110 Palmerston Road leading to reduction in living standard of neighbour and loss of value of property.
- The submitted daylight and sunlight assessment states that the vertical sky component is below the recommend 27.
- The current building is occupied for commercial purposes any new use should also be commercial.
- The building will result in high population density and this cannot be supported by the local infrastructure.
- Increased need for street parking which will exacerbate the existing problem parking situation.
- There is no place for the bins to be stored on collection days and they will end up on the pavement.
- The proposed building will create overlooking to the Vertex Apartments opposite in Palmerston Road.
- The building needs a lay-down parking space for deliveries, without this delivery vans etc will wait by the curb near to the road junction and this will cause nuisance for Vertex residents in terms of noise, access to the car hoist entrance and the side entrance to the block.
- Noise, disruption and pollution would be caused by construction works.
- The brick colour is yellower than found on Palmerston Road.
- Mailboxes opening onto the pavement are liable to be vandalised and their contents stolen.
- The type of cladding is likely to cause issues - the installation needs to be designed and built in compliance with building regulations, BS competence standards and manufacturer's installation guidance, and certified to the relevant building safety standard.
- The council needs to specify commonhold tenure only for any residential parts, in line with government reforms.

The Wimbledon Society

- The Wimbledon Society is pleased to see that the developer has respected the heights of the neighbouring buildings when designing this block of flats. The Society would ask that before the building is demolished a photographic survey is taken of any surviving fittings of an historic nature.

**Consultee comments:**

Thames Water

No comments have been received.

Climate Change Officer

No objection subject to the following condition:

1) No part of the development hereby approved shall be occupied until evidence has been submitted to, and approved in writing by, the Local Planning Authority confirming that the development has achieved CO2 reductions in line with those set out in the approved Energy & Sustainability Statement (dated 14th July 2022) and internal water consumption rates of no greater than 105 litres per person per day.

Environmental Health Officer (land contamination)

No objection subject to the following conditions:

1) No development shall occur until a preliminary risk-assessment is submitted to the approval of the LPA. Then an investigation conducted to consider the potential for contaminated-land and shall be submitted to and approved in writing by the local planning authority.

Reason: To protect the health of future users of the site in accordance with Policy SI 10 of the London Plan 2021 and Policy DM EP4 of Merton's Sites and Policies Plan 2014.

2) No development shall occur until a remediation method statement, described to make the site suitable for, intended use by removing unacceptable risks to sensitive receptors, and shall be submitted to and approved 2 in writing by the local planning authority.

Reason: To protect the health of future users of the site in accordance with Policy SI 10 of the London Plan 2021 and Policy DM EP4 of Merton's Sites and Policies Plan 2014.

3) Prior to first occupation, the remediation shall be completed and a verification report, produced on completion of the remediation, shall be submitted to and approved in writing by the local planning authority.

Reason: To protect the health of future users of the site in accordance with Policy SI 10 of the London Plan 2021 and Policy DM EP4 of Merton's Sites and Policies Plan 2014.

Environmental Health Officer (noise and nuisance)

The following conditions have been advised:

1) Prior to the commencement of the development and due to the potential impact of the surrounding locality on the residential development, a scheme for protecting residents from noise shall be submitted to and approved in writing by the Local Planning Authority prior to the development commencing. The scheme shall be based on Good Acoustic Design based upon ProPG: Planning and Noise - Professional Practice Guide, Publ: (ANC, IOA, CIEH) May 2017 (or any revision) as a minimum. The scheme is to include acoustic data for the glazing system and ventilation systems.

The approved scheme shall be implemented in accordance with the agreed details. A post verification report associated in relation to the mitigation implemented and internal noise levels shall be submitted to the LPA for approval.

2) No development shall take place until a Construction Method Statement has been submitted to, and approved in writing by, the local Environmental Health planning authority. The approved Statement shall be adhered to throughout the construction period.

The Statement shall provide for:

- " hours of operation
- " the parking of vehicles of site operatives and visitors
- " loading and unloading of plant and materials
- " storage of plant and materials used in constructing the development
- " the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- " wheel washing facilities
- " measures to control the emission of noise and vibration during construction.
- " measures to control the emission of dust and dirt during construction/demolition
- " a scheme for recycling/disposing of waste resulting from demolition and construction works

Flood Risk / Drainage Officer

Initial comments:

We would expect them to set their finished floor levels at least 300mm about the ground level to avoid any potential surface flood waters from entering the

property. They need to provide the levels / topographical survey they carried out along with the finished floor level so we can check if they have met the minimum criteria. If they have we can easily put a condition on it.

Final comments:

The following conditions and informatives are advised -

Conditions:

1) Prior to the commencement a detailed scheme for the provision of surface and foul water drainage shall be submitted to and approved in writing by the local planning authority. The drainage scheme will dispose of surface water by means of a sustainable drainage system (SuDS)), in accordance with drainage hierarchy contained within the London Plan Policy (SI 13 and SPG) and the advice contained within the National SuDS Standards.

Reason: To reduce the risk of surface and foul water flooding to the proposed development and future users and ensure surface water and foul flood risk does not increase offsite in accordance with Merton's Core Strategy 2011 Policy CS16, Merton's Sites and Policies Plan 2014 Policy DMF2 and the London Plan 2021 Policy SI 13.

2) The finished floor levels of the development shall be set no lower than 12.35mAODN.

Reason: To reduce the risk of surface water flooding to the proposed development and future users, in accordance with Merton's Core Strategy 2011 Policy CS16, Merton's Sites and Policies Plan 2014 Policy DMF2 and the London Plan 2021 Policy SI 13.

Informatives:

1) No surface water runoff should discharge onto the public highway including the public footway or highway. When it is proposed to connect to a public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required (contact no. 0845 850 2777).

2) No waste material, including concrete, mortar, grout, plaster, fats, oils and chemicals shall be washed down on the highway or disposed of into the highway drainage system.

Highway Officer

No objection subject to the following conditions and informatives:

Conditions -



1) Development shall not commence until a working method statement has been submitted to and approved in writing by the Local Planning Authority to accommodate:

- (i) Parking of vehicles of site workers and visitors;
- (ii) Loading and unloading of plant and materials;
- (iii) Storage of construction plant and materials;
- (iv) Wheel cleaning facilities
- (v) Control of dust, smell and other effluvia;
- (vi) Control of surface water run-off.

No development shall be carried out except in full accordance with the approved method statement.

2) Prior to the commencement of the development hereby permitted, a Construction Logistics Plan shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented prior to the first occupation of the development hereby permitted and shall be so maintained for the duration of the use, unless the prior written approval of the Local Planning Authority is first obtained to any variation.

Informatives -

1) 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.

2) 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.

#### Transport Planner

Site and Surroundings: The application site has a PTAL rating of 6b, which means it has excellent access to public transport. The streets in the vicinity of the Site fall in the W4 Controlled Parking Zone with restrictions in place between

830am and 11pm Monday through Saturday and between 2pm and 6pm on Sunday.

**Car Parking:** The application provides no off-site car parking. Therefore, in order to minimise impact upon surrounding streets it is considered appropriate in this instance the development is permit free. The appellant will be required to enter into a Sec.106 agreement with the Council to ensure the development is permit free and no resident within the development can apply for an on-street parking permit in the surrounding parking zones.

**Cycle Parking:** The proposal would require 13 cycle parking spaces (secure & undercover) in accordance with the London Plan Standards.

**Refuse:** Given there is an already established collection route along this road, it is not considered the proposal would have a detrimental impact on the waste collection services in the area.

**Recommendation:** The proposal is unlikely to have a significant impact on the adjoining highway. Raise no objection subject to:

- The applicant enters into a Unilateral Undertaking which would restrict future occupiers of all units from obtaining an on-street residential parking permit to park in the surrounding controlled parking zones to be secured by via S106 legal agreement.
- Cycle parking (secure & undercover) in accordance with the London Plan standards.
- Demolition/Construction Logistic Plan (including a Construction Management plan in accordance with TfL guidance) should be submitted to LPA for approval before commencement of work.

## **6. POLICY CONTEXT**

### **6.1 National Planning Policy Framework (2021)**

Section 5 Delivering a sufficient supply of homes

Section 9 Promoting sustainable transport

Section 10 Meeting the challenge of climate change, flooding and coastal change

Section 11 Making effective use of land

Section 12 Achieving well-designed places

### **6.2 London Plan (2021)**

GG4 Delivering the homes Londoners need

D2 Infrastructure requirements for sustainable densities

D3 Optimising site capacity through the design-led approach

D4 Delivering good design

D6 Housing quality and standards

D10 Basement development

D12 Fire safety

D14 Noise

- H1 Increasing housing supply
- H2 Small sites
- H10 Housing size mix
- SI 1 Improving air quality
- SI 2 Minimising greenhouse gas emissions
- SI 12 Flood risk management
- SI 13 Sustainable drainage
- T4 Assessing and mitigating transport impacts
- T5 Cycling
- T6 Car parking
- T6.1 Residential parking
- T7 Deliveries, servicing and construction

**6.3 Merton Local Development Framework Core Strategy (2011):**

- CS 8 Housing choice
- CS 9 Housing provision
- CS 11 Infrastructure
- CS 14 Design
- CS 15 Climate change
- CS 16 Flood Risk Management
- CS 17 Waste management
- CS 18 Transport
- CS 20 Parking servicing and delivery

**6.4 Merton Sites and Policies Plan (2014):**

- DM H2 Housing mix
- DM H3 Support for affordable housing
- DM C1 Community facilities
- DM D1 Urban Design
- DM D2 Design considerations
- DM EP2 Reducing and mitigating noise
- DM E3 Protection of scattered employment sites
- DM F1 Support for flood risk management
- DM F2 SuDS and waste water
- DM T2 Transport impacts of development
- DM T3 Car parking and servicing standards

**6.5 Supplementary planning documents:**

- DCLG Technical Housing Standards 2015
- London Plan Housing SPG 2016
- Mayor's Sustainable Design and Construction SPG 2014
- Merton's Small Sites Toolkit 2021
- Merton's Design SPG 2021
- Waste and Recycling Storage Requirements - A Guidance for Architects

**7. PLANNING CONSIDERATIONS**

The key planning considerations include:  
Principle of Development;

Design (massing, scale, height; appearance, siting and layout; cycle and bin storage; landscaping)  
Housing Mix;  
Standard of Accommodation;  
Neighbouring Amenity;  
Car and Cycle Parking;  
Fire Safety;  
Flood Risk;  
Air Quality; and  
Sustainability.

## **7. Principle of Development**

- 7.2 The National Planning Policy Framework 2019 and London Plan policies promote sustainable development that encourages the construction of additional dwellings at locations with good public transport accessibility. Core Strategy policies CS8 & CS9 seek to encourage proposals for well-designed and conveniently located new housing that will create socially mixed and sustainable neighbourhoods through physical regeneration and effective use of space.
- 7.3 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.
- 7.4 The application site has an area of 0.024 ha. The application site is therefore considered to fall 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.
- 7.5 The borough's Core Planning Strategy states that that it is expected that the delivery of new residential accommodation in the borough will be achieved in various ways including development in 'sustainable brownfield locations' and "ensuring that it is used efficiently" (supporting text to Policy CS9). The application site is on brownfield land and is in a sustainable location adjacent to other existing residential properties. The existing use of the site comprises café and yoga studio. Policy DM E3 outlines that proposals that result in the loss of scattered employment sites will be resisted, except where:

- i) The site is located in a predominantly residential area and it can be demonstrated that its operation has had significant adverse effect on local residential amenity;
- ii) The size, configuration, access arrangements and other characteristics of the site makes it unsuitable and financially unviable for whole-site employment use; and
- iii) It has been demonstrated to the council's satisfaction that there is no realistic prospect of employment or community use on this site in the future. This may be demonstrated by full and proper marketing of the site at reasonable process for a period of 30 months (2.5 years).

7.6 Policy DM E3 seeks to protect scattered employment sites and whilst the site would fall within this category, consent has previously been granted for a change of use to both floors of the building to residential development under Prior Approval application 22/P1552. Officers note the following comments on the existing building uses from the officer report for 22/P1552:

'The building has been vacant for a continuous period of over 3 months immediately prior to the date of this application for prior approval. The applicant has submitted a letter from estate agent and evidence that the site has been marketed since March 2020.'

7.7 The building is currently vacant and the above marketing referred to demonstrated that it had no uptake for its lawful uses. In light of the above, considerable planning weight must therefore be given to the previous consent under Prior Approval and the benefits of the delivery of new homes as part of the planning application process. The application site is located on a brownfield site within a mixed residential and commercial location with nearby amenities and a high PTAL of 6A.

7.8 The site is considered to be in a good location that would promote sustainable development. The redevelopment of the site would bring forward 7 new residential units which will make a modest contribution to meeting housing targets and would provide a good mix of unit sizes that will assist in the delivery of a mixed and balanced community in a sustainable location.

#### 7.9 Five year land supply

7.10 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. The NPPF 2021 outlines that: 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.

- 7.11 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.
- 7.12 Therefore, the principle of development of the 7 residential units is considered acceptable.

## **8. Design/visual amenity**

- 8.1 Planning policy DM D2 (Design considerations in all developments) of Merton's Sites and Policies Plan seeks to achieve high quality design and protection of amenity within the Borough. Proposals for all development will be expected to relate positively and appropriately to the siting, rhythm, scale, density, proportions, height, materials and massing of surrounding buildings and existing street patterns, historic context, urban layout and landscape features of the surrounding area.

### **8.2 Demolition**

- 8.3 The existing building within the site to be demolished is of no particular architectural merit and its loss will therefore, have little impact on the visual amenity of the local area. The building on site is not listed or locally listed and its loss is not objected to by officers, subject to a suitable building replacement being acceptable.

### **8.4 Massing, scale and height**

- 8.5 Officers consider that the proposal makes affective use of the land by positively and appropriately relating to the siting, rhythm, scale, density, proportions, height, materials and massing of surrounding buildings. In terms of the surroundings, the application site is surrounded by traditional two storey terrace and semi-detached houses with a 5-storey modern development on the opposite side of Palmerstone Road. The increase in height of the buildings on the corner of Kingston Road and Palmerston Road from 2 storeys to 4 storeys is more prominent for this corner location. The proposed building would be slightly taller than the adjoining building and its fourth storey would be set back from the edges of the storey below, meaning that the building would have less of an impact on street scene and the overall bulk and mass would be sufficiently broken up. This is particularly the case in Palmerston Road which is a narrower

road and where the proposed building is opposite a 5-storey block of flats. Setting the fourth and third floors back away from the edges of the lower storeys mitigates any sense of enclosure and feeling of overbearingness experienced at street level. Overall, officers are satisfied that the height and massing of the proposal would relate well to its surroundings and both the street scenes of Kingston Road and Palmerston Road.

#### 8.6 Appearance, siting and layout

8.7 The proposed building makes more effective use of the site than the existing building with greater plot coverage, but still retaining the access at the rear. The current site benefits from an area of hardstanding at the rear currently used for car parking. Further, there is space to the side of the building which is currently under-utilised. The proposed building would extend over these areas, utilising these under-utilised spaces. The proposed building would be similar in appearance to the adjacent 5-storey block of flats in terms of the materials proposed for its external appearance (yellow brick the lower storey elevations and zinc for the highest storey). The size of many of the window openings are the same. Also the main communal entrance way to both buildings is in Palmerston Road. The proposal is considered to make best use of the site, whilst providing good layouts for each flat and making provision for outdoor space for each flat. The use of set backs to the 3<sup>rd</sup> and 4<sup>th</sup> floors helps provide visual interest to the building. Overall, the proposed materials and layout of the proposal is considered to be acceptable to the site and surroundings.

#### 8.8 Landscaping

8.9 The size constraints of the site limit the extent to which soft landscaping can be provided within the site. However, through thoughtful design, small areas of soft landscaping would be provided along the edges of the development in Kingston Road and Palmerston Road to soften the appearance of the development at street level. A condition seeking final details is to be recommended and secured.

### 9. **Housing Mix**

9.1 Planning policy DM D2 (Housing Mix) of Merton's Sites and Policies Plan seeks to create socially mixed communities, catering for all sectors of the community by providing a choice of housing with respect to dwelling size and type in the borough. The borough level indicative proportions concerning housing mix (as set out below) will be applied having regard to relevant factors including individual site circumstances, site location, identified local needs, economics of provision such as financial viability and other planning contributions.

9.2 Table in Planning policy DM H2 (Housing Mix) of Merton's Sites and Policies Plan 2014:

Number of bedrooms	Percentage of Units
One	33%
Two	32%

Three + 35%

9.3 The proposed development would deliver 1 x 1 bedroom units, 5 x 2 bedroom units and 1 x 3 bedroom units. The proposed development would therefore generate a percentage housing mix as follows:

9.4	Number of bedrooms	Percentage Units
	One	14%
	Two	72%
	Three +	14%

9.5 The proposal does not strictly meet the housing mix requirements, however the Borough level is indicative having regard to the site circumstances, site location and economic provision such as financial viability. The site is a small site, with surrounding constraints restricting outlook, layout and height. The proposal would have a central core and set backs at 3<sup>rd</sup> and 4<sup>th</sup> floor level. Further, the proposal provides outdoor space for each unit. The above factors hinder the layouts of the units and ability to provide the exact mix under policy. Officers note, however, that the 3-bed unit proposed is split level and would provide good standard of accommodation. The proposal is considered to offer a reasonable range of unit sizes, including 5 small family sized accommodation (2-bed units) and 1 larger family sized accommodation (3-bed unit). The proposal is considered to provide a good range of flats and the proposed mix is therefore considered to be acceptable.

## 10. Standard of Accommodation

10.1 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.

10.2 Planning Policy D6 (Housing quality and standards) of the adopted 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).

### 10.3 Space Standards

10.4 The internal floorspace for all 7 units have been assessed against the 'Technical housing standards - nationally described space standard' document. Each unit exceeds the minimum floorspace standards and are therefore deemed to be fit for purpose and will provide suitable levels of residential amenity for future occupants.



## 10.5 Natural light, Ventilation and Outlook

10.6 The development has been designed so that all habitable rooms would have good levels of outlook, light and ventilation. The large window/door openings serving each of the main living spaces of the flats would ensure a high-quality environment for future occupiers.

## 10.6 Dual Aspect

10.7 Dual aspect units have many inherent benefits, including better daylight, a greater chance of direct sunlight for longer periods, cross ventilation, a choice of views, access to a quiet side of the building, and greater flexibility in the use of rooms. A dual aspect dwelling is one with opening windows on two external walls, which may be on opposite sides of the building or around a corner.

Planning Policy D6 (Housing quality and standards) seeks to maximise the provision of dual aspect dwellings. While only four flats in this development achieves dual aspect to the main living rooms, this is acceptable given the site constraints and the lack of scope to provide dual aspect rooms in a development of this size.

## 10.8 Provision of Amenity Space

10.9 In accordance with Policy DMD2 of the Council's Sites and Policies Plan and the London Plan 2021, that there should be 5sqm of external space provided for 1 and 2 person flats with an extra square metre provided for each additional occupant. The ground floor flat would be provided with outdoor amenity space by a garden, the flats on the upper floors will all have balconies, all of which meet or exceed the minimum size requirement.

## **11. Neighbouring Amenity**

11.1 SPP Policy DM D2 states that proposals must be designed to ensure that they would not have an undue negative impact upon the amenity of neighbouring properties in terms of natural light (sunlight and daylight), outlook, privacy, noise, visual intrusion and quality of living conditions.

## 11.2 Sunlight and Daylight

11.3 The Applicants have submitted a daylight and sunlight report assessing the impact of the proposed buildings on neighbouring properties. 28 habitable room windows in the neighbouring residential properties of 110 Palmerston Road, Vertex Mews Palmerston Road, 112, 113 and 116A Kingston Road and Hamilton Mews were assessed. The report concludes that during the design process the implications of the proposed massing on neighbouring daylight was carefully considered such that in almost all instances the numerical values set out within the BRE guidelines relating to buildings receiving adequate daylight have been achieved, apart from in the case a small standalone kitchen, would not ordinarily be considered a habitable room in line with Merton Planning Policy Guidance. Likewise the design process also considered the implications

of the development would have on neighbouring properties sunlight and the report demonstrates that neighbouring properties will still enjoy a good level of sunlight.

#### 11.4 Overlooking / Privacy

11.5 There has been an objection from the residents of the 5-storey adjacent block of flats that there would be overlooking from the proposed development to the windows of the elevation in Palmerston Road. However, it is considered that there is sufficient distance between the buildings and given the elevations are within the public realm and on the opposite side of the road, a certain level of overlooking expected.

11.6 The windows in the rear elevation of the proposed building overlook a side window at No. 110 Palmerston Road. However, this is a window to landing on a stairway and not a habitable room window. Therefore, any overlooking in this instance is not considered to be harmful. The proposed bulk and mass of the building would not extend beyond the rear building line of 110 Palmerston Road. Further, a good separation distance would remain due to the separation of the vehicle access to the rear of the site and 110. Further, the 3<sup>rd</sup> and 4<sup>th</sup> floor rear outdoor terraces have been set back further from the rear building line of 110 which helps mitigate visual interaction between the occupiers of 110 and the outdoor terraces. Officers acknowledge that that proposal would offer some elevated views from windows and raised terraces to the rear garden of 110, however, these would be at oblique angles and within a built up environment (such as the application site location) this would be inevitable and common.

11.7 113 Kingston Road comprises a split level ground and first floor flat with front and rear outlook. Officers note there is a planning permission pending under ref 19/P2448 to extend at the rear to create two flats. Officers have reviewed this neighbouring proposal and the current proposal would not cause harm to the future occupiers of such flats should it get approved due to the flank walls having limited windows. Taking into account the current situation, officers acknowledge that the proposal would result in an increase sense of enclosure and affect the outlook from the rear facing windows at 113. However, the proposal has been designed so that as the rear section of the proposed building extends deeper into the plot, it moves further away from the adjoining boundary with 113. The 3<sup>rd</sup> and 4<sup>th</sup> floor would also be stepped further away than the floors below further mitigating the impact.

11.8 Overall, officers are satisfied that the proposal would not cause harm to neighbouring residential amenity and is compliant with Policy DM D2 in this regard.

## 12. **Car and Cycle Parking**

12.1 London Plan Policy T6 states that car-free development should be the starting point for all development proposals in places that are well served by public transport. Adequate provision should be made for efficient deliveries and

servicing and emergency access. Policy T6.1 states that new residential development should not exceed the maximum parking standards. The maximum parking standards for developments in outer London with PTAL 2-3 are 0.75 spaces per 1-2 bed dwellings and 1 space per 3+ bed dwellings.

- 12.2 Merton's Sustainable Transport SPG 2004 requires 1 car parking space per 1-2 bedroom dwellings plus 1 space per 4 dwellings for communal use. 2 spaces are required for 3-4 bedroom dwellings and 5+ bedroom developments are negotiable. However, Sites and Policies Plan Policy DM T3 requires development to only provide the level of car parking required to serve the site taking into account its accessibility by public transport (PTAL) and local circumstances in accordance with London Plan standards unless a clear need can be demonstrated.
- 12.3 This development provides no on-site car parking provision. Given the high PTAL of 6A, it is appropriate for the development to be car permit free requiring the Applicant to enter into a section 106 unilateral agreement with the Council.
- 12.4 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. Policy T5 requires the provision of appropriate levels of cycle parking, at least in accordance with the minimum standards. For residential long-stay parking, 1 long-stay space per studio or 1 person 1 bedroom dwelling, 1.5 long-stay spaces per 2 person 1 bedroom dwelling and 2 long-stay spaces per all other dwellings are required. Additionally, 2 short-stay spaces are required for 5-40 dwellings and, thereafter, 1 short-stay space per 40 dwellings. There is cycle storage and bin storage within the ground floor communal area, also uncovered cycle storage within the private garden of one of the ground floor flats. 12 cycle spaces are provided within the communal area and 2 spaces within the private garden. Officers are satisfied that the policy level of cycle parking can be accommodated on site and a condition will be recommended securing this.
- 12.5 Two 1100 litre euro bins for recycling and refuse and a bin for food waste are provided, which is the compliant amount of bin storage required under the Council's Bin and Recycling Storage Guidance.

### **13. Fire Safety**

- 13.1 Planning Policy D12 (Fire Safety) of the London Plan 2021 highlights that the fire safety of developments should be considered from the outset. How a building will function in terms of fire, emergency evacuation, and the safety of all users should be considered at the earliest possible stage to ensure the most successful outcomes are achieved, creating developments that are safe and that Londoners can have confidence living in and using.
- 13.2 The Applicant has complied with the above policy and submitted a fire strategy detailing the fire safety measures that would be taken. However, fire safety would be formally considered at Building Control stage to see whether it fully complies with building regulations.

## **14. Flood Risk / Drainage**

- 14.1 London Plan policies SI 12 (Flood risk management) and SI 13 (Sustainable drainage), Core Planning Strategy policy CS16 and SPP policies DM F1 and DM F2 seek to minimise the impact of flooding on residents and the environment and promote the use of sustainable drainage systems to reduce the overall amount of rainfall being discharged into the drainage system and reduce the borough's susceptibility to surface water flooding.
- 14.2 The application site is not within a Flood Risk Zone, however, the Council's Flood Risk Officer has requested details of finished floor levels to avoid any potential surface flood waters from entering the property. They have also advised conditions relating to this and the submission of a detailed scheme for the provision of surface and foul water drainage.

## **15. Air Quality**

- 15.1 Planning Policy SI 1 (Improving air quality) of the London Plan 2021 seeks to tackle poor air quality and protect health.
- 15.2 The development is Air Quality Neutral according to the London Plan Policy SI1 Improving Air Quality Part B(2)(a) and Part E as follows: there is no new combustion car parking as part of the proposed development and the proposal specifically results in the loss of on-site car parking. Further, a Construction Method Statement (recommended by the Council's Environmental Health Officer) would capture measures as to how emissions and dust would be controlled during the construction process. This would be controlled via condition.

## **16. Sustainability**

- 16.1 All new developments comprising the creation of new dwellings should demonstrate how the development will comply with Merton's Core Strategy (2011) Policy CS15 Climate Change (parts a-d) and the policies outlined in Chapter 9 (Sustainable infrastructure) of the new London Plan.
- 16.2 The Applicant has submitted a sustainability statement which details the sustainability measures incorporated in the development and others which have been considered and which are not appropriate. The development will need to achieve internal water usage rates not exceeding 105 litres per person per day. CO<sub>2</sub> emissions for the proposed development would be assessed under Approved Document Part L1A of Building Regulations. Renewable energy is proposed in the form of photovoltaic cells on the roof of the proposed development. 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.

## **17. Biodiversity**

- 17.1 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 Polices 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.
- 17.2 It is considered the biodiversity value of the existing site is very 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. Officers note that the proposal incorporates and allows space for soft landscaping. It is considered that an enhancement can be achieved as part of the proposal and a condition securing this is recommended.

## **18. ENVIRONMENTAL IMPACT ASSESSMENT**

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

## **19. LOCAL FINANCE CONSIDERATIONS**

- 19.1 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. On initial assessment this development is considered liable for the Mayoral and Merton CIL.

## **CONCLUSION**

The principle of development is considered to be acceptable by maximizing the potential of the site, helping Merton deliver its increased housing targets and re-developing a brownfield 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 amenity spaces and have good outlook. The proposed building is considered to be of a suitable height, scale and design, making a positive contribution to the streetscenes of Kingston Road and Palmerston Road. The proposal is considered to be of a suitable design which would not cause harm to surrounding neighbouring amenity. The proposals are therefore considered to be in accordance with Adopted Sites and Policies Plan, Core Planning Strategy and London Plan policies. It is considered that the proposal is acceptable with respect to all planning considerations and would comply with all relevant planning policies. As such it is recommended that planning permission be granted, subject to conditions and S106 Agreement.

**Recommendation:**

Grant Permission Subject to Section 106 Obligation or any other enabling agreement.

**Conditions:**

- 1 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 The development hereby permitted shall be carried out in accordance with the following approved plans: Planning Statement & Design & Access Statement; Daylight & Sunlight Assessment; Energy Sustainability Statement; Fire Safety Strategy; 01; 02; 03; 04; 05; 06; 07; 08; 09; 10; 11; 12; 13; 14; 20 Rev A; 21 Rev A; 22 Rev A; 23 Rev A; 24 Rev A; 25 Rev A; 26 Rev A; 27 Rev A; & 28 Rev A.

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

- 3 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 No development shall take place until details of the surfacing of all those parts of the site not covered by buildings or soft landscaping, including any parking, service areas or roads, footpaths, hard and soft have been submitted in writing for approval by the Local Planning Authority. No works that 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 have been approved and works to which this condition relates have been carried out in accordance with the approved details.

Reason: To ensure a satisfactory standard of development in accordance with the following Development Plan policies for Merton: policy D4 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.

- 5 No development 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.

- 6 No development shall take place until details of the proposed finished floor levels of the development, together with existing and proposed site levels, have been submitted to and approved in writing by the Local Planning Authority, and no development shall be carried out except in strict accordance with the approved levels and details.

Reason: To safeguard the visual amenities of the area and to comply with the following Development Plan policies for Merton: policy 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.

- 7 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.

- 8 Any external lighting shall be positioned and angled to prevent any light spillage or glare beyond the site boundary.

Reason: To safeguard the amenities of the area and the occupiers of neighbouring properties and ensure compliance with the following Development Plan policies for Merton: policies DM D2 and DM EP4 of Merton's Sites and Polices Plan 2014.

- 9 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 Polices 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 CO2 reductions in line with those set out in the approved Energy & Sustainability Statement (dated 14th July 2022) and internal water consumption rates of no greater than 105 litres per person per day.

Reason: In the interests of sustainability. To comply with Policy CS15 of the Merton Core Strategy 2011.

- 11 No development shall occur until a preliminary risk-assessment is submitted to the approval of the LPA. Then an investigation conducted to consider the potential for contaminated-land and shall be submitted to and approved in writing by the local planning authority.

Reason: To protect the health of future users of the site in accordance with Policy SI 10 of the London Plan 2021 and Policy DM EP4 of Merton's Sites and Policies Plan 2014.

- 12 No development shall occur until a remediation method statement, described to make the site suitable for, intended use by removing unacceptable risks to sensitive receptors, and shall be submitted to and approved 2 in writing by the local planning authority.

Reason: To protect the health of future users of the site in accordance with Policy SI 10 of the London Plan 2021 and Policy DM EP4 of Merton's Sites and Policies Plan 2014.

- 13 Prior to first occupation, the remediation shall be completed and a verification report, produced on completion of the remediation, shall be submitted to and approved in writing by the local planning authority.



Reason: To protect the health of future users of the site in accordance with Policy SI 10 of the London Plan 2021 and Policy DM EP4 of Merton's Sites and Policies Plan 2014.

- 14 Prior to the commencement of the development and due to the potential impact of the surrounding locality on the residential development, a scheme for protecting residents from noise shall be submitted to and approved in writing by the Local Planning Authority prior to the development commencing. The scheme shall be based on Good Acoustic Design based upon ProPG: Planning and Noise - Professional Practice Guide, Publ: (ANC, IOA, CIEH) May 2017 (or any revision) as a minimum. The scheme is to include acoustic data for the glazing system and ventilation systems.

The approved scheme shall be implemented in accordance with the agreed details. A post verification report associated in relation to the mitigation implemented and internal noise levels shall be submitted to the LPA for approval.

Reason: In the interests of amenity. To comply with London Plan 2021 Policy D14 and Merton's Sites and Policies Plan 2014 Policy DM EP2.

- 15 No development shall take place until a Construction Method Statement has been submitted to, and approved in writing by, the local Environmental Health planning authority. The approved Statement shall be adhered to throughout the construction period.

The Statement shall provide for:

hours of operation

the parking of vehicles of site operatives and visitors

loading and unloading of plant and materials

storage of plant and materials used in constructing the development

the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate

wheel washing facilities

measures to control the emission of noise and vibration during construction.

measures to control the emission of dust and dirt during construction/demolition

a scheme for recycling/disposing of waste resulting from demolition and construction works

Reason: In the interests of amenity and highway safety. To comply with London Plan 2021 Policy T7 and Merton's Sites and Policies Plan 2014 Policy DM D2.

- 16 Prior to the commencement a detailed scheme for the provision of surface and foul water drainage shall be submitted to and approved in writing by the local planning authority. The drainage scheme will dispose of surface water by means of a sustainable drainage system (SuDS)), in accordance

with drainage hierarchy contained within the London Plan Policy (SI 13 and SPG) and the advice contained within the National SuDS Standards.

Reason: To reduce the risk of surface and foul water flooding to the proposed development and future users and ensure surface water and foul flood risk does not increase offsite in accordance with Merton's Core Strategy 2011 Policy CS16, Merton's Sites and Policies Plan 2014 Policy DMF2 and the London Plan 2021 Policy SI 13.

- 17 The finished floor levels of the development shall be set no lower than 12.35mAODN.

Reason: To reduce the risk of surface water flooding to the proposed development and future users, in accordance with Merton's Core Strategy 2011 Policy CS16, Merton's Sites and Policies Plan 2014 Policy DMF2 and the London Plan 2021 Policy SI 13.

- 18 Prior to the commencement of the development hereby permitted, a Construction Logistics Plan shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented prior to the first occupation of the development hereby permitted and shall be so maintained for the duration of the use, unless the prior written approval of the Local Planning Authority is first obtained to any variation.

Reason: In the interests of highway safety. To comply with London Plan 2021 Policy T7.

- 19 No development shall take place until full details of a landscaping and planting scheme (including tree planting) 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.

- 20 No development shall commence until details of secure cycle parking facilities for the occupants of, and visitors to, the development have been

submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be fully implemented and made available for use prior to the first occupation of the development and thereafter retained for use at all times.

Reason: To ensure satisfactory facilities for cycle parking are provided and to comply with the following Development Plan policies for Merton: policy 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.

21 INFORMATIVE

No surface water runoff should discharge onto the public highway including the public footway or highway. When it is proposed to connect to a public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required (contact no. 0845 850 2777).

22 INFORMATIVE

No waste material, including concrete, mortar, grout, plaster, fats, oils and chemicals shall be washed down on the highway or disposed of into the highway drainage system.

23 INFORMATIVE

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.

24 INFORMATIVE

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.

25 INFORMATIVE

The applicant is advised to check the requirements of the Party Wall Act 1996 relating to work on an existing wall shared with another property,

building on the boundary with a neighbouring property, or excavating near a neighbouring building. Further information is available at the following link:

<http://www.planningportal.gov.uk/buildingregulations/buildingpolicyandlegislation/current-legislation/partywallact>

26 INFORMATIVE

This planning permission contains certain conditions precedent that state 'before development commences' or 'prior to commencement of any development' (or similar). As a result these must be discharged prior to ANY development activity taking place on site. Commencement of development without having complied with these conditions will make any development unauthorised and possibly subject to enforcement action such as a Stop Notice.

# NORTHGATE SE GIS Print Template



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EXISTING VIEW



PROPOSED VIEW

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**400+**  
 Planning Approvals  
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**450+**  
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client  
 115 Kingston Road - SW19 1LT

project  
 FULL PLANNING APPLICATION

drawing title  
 PROPOSED VIEW

date July 2022	scale 1:1000A3	drawn AD
drawing number 01	sheet no. 01 of 14	rev -



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date July 2022	scale 1:1000A3	drawn AD
drawing number 04	sheet no. 04 of 14	rev -



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date July 2022	scale 1:1000A3	drawn AD
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drawing number <b>05</b>	sheet no. 05 of 14	rev -
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drawing number <b>06</b>	sheet no. 06 of 14	rev -
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date July 2022	scale 1:1000A3	drawn AD
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drawing number 07	sheet no. 07 of 14	rev -
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drawing number 08	sheet no. 08 of 14	rev -
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drawing number 09	sheet no. 09 of 14	rev -





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drawing number <b>10</b>	sheet no. 10 of 14	rev -
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drawing number 11	sheet no. 11 of 14	rev -



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drawn  
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drawing number  
**12**

sheet no.  
 12 of 14

rev  
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drawing number 13	sheet no. 13 of 14	rev -
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scale  
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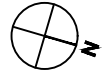
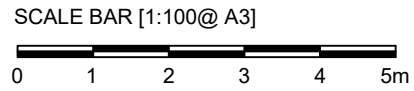
dwnt  
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**14**

sheet no.  
 14 of 14

rev  
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# PALMERSTON ROAD

PROPOSED GROUND FLOOR PLAN  
162.0m<sup>2</sup>

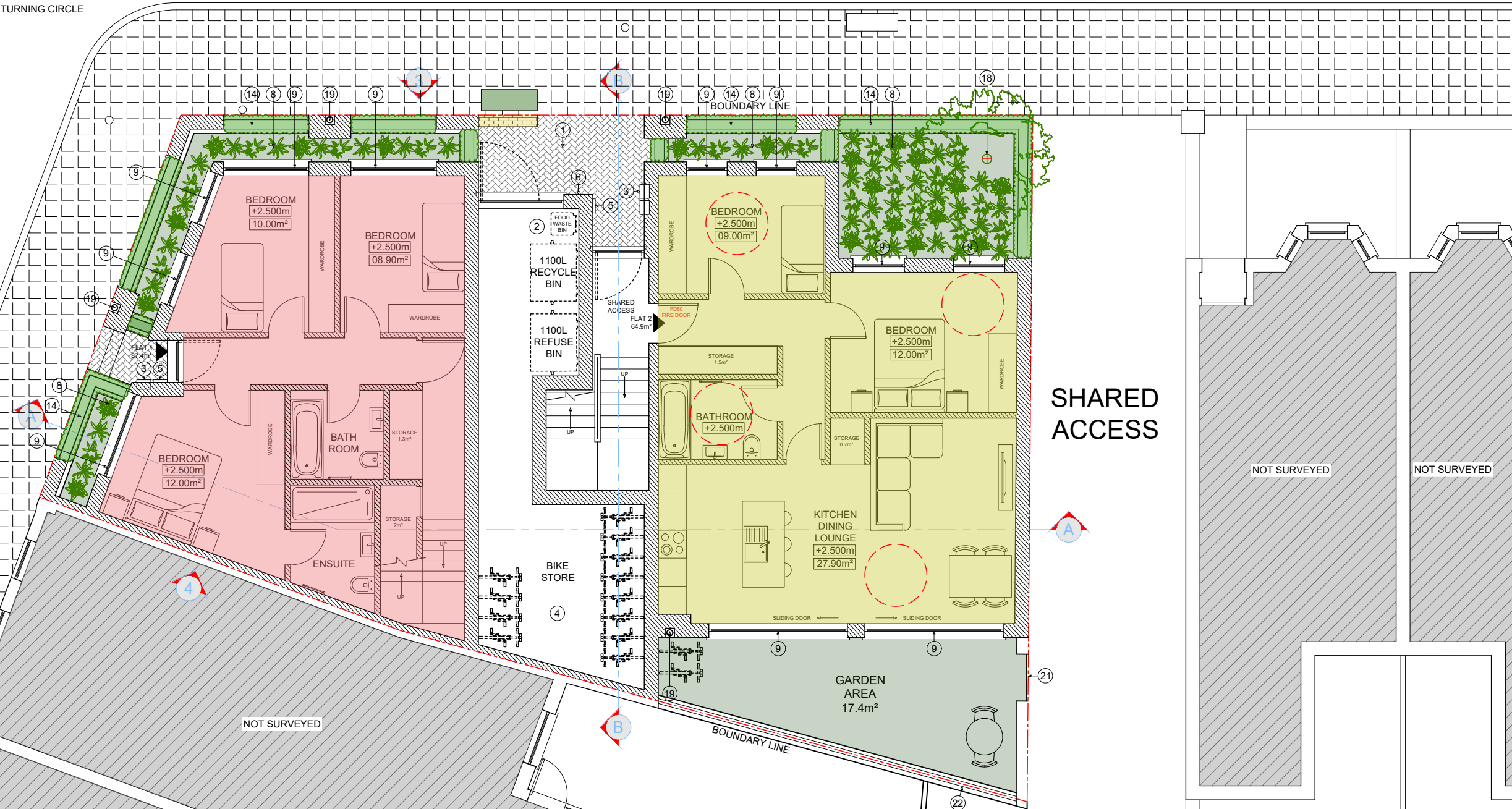
--- 1.5m DIAMETER TURNING CIRCLE

FLAT 1  
87.4m<sup>2</sup>

FLAT 2  
64.9m<sup>2</sup>

KINGSTON ROAD

Page 43



1. PERMEABLE PAVING
2. REFUSE STORAGE
3. INDIVIDUAL LETTER BOXES
4. SECURE CYCLE STORAGE
5. INTERCOM
6. SECURITY LIGHTING
7. OBSCURED GLAZED
8. SOFT LANDSCAPING
9. DOUBLE GLAZED SOUND INSULATED WINDOWS
10. 1.1m OBSCURED GLASS BALUSTRADE
11. RESIN DECKING
12. 1.5m<sup>2</sup> AOV
13. LONDON STOCK YELLOW BRICK
14. 0.7m BRICK WALL/ PLANTER WITH 0.6m HEDGE
15. FIXED & OBSCURED GLAZED TO 1.7m HIGH FROM INTERNAL FLOOR LEVEL WITH TOP PANE FOR VENTILATION
16. SOLAR PANELS
17. ROOF LIGHTS
18. NEW MATURE TREE AT COUNCIL SPECIFICATION.
19. RECESSED DARK GREY ALUMINIUM DOWN PIPE
20. DARK GREY ZINC
21. DARK GREY ZINC GATE
22. 1.6m HIGH BRICK WALL WITH 0.4m SLATTED TIMBER TRELLIS

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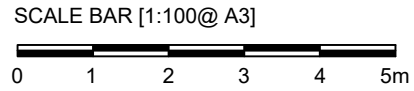
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drawing title  
**PROPOSED GROUND FLOOR PLAN**

date JULY 2022	scale 1:100@A3	dwn O.M
drawing number 20	sheet no. 20 of 33	rev A



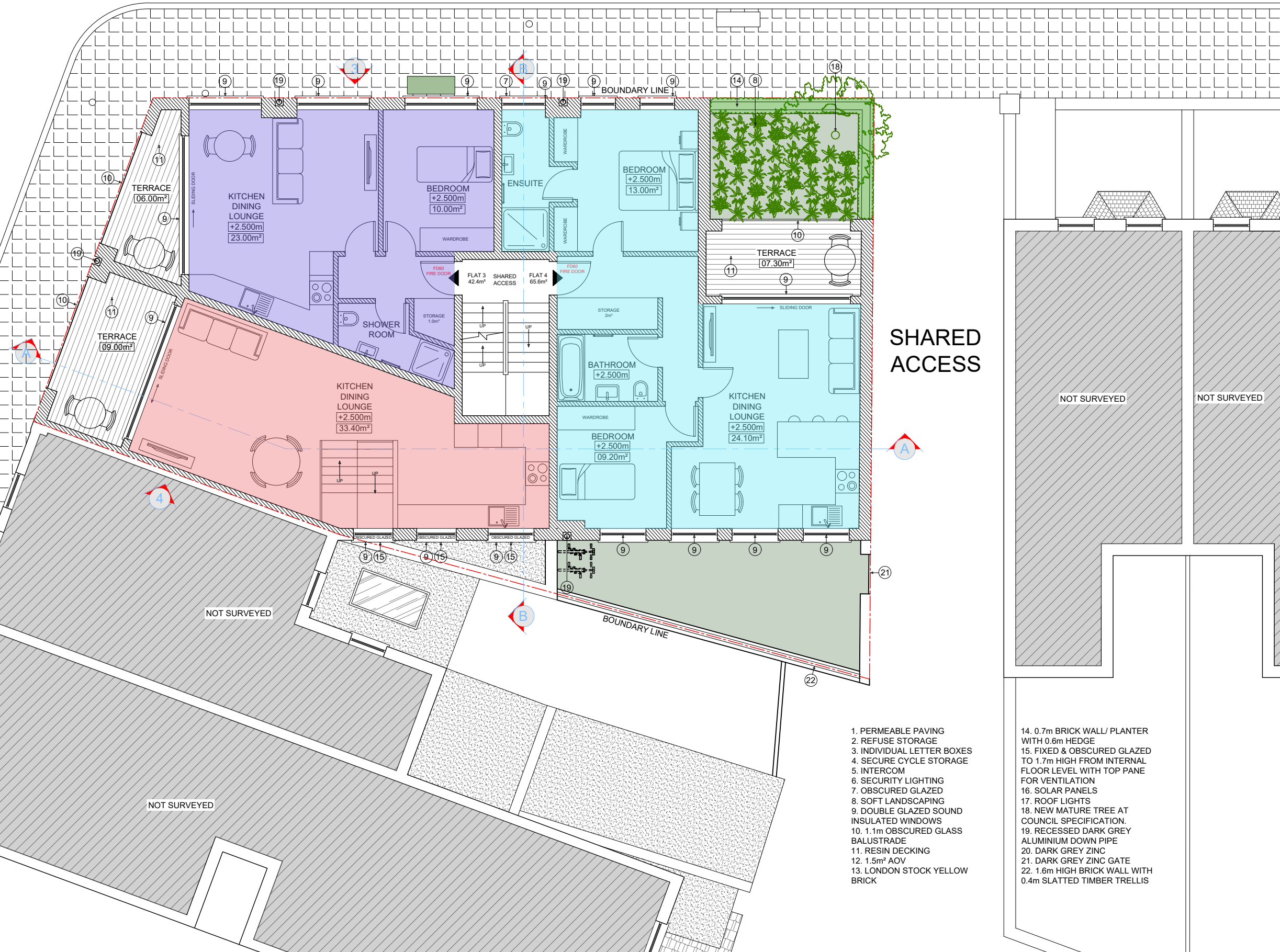
# PALMERSTON ROAD

## PROPOSED FIRST FLOOR PLAN 160.0m<sup>2</sup>

- FLAT 1  
87.4m<sup>2</sup>
- FLAT 3  
42.4m<sup>2</sup>
- FLAT 4  
65.6m<sup>2</sup>

KINGSTON ROAD

Page 44



1. PERMEABLE PAVING
2. REFUSE STORAGE
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4. SECURE CYCLE STORAGE
5. INTERCOM
6. SECURITY LIGHTING
7. OBSCURED GLAZED
8. SOFT LANDSCAPING
9. DOUBLE GLAZED SOUND INSULATED WINDOWS
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11. RESIN DECKING
12. 1.5m<sup>2</sup> AOV
13. LONDON STOCK YELLOW BRICK
14. 0.7m BRICK WALL/ PLANTER WITH 0.6m HEDGE
15. FIXED & OBSCURED GLAZED TO 1.7m HIGH FROM INTERNAL FLOOR LEVEL WITH TOP PANE FOR VENTILATION
16. SOLAR PANELS
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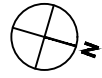
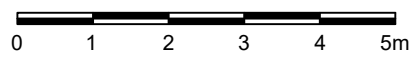
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**PROPOSED FIRST FLOOR PLAN**

date JULY 2022	scale 1:100@A3	dwn O.M
drawing number 21	sheet no. 21 of 33	rev A



# PALMERSTON ROAD

SCALE BAR [1:100@ A3]

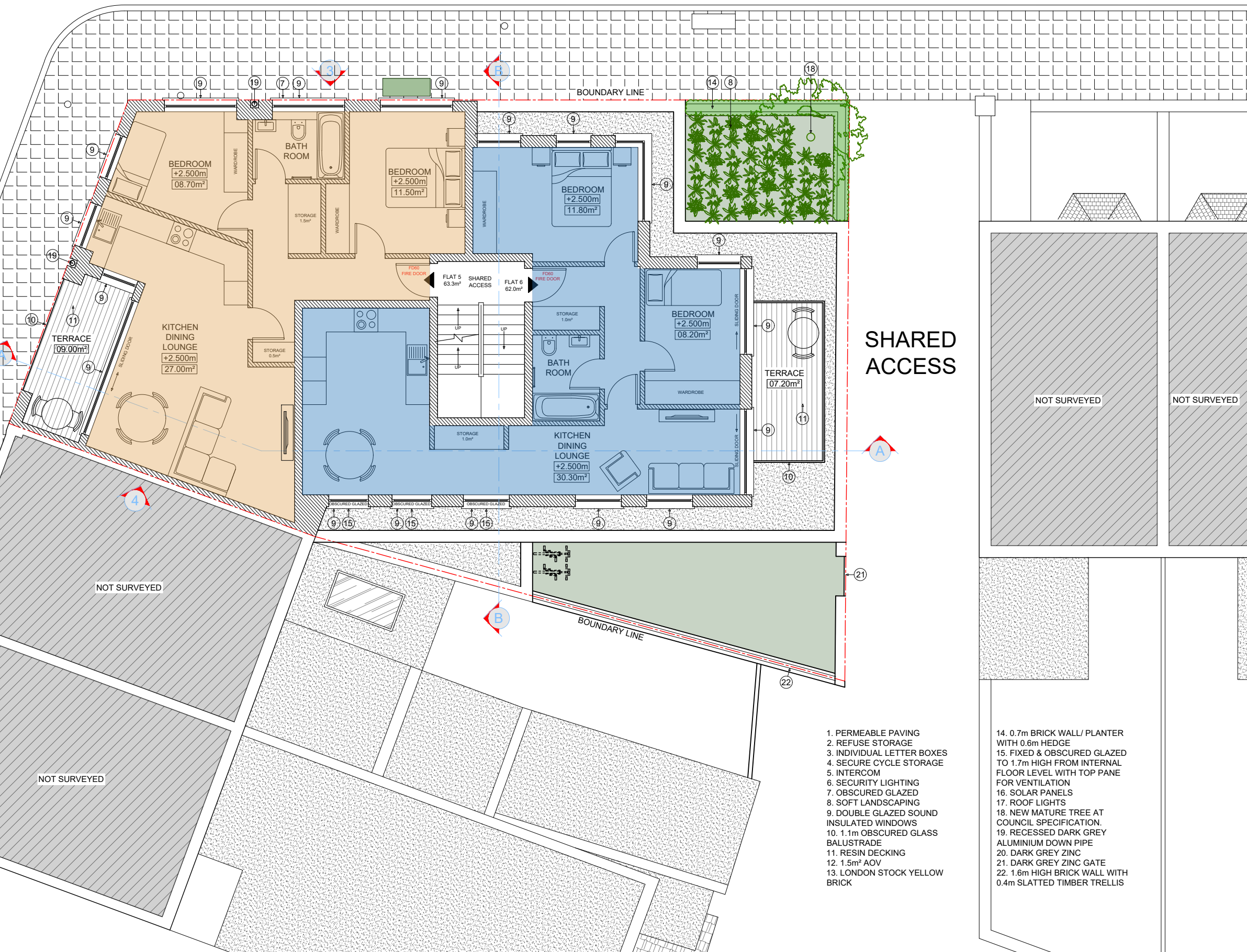


PROPOSED SECOND FLOOR PLAN  
138.8m<sup>2</sup>

- FLAT 5  
63.3m<sup>2</sup>
- FLAT 6  
62.0m<sup>2</sup>

KINGSTON ROAD

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SHARED ACCESS

1. PERMEABLE PAVING
2. REFUSE STORAGE
3. INDIVIDUAL LETTER BOXES
4. SECURE CYCLE STORAGE
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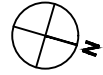
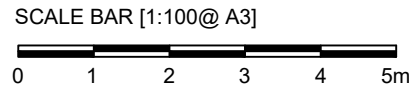
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client 115 Kingston Road, SW19 1LT		
project <b>FULL PLANNING APPLICATION</b> DEMOLITION OF EXISTING 2 STOREY PROPERTY AND ERECTION OF 3/4 STOREY PROPERTY. NEW PROPERTY TO CONSIST OF 7 SELF-CONTAINED FLATS (1 X 3 BED, 5 X 2 BED, 1 X 1 BED/1 PERSON) ALL WITH PRIVATE OUTSIDE AMENITY SPACE AND COVERED/SECURED CYCLE AND REFUSE STORAGE.		
drawing title <b>PROPOSED SECOND FLOOR PLAN</b>		
date JULY 2022	scale 1:100@A3	dwn O.M
drawing number 22	sheet no. 22 of 33	rev A





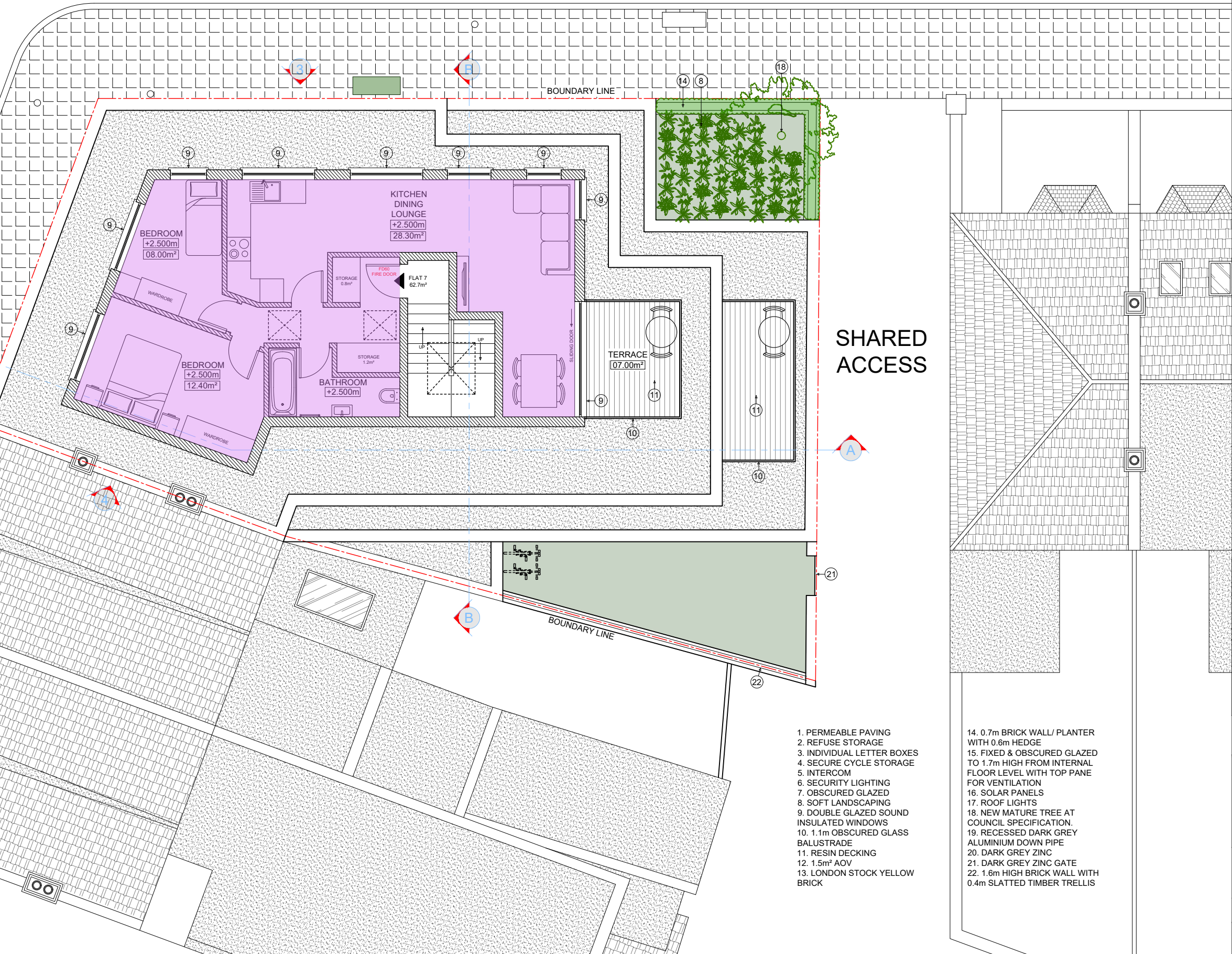
# PALMERSTON ROAD

PROPOSED SECOND FLOOR PLAN  
71.80m<sup>2</sup>

FLAT 7  
62.7m<sup>2</sup>

KINGSTON ROAD

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1. PERMEABLE PAVING
2. REFUSE STORAGE
3. INDIVIDUAL LETTER BOXES
4. SECURE CYCLE STORAGE
5. INTERCOM
6. SECURITY LIGHTING
7. OBSCURED GLAZED
8. SOFT LANDSCAPING
9. DOUBLE GLAZED SOUND INSULATED WINDOWS
10. 1.1m OBSCURED GLASS BALUSTRADE
11. RESIN DECKING
12. 1.5m<sup>2</sup> AOV
13. LONDON STOCK YELLOW BRICK

14. 0.7m BRICK WALL/ PLANTER WITH 0.6m HEDGE
15. FIXED & OBSCURED GLAZED TO 1.7m HIGH FROM INTERNAL FLOOR LEVEL WITH TOP PANE FOR VENTILATION
16. SOLAR PANELS
17. ROOF LIGHTS
18. NEW MATURE TREE AT COUNCIL SPECIFICATION.
19. RECESSED DARK GREY ALUMINIUM DOWN PIPE
20. DARK GREY ZINC
21. DARK GREY ZINC GATE
22. 1.6m HIGH BRICK WALL WITH 0.4m SLATTED TIMBER TRELLIS

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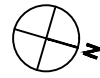
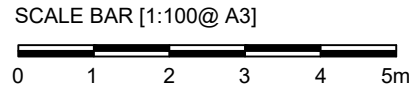
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drawing title  
**PROPOSED THIRD FLOOR PLAN**

date JULY 2022	scale 1:100@A3	dwn O.M
drawing number 23	sheet no. 23 of 33	rev A





# PALMERSTON ROAD

PROPOSED ROOF PLAN

KINGSTON ROAD  
Page 47

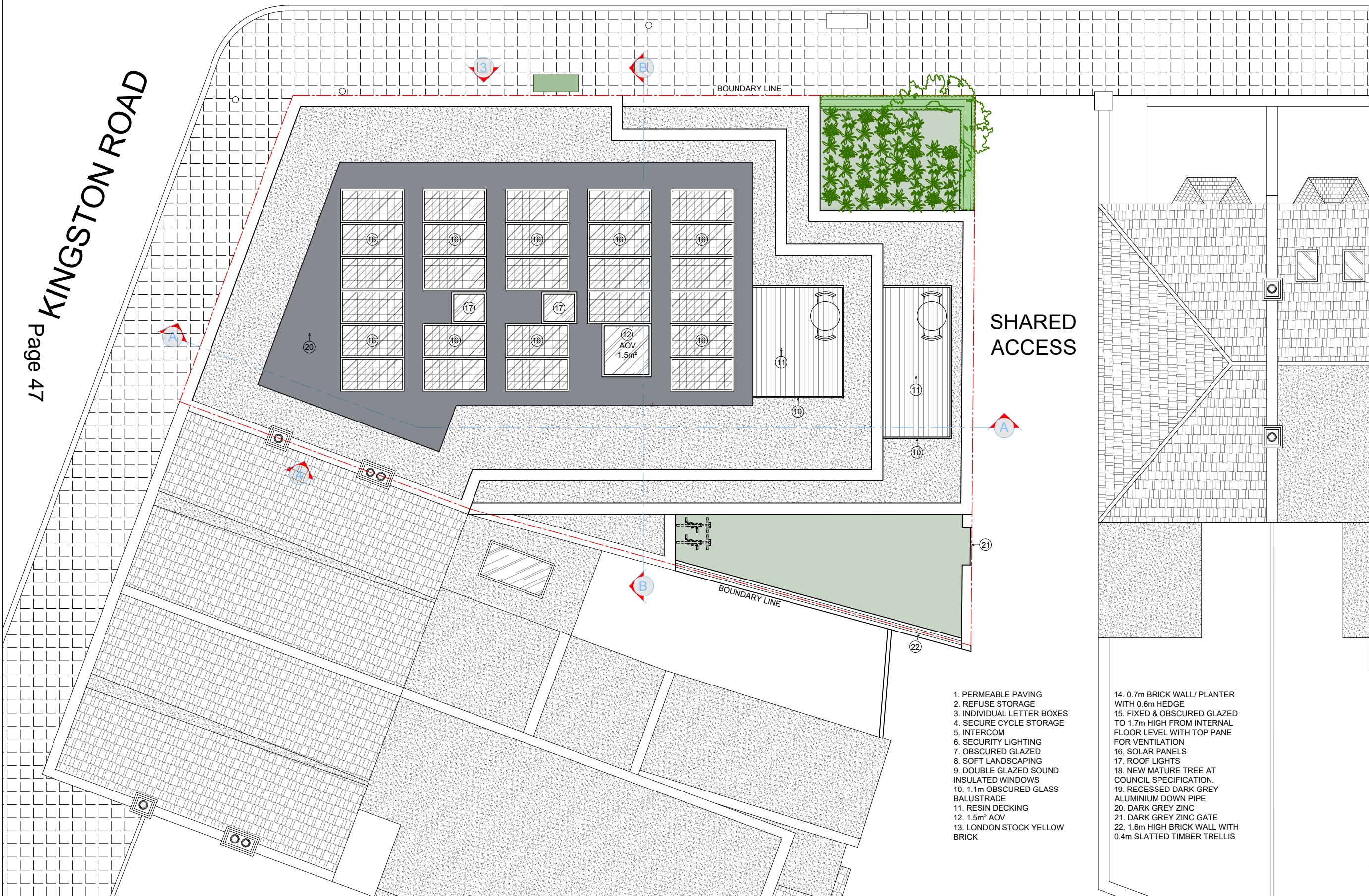
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7. OBSCURED GLAZED
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11. RESIN DECKING
12. 1.5m<sup>2</sup> AOV
13. LONDON STOCK YELLOW BRICK
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15. FIXED & OBSCURED GLAZED TO 1.7m HIGH FROM INTERNAL FLOOR LEVEL WITH TOP PANE FOR VENTILATION
16. SOLAR PANELS
17. ROOF LIGHTS
18. NEW MATURE TREE AT COUNCIL SPECIFICATION.
19. RECESSED DARK GREY ALUMINIUM DOWN PIPE
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21. DARK GREY ZINC GATE
22. 1.6m HIGH BRICK WALL WITH 0.4m SLATTED TIMBER TRELLIS

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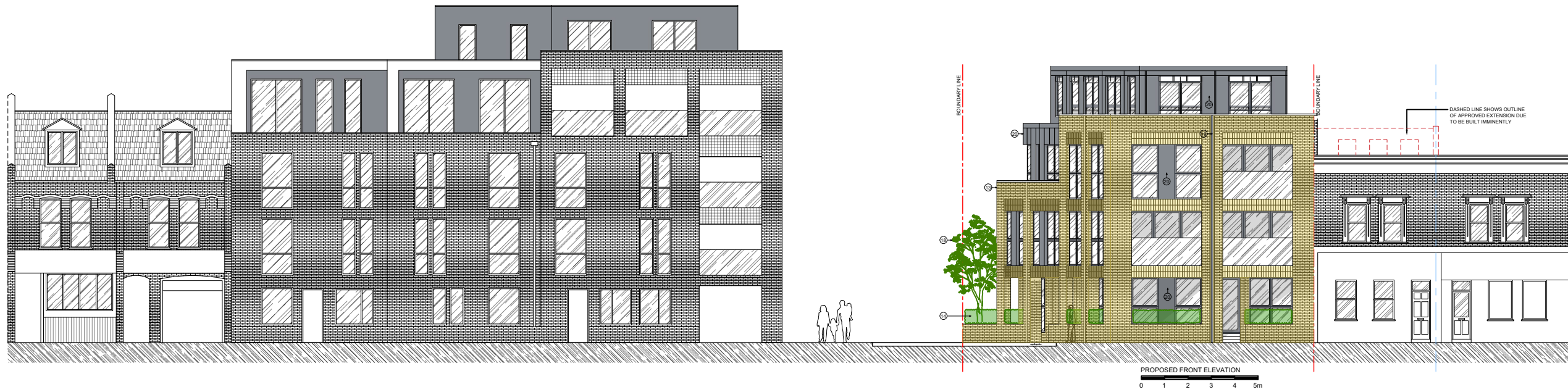
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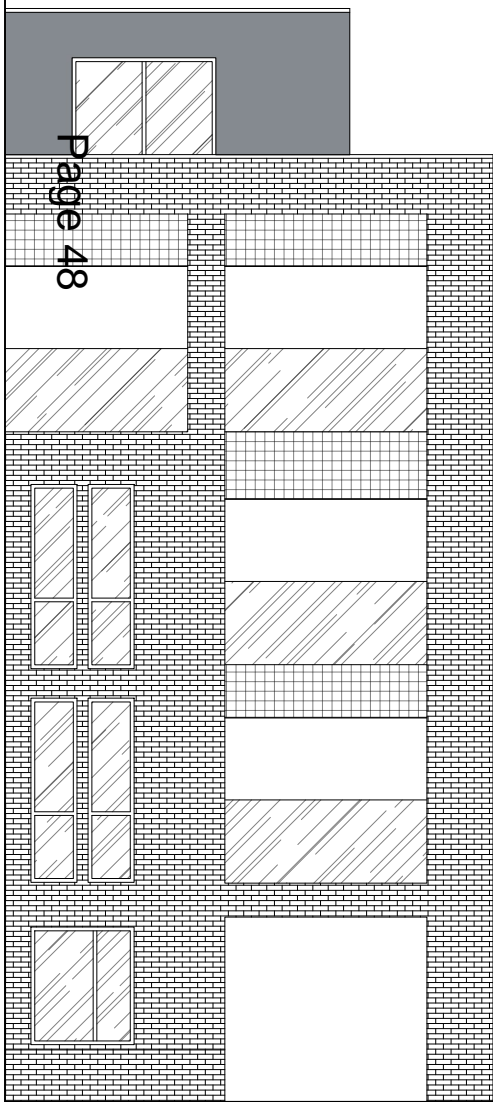
drawing title  
**PROPOSED ROOF PLAN**

date JULY 2022	scale 1:100@A3	dwn O.M
drawing number <b>24</b>	sheet no. 24 of 33	rev A





- 1. PERMEABLE PAVING
- 2. REFUSE STORAGE
- 3. INDIVIDUAL LETTER BOXES
- 4. SECURE CYCLE STORAGE
- 5. INTERCOM
- 6. SECURITY LIGHTING
- 7. OBSCURED GLAZED
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drawing title  
 PROPOSED FRONT ELEVATION

date JULY 2022	scale 1:100@A3	dwn O.M
drawing number 25	sheet no. 25 of 33	rev A



1. PERMEABLE PAVING
2. REFUSE STORAGE
3. INDIVIDUAL LETTER BOXES
4. SECURE CYCLE STORAGE
5. INTERCOM
6. SECURITY LIGHTING
7. OBSCURED GLAZED
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drawing title  
 PROPOSED REAR ELEVATION

date JULY 2022	scale 1:100@A3	dwn O.M
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drawing number 26	sheet no. 26 of 33	rev A
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- 1. PERMEABLE PAVING
- 2. REFUSE STORAGE
- 3. INDIVIDUAL LETTER BOXES
- 4. SECURE CYCLE STORAGE
- 5. INTERCOM
- 6. SECURITY LIGHTING
- 7. OBSCURED GLAZED
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drawing title  
PROPOSED ELEVATION 3

date JULY 2022	scale 1:100@A3	dwn O.M
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drawing number 27	sheet no. 27 of 33	rev A
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1. PERMEABLE PAVING
2. REFUSE STORAGE
3. INDIVIDUAL LETTER BOXES
4. SECURE CYCLE STORAGE
5. INTERCOM
6. SECURITY LIGHTING
7. OBSCURED GLAZED
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COVERED/SECURED CYCLE AND REFUSE STORAGE.

drawing title  
**PROPOSED ELEVATION 4**

date JULY 2022	scale 1:100@A3	dwn O.M
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drawing number 28	sheet no. 28 of 33	rev A
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PROPOSED SIDE ELEVATION 4



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1. PERMEABLE PAVING
2. REFUSE STORAGE
3. INDIVIDUAL LETTER BOXES
4. SECURE CYCLE STORAGE
5. INTERCOM
6. SECURITY LIGHTING
7. OBSCURED GLAZED
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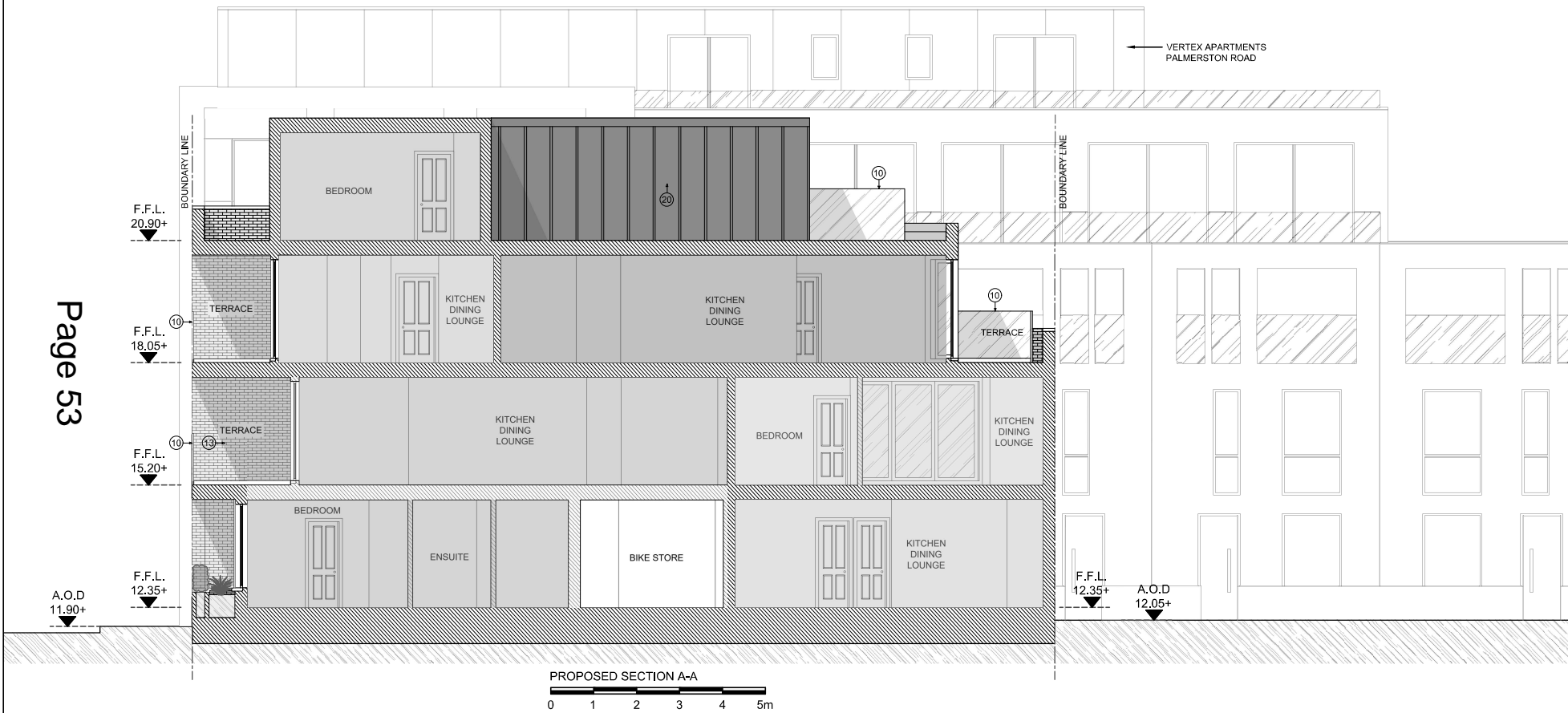
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COVERED/SECURED CYCLE AND REFUSE STORAGE.

drawing title  
**PROPOSED SECTION A-A**

date JULY 2022	scale 1:100@A3	dwtn D.M
drawing number 29	sheet no. 29 of 33	rev A



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VERTEX APARTMENTS  
PALMERSTON ROAD

PROPOSED SECTION A-A  
0 1 2 3 4 5m

- 1. PERMEABLE PAVING
- 2. REFUSE STORAGE
- 3. INDIVIDUAL LETTER BOXES
- 4. SECURE CYCLE STORAGE
- 5. INTERCOM
- 6. SECURITY LIGHTING
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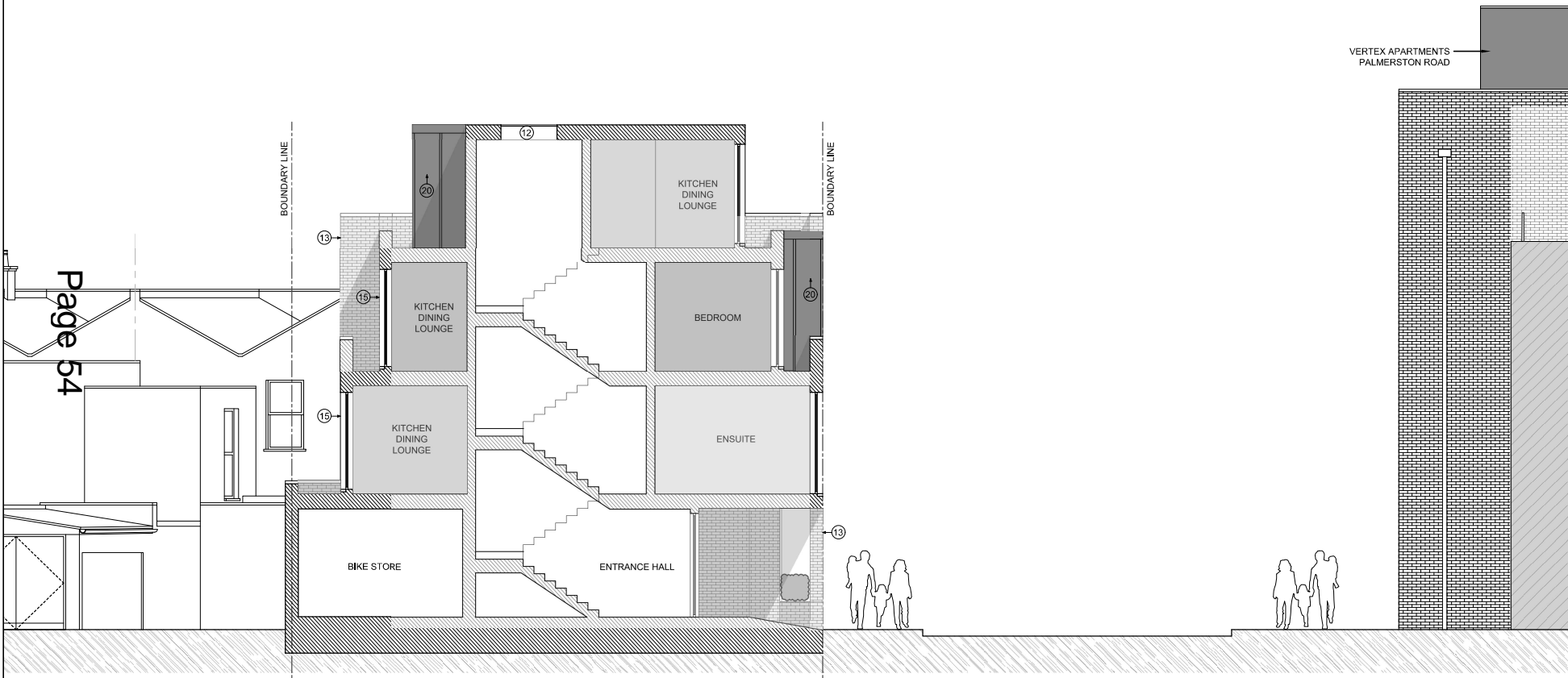
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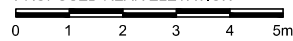
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PROPOSED REAR ELEVATION



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client  
115 Kingston Road, SW19 1LT

project  
**FULL PLANNING APPLICATION**  
DEMOLITION OF EXISTING 2 STOREY PROPERTY AND ERECTION OF 3/4 STOREY PROPERTY. NEW PROPERTY TO CONSIST OF 7 SELF-CONTAINED FLATS (3 X 3 BED, 5 X 2 BED, 1 X 1 BED/1 PERSON) ALL WITH PRIVATE OUTSIDE AMENITY SPACE AND COVERED/SECURED CYCLE AND REFUSE STORAGE.

drawing title  
**PROPOSED SECTION B-B**

date  
**JULY 2022**

scale  
1:10000/3

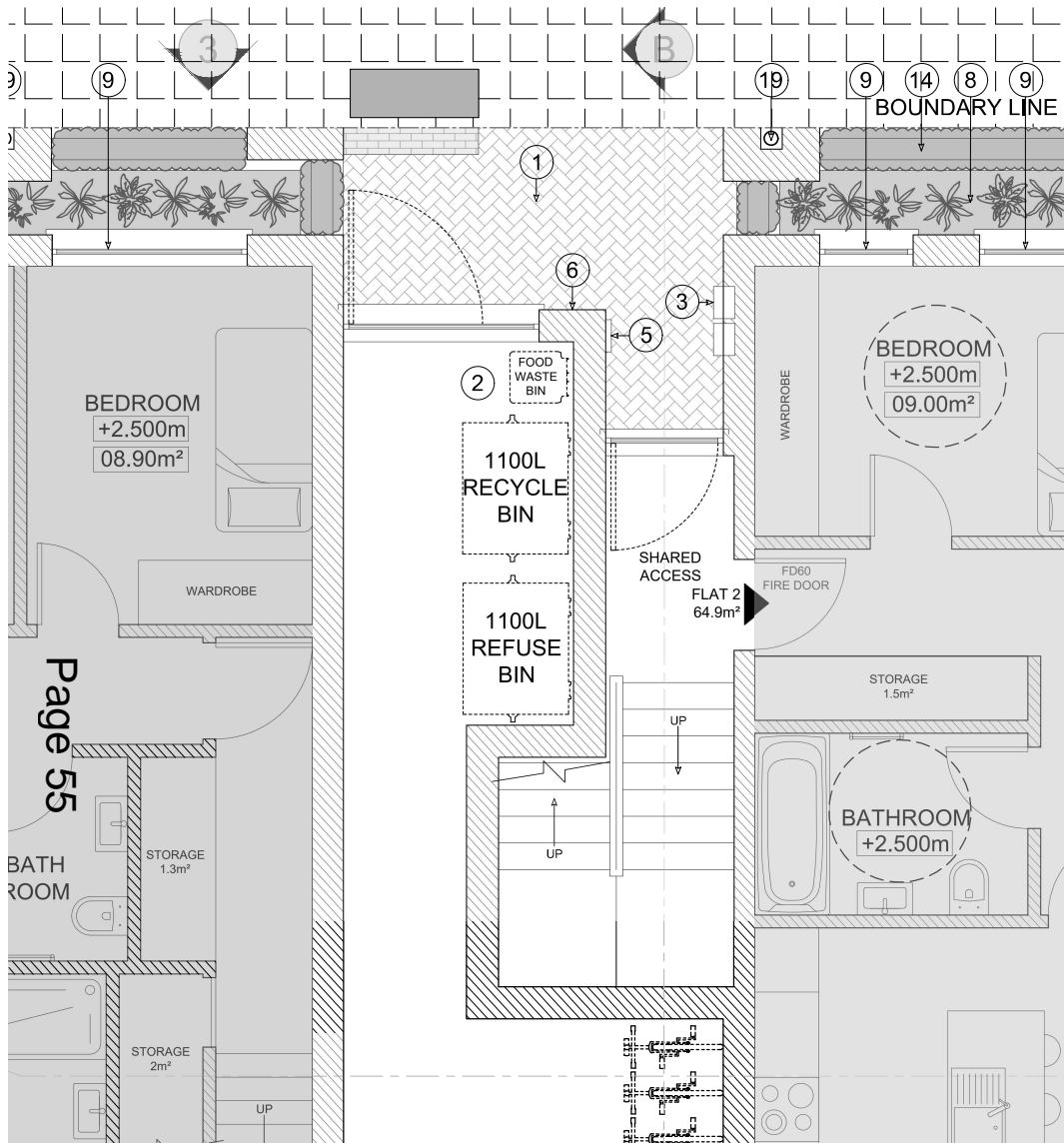
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drawing number  
**30**

sheet no.  
30 of 33

rev  
A





1 COMMUNAL REFUSE STORAGE PLAN  
SCALE 1 : 50

SPD Refuse and recyclables in developments Appendix B states that multi-unit developments must have sufficient space of no less than 120 litres per household for residual waste plus 120 litres per household for mixed recyclables must be provided.

**7 flats:**  
 7 x 120 litres refuse = 840 litres + 260 litres additional storage = 1 x 1100 litre euro bin's  
 7 x 120 litres recyclables = 840 litres + 260 litres additional storage = 1 x 1100 litre euro bin



7 LITRE INDOOR FOOD CADDY



FOOD WASTE METAL HOUSING



EXAMPLE 1100 LITRE REFUSE & RECYCLABLES STEEL EURO BIN FOR FALTS 2-8

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drawing title  
**PROPOSED REFUSE STORAGE PLAN**

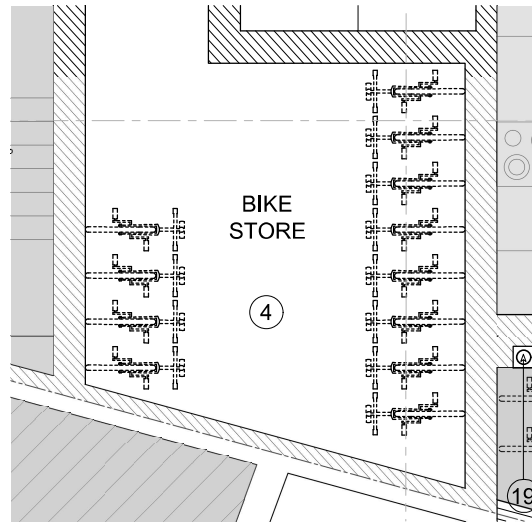
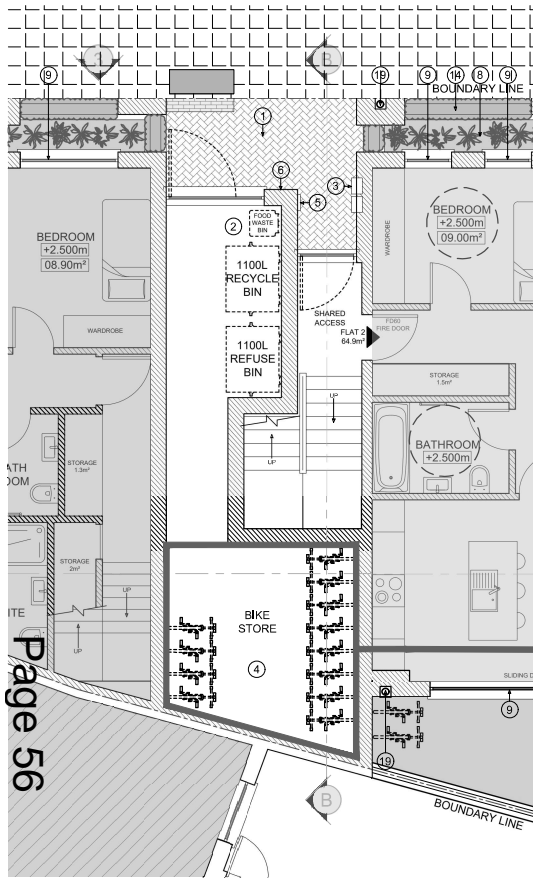
date  
JULY 2022

scale  
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drawing number  
31

sheet no.  
31 of 33

rev  
A



2 BIKE STORE PLAN SCALE 1 : 50

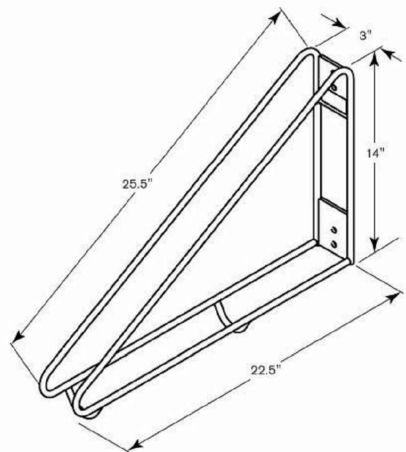


EXAMPLE WALL HUNG BIKES

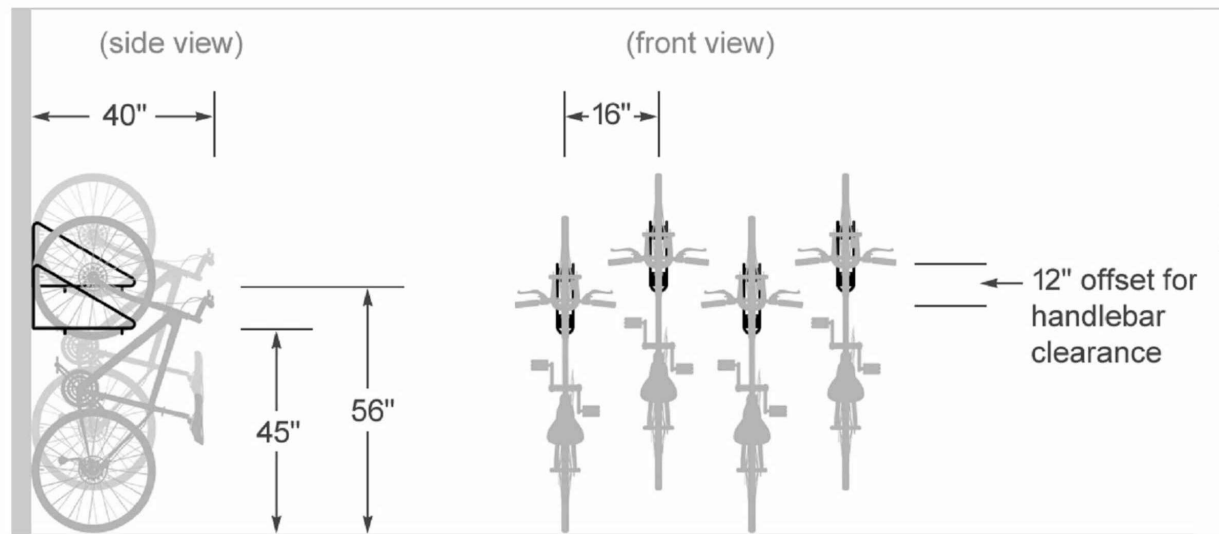
Page 56

1 BIKE STORAGE

1 BIKE STORE PLAN SCALE 1 : 100



EXAMPLE WALL HUNG BRACKET



EXAMPLE WALL HUNG BRACKET HEIGHT & SPACING

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PROPOSED BIKE STORAGE PLAN

date	scale	sheet
JULY 2022	1:1000/3	0/1
drawing number	sheet no.	rev
32	32 of 33	A



EXAMPLE BOUNDARY WALL PLANTER COMBINANTION



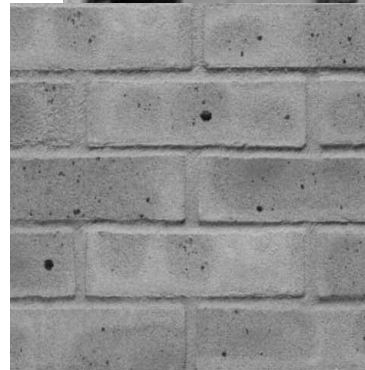
EXAMPLE FRAMELESS OBSCURED GLASS BALUSTRADE



EXAMPLE DARK GREY ZINC CLADDING & DARK GREY ALUMINIUM WINDOW



EXAMPLE WINDOW DETAIL, BRICK LINTEL DETAIL, RECESSED DOWN PIPE DETAIL & DARK GREY ZINC PANEL BETWEEN WINDOWS IN BRICK OPENING



EXAMPLE WIENERBERGER HURSTWOOD MULTI STOCK



EXAMPLE PERMEABLE PAVING



EXAMPLE COMPOSITE RESIN DECKING

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drawing title  
**PROPOSED MATERIALS**

date  
**JULY 2022**

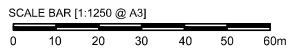
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**33**

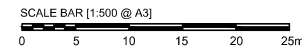
sheet no.  
 33 of 33

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1 SITE LOCATION  
SCALE 1 : 1250



2 BLOCK PLAN  
SCALE 1 : 500

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Drawing title  
**LOCATION PLAN**

date	scale	sheet
JULY 2022	N/A	01 of 33
drawing number	sheet no.	rev
01	01 of 33	-

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## PLANNING APPLICATIONS COMMITTEE

16 March 2023

### CASE OFFICER REPORT

<b><u>APPLICATION NO.</u></b>	<b><u>DATE VALID</u></b>
22/P2855	20/09/2022
<b>Address/Site:</b>	310-356 Grand Drive, Raynes Park, SW20 9NQ
<b>Ward:</b>	Lower Morden
<b>Proposal:</b>	Application for prior approval in respect of the proposed erection of a single storey roof extension to provide 6 no. flats and associated works.
<b>Drawing Nos:</b>	HA22-182-P001, HA22-182-P006A, HA22-182-P007, HA22-182-P008, HA22-182-P009A
<b>Contact Officer:</b>	Wendy Wong Chang

---

### **RECOMMENDATION**

**GRANT PRIOR APPROVAL subject to conditions and S106 legal agreement**

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### **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	64
External consultations	0
Internal consultations	2
Controlled Parking Zone	No

---

## **1. INTRODUCTION**

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

## **2. SITE AND SURROUNDINGS**

- 2.1 The application site is a 4 storey building located on the eastern side of Grand Drive within a Neighbourhood Parade Area. It comprises commercial units on ground floor level and residential flats on the upper floors.
- 2.2 The surrounding area is in mixed use. To the south is a similar three storey mixed use development. To the west, opposite Grand Drive is a three storey residential development and an access to Morden Cemetery/Recreation Ground which is designated as an area of Open Space, Sites of Importance for Nature Conservation and Metropolitan Open Land.
- 2.4 The site is not located within a Controlled Parking Zone (CPZ) and has a public transport access level (PTAL) of 2 (0 being poor and 6 being excellent).

### **3. CURRENT PROPOSAL**

- 3.1 This is an application to determine whether prior approval is required in respect of the proposed erection of an additional storey to the existing four storey mixed use block to create 6 x new self-contained flats (3 x 2B3P and 3x 1B2P).
- 3.2 This is an application submitted under Class AA of Part 20 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) for new dwellinghouses on detached buildings in commercial or mixed use.
- 3.3 Therefore, the only issues that can form material considerations are as follows:
  - (a) transport and highways impacts of the development;
  - (b) air traffic and defence asset impacts of the development;
  - (c) contamination risks in relation to the building;
  - (d) flooding risks in relation to the building;
  - (e) the external appearance of the building;
  - (f) the provision of adequate natural light in all habitable rooms of the new dwellinghouses;
  - (g) impact on the amenity of the existing building and neighbouring premises including overlooking, privacy and the loss of light;
  - (h) impacts of noise from any commercial premises on the intended occupiers of the new dwellinghouses;
  - (i) impacts of the introduction of, or an increase in, a residential use of premises in the area on the carrying on of any trade, business or other use of land in the area;



(j) whether, because of the siting of the building, the development will impact on a protected view identified in the Directions Relating to Protected Views dated 15th March 2012.

(k) where the existing building is 18 metres or more in height, the fire safety of the external wall construction of the existing building; and

(l) where the development meets the fire risk condition (see paragraph C(3) of this Part), the fire safety impacts on the intended occupants of the building.

3.4 The proposal involves the addition of one floor of accommodation. The additional floor would be finished in materials to match existing. All windows would align with the windows on the floor below and have the same appearance as the existing windows.

#### 4. RELEVANT PLANNING HISTORY

4.1 None of relevance to the application site however below sets out the planning history of the adjacent site at 358-372 Grand Drive.

4.2 22/P0440 - Demolition of the existing building and redevelopment of the site to provide a four storey building with a full basement 43 space car park, 3 retail units & supermarket to the ground floor and 33 x apartments to first, second and third floors – Pending Decision

#### 5. CONSULTATION

5.1 Public consultation was undertaken by post sent to neighbouring properties.

5.2 10 letters were received from 9 properties objecting to the proposal for the following reasons as summarised:

Comments	Officer Comments
<i>Transport</i>	
Put pressure on available parking provision	Further discussed and assessed in Section 6 of this report. The applicant has agreed to enter into a legal agreement to restrict future occupiers of the units from applying for residents parking permits in the event that a CPZ comes into force in the future
Refuse collection. Existing refuse chutes frequently becomes blocked and the management company have not been quick to unblock it	Further discussed and assessed in Section 6 of this report. However, a condition requiring the submission of refuse management plan has been recommended to ensure the development provides satisfactory
No recycling facilities	

<p>If the proposed planning application is granted, we respectfully request that a condition be included to accommodate the refuse provision for the existing and additional units.</p>	<p>refuse disposal/collection arrangements.</p>
<p>Incorrect information provided by the applicant as there is currently no dedicated storage space for dry recycling or food waste.</p>	
<p>Damage to existing property during construction works</p>	<p>Further discussed and assessed in Section 6 of this report. However, a condition requiring the submission of Construction Logistic and Management Plan has been recommended to ensure the development can be constructed with minimal disturbance to nearby occupants.</p>
<p>Noise, dust and debris during construction works causing health hazards</p>	
<p>I'd also like to know where building materials will be stored? Where will lorries be stored? If lorries are stored round the back near the garages, how will access to garages and parking spaces be guaranteed? If on the front, will this cause further limited parking for the area? How are the construction workers getting to work? Will they be parking in the area and causing increased strain on parking as well as further congestion?</p>	
<p>No information on construction related activities</p>	
<p></p>	
<p><i>Design</i></p>	<p>Further discussed and assessed in Section 6 of the Report.</p>
<p>The finished roof level would be significantly higher than the adjacent and surrounding buildings – which is totally out of character.</p>	
<p>No attempt by the applicant to enhance the streetscape or quality of the environment by using this opportunity to provide something visually appealing.</p>	
<p>Not subordinate</p>	
<p>Increases bulk and mass</p>	
<p>Application should be refused by reason of its excessive increase in height, bulk and massing, overbearing and visually intrusive</p>	

<i>Neighbour Amenity</i>	
Increases overlooking	Further discussed and assessed in Section 6 of the Report.
Loss of privacy	
Increase in noise	
Overshadowing	
Impact on light	
Access to existing flats within the site	This is not a material planning consideration
Year-long building proposal to be excessive and also breaches the covenant in the leasehold agreement.	This is not a material planning consideration
<i>Other</i>	
Covering Statement is not available to view	This is not a material planning consideration under this prior approval
Both the landlord and managing agents have not been able to provide adequate refurbishment of our properties nor kept the outside bin area to an adequate Health and Safety standard despite numerous complaints from the people who live here	
Main concern is if they can't or won't actually deal satisfactorily with our issues now, how on earth will they cope with an additional set of flats to manage	
No additional fire escape. Increase risks evacuating the building in case of fire	This is not a material planning consideration under this prior approval
Temporary loss of utilities during construction	Further discussed and assessed in Section 6 of the Report.
Additional development to the property should introduce a positive refreshment of the existing building's front elevation	This is not a material planning consideration under this prior approval
No details of how works to the existing roof plant will take place with residents in situ and how water supplies can continue to the flats whilst the relocation of the plant room is in process.	This is not a material planning consideration under this prior approval
There is asbestos present in the building. Need details how this will be handled with residents in the building	This is not a material planning consideration under this prior approval

There is an existing leak in the building and the management company/freeholders have yet to find the source of the leak.	This is not a material planning consideration under this prior approval
The freeholder has not fulfilled their covenants on the lease and there is no discussion around the refurbishment of the communal staircases or exterior rendering	This is not a material planning consideration under this prior approval
We've had no contact or notice from the freeholders at all	This is not a material planning consideration under this prior approval
Massive impact on local trade and traffic as the additional floor is built which will be a detriment to local traders and locals trying to move around the area	Further discussed and assessed in Section 6 of the Report.
The Applicant has not outlined how the building will be secured if planning permission is granted, the building would have scaffolding erected for a considerable period and this would mean we are open to several elements including burglary.	This is not a material planning consideration under this prior approval
No information on Health and Safety	
The building has no emergency lighting, no smoke/fire detectors, and only one exit in and out of the building. During our time as leaseholders no fire risk assessments have been carried out.	This is not a material planning consideration under this prior approval
The utilities infrastructure is of a poor quality and has not been updated since the building was built in 1960, this includes gas, electrical and water.	This is not a material planning consideration under this prior approval
Poor management	This is not a material planning consideration under this prior approval
Applicant has not met the requirements in the Party Wall Act 1996	This is not a material planning consideration under this prior approval

5.2 Planning officer's comments – Matters raised in the objections have been covered within the delegated report. In terms of dust, noise and disturbance created during the building work, these matters would be covered and monitored by the Council's Environmental Health team. Adherence to a Working Method Statement and Construction Logistics Plan have been

conditioned. The applicant would need to ensure that they have all necessary permits and approvals for the works which sit outside planning.

5.3 LBM Transport Planner:

No comments received

5.4 LBM Waste Officer

Comments on the submitted refuse management plan pending at the time of writing this report.

5.5 Thames Water

Thames Water has been consulted and comments yet to be received.

5.6 Highways (cycling)

If they really cannot meet the London Plan cycle parking requirements on site, then they should provide a contribution for cycle parking on-street.

We already have a lot of Sheffield cycle stands in this area intended for short term uses such as shopping. But these are not appropriate for residential use due to inadequate security and lack of weather protection. So for a residential development they should provide cycle hangars. These could probably be accommodated on the wide footway here or alternatively they could go in a parking space

The units each accommodate 6 bikes so, if the London Plan requires 10 spaces, then they should fund 2 hangars. The cost with installation will be approx. £5k per hangar including a contribution towards the residents annual membership fee for an initial period of 2 years.

5.7 Highways

No comments received at the time of writing this report.

5.8 Transport Planning

No comments received at the time of writing this report.

5.9 Councils Flood Officer

No comments received at the time of writing this report.

5.10 Councils Environmental Health Officer

No comments received at the time of writing this report.

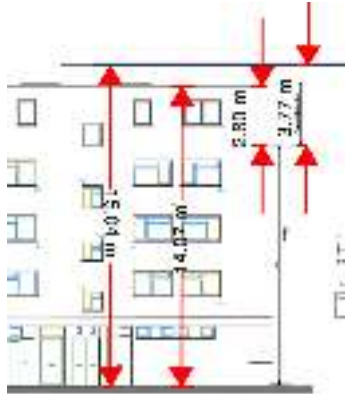
**6. POLICY CONTEXT**

- 6.1 The application as submitted is for prior approval and will be assessed against Schedule 2, Part 20 'Construction of New Dwellinghouses', Class AA 'New dwellinghouses on detached buildings in commercial or mixed-use' of the Town and Country (General Permitted Development) (England) Order 2015 (as amended). These rights have not been removed or restricted by any previous planning conditions.
- 6.2 Officer note: Article C of Part 20 defines 'Detached' as a building that does not share a party wall with a neighbouring building. In this instance, Officer has reviewed planning history of the adjoining building, 300 Grand Drive (Co-op building) and as illustrated on historic plans submitted under application MER215/79, the application building and the adjoining Co-op building do not share a party wall. The simplistic way to define a party wall is defined as two buildings that share only one wall (normally a flank wall). In this instance, the host building has its own flank wall, and the Co-op has its own flank wall. Despite these walls adjoining, they are separate from each other, and for the purpose of assessment under Part 20 this is considered as detached (as they don't share a party wall). This view only relates to consideration under Part 20 and does not alter how officers would normally define a detached building. In any event, even if the building were to be considered as a terrace, then under Part 20, Class AB (new dwellinghouses on terrace buildings in commercial or mixed use) the prior approval criteria is exactly the same as that under Class AA as set out below.
- 6.3 Class AA – The proposed erection of an additional storey at 310-356 Grand Drive is considered to be permitted development under Class AA. It has been assessed against the following criteria accordingly:

<b>Permitted development</b>	<b>Officer comments</b>
AA. (1) Development consisting of works for the construction of up to two additional storeys of new dwellinghouses immediately above the topmost storey on a detached building to which subparagraph (2) applies, together with any or all—	
(a) engineering operations reasonably necessary to construct the additional storeys and new dwellinghouses;	Complies
(b) works for the replacement of existing plant or installation of additional plant on the roof of the extended building reasonably necessary to service the new dwellinghouses;	Complies
(c) works for the construction of appropriate and safe access to and egress from the new dwellinghouses and existing premises in the building, including means of escape from fire,	Complies

via additional external doors or external staircases;	
(d) works for the construction of storage, waste or other ancillary facilities reasonably necessary to support the new dwellinghouses.	Complies
AA (2) This sub-paragraph applies to a building which is—	
(a) used for any purpose within Class A1 (shops), Class A2 (financial and professional services), Class A3 (restaurants and cafes) or Class B1(a) (offices) of the Schedule to the 1987 Order, or as a betting office, pay day loan shop or launderette;	N/A. AA(2)(b) applies as the building is in a mixed use with commercial uses on the ground floor and residential use on the upper floors.
(b) in a mixed use combining—	Complies
(i) two or more uses within paragraph (a); or (ii) a use falling within Class C3 (dwellinghouses) of the Schedule to the 1987 Order, together with one or more uses within paragraph (a).	Complies
AA.(3) In relation to Class AA, “the 1987 Order” means the Use Classes Order as in force on 5 <sup>th</sup> March 2018.	Complies

<b>Development not permitted</b>	<b>Officer comments</b>
AA.1. Development is not permitted by Class AA if—	
(za) the permission to use the building as a dwellinghouse has been granted only by virtue of Class MA of Part 3 of this Schedule;	Complies
(a) above ground level, the building is less than three storeys in height;	Complies. The building is 4 storeys in height.
(b) the building was constructed before 1st July 1948 or after 5th March 2018;	Complies. It has been submitted that the building was originally constructed circa 1963.
(c) on 5th March 2018 the building was in a use other than— (i) a use or mixed use within paragraph AA(2)(a) or (b); or (ii) a use falling within Class C3 of the Schedule to the Use Classes Order;	Complies. Google streetview of the site dating between 2008 to present shows the building to have been in continued mixed use with commercial uses on the ground floor and residential uses above.

<p>(d) the additional storeys are constructed other than on the principal part of the building;</p>	<p>Complies. The additional storey is constructed above the flat roof of the principal part of the building.</p>
<p>(e) the floor to ceiling height of any additional storey, measured internally, would exceed the lower of—  (i) 3 metres; or  (ii) the floor to ceiling height, measured internally, of any storey of the principal part of the existing building;</p>	<p>Complies. The floor to ceiling height of the new units measures 2.4m which is the same as the existing units</p>
<p>(f) the new dwellinghouses are not flats;</p>	<p>Complies. The new units are flats.</p>
<p>(g) the height of the highest part of the roof of the extended building would exceed the height of the highest part of the roof of the existing building by more than 7 metres (not including plant, in each case);</p>	<p>Complies. See screenshot below. The height of the highest part of the extended building would extend approx. 2.8m therefore &lt;7m.</p> 
<p>(h) the height of the highest part of the roof of the extended building (not including plant) would be greater than 30 metres;</p>	<p>Complies. See above screenshot. The proposed elevation shows the height of the extended building (excluding plant) to be approx. 14.1m. (Total height is approx. 15m including plant.)</p>
<p>(i) development under Class AA(1)(a) would include the provision of visible support structures on or attached to the exterior of the building upon completion of the development;</p>	<p>Complies. None proposed.</p>
<p>(j) development under Class AA(1)(a) would consist of engineering operations other than works within the existing curtilage of the building to—  (i) strengthen existing walls;</p>	<p>Complies. All associated works are sited within the curtilage of the building.</p>



(ii) strengthen existing foundations; or (iii) install or replace water, drainage, electricity, gas or other services;	
(k) in the case of Class AA(1)(b) development there is no existing plant on the building;	Complies. There is plant at roof level.
(l) in the case of Class AA(1)(b) development the height of any replaced or additional plant as measured from the lowest surface of the new roof on the principal part of the extended building would exceed the height of any existing plant as measured from the lowest surface of the existing roof on the principal part of the existing building;	Complies. The height of the replacement plant is the same height as existing.
(m) development under Class AA(1)(c) would extend beyond the curtilage of the existing building;	Complies. The proposed additional storey is sited within the curtilage of the existing building.
(n) development under Class AA(1)(d) would— (i) extend beyond the curtilage of the existing building; (ii) be situated on land forward of a wall forming the principal elevation of the existing building; or (iii) be situated on land forward of a wall fronting a highway and forming a side elevation of the existing building; or	Complies. The proposed additional storey is sited within the curtilage of the existing building.
(o) the land or site on which the building is located, is or forms part of— (i) article 2(3) land; (ii) a site of special scientific interest; (iii) a listed building or land within its curtilage; (iv) a scheduled monument or land within its curtilage; (v) a safety hazard area; (vi) a military explosives storage area; or (vii) land within 3 kilometres of the perimeter of an aerodrome.	Complies. The application site do not form part of areas listed under (i)-(vii).

<b>Conditions</b>	<b>Officer comments</b>
AA.2.—(1)Where any development under Class AA is proposed, development is permitted subject to the condition that before beginning the development, the developer must apply to the local planning authority for prior approval of the authority as to—	
(a) transport and highways impacts of the development;	Complies. This is discussed in further detail in the report below.
(b) air traffic and defence asset impacts of the development;	Complies. The site is not within 3 km of any identified aerodrome. The application is not

	considered to impact on air traffic and defence assets.
(c) contamination risks in relation to the building;	Complies. There are no land contamination designations, no excavation is proposed and the new flats would be on upper floors.
(d) flooding risks in relation to the building;	Complies. The site is not situated in an area at high risk of flooding. Given siting at roof level, the development will not impact on the risk of flooding in the locality.
(e) the external appearance of the building, including— (i) the design and architectural features of— (aa) the principal elevation; and (bb) any side elevation that fronts a highway; and (ii) the impact of any works under sub-paragraph (1)(c) or (d) of Class AA;	Complies. This is discussed in further detail in the report below.
f) the provision of adequate natural light in all habitable rooms of the new dwellinghouses;	Complies. All new habitable rooms in the new dwellings would be served by adequately sized and sited windows.
(g) impact on the amenity of the existing building and neighbouring premises including overlooking, privacy and the loss of light;	Complies. The amenities of occupiers of the existing building are not considered to be unacceptably compromised by the development. This is discussed in further detail in the report below.
(h) impacts of noise from any commercial premises on the intended occupiers of the new dwellinghouses;	Complies. The commercial premises are sited at ground floor and the proposed new units are sited on the 5 <sup>th</sup> floor. No impact identified.
(i) impacts of the introduction of, or an increase in, a residential use of premises in the area on the carrying on of any trade, business or other use of land in the area;	Complies. Impact is considered beneficial with potential increase in footfall and thus the viability and vitality of the existing commercial units.

j) whether, because of the siting of the building, the development will impact on a protected view identified in the Directions Relating to Protected Vistas dated 15th March 2012 issued by the Secretary of State	Complies. There are no protected views to consider.
(k) where the existing building is 18 metres or more in height, the fire safety of the external wall construction of the existing building; and	Complies. Existing building does not exceed 18m in height.
(l) where the development meets the fire risk condition (see paragraph C(3) of this Part), the fire safety impacts on the intended occupants of the building,	Complies. The development does not meet the fire risk condition for reasons set out under (k).

### Condition 1(a) – Transport and Highways

- 6.4 London Plan Policy T1 (Strategic approach to transport) 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.
- 6.5 Merton SPP Policy DM T2 seeks to ensure that development is sustainable and has minimal impact on the existing transport infrastructure and local environment. Policy DM T3 seeks to ensure that the level of residential and non-residential parking and servicing provided is suitable for its location and managed to minimise its impact on local amenity and the road network.
- 6.6 Core Strategy Policy CS20 and SPP Policy DM T5 requires that development would not adversely affect pedestrian or cycle movements, safety, the convenience of local residents, street parking or traffic management, that they minimise any impacts on the safe movement of people or goods, are appropriately located and connected to the road hierarchy; respect the streets character and environment.

### Car Parking

- 6.7 The site has a Public Transport Accessibility Level of 2 which is considered to be poor. The proposal does not fall within a Controlled Parking Zone and no additional vehicular parking is proposed.
- 6.8 The London plan expresses parking standards as a maximum. Therefore, the provision of a car free development is not objectionable. The comments of neighbouring occupiers, in regards to parking pressure, have been carefully considered. The results of the parking survey undertaken by i-Transport have demonstrated that, in the worst case scenario, the development may result in demand to park a further 5- 6 cars on street. The overnight parking surveys identified 45 or more vacant parking spaces (out of 85 unrestricted parking spaces) in the surrounding streets. Therefore with the development in situ, approx. 39 parking spaces will remain vacant, which is equivalent to a total

parking stress level increasing from 46% to 54%. It can therefore be concluded the development will not materially impact on existing parking stress in the locality and therefore will continue to safeguard highway and pedestrian safety.

- 6.9 The site is not within a CPZ however to ensure the scheme does not increase parking pressure in the locality in perpetuity, the applicant has agreed to restrict the future occupants of the new units from access to residents parking permits in the event that a CPZ comes into force in the locality in the future. This is to be secured through a s.106 agreement

#### Cycling Parking

- 6.7 Core Strategy Policy CS18 seeks to promote active transport by requiring new development to provide cycle parking, it encourages design that provides, attractive, safe, covered cycle storage, cycle parking and other facilities (such as showers, bike cages and lockers).
- 6.8 London Plan Policy T5 requires developments to provide appropriate levels of cycle parking which should be fit for purpose, secure and well-located. Developments should provide cycle parking at least in accordance with the minimum standards set out in Table 10.2 which requires 1.5 spaces per 1B2P units and 2 spaces for all other unit types. The proposal comprises 3 x 2 bed flats and 3 x 1 bed (1B2P) flats as such 10.5 no. cycle parking spaces is required. This is to be rounded up to 11 cycle parking spaces.
- 6.9 As cycle parking cannot be accommodated within the site and to accord with the requirements of the aforementioned policies, a financial contribution of £10,000 is being sought to provide 2 x cycle hangars, which includes a contribution towards the new residents annual membership fee for an initial period of 2 years. Each cycle hangar can accommodate 6 cycles therefore 2 x cycle hangars are required to comply with the minimum standards. This is being secured via a s106 legal agreement.

#### Refuse/Recycling

- 6.10 Merton Core Strategy Policy CS17 requires new developments to demonstrate integrated, well-designed waste storage facilities that will include recycling facilities. London Plan Policies SI 7 and SI 8 identifies that in order to manage London's waste sustainably, the waste management capacity of existing sites should be optimised and developments should be designed with adequate, flexible, and easily accessible storage space and collection systems that support, as a minimum, the separate collection of dry recyclables (at least card, paper, mixed plastics, metals, glass), non- recyclables and food waste.
- 6.11 It is noted that the existing refuse arrangement provides for separate residential and commercial refuse stores/collection. The refuse arrangement will utilise existing refuse storage/collection arrangement. It has been submitted that there are 3 bin stores located at ground floor level and the residents use the chutes in the staircases to dispose of refuse and the refuse drops into waste

wheel bins in the bins store areas at ground floor level. The same approach would apply to the residents of the new flats. Concerns are noted in relation to existing refuse arrangement as such a condition is recommended for details of refuse management plan to be submitted for approval.

- 6.12 The Council's Waste Officer's comments on the submitted Refuse Management Plan are pending.

#### Construction Impacts

- 6.13 Concerns have been submitted in relation to the potential impact of the constructions works on the health, safety and security of the existing occupants. Whilst officers acknowledge that the site constraints may appear to make construction more difficult than on an easily accessible site, however this situation is not unusual in urban areas. In this instance, Officers consider the concerns can be satisfactorily addressed by way of planning conditions requiring the submission of construction logistic plan and a working method statement to help reduce impact on surrounding residential properties. The standard wording of the condition for submission of a Working Method Statement include details of control of dust and noise.
- 6.14 Imposing the planning conditions requiring full details of how the development is to be built, will be subject of formal submission (discharge of condition) and review and approval by the Councils Transport and Highway officers. This level of detail is normally only known once the applicant has secured planning approval and a contractor has been appointed to undertake the build. The discharging of the planning condition will ensure that best practice is delivered and disruption to neighbouring properties is kept to a minimum.

#### Condition 1(e) – External Appearance

- 6.15 Policies DM D2 and DM D3 seek to ensure a high quality of design in all development, which relates positively and appropriately to the siting, rhythm, scale, density, proportions, height, materials and massing of surrounding buildings and existing street patterns, historic context, urban layout and landscape features of the surrounding area. Core Planning Policy CS14 supports these SPP Policies.
- 6.16 The proposal comprises the erection of an additional storey to provide 6 flats (3 x 2B3P and 3 x 1B2P) flats on top of the existing building. Materials will match existing and the fenestration arrangement aligns with existing on the floors below.
- 6.17 To the south is a three storey building with a pitched roof where the highest point is similar in height to the application site. Adjoining the site to the north is a single storey building. Further to the north is a three storey building with a pitched roof. Opposite the site is a three storey residential building block. Whilst the site, standing at 4 storeys, is currently one of the taller buildings in the locality however, given the design of the nearby buildings, it is considered

that the additional height could be reasonable accommodated without causing material harm to the character of the area.

- 6.18 Of note is the adjacent building, which benefit from a pitched roof therefore allowing a suitable visual transition along Grand Drive.
- 6.19 The impact on the external appearance of the building and the locality is therefore considered acceptable.

#### Condition 1(f) – Neighbouring amenities

- 6.20 Policy DM D2 seeks to ensure that development does not adversely impact on the amenity of nearby residential properties.
- 6.21 The proposed rooftop extension would not project beyond the existing footprint of the building. In view of the alignment with the building to the south, the impact on the adjacent 3 storey mixed use building would be minimal.
- 6.22 In view of siting and distance to all other nearby occupants at Grand Drive and Queen Mary Avenue and existing level of overlooking afforded from the upper floor windows on the host building, the proposal is not considered to materially increase harm to the residential amenity of any of the nearby occupants when compared to existing situation. In addition, the increase in height is not considered to materially impact on daylight/sunlight that currently benefits nearby occupants.

### **7. LOCAL FINANCE CONSIDERATIONS**

- 7.1 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.
- 7.2 On initial assessment this development is considered liable for the Mayoral and Merton CIL.

### **8. SECTION 106 LEGAL AGREEMENT**

- 8.1 The development is to be 'Permit Free' in line with policy CS.20 of the Core Planning Strategy, which seek to reduce reliance on private motor vehicles in locations with good access to public transport facilities.
- 8.2 In line with London Plan Policy T5 which requires the provision of adequate cycle parking provision commensurate to the scale of the development, a financial contribution is being sought to enable the Council to provide 2 x cycle hangars in the vicinity of the application site.
- 8.3 Further information in respect of the above, including details of supplementary research carried out in justification of the S106 requirements, can be viewed

here:

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

## 9. **Conclusion**

- 9.1 For the reasons given above, and taking all provisions of the GPDO (2015) (as amended) into account, it is concluded that the proposals should be granted Prior Approval. This is for the reason that the development is considered to be permitted development under Schedule 2, Part 20 'Changes of Use', Class AA 'New dwellinghouses on detached buildings in commercial or mixed use' of the Town and Country (General Permitted Development) (England) Order 2015 (as amended) and satisfies the relevant conditions set out under Criteria AA.2(1).

## 10. **RECOMMENDATION**

- 10.1 GRANT PRIOR APPROVAL subject to conditions and the completion of a S106 agreement covering the following heads of terms:
1. £10,000 to provide 2 x cycle hangars including a contribution towards the new residents annual membership fee for an initial period of 2 years.
  2. £5,000 for amendments to Traffic Management Order and associated signing and lining should the cycle hangars be installed within parking spaces
  3. Restrict access to parking permits for all future occupants of the 6 new units created as part of the development in the event that a CPZ comes into force in the future
  4. Paying the Council's legal and professional costs in drafting, completing and monitoring the legal agreement.

### **Grant prior approval subject to the following conditions:**

1	A Non Standard Condition	The development to which this prior approval relates shall be completed not later than the expiration of 3 years from the date of this permission.	
	1	Reason: To comply with The Town and Country Planning (Permitted Development and Miscellaneous Amendments) (England) (Coronavirus) Regulations 2020, Part 20, Class A.	
2	A7 Approved Plans	The development hereby permitted shall be carried out in accordance with the following approved plans: HA22-182-P001, HA22-182-P006A, HA22-182-P007, HA22-182-P008, HA22-182-P009A	
	1	Reason: For the avoidance of doubt and in the interests of proper planning	

3	Materials Match existing	<p>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.</p> <p>Reason: To ensure a satisfactory appearance of the development 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.</p>
4	No use of flat roof	<p>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.</p> <p>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.</p>
3	Refuse Storage	<p>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.</p> <p>REASON: To safeguard the appearance of the property and the amenities of the area</p>
4	C06 Refuse & Recycling (Details to be Submitted)	<p>No development shall take place until a refuse management plan including details for the storage and collection of refuse and recycling has been submitted in writing for approval to the Local Planning Authority. No works which are the subject of this condition shall be carried out until the scheme has been approved, and the development shall not be occupied until the scheme has been approved and has been carried out in full. Those facilities and measures shall thereafter be retained for use at all times from the date of first occupation.</p>
		<p>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 SI 7 and D6 of the London Plan 2016, policy CS17 of Merton's Core Planning Strategy 2011 and policy DM D2 of Merton's Sites and Policies Plan 2014.</p>
5	D11 Construction Times	<p>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.</p>
		<p>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 Polices Plan 2014.</p>



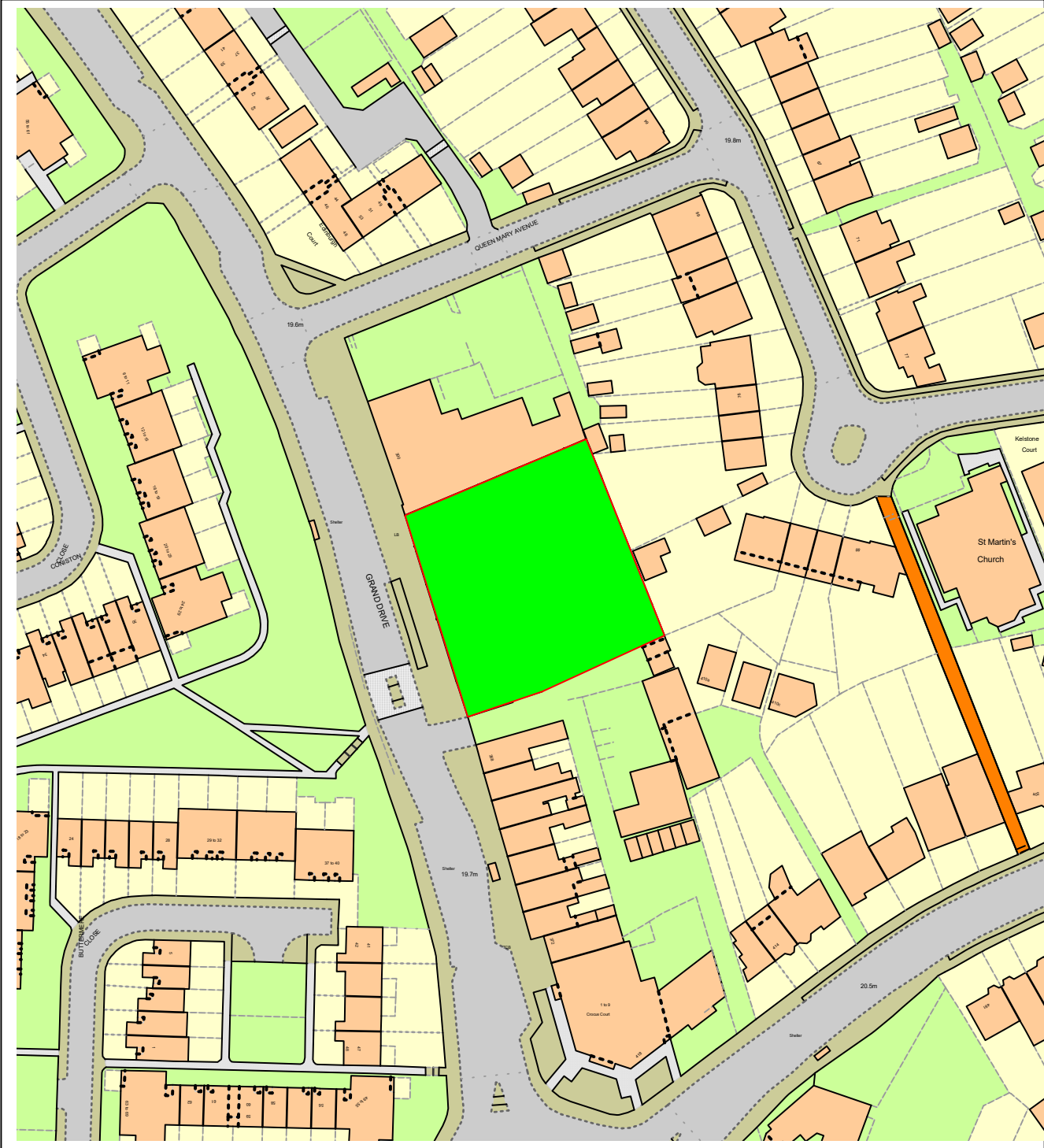
6	CLP	<p>Prior to the commencement of the development hereby permitted, a Construction Logistics Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall include details of the provision to accommodate all site workers', visitors' and construction vehicles and 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.</p> <p>Reason: To ensure the safety of pedestrians and vehicles and the amenities of the surrounding area and to comply with the following Development Plan policies for Merton: policies T4 and T7 of the London Plan 2021, policy CS20 of Merton's Core Planning Strategy 2011 and policy DM T2 of Merton's Sites and Policies Plan 2014.</p>
7	WMS	<p>Development shall not commence until a working method statement has been submitted to and approved in writing by the Local Planning Authority to accommodate:</p> <ul style="list-style-type: none"> <li>(i) Parking of vehicles of site workers and visitors;</li> <li>(ii) Loading and unloading of plant and materials;</li> <li>(iii) Storage of construction plant and materials;</li> <li>(iv) Wheel cleaning facilities;</li> <li>(v) Control of dust, smell and other effluvia (Air Quality measures);</li> <li>(vi) Control of surface water run-off;</li> <li>(vii) Noise mitigation measures;</li> <li>(viii) Delivery methods including timing, size and frequency of construction vehicles.</li> </ul> <p>No development shall be carried out except in full accordance with the approved method statement.</p> <p>Reason: To ensure the safety of pedestrians and vehicles and the amenities of the surrounding area and to comply with the following Development Plan policies for Merton: policies T4 and T7 of the London Plan 2021, policy CS20 of Merton's Core Planning Strategy 2011 and policy DM T2 of Merton's Sites and Policies Plan 2014.</p>
8	A Non Standard Condition	<p>All Non-road Mobile Machinery (NRMM) used during the course of the development that is within the scope of the Greater London Authority 'Control of Dust and Emissions during Construction and Demolition' Supplementary Planning Guidance (SPG) dated July 2014, or any subsequent amendment or guidance, shall comply with the emission requirements therein.</p> <p>Reason: To safeguard the amenities of the area and the occupiers of neighbouring properties and ensure compliance with the following Development Plan policies for Merton: policy D14 of</p>

		the London Plan 2021 and policies DM D2, DM D3, DM EP2 and DM EP4 of Merton's Sites and Policies Plan 2014.
9	INF 20 Street naming and numbering	<p>INFORMATIVE</p> <p>This permission creates one or more new units which will require a correct postal address. Please contact the Street Naming &amp; Numbering Officer at the London Borough of Merton</p> <p>Street Naming and Numbering (Business Improvement Division) Corporate Services 7th Floor, Merton Civic Centre London Road Morden SM4 5DX Email: <a href="mailto:street.naming@merton.gov.uk">street.naming@merton.gov.uk</a></p>
10	INF 11 Drainage	<p>INFORMATIVE</p> <p>It is the responsibility of the developer to make proper provision for drainage to ground, watercourses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off-site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of ground water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required (contact no. 0845 850 2777).</p>
11	INF 01 Party Walls Act	<p>INFORMATIVE</p> <p>The applicant is advised to check the requirements of the Party Wall Act 1996 relating to work on an existing wall shared with another property, building on the boundary with a neighbouring property, or excavating near a neighbouring building. Further information is available at the following link: <a href="http://www.planningportal.gov.uk/buildingregulations/buildingpolic yandlegislation/current legislation/partywallact">http://www.planningportal.gov.uk/buildingregulations/buildingpolic yandlegislation/current legislation/partywallact</a></p>
12	INF 00 Non-Standard/ Blank Informative	<p>INFORMATIVE</p> <p>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 a swift nesting box/bricks on the site.</p>
13	INF 00 Non-Standard/ Blank Informative	<p>INFORMATIVE</p> <p>CIL Liable</p>

		<p>The applicant is advised that this permission results in a chargeable scheme under the Borough's and the Mayor of London's Community Infrastructure Levy.</p> <p>Section 106 Agreement</p> <p>This planning permission has a Section 106 Agreement which must be read in conjunction with it.</p>
14	INF 00 Non-Standard/ Blank Informative	<p>INFORMATIVE</p> <p>Damage to the public highway:</p> <p>Care should be taken to ensure that no damage is caused to the public highway adjacent to the site during demolition and (or) construction. The Council will seek to recover any expenses incurred in repairing or making good such damage from the owner of the land in question or the person causing or responsible for the damage.</p> <p>BEFORE ANY WORK COMMENCES you MUST contact the London Borough of Merton, Telephone 020 8274 4901 to arrange a pre-commencement photographic survey of the public highways adjacent to and within the vicinity of the site. The precondition survey will ensure you are not charged for any damage which existed prior to commencement of your works.</p> <p>If you fail to contact us to arrange a pre commencement survey then it will be assumed that any damage to the highway was caused by your activities and you will be charged the full cost of repair.</p> <p>Once the site works are completed you need to contact us again to arrange for a post construction inspection to be carried out. If there is no further damage then the case will be closed. If damage or further damage is found to have occurred then you will be asked to pay for repairs to be carried out.</p> <p>Noise control - Building sites:</p> <p>The attention of the applicant is drawn to the requirements of section 60 of the Control of Pollution Act 1974 in respect of the minimisation of noise and vibration on construction and demolition sites. Application, under section 61 of the Act for prior consent to the works, can be made to the Environmental Health Department.</p> <p>Under the Act the Council has certain powers to control noise from construction sites. Typically the council will limit the times during which sites are permitted to make noise that their neighbours can hear.</p> <p>For general construction works the Council usually imposes (when necessary) the following limits on noisy works:- Monday to Friday 8am to 6pm</p>

		<p>Saturdays 8am to 1pm Sundays and Public Holidays- No noisy activities allowed</p> <p>Applicants should also be aware of the guidance contained in British Standard 5228;2009- Noise and vibration control on construction and open sites.</p>	
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# NORTHGATE SE GIS Print Template



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**PLANNING APPLICATIONS COMMITTEE**  
**16th March 2023.**

<b>UPRN</b>	<b>APPLICATION NO.</b>	<b>Item No:</b> <b>DATE VALID</b>
	23/P0237	30.01.2023
<b>Address/Site</b>	153 Links Road Tooting SW17 9EW	
<b>Ward:</b>	Graveney	
<b>Proposal:</b>	CHANGE OF USE FROM C3 (DWELLINGHOUSE) TO C4 6 RESIDENT (House in Multiple Occupation)	
<b>Drawing Nos:</b>	Site location plan and drawing LIN-TA-XX-XX-DR-A-520001 P06	
<b>Contact Officer:</b>	Leigh Harrington (020 8545 3836)	

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## **RECOMMENDATION**

Grant planning permission subject to conditions.

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## **CHECKLIST INFORMATION.**

- Heads of agreement: No
- Is a screening opinion required: No
- Is an Environmental Statement required: No
- Has an Environmental Impact Assessment been submitted: No
- Design Review Panel consulted: No
- Number of neighbours consulted: 26
- Press notice – No
- Site notice –Yes
- External consultations: No
- Archaeological Priority Zone – No
- Controlled Parking Zone – Yes, GC

### **1. INTRODUCTION**

- 1.1 The application has been brought before the Committee at the request of Councillor Mundy as a previous application for a 7 person HMO at this site (LBM Ref 22/P1990) was refused by members at a previous Planning Committee. The application is subject to a requirement for planning permission because an HMO

with 6 residents is subject to a requirement for planning permission following Merton's imposition of an Article 4 direction in this ward.

## 2. **SITE AND SURROUNDINGS**

- 2.1 The application site is an end terrace house located on the north side of Links Road at the junction with Jersey Road in Tooting. The rear of the property has now been subdivided such that the rear garage structure no longer relates to this site. The house benefits from a hip to gable and rear roof dormer extension.
- 2.2 The site is not located within a Conservation Area nor is it in anyway listed. The site is located within the GC controlled parking zone and has a public transport accessibility level (PTAL) of 2 (0 being the lowest and 6b being the best).

## 3. **CURRENT PROPOSAL**

- 3.1 The proposals are for the conversion of the existing C3 Dwellinghouse into a 6 resident HMO.
- 3.2 On the ground floor there would be a single occupancy ensuite bedroom to the front with a communal kitchen/dining room and a living room to the rear with access out to the recently re-turfed communal garden, bike and bin stores.
- 3.3 The first floor would accommodate 3x single bedrooms, two of which would be ensuite. The room that was previously proposed as a single bedroom to the front would now be a study room providing working from home space for future residents.
- 3.4 The roof extensions would accommodate 2 single ensuite bedrooms and a spacious bathroom for the two non-ensuite bedrooms on the first floor.
- 3.5 There are no additions proposed to the building, the only physical exterior changes being a small repositioning of a first floor rear window.

## 4. **PLANNING HISTORY**

- 4.1 22/P1990 APPLICATION refused by PAC FOR THE PROPOSED CHANGE OF USE OF A DWELLING HOUSE TO A 7-BED (7 PERSON) HOUSE IN MULTIPLE OCCUPATION. Reason for refusal; *The proposed House in Multiple Occupation by reason of design, layout and quantum of occupancy is considered to represent a poorly designed overdevelopment of the site resulting in unacceptable impacts in terms of poor quality living conditions & amenity for future occupiers and waste management arrangements contrary to London Plan 2021 Policy H9, Merton Sites and Policies Plan 2014 policy DM D2 and Merton Core Strategy 2011 policy CS17.*



4.2 22/P3238 APPLICATION undetermined FOR A LAWFUL DEVELOPMENT CERTIFICATE IN RESPECT OF THE PROPOSED CHANGE OF USE FROM C3 (DWELLINGHOUSE) TO C4 6 RESIDENT (HMO)

4.3 22/P1537 APPLICATION refused FOR A LAWFUL DEVELOPMENT CERTIFICATE IN RESPECT OF THE PROPOSED CHANGE OF USE FROM C3 (DWELLINGHOUSE) TO C4 (HMO) AND THE ERECTION OF A SINGLE STOREY REAR EXTENSION. Reasons for refusal *The proposed level of occupation with 8 bedrooms would exceed the 3-6 occupier threshold as set out in Class C4 (Houses in multiple occupation) of The Town and Country Planning (Use Classes) Order 1987 (As amended). The proposed development would therefore be Sui Generis (Large Houses in multiple occupation) for which planning permission would be required.*

And

*The proposed single storey rear extension would not constitute an extension to a dwellinghouse as permitted by Schedule 2, Part 1, Class A (enlargement, improvement or other alteration of a dwellinghouse) of the Town and Country Planning (General Permitted Development (England) order 2015 (as amended). Planning permission would therefore be required.*

4.4 22/P1279 LAWFUL DEVELOPMENT CERTIFICATE issued IN RESPECT OF THE PROPOSED ERECTION OF A SINGLE STOREY REAR EXTENSION

4.5 21/P1096 APPLICATION UNDER SECTION 191 Withdrawn by applicant THAT THE USE OF GARAGE AT LAND TO THE REAR OF 153 LINKS ROAD AS STORAGE (USE WITHIN CLASS B8) IS LAWFUL FOR PLANNING PURPOSES

4.6 20/P3802 Planning permission granted for the PROPOSED DEMOLITION OF OUTBUILDINGS AND ERECTION OF A REPLACEMENT GARAGE.

4.7 06/P0490 CERTIFICATE OF LAWFULNESS issued FOR A PROPOSED REAR ROOF EXTENSION.

## 5. **CONSULTATION**

5.1. Consultation letters sent to 26 neighbouring properties and site notice posted. Three letters of objection were received raising concerns relating to;

- Probability of Increased noise nuisance by the occupants
- Potential of crime and disorder

- Limited parking spaces available for use due to the number of persons living at the property and surrounding occupants on Jersey Road.
- Potential of over inflation of other rented properties in the area.
- It will change the character of the neighbourhood which is currently almost exclusively single family houses,
- The works had started before the application was submitted and would create a precedent that works can be undertaken ahead of any planning permission being sought and that it is therefore a mere formality lightly undertaken;
- From a social and ethical perspective in my opinion the house is not large enough to support six separate tenants nor is the neighbourhood's infrastructure should this become more common.

5.2 The Council's HMO Officer commented;

"I have looked at the plans and property meets HMO Standards for amenities and crowding and space, but there is no mention of the early fire warning system in the property. As the property is 3-storey there will need to be a panelled fire alarm system. Confirmation of this will on plan comply with HMO Requirements". The team has received (02/03/2023) a licensing application for 4-7 residents.

5.3 The Council's Waste services section commented;

That these would be treated as kerbside waste collection service. Therefore for the 6 residents, the following sets of bins are recommended for a fortnight collection service. Food waste remains a weekly service:

- 1x 240L + 1x 180L wheelie bins for general refuse
- 1x 240L wheelie bin for paper/card
- Individual mixed recycling boxes or 1x 240L wheelie bin for mixed recycling
- Individual food caddies

They need to be presented for collection on the relevant day within arm's reach of the front gate.

5.4 The Council's lead officer on the Article 4 Direction raised no objection to the application but noted that "a compensation claim may be made for either a refusal of an Application or the imposition of a Planning Condition which affects the value of the development and arguably making it permit free does that".

5.5 Shared Legal Services commented;

"In order to qualify for compensation there needs to be a refusal of a planning application for development that would have been PD but for the A4D. The refusal also needs to be not more than 12 months from the date that the A4D comes into operation.

Although I believe that it is not relevant with the recent A4D there is an exception to the above in section 108(3)(c) that provides that compensation is not payable under section 108 in the event that notice of the A4D is given not less than 12 months nor more than the “prescribed period” from the date that the A4D takes effect.

The “prescribed period” for the purposes of section 108(3)(c) of the T&CP Act 1990 is 24 months - see Regulation 4(b) of the T&CP(Compensation)(England) Regulations 2012.”

- 5.6 The Council’s Parking Permits team confirmed that the allocation of parking permits is considered in the same way for family homes as they are for HMOs in that this is no limit on the number that can be applied for but the cost increases for each subsequent permit that is issued.

## **6. POLICY CONTEXT**

- 6.1 Relevant policies in the London Plan 2021:  
D3 Optimising site capacity through the design-led approach  
D6 Housing quality and standards  
D11 Safety and security  
D14 Noise  
H1 Increasing housing supply  
H6 Housing standards  
H9 Ensuring the best use of stock  
T5 Cycling  
T6.1 Residential parking  
T4 Assessing and mitigating transport impacts  
SI 7 Reducing waste and supporting the circular economy
- 6.2 Merton adopted Core Strategy (July 2011):  
CS2 Mitcham Sub-Area  
CS8 Housing Choice  
CS9 Housing Provision  
CS14 Design  
CS15 climate change  
CS17 Refuse  
CS18 Active transport  
CS20 Parking, servicing and delivery
- 6.3 Merton adopted Sites and Policies Plan (July 2014):  
DM H5 Student housing, other housing with shared facilities and bedsits  
DM D2 Design considerations in all developments  
DM D3 Alterations and extensions to existing buildings  
DM EP2 Reducing and mitigating noise  
DM T1 Support for sustainable transport and active travel

DM T2 Transport impacts of development  
DM T3 Car parking and servicing standards

6.4 Other guidance:

London Housing SPG - 2016

London Character and Context SPG - 2014

Accessible London: Achieving an Inclusive Environment – 2014

London Borough of Merton Houses in Multiple Occupation (HMO) Requirements  
(Revised July 2019)

Waste and Recycling Storage Requirements, a Guidance note for Architects

## **7. PLANNING CONSIDERATIONS**

7.1 The principal planning considerations in this case relate to the impact that the proposed development would have on the existing building, the character of the local area, the impact that it would have on the amenity of neighbouring residents and future occupiers.

### **7.2 Principle**

Policy H9 of the London Plan notes that HMO accommodation is a strategically important part of London's housing offer although it does acknowledge that its quality can give rise to concern. In terms of the standard of accommodation for the HMO, this is largely addressed under Licencing requirements as opposed to through the planning system. The level of occupancy would be set out in the decision notice, 6 residents, as the level of occupancy is specified in the application description and is additionally controlled through the HMO licencing system and subject to periodic inspection and control. Therefore the approved level of occupation would be 6 residents and planning permission would be required to increase this although given the size of the existing house, even extended, this increased level of occupation would be unlikely to be supported by officers as 6 is considered the maximum that can be comfortably accommodated and still provide the high standard of accommodation that would be available on site.

7.2.1 As a matter of background for members, where HMO applications have been refused elsewhere in the borough this has often been due to the high numbers of occupiers and the impact of so many people living in one property. In this instance the proposed level of occupancy is 6 which, were an area not covered by an Article 4 Direction, would be allowable under permitted development rights.

### **7.3 Impact on the existing building.**

The proposals do not involve any additions to the existing building and since the previous scheme was refused the applicant has undertaken works to repaint the property, re-turf the lawn and replace the previous poor-quality fencing. The

building is now much improved in its appearance and is considered to enhance the appearance of the wider setting. The additional facilities that would be required, namely the cycle storage, would be accommodated in the rear garden from where there is direct access out to Jersey Road and refuse facilities can be readily accommodated in the front garden. The changes to the first floor rear fenestration involved blocking up an existing window and replacing it with a window to match the existing such that both windows appear to match. Consequently it is considered that the impact on the appearance of the existing building would be minimal.

**7.4 Impact on the character of the area.**

7.4.1 Policy DM H5 of the Site and Policies (July 2014) aims to create socially mixed communities, catering for all sectors of the community by providing a choice of housing with respect to dwelling size and type in the borough. The policy states that Houses in Multiple Occupation Housing will be supported provided that the following criteria are met:

**i. The proposal will not involve the loss of permanent housing;**

**Officer comment**

The current lawful use of the existing application property is as a single dwelling and the current application involves the use of existing rooms. A house in multiple occupation is a form of permanent housing where occupants have their own bedrooms, have access to shared facilities and take care of their own everyday needs. Paragraph 2.59 in the Supporting text to the policy also states that short stay accommodation is intended for occupancy of less than 90 days. The proposal is therefore, considered acceptable in regard to this criteria.

**ii. The proposal will not compromise the capacity to meet the supply of land for additional self-contained homes;**

**Officer comment**

The current application involves the use of an existing building and will therefore not compromise any capacity to meet the supply of land for additional self-contained homes.

**iii. The proposal meets an identified local need;**

**Officer comment**

The Merton Strategic Housing Market Assessment was commissioned by the Council to guide the Council's future housing policies including the adopted Sites and

Policies Plan. The report of the Housing Market Assessment findings advises that “Much of the growth of extra households in both the low and high estimates is expected to be single persons. For the low estimates there is projected to be a rise of 6,900 in number of non-pensioner single person households and 1,900 single pensioners in the period 2006-2026. The high estimates show there are projected to be rises of 7,900 non-pensioner single person households and 2,600 single pensioners”. The assessment further advises that “The implication of this situation for younger person single households is that they create demand for the private rented sector and this in turn drives its growth. Given that the income of many single people is below the threshold for market housing there would be a considerable demand for intermediate affordable housing”. The Housing Market Assessment found that much of the growth of extra households is expected to be single persons. The proposal is therefore considered to meet an identified local need.

iv. **The proposal will not result in an overconcentration of similar uses detrimental to residential character and amenity;**

**Officer comment**

The application site is in an area of predominantly family housing and the submitted proposal for the house in multiple occupation will increase the range of residential accommodation that is available locally. Please note that the Housing Strategy Statistical Appendix (HSSA) 2007 for Merton estimated that only 0.55% of Merton’s population live in communal residences whereas the London average was 1.8%, which means there is a significantly lower concentration of this type of accommodation in Merton compared to the rest of London.

In relation to numbers of registered HMOs in the area there are 25 in SW17, of which this would be the 6th in Links Road but this would only represent around 2.5% of the 265 houses in Links Road. In the CR4 2- - postcode area which covers much of Graveney Ward there are 63 registered HMOs, around 10 of which are in an adjoining ward (Figges Marsh). NB properties are registered by address and not ward but as an approximation there are around 75-80 Registered HMOs in Graveney Ward but smaller HMOs on only two floors do not have to be registered. Officers therefore consider that whilst there are other HMO’s in the surrounding area, the prevailing properties remain either single family dwellings or flats, in this instance, there is no evidence that the conversion of this property into a HMO would result in an overconcentration.

There have been concerns amongst Councillors relating to the cumulative effect of high numbers of HMO premises in the borough, especially those of low quality and poorly managed, and in particular in this and the surrounding wards. As a result an Article 4 Direction restricting them under permitted development was adopted with immediate effect (although it is still under consultation).

Officers therefore consider that the proposal will not result in an overconcentration of similar uses and will not be detrimental to residential character. The impact of amenity is considered later will this assessed further later in this report.

v. **The proposal complies with all relevant standards;**

**Officer comment**

The proposal complies with relevant standards including those set out in the London Borough of Merton Houses in Multiple Occupation (HMO) Requirements (Revised July 2021) and has been improved externally since the original submission and has been finished and equipped internally to a very high standard.

vi. **The proposal is fully integrated into the residential surroundings;**

**Officer comment**

The current application does not include any external alterations other than a small repositioning of a first floor rear window. It is therefore considered that the proposal is fully integrated into the residential surroundings.

7.4.2 The Mayor of London Supplementary Planning Guidance (2016) on housing advises that “Outside London they are sometimes associated with concentrations of particular types of occupier e.g. students, leading to concerns about the social mix of some localities. In London, the occupier profile tends to be more broadly based and HMOs play a particularly important role in supporting labour market flexibility (especially for new entrants), and in reducing pressure on publicly provided affordable housing. However, as elsewhere in the country, their quality can give rise to concern”.

7.5 **The impact on neighbour amenity**

SPP Policies DM D2 and DM D3 and London Plan Policy D3 require proposals to ensure that development does not adversely impact on the amenity of nearby residential properties. The design-led approach of Policy D3 requires consideration of design options to determine the most appropriate form of development that responds to a site’s context and capacity for growth, and existing and planned supporting infrastructure capacity.

7.5.1 There have been neighbour objections to the physical works relating to these proposals. There are no new physical exterior works proposed and therefore there are not considered to be any concerns in relation to overlooking, loss of light, visual intrusion etc.

7.5.2 With six adults living on site there is the potential for greater levels of noise and activity including later at night than might be the case with a single-family dwelling and there have been neighbour objections in this regard. However, with 6 residents this would only be what would be allowable under permitted development rights (If not subject to the Article 4 Direction) and it is considered that this would not represent enough of a difference to robustly justify refusal of the proposals on the grounds of harm to the amenity of neighbours. From a site visit it is apparent that the proposal is tailored towards a higher income bracket and the accompanying management document sets out the target market for residents such that officers would expect that future residents would be no more prone to anti-social behaviour than any other young professionals. Consequently it is considered that noise disturbance and anti-social behaviour concerns can be given little weight and would not justify a refusal of the application.

## 7.6 **Standard of accommodation**

7.6.1 London Plan policy H9 notes that the quality of some HMO properties can be a cause for concern whilst policy D3 requires that developments achieve indoor and outdoor environments that are comfortable and inviting for people to use. As noted above, certain standards of accommodation are addressed through the requirement to Licence an HMO.

7.6.2 The HMO Licensing requirements relate to the number and size of shared facilities, internal bedroom size etc. This would not override the requirement for the accommodation to be of a high and well-designed standard. The rooms all exceed the minimum space standards (some bedrooms have ensuite bathrooms), are all of a relatively regular shape which allows for a more efficient use of the space and benefit from acceptable levels of natural light (although room 6 in the roof has limited outlook).

7.6.3 From a site visit it was apparent that the property has been finished to a very high standard. Good quality matching carpet has been used throughout the property. Bedrooms have individual thermostat controls and come with very good quality beds and mattresses and well-appointed bathrooms whilst the shared bathroom is generously proportioned. In addition, the shared living spaces include a 21sqm kitchen/dining area with good quality furniture and wooden flooring, two large cupboards per resident as well as shared storage space, two sinks, two cookers with extraction systems and two dishwashers, all finished to a high standard. There is a 12sqm living space with sofa and Television along with a communal work space room on the first floor. With the removal of the old lean-to rear conservatory, replacement fencing and new turf the future occupiers would be provided with a relatively attractive good sized rear garden amenity area. Officers consider that the applicant has now demonstrated that the proposal would provide a good quality living environment for future occupiers.



7.6.4 The Council's HMO officer has confirmed no objection to the proposal as it would meet our requirements/standards.

## 7.7 **Parking and highway considerations**

At a local level Policy CS20 requires developers to demonstrate that their development will not adversely affect on-street parking or traffic management. Policies DMT1-T3 seek to ensure that developments do not result in congestion, have a minimal impact on existing transport infrastructure and provide suitable levels of parking. The site is within CPZ GC but does not provide any off-street parking spaces for future residents, either for cars or motorcycles/scooters. Residents would be eligible for resident parking permits. Because the Article 4 direction was imposed with immediate effect and not subject to the normal 12 months notification period an applicant can seek compensation for any condition or restriction imposed on a proposal that would otherwise be Permitted Development if such imposition impacted the value of the development.

7.7.1 Consequently officers do not recommend that a s106 agreement for permit free development be made a condition of approval for the application.

### 7.7.2 **Cycle Parking**

London Plan Policy T5 requires 1 long stay space per 1 bedroom (1 person) dwelling, which means a total of 7 spaces should be provided. It is considered that the proposal would comply with this policy with 7 secure covered cycle spaces provided at the rear of the property.

## 7.8 **Refuse facilities**

7.8.1 London Plan policy D6 states 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.

7.8.2 The need for adequate levels of refuse facilities can often have a detrimental impact on the appearance of a building when the frontage becomes dominated by large numbers of wheelie bins. The Council's waste services have changed the approach to these properties, treating them as a house with 6 residents sharing facilities rather than 6 units each with its own refuse facilities which would lead to undue clutter. Therefore the site would be provided with the larger 240ltr bins which are the same as those provided to houses with larger families/more adults. As with any house it would be the occupiers responsibility to present the relevant bins for kerbside presentation on collection day.

7.8.3 In view of this, it is considered that the site can readily accommodate the required facilities with the same visual impact as if the property were a multi generational

family home with more than the average number of adult occupiers. The proposals are therefore considered acceptable and to have overcome previous concerns in relation to refuse arrangements and management.

## 8. **ENVIRONMENTAL IMPACT ASSESSMENT**

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

## 9. **CONCLUSION**

- 9.1 It is considered that the proposed 6-person HMO would offer good quality accommodation tailored to people who require an attractive living environment but by virtue of being individuals are often priced out of the flat rental market and are not eligible for social housing. Whilst there are other HMOs in the local area, the prevailing character of the area remains single family houses and flats. Whilst poorly designed, poorly managed and over crowded HMOs can have a negative impact on occupiers and neighbour amenity as well as the character of the wider environment, this is not considered to be the case in this instance with the applicants demonstrating that they would provide the sort of high quality HMO accommodation that would provide a positive addition to local housing stock in the Borough.
- 9.2 The proposal involves no additions to the existing building and the refuse and cycle facilities to serve the six occupiers, which are considered acceptable, can be readily housed in the front garden and therefore there would be no harm to the appearance of the host building.
- 9.3 On the previously refused scheme for 7 residents it was recommended that a legal agreement to make the development permit free be attached. However, as this is a planning application submitted only because there is an Article 4 Direction that has not been in place for the requisite period of time, imposing such a restriction can impact the value of the property and leave the Council open to a claim of compensation. Therefore the s106 agreement for a permit free development is not recommended in this case.
- 9.4 In view of these factors and in light of the improved quality of the accommodation and reduction in numbers of occupiers to what would normally be within permitted development rights, it is considered that the applicant has successfully overcome the previous reasons for refusal and that there would be no robust reasons to refuse the application and therefore it is recommended that the proposal be approved subject to conditions.

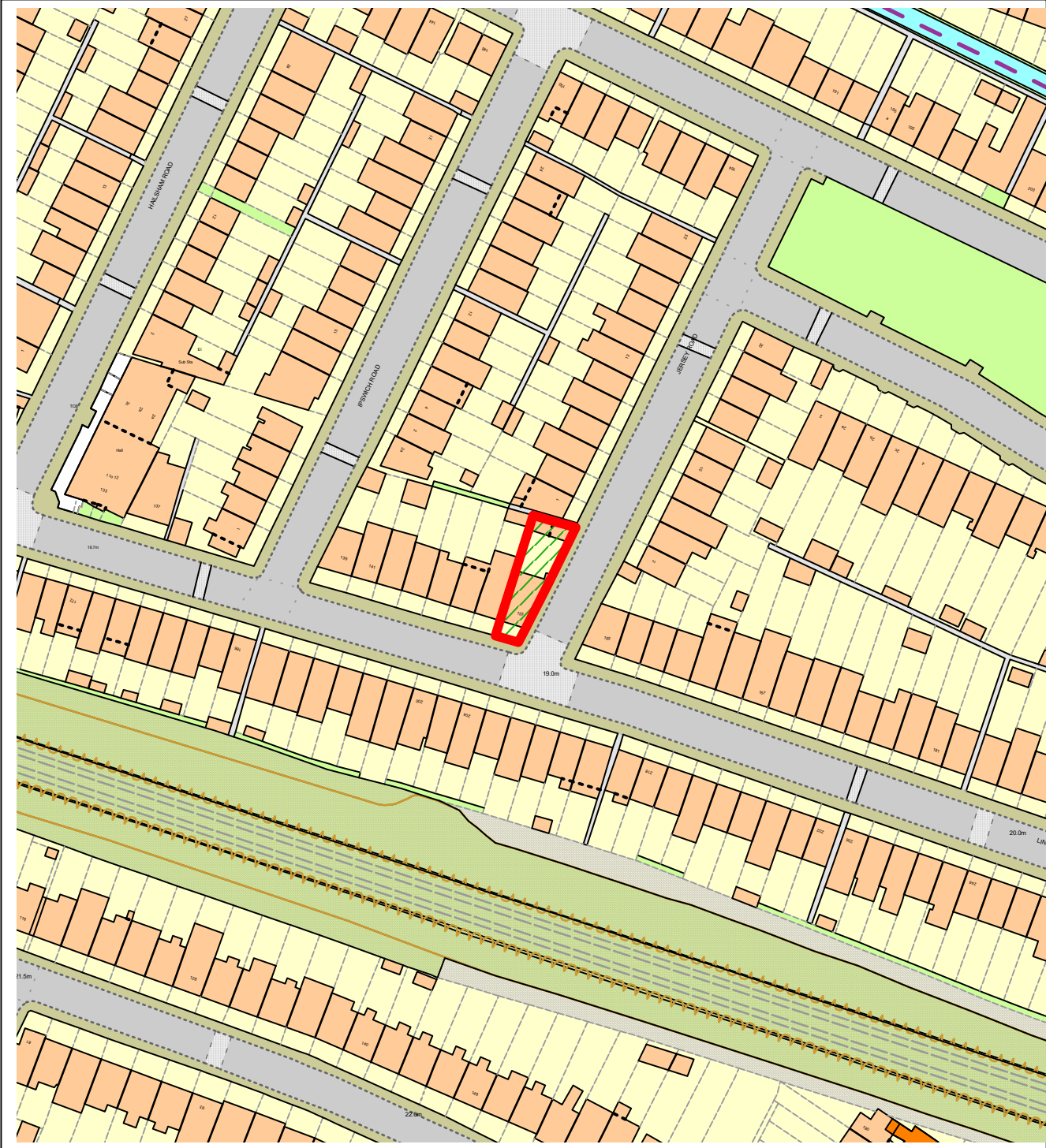
**10. RECOMMENDATION**

GRANT Planning Permission subject to Conditions

1. A1 Commencement of Development
2. A7 Approved Plans; Site location plan and drawing LIN-TA-XX-XX-DR-A-520001 P06
3. C07 Refuse & Recycling – The use shall not commence until the refuse facilities shown on the approved plans are available and operational.
4. H7 Cycle facilities - The use shall not commence until the refuse facilities shown on the approved plans are available and operational.
5. The development hereby approved shall be limited to a total of six residents.

Reason; To ensure a satisfactory standard of accommodation for future occupiers, minimise impacts on neighbour amenity and provide an appropriate form of development that responds to a site's context and capacity for growth in accordance with Merton Development Plan policies; Policy D3 of the London Plan 2021 and Policies DM D2, DM D3 and H5 of the Merton Sites and Policies Plan 2014

# NORTHGATE SE GIS Print Template



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# BDS Cycle Shelter - 6/8 Space Cycle Shelter & Bike Stands (Mini)

Ex. VAT: £940.00 **TOTAL**

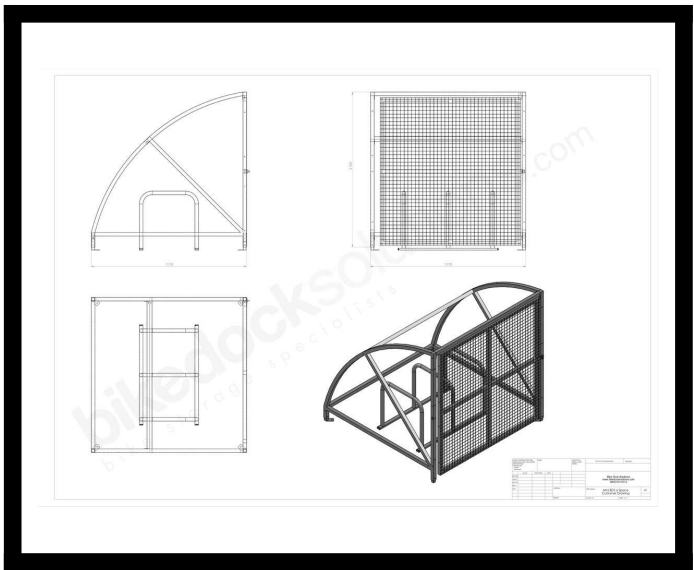
**Inc. VAT:**

**£1,128.00**

\*Base price, not including any custom options.

## Product Images





## Description

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**Based on our best selling BDS Bike shelter, the BDS Cycle Shelter 6/8 bikes comes with the best all-round features to suit any environment. Mild steel cycle shelter with bolt-down fixing. Shelter available in a galvanised or polyester powder coated RAL code colour finish. Anti-vandal 3mm clear polycarbonate roof, with optional polycarbonate sides and swing or sliding gates. Comes with optional cycle parking, galvanised bike stands.**

### Specification

- Polycarbonate Roof as standard. Optional polycarbonate side panels
- Optional cycle parking bike stands, hot dipped galvanised. Integrated bike racks are for where your surface is loose, so the racks are installed inside the shelter and lifted off the floor. Toastracks only require a few bolt holes (compared to bike stands) so they are quicker to install, frames that are bolted onto the floor to park bikes.
- Includes assembly bolts, expanding foundation bolts for concrete plinth and arrangement drawing for assembly
- No climb end frames with anti-vandal PET panels
- No crawl under perimeter
- Complies with secure storage as required by the Code for Sustainable Homes
- 50mm box tube
- Hot dipped galvanised or polyester powder coated to BS EN ISO 1461:1999 standard finish. Any RAL code colour.
- Shelter comes with adjustable overground fixing feet
- Single units can be placed alongside or opposite each other, to form larger cycle storage areas.
- This bike shelter can help contribute towards gaining ENE8 Cycle storage credits when used in the appropriate situation, under the Code for Sustainable Homes

### Size

#### 6 Bike Space MBSC1:

- Length 2100mm
- Height 2100mm
- Width 2100mm

#### 8 Bike Space MBSC1:

- Length 3350mm
- Height 2100mm
- Width 2100mm

### Delivery Time

**Typical delivery time:** 3 to 5 weeks

Other sizes available -

6/8 Space Shelter

16 Space Shelter

10 Space Shelter

20 Space Shelter

30 Space Shelter

20 Space Enclosure

20 Space Shelter

40 Space Enclosure

Or view our Full Range of Enclosures, Shelters or Bike Storage.

## Additional Information

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Best Sellers M2

Yes

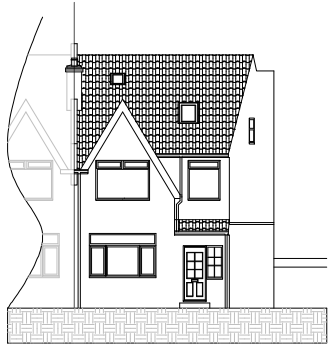


## Additional Options

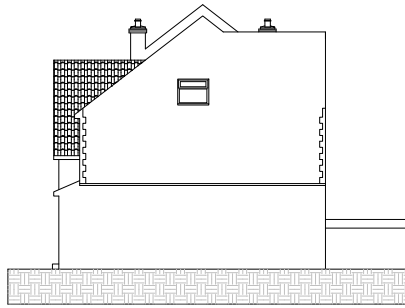
<b>Size Options</b>	6 Bike Space (2.1m Long)	£0.00
	8 Bike Space (3.35m Long)	£1110.00
<b>Bike Rack Type</b>	None	£0.00
	Floor Bolt Down Bike Stands	£165.00
	Integrated Bike Stands (Attached to back of shelter)	£550.00
	Toastrack, free standing, floor mounted frame	£595.00
<b>Choose Finish</b>	None (I'll apply my own finish to metal)	£0.00
	Galvanised and Powder Coated Colour	£643.50
	Galvanised	£643.50
	Powder Coated Colour	£600.00
<b>RAL Colour Code</b>	1023 Traffic Yellow	£0.00
	3000 Flame Red	£0.00
	5002 Ultramarine Blue	£0.00
	5017 Traffic Blue	£0.00
	6005 Moss Green	£0.00
	7015 Slate Grey	£0.00
	6024 Traffic Green	£0.00
	9005 Jet Black	£0.00
	9010 Pure White	£0.00
	Custom Colour	£220.00
<b>Custom Colour</b>		£0.00
<b>Lighting Option</b>	None	£0.00
	Built-in Solar LED Lighting	£275.00
<b>Polycarbonate Side Panels</b>	No Polycarbonate Sides	£0.00
	Polycarbonate Side Panels	£440.00
<b>Gates</b>	None	£0.00

	Swing Gate with Anti-Vandal Polycarbonate Panel	£911.70
	Swing Gate with Steel Mesh Panel	£841.00
<b>Security Option</b>	None	£0.00
	Coded Padlock	£27.50
	Padlock + 2 keys	£148.50
	Swipe Card System	£715.00
<b>Polycarbonate Glazing Strap</b>	None	£0.00
	Yes, central glazing strap to cover where polycarbonate panels meet (8 SPACE SHELTER ONLY)	£110.00
<b>Bolts Pack - Fixing and Assembly</b>	None	£0.00
	Bolts Pack - Fixing and Assembly	£55.00

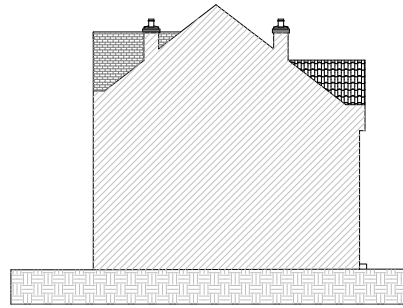




Proposed Front Elevation



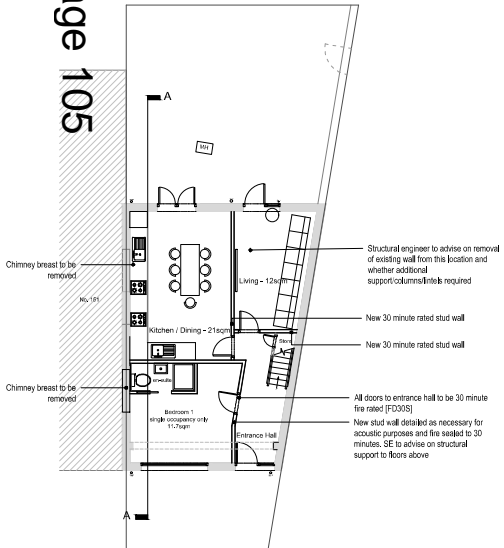
Proposed Side Elevation



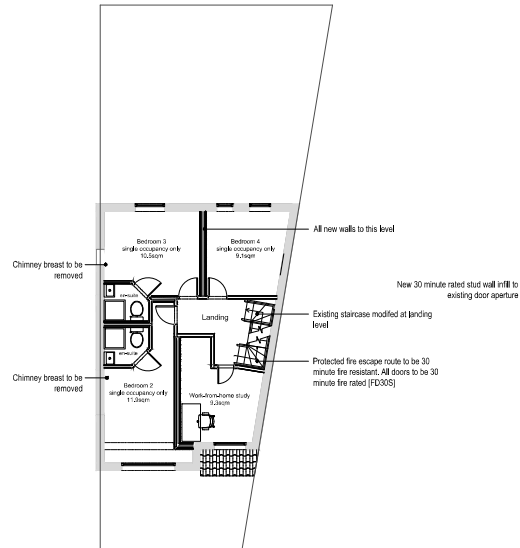
Proposed Side Elevation (from No. 151)



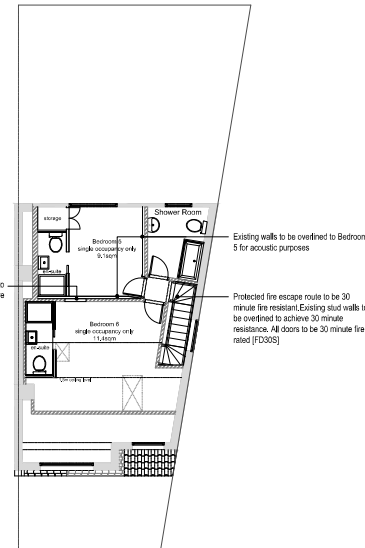
Proposed Rear Elevation



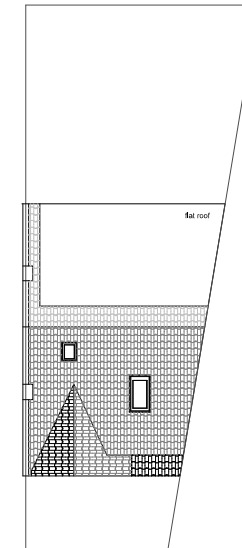
Proposed Ground Floor



Proposed First Floor



Proposed Loft



Proposed Roof

REV	DATE	ISSUED BY	CHECKED BY	DESCRIPTION
PK6	22.02.23	JA	RM	GROUND FLOOR BEDROOM RELOCATED
PK5	22.02.23	JA	RM	WORK FROM HOME STUDY ADDED, LEAN-TO REMOVED.
PK4	07.12.22	JA	RM	GROUND FLOOR WC RELOCATED
PK3	28.10.22	JA	RM	ISSUED WITH CLIENT AMENDMENTS
PK2	22.02.22	JA	RM	ISSUED WITH CLIENT AMENDMENTS
PK1	17.02.22	JA	RM	ISSUED FOR INFORMATION

NOTES

1. THE CLIENT ARCHITECTS ACCEPTS NO LIABILITY FOR THE USE OF THE DRAWINGS BY PARTIES OTHER THAN THE PARTY TO WHOM THEY ARE PROVIDED OR FOR PURPOSES OTHER THAN THOSE FOR WHICH THEY WERE PREPARED.
2. [REDACTED]
3. ANY STRUCTURAL, MECHANICAL OR ELECTRICAL TO BE BUILT ON THE DRAWING IS BASED ON INFORMATION PROVIDED BY OTHER PARTIES SURVEYORS/PAINTS
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**TREHEARNE ARCHITECTS**  
33 HIGH HOLBORN LONDON WC1V 6AA (020 7421 1750) [www.trehearne.co.uk](http://www.trehearne.co.uk)

PROJECT: 153 LINKS ROAD RESIDENTIAL LONDON SW17 9EW  
OCCUPANT NAME: PROPOSED GA PLANS  
JOB NO.: L2159  
DATE: 05/22  
SCALE: 1:100

PROJECT STAGE: Stage 2

DESIGNATION: S2 Suitable for Information

DESIGNATION: LIN-TA-XX-DR-A-520001

NO: P06



DATE	BY	REVISION
10/11/2011	TR	ISSUE FOR PERMIT

NOTES:

1. THIS PLAN IS TO BE USED IN CONNECTION WITH THE SUBMITTAL OF THE PERMIT APPLICATION TO THE LOCAL AUTHORITY.
2. THE LOCAL AUTHORITY SHALL BE RESPONSIBLE FOR THE VERIFICATION OF THE INFORMATION PROVIDED ON THIS PLAN.
3. THE LOCAL AUTHORITY SHALL BE RESPONSIBLE FOR THE VERIFICATION OF THE INFORMATION PROVIDED ON THIS PLAN.
4. THE LOCAL AUTHORITY SHALL BE RESPONSIBLE FOR THE VERIFICATION OF THE INFORMATION PROVIDED ON THIS PLAN.
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10. THE LOCAL AUTHORITY SHALL BE RESPONSIBLE FOR THE VERIFICATION OF THE INFORMATION PROVIDED ON THIS PLAN.

**TREHEARNE ARCHITECTS**  
 25 RIVERVIEW AVENUE, WESTPORT, COVENTRY, CV18 2JF

NAME OF CLIENT: [REDACTED]  
 DATE OF ISSUE: 10/11/2011  
 PROJECT: Site Location Plan

**Sheet 3**

FOR INFORMATION

PROJECT NO: LIN-TAX-XX-DRA-301001

DATE: 10/11/2011

## **Committee:** Planning Applications Committee

**Date:** 16<sup>th</sup> March 2023

**Agenda item:**

**Wards:** Cannon Hill

**Subject:** Objection to the Merton (No.784) Tree Preservation Order 2022 at 12 Thurleston Avenue, Morden, SM4 4BW.

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

### **Recommendation:**

---

That the Merton (No.784) Tree Preservation Order 2022 be confirmed without modification.

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

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

#### **2. Planning History**

- 2.1 On the 27 October, the Council received a request from the 'Friends of Cherrywood' for a tree preservation order to be made in respect of the Oak tree located in the rear garden of 12 Thurleston Avenue. The reason for the request was given as: 'Cherrywood is a protected nature reserve and a similar oak in a nearby garden has been felled.'
- 2.3 Cherry Wood is a small, mainly oak woodland lying in suburban Morden and within an area of housing developed in the 1930's with an additional small remnant of the wood now isolated within the grounds of Hillcross Middle School. Prior to the 1930's Cherry Wood covered a more extensive area and the Oak tree under consideration is thought to be an original tree belonging to that woodland, but has since been retained as part of the development of Thurleston Avenue.
- 2.4 The Oak tree is a mature specimen which is visible from Thurleston Avenue and Shaldon Drive. The Oak tree is positioned behind an outbuilding and the

majority of the canopy overhangs the roof of the structure. On the 17<sup>th</sup> November 2022, the Merton (No.784) Tree Preservation Order 2022 took effect. A copy of the plan is appended to this report.

### **3. Legislative Background**

- 3.1 Section 198 of the Town and Country Planning Act 1990 (as amended), empowers Local Planning Authorities to protect trees in the interests of amenity, by making tree preservation orders. Points to consider when considering a tree preservation order are whether the particular tree has a significant impact on the environment and its enjoyment by the public, and that it is expedient to make a tree preservation order.
- 3.2 When issuing a tree preservation order, the Local Planning Authority must provide reasons why the tree has been protected by a tree preservation order. In this particular case 9 reasons were given that include references to the visual amenity value of the tree to the area; that the tree has an intrinsic beauty; that the tree forms part of Cherry Wood; that the tree makes a significant contribution to the character and appearance to the local area; that the tree forms part of our collective heritage for present and future generations; that the tree is an integral part of the urban forest; that the tree contributes to the local bio-diversity; and protects against climate change.
- 3.3 Under the terms of the provisional status of an Order, objections or representations may be made within 28 days of the date of effect of the Order. The Council must consider those objections or representations before any decision is made to confirm or rescind the Order.
- 3.4 If the tree preservation order is not confirmed, the Oak tree can be removed.

### **4. Objection to the Order**

- 4.1 The Council has received an objection to the Order from the resident of 12 Thurleston Avenue.
- 4.2 The objection has been summarised as follows:
  - That the tree has dead branches and these are regularly shed especially in windy conditions, and this causes a concern over risks to members of the family.
  - That the tree preservation order will present difficulties in being able to manage the tree.
  - That the tree preservation order will create a financial burden to maintain the tree at their expense.
  - The tree preservation order will devalue the property.
  - The tree preservation order will impose unnecessary restrictions severely limit their options to deal with the tree in timely manner.

### **5. Planning Considerations**

- 5.1 The Tree Officer would respond to each of the objector's respective points as follows:

- The planning regulations do allow for certain exceptions to the Act and these include the removal of dead wood. The exceptions allow removal of dead branches from a living tree without prior notice or consent.
- As above
- As above
- The tree preservation order does not add any greater financial burden than if the tree were being managed without a tree preservation order. Any other work to the tree must be submitted using a Tree Works Application Form, and this is a free service. The timing of the submission of the form is entirely up to the resident or their agent and the consent is valid for 2 years.
- Research has shown that trees can add to the value of the property. Their presence promotes greenery that is appreciated by new homeowners. This Oak tree is located at the bottom of the garden, behind an existing outbuilding and therefore its location should not place any unreasonable limitations in terms of any future home improvements.
- This has been covered in the first point.

## **6. Officer Recommendations**

- 6.1 The Merton (No.784) Tree Preservation Order 2022 should be confirmed without modification.

## **7. Consultation undertaken or proposed**

None required for the purposes of this report

## **8. Timetable**

N/A

## **9. Financial, resource and property implications**

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

## **10. Legal and statutory implications**

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

## **11. Human rights, equalities and community cohesion implications**

N/A

## **12. Crime and disorder implications**

N/A

## **13. Risk Management and Health and Safety implications.**

N/A

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

Tree Preservation Order plan

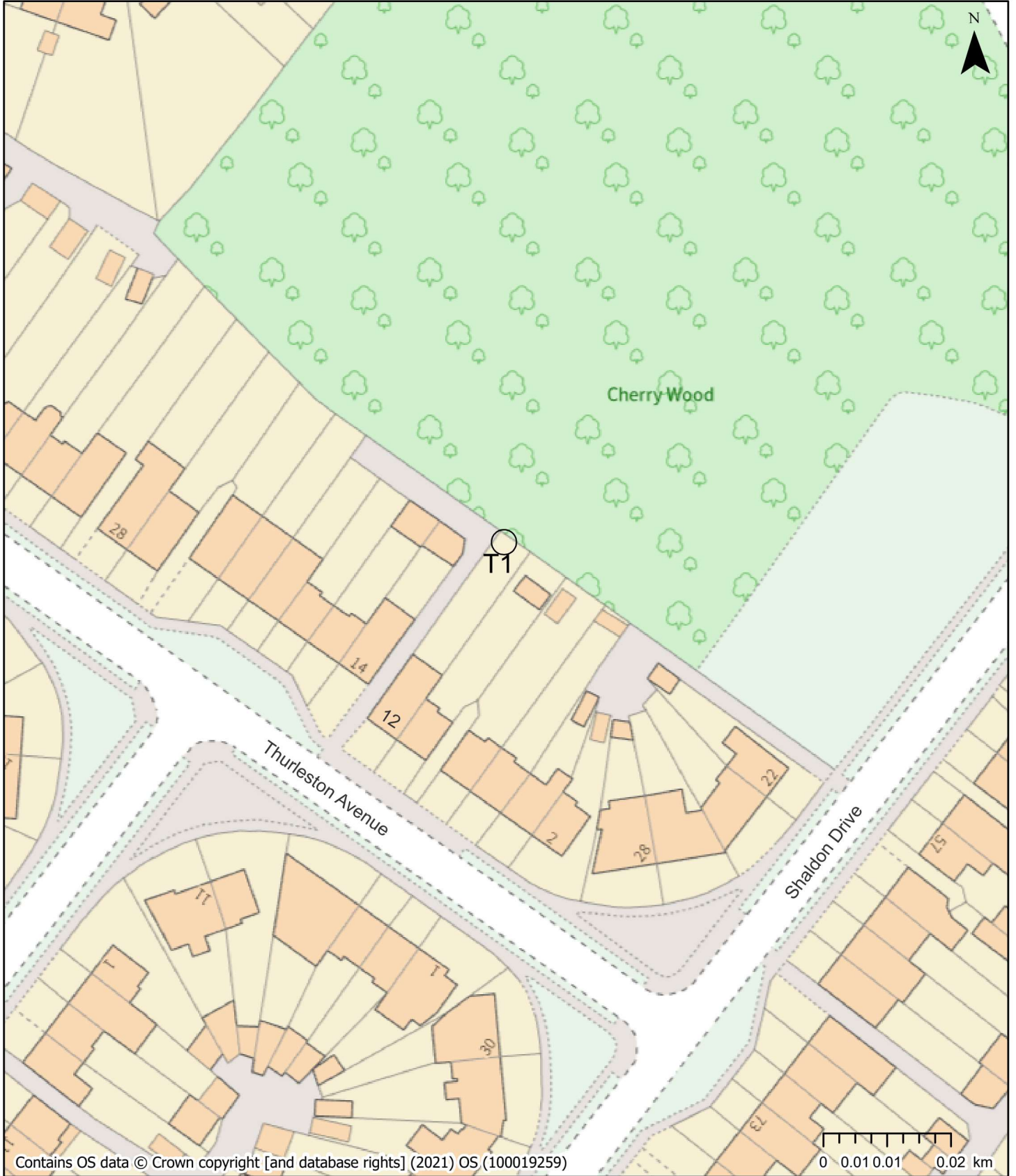
**15. Background Papers**

The file on the Merton (No.784) Tree Preservation Order 2022  
Government Planning Practice Guidance on Tree Preservation Orders and trees in conservation areas.



# Merton (No. 784) Tree Preservation Order 2022 - 12 Thurleston Avenue



14/11/2022, 09:35:53



Contains OS data © Crown copyright [and database rights] (2021) OS (100019259)

Scale: 1:827

**Legend**

-  Override 1
-  Merton Borough Boundary
- Street labels and property numbers



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**Committee:** Planning Applications

**Date:** 16<sup>th</sup> March 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](#)**

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### **DETAILS**

**Application Number**            **21/P2879**  
**Appeal number:**                APP/T5720/D/21/3289085  
**Site:**                                69 Pepys Road, Raynes Park SW20 8NL  
**Development:**                 PROPOSED ERECTION OF REAR ROOF EXTENSIONS  
**Recommendation:**             Refuse (Delegated)  
**Appeal Decision:**               **WITHDRAWN**  
**Date of Appeal Decision:**    7<sup>th</sup> February 2023

**[click LINK TO DECISION NOTICE](#)**

**Application Number**            **21/P3938**  
**Appeal number:**                APP/T5720/W/22/3298983  
**Site:**                                2 Glenthorpe Road, Morden SM4 4JW  
**Development:**                  PROPOSED ERECTION OF A SINGLE STOREY, SELF CONTAINED, 2  
BEDROOM DWELLINGHOUSE, WITH PARKING AND RESURFACED  
ACCESS.  
**Recommendation:**              Refusal (Delegated)  
**Appeal Decision:**                **DISMISSED**  
**Withdrawal Date:**                6<sup>th</sup> February 2023

[click LINK TO DECISION NOTICE](#)

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### **Alternative options**

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

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

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

### **2 TIMETABLE**

- 2.1. N/A

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

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

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

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

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

5.1. None for the purposes of this report.

#### **6 CRIME AND DISORDER IMPLICATIONS**

6.1. None for the purposes of this report.

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

7.1. See 6.1 above.

#### **8 BACKGROUND PAPERS**

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

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## **Committee:** Planning Applications Committee

**Date:** 16<sup>th</sup> March 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:**

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That Members note the contents of the report.

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

This report details a summary of 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.

<b>Current Enforcement Cases:</b>	<b>330</b>	<b>New Appeals:</b>	<b>3</b>
<b>New Complaints</b>	<b>15</b>	<b>Existing Appeals</b>	<b>7</b>
<b>Cases Closed</b>	<b>38</b>	<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>	
<b>New Enforcement Notices Issued</b>			
Breach of Condition Notices	0	Prosecutions: (instructed)	0
Enforcement Notices	1	<b>New Instructions to Legal</b>	<b>2</b>
S.215: <sup>3</sup>	1	<b>Existing instructions to Legal</b>	<b>5</b>
Others (PCN, TSN)	1	<hr/>	
Total	3	<b>TREE ISSUES</b>	
		<b>Tree Applications Received</b>	<b>85</b>
		<b>% Determined within time limits:</b>	<b>99%</b>
		<b>High Hedges Complaint</b>	<b>1</b>
		<b>New Tree Preservation Orders (TPO)</b>	<b>1</b>
		<b>Tree Replacement Notice</b>	<b>0</b>
		<b>Tree/High Hedge Appeal</b>	<b>0</b>
		<b>5-Day notice</b>	<b>1</b>

Note (*figures are for the period from (from 30<sup>th</sup> January 2022 to 3<sup>rd</sup> March 2023*).

<sup>1</sup> 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

### Land at 93 Montacute Road – Asbestos untidy land

Officers visited the property and discussed with the developer, after negotiations, it was moved via informal enforcement action, the results are below.



Photo taken Wednesday 15th Feb 2023



Photo taken March 2023



## 156 Merton Hall Road - Before and after -Advertisement

An advert was placed on the side of a restaurant facing Kingston Road which is a designated **Merton Hall Road conservation area**, the advert had no consent .

Officers visited the property and discussed with the owner and staff of the restaurant, after negotiations, it was moved via informal enforcement action, the results are below.



**Before**-Advertisement of restaurant



**After** advertisement removed

## The Nelson trading estate Advertisement -Before and after

Advert banners were placed on the fencing of the trading/retial park, officer discussed with the land owner to remove the banners from the boundary fencing

Before -January 2023



After February 2023



## **Burn Bullock – 315 London Road**

In March 2023, Planning enforcement notice was hand delivered at the site for the unauthorised material change of use of the public house main building and ancillary car parking to a large House of Multiple Occupation (“HMO”), car-repair and cleaning workshop, storage, scrapyards and installation of portacabins.

The requirements are to; 1. permanently cease the unauthorised material change of use of the former public house main building and ancillary car parking to a House of Multiple Occupation within the main building on the Land; 2. Permanently cease the unauthorised material change of use of the car park on the land for storage, car-repair & cleaning workshop, scrapyards and stationing of mobile homes for residential accommodation (sui-generis) on the Land; 3. Completely remove all of the vehicles stored on site for commercial purposes on the Land; 4. Completely remove all of the scrap car parts, sofas, pallets, waste, and general rubbish on the Land; 5. Completely remove all of the portacabins, non-functioning vehicles, trailers, forklift and caravans on the Land; 6. Completely remove the caravans, trailers, vans and trucks used for mobile homes on the Land and; 7. Completely remove from the Land all associated materials, fixtures, fittings and debris and take off site on the Land. They have 3 months from the April effective date to comply with the notice unless an appeal has come in before the effective date.

## **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.

An appeal was submitted against this notice.

## **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.

An appeal was submitted against the notice.



## 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



## 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 10<sup>th</sup> 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 February 2023 including enclosing and clearing the untidy / overgrown Land.

## **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. An appeal is in for this notice.

## **8 Dahlia Gardens**

On 16<sup>th</sup> August 2022 the Council issued an enforcement notice he 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.

Officers served a Notice of Entry to visit in March.

**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 28<sup>th</sup> March 2022, the Notice will take effect on 2<sup>nd</sup> 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. Appeal is within the planning inspectorates.

### **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 council warned about direct action to the owner and responded back in February that they have not complied with the notice yet and not able to, 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](#).

## 32 Glossary of terms

**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