

Merton Council

Development and Planning Applications Committee

Membership

Councillors:

Aidan Mundy (Chair)
Matthew Willis (Vice-Chair)
Simon McGrath
Sheri-Ann Bhim
Michael Butcher
Edward Foley
Billy Hayes
Dan Johnston
Thomas Barlow
Martin Whelton

Substitute Members:

Susie Hicks
Caroline Charles
Kirsten Galea
Nick McLean
Stephen Mercer
Stuart Neaverson

Date: Thursday 14 September 2023

Time: 7.15 pm

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

This is a public meeting and attendance by the public is encouraged and welcomed.

Electronic Agendas, Reports and Minutes

Copies of agendas, reports and minutes for council meetings can also be found on our website. To access this, click <https://www.merton.gov.uk/council-and-local-democracy> and search for the relevant committee and meeting date.

Agendas can also be viewed on the Mod.gov paperless app for iPads, Android and Windows devices.

For more information about the agenda please contact

democratic.services@merton.gov.uk or telephone 020 8545 3356.

All Press contacts: communications@merton.gov.uk or 020 8545 3181

Development and Planning Applications Committee Moved from 21 September Agenda

14 September 2023

- 1 Apologies for absence
- 2 Declarations of Pecuniary Interest
- 3 Minutes of the previous meeting 1 - 6
- 4 Town Planning Applications
The Chair will announce the order of Items at the beginning of the Meeting.
A Supplementary Agenda with any modifications will be published on the day of the meeting.

Note: there is no written report for this item

Please note that members of the public, including the applicant or anyone speaking on their behalf, are expressing their own opinions and the Council does not take any responsibility for the accuracy of statements made by them.
- 5 Selbridge Court 35 Prince's Road Wimbledon London SW19 8RH 7 - 52

Application number: 23/P1640
Ward: Wimbledon Town and Dundonald
Recommendation: Grant Permission Subject to Section 106
Obligation or any other enabling agreement
- 6 Planning Appeal Decisions 53 - 56
Officer Recommendation: That Members note the contents of the report.
- 7 Planning Enforcement - Summary of Current Cases 57 - 70
Officer Recommendation: That Members note the contents of the report.
- 8 Glossary of Terms 71 - 76
- 9 Chairs Procedure Guide 77 - 88

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.

Agenda Item 3

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

DEVELOPMENT AND PLANNING APPLICATIONS COMMITTEE

24 AUGUST 2023

(Time Not Specified - Time Not Specified)

PRESENT Councillors Councillor Aidan Mundy (in the Chair),
Councillor Matthew Willis, Councillor Sheri-Ann Bhim,
Councillor Michael Butcher, Councillor Edward Foley,
Councillor Billy Hayes, Councillor Dan Johnston,
Councillor Thomas Barlow and Councillor Martin Whelton

ALSO PRESENT Jonathan Berry (Head of Development Management and
Building Control), Stephen Hill (Planning Officer), Jayde Watts
(Democratic Services Officer)

ALSO PRESENT Sarath Attanayake (Transport Planning Project Officer)
ONLINE

1 APOLOGIES FOR ABSENCE (Agenda Item 1)

Apologies for absence were received from Cllr McGrath with Cllr Galea in attendance as substitute.

2 DECLARATIONS OF PECUNIARY INTEREST (Agenda Item 2)

There were no declarations of interest.

3 MINUTES OF THE PREVIOUS MEETING (Agenda Item 3)

RESOLVED: That the minutes of the following meetings were agreed as an accurate record:

- 26 April 2023
- 15 June 2023
- 20 July 2023

4 TOWN PLANNING APPLICATIONS (Agenda Item 4)

The Committee noted the amendments and modifications to the officer's report. The Chair advised that the agenda would be taken in the published agenda order. Please note that members of the public, including the applicant or anyone speaking on their behalf, are expressing their own opinions and the Council does not take any responsibility for the accuracy of statements made by them.

5 565 KINGSTON ROAD, RAYNES PARK, LONDON SW20 8SA (Agenda Item 5)

The Planning Officer presented the report.

The committee received presentations from one objector who stated:

- They were not against the development but was opposed to the scale which would impact traffic and neighbours.
- Although they were aware that the site was in need of development the scale felt like an unnecessary overdevelopment.
- Even though consideration was given to the impact on traffic and neighbours they haven't fully addressed the reality of having a school for 180 children with specific learning needs who were likely to be dropped off to school.
- Many residents work from home so consideration would be needed during construction.

The committee received representation from the applicant Michael Wood who raised points including:

- The proposed development was for a SEN school facility which specialised in the needs of neurodiverse children between the ages of 9yrs old and 13yrs old.
- The development provided additional community facilities and 9 new homes.
- Merton's School Places Strategy identified a growing need for SEN placements.
- The development was specifically designed as a middle school and would be co-educational to help with the current shortfall of available places, particularly for girls with neurodiverse challenges.
- The scheme included a ministry hub.
- The 9 apartments would help fund the development and contribute to the Council's housing needs.
- The proposal was compliant with all local, regional and national policies.
- The NPPF required planning authorities to give great weight to the need to create and expand educational provisions.
- The design of the scheme was carefully thought out and aspired to compliment the adjoining successful development.
- They appreciated the concerns raised by neighbouring residents around loss of light and overshadowing. The application included a detailed daylight and sunlight assessment and amendments were made based on recommendations.
- NPPF Para. 125 encouraged flexibility when applying the BRE guidelines, particularly Brownfield sites and sustainable locations.
- To address traffic and transport, the school promoted sustainable modes of transport and had a car free model with no parking facilities onsite.
- There would be improved drainage performance on the site, increased green spaces and was overall was a development which contributed to the character of the street scene.
- They intended to be a considerate construction build and would want to periodically have check-ins with the community so that concerns could be

addressed. There would be no objection for a condition to establish a resident liaison group

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

- In relation to light there was daylight, sunlight and a sense of enclosure to consider which were all assessed in slightly different ways. Daylight and sunlight above the church was assessed as acceptable and met the guidelines on the upper floors. The second and third floors did not necessarily meet the guidelines but there were good mitigating factors for why the BRE guidelines should be applied flexibly, as outlines in the BRE guidelines para. 125. It would be unreasonable for a development not to come forward which was of the same scale as an existing property. In relation to the sense of enclosure, the build was out of necessity to accommodate the apartment of the existing property and would not have an impact on privacy as it was seven to ten meters away. This was looked at carefully and due to the mirroring of the two developments they considered the impact to be acceptable.
- The applicant spoke about Kiss and Walk, which was not an expectation but rather an arrangement which similar schools used to help children get to school safely.
- There would be no impact to privacy on the west of the building as windows suggested in the pre application were removed.
- Solar panels were added but no battery storage was proposed.
- The air quality officer was consulted and had no concerns subject to the existing conditions. No measurements were conducted but as the development was in an air quality management area there conditions to address this.
- If the applicant wanted to change the cycling provision once it was built they could change it if it was not material which it may well not be. If it was material they would need to apply

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

The applicant informed the committee of the following:

- Windows on the west of the building were removed due to privacy concerns raised in the pre application.
- The roof plan was amended to increase the number of solar panels which did not result in any loss of greenspace.
- Battery storage was considered but cost was a factor to consider especially as the development received a high carbon efficiency score. There was an offset contribution of £14000 for the shortfall of achieving net zero but due to the size of the development, this was a low amount.
- As part of the air quality assessment, which was submitted with the planning application, the development was air quality neutral and wouldn't worsen the air quality in the area. Movement would be measured to track air quality and the condition in place required continued compliance.

- A travel plan was submitted which included measures to explore and encourage sustainable transport methods. Kiss and Walk could be one of those measure, but they were not able to guarantee this yet as they were unsure on where those facilities would be.
- The school would mainly focus on dyslexia, dyspraxia and dyscalculia and they have sought advice from the country's leading expert. Such conditions are not linked to behavioural issues but are memory processing issues.
- They would be keen to introduce Kiss and Walk but as of yet do not have the necessary arrangements in place.
- Dining and play would have to be staggered.
- As part of the noise assessment there were measures to provide mitigation that would be implemented.
- They would be happy to reintroduce the use of the playground as a car park, particularly on Sundays.
- Although they were not specialist SEN architects, they have sought advise and would be happy to speak with consultants if help was needed.
- There was a ground floor fire strategy plan. The link between the school and church would be operated by key cards so pupils could not enter the church building.
- They were committed to being as green as possible but now recognised that support for staff parking may be something that would be beneficial to the children.

The Chair moved to the vote on the Officers' recommendation with the following additional conditions and informatives: Votes For – 10, Against – 0, Abstentions – 0.

CONDITIONS AND MATTERS TO BE INCLUDED IN s106 AS AMENDMENTS AND ADDITIONS TO THOSE SET OUT IN OFFICER'S REPORT:-

- It was first suggested that the condition related to no stopping would be updated to the following: The applicant has agreed in the course of further meetings with the Council to have regard to the parking arrangements that shall apply along Kingston Road between the junction of the lower Downes Road and Raynes Park Station and any arrangements that are so agreed will be confirmed, and at the Councils discretion, reflected upon a transport discussion regarding the signing of a 106 agreement. This was subsequently amended following input from Head of DM to (wording TBC): The development either should not be commenced or be occupied until a new traffic management order has been implemented in the area unless otherwise agreed in writing with the Local Planning Authority.
- Residents be allowed parking permits limited to one per unit if they drove emission free car. Teachers with zero carbon cars would have a similar scheme. Capacity for the resident and teacher scheme would be measured by number of spaces available against permits issued, in order to reassure residents. The teacher scheme would align with the existing Teacher Permit scheme. It was also agreed that a parking survey would also be carried out of the immediate area by the Council's Transport Consultant to assess what the capacity is now, particularly during the day, and to assess how the parking

pressure in the local area would be impacted by the proposals for the new residents and teacher permits.

- No heavy work to take place on a weekend. If there were exceptions the applicant must apply for permission.
- Change to 106 for best endeavours for Kiss and Walk.
- The appointment of a Resident Liaison Officer to work with residents and communicate key moments of heavy works
- Vehicles must leave the site in forward gear drive.
- Reasonable endeavours to explore incentives for teachers to drive zero carbon cars and the provision of charging bays.
- Reasonable endeavours to appoint a SEN specialist to comment on playground design

INFORMATIVES:

- For the applicant to work with immediate neighbours to address concerns related to dust.
- Provision for playground to be used as a car park on Sundays

RESOLVED: That the Committee GRANTED Planning Permission Subject to Conditions and Informatives and the conclusion of a s106 Agreement.

6 PLANNING APPEAL DECISIONS (Agenda Item 6)

The report was noted.

7 PLANNING ENFORCEMENT - SUMMARY OF CURRENT CASES (Agenda Item 7)

The report was noted.

8 GLOSSARY OF TERMS (Agenda Item 8)

9 MODIFICATION DOCUMENT (Agenda Item 9)

This page is intentionally left blank

Development and Planning Application Committee

Call in decision form

Application number: 23/P1640

Application address: Selbridge Court 35 Prince's Road Wimbledon London SW19 8RH

Proposal: Construction of one additional storey to provide additional four residential units

Ward: Wimbledon Town and Dundonald

Name of requestor: Councillor Anthony Fairclough

Date request made: 04/08/23

Planning reason(s) provided by requestor for call-in:

1. The application of National Planning Policy Framework, para 120, Policy CS14 of the Core Strategy 2011 and DM D2(A)(i) of the Sites and Policies Plan 2014 in relation to building heights (NPPF, para 120 provides that developments should “allow upward extensions where the development would be consistent with the prevailing height and form of neighbouring properties and the overall street scene, is well designed (including complying with any local design policies and standards), and can maintain safe access and egress for occupiers”(emphasis added). Policy CS14 seeks to ensure development is designed to contribute to Merton's sense of place and identity. And DM D2(A)(i) provides that developments must “Relate positively and appropriately to the siting, rhythm, scale, density, [etc] and massing of surrounding buildings”). We feel it would be useful to have member input on the meaning of: consistency with prevailing height and form of neighbouring properties and overall street scene, contribution to Merton’s sense of place and identity and positive relation to siting, rhythm, scale, density and massing (there is also a tolerance to be examined on the impact of proposed development on Conservation areas).
2. The impact of additional storeys on communal external amenity space to existing occupiers (residents argue that it would result in a substantial adverse impact on the standard of accommodation for existing residents, contrary to Policies D3, D6 and S4 of the London Plan 2021, Policies CS13 and CS14 of the Core Planning Strategy 2011 and Policy DMD2 of the Sites and Policies Plan 2014). We feel it would be useful to have member input on the balance of amenity against development.
3. The impact of the planned construction work on the public realm (under DM D2 (A)(xiii) of the Sites and Policies Plan 2014, the development must “Ensure that the traffic and construction activity do not adversely impact or cause inconvenience in the day to day lives of those living and working nearby, and do not harm road safety or significantly increase traffic congestion”). We feel it would

be useful to have member input on the conditions necessary to ensure that traffic and construction activity to not impact and cause inconvenience in the day to day lives of those living and working nearby in line with the provision, and how much 'impact and inconvenience' is acceptable. Indeed it might be useful to have member feedback on whether there are any circumstances when proposed development might be considered to be so inconsistent with DM D2(A)(xiii) that it could be refused by reference to that provision.

=====

Date decision made: 04/09/23

Decision makers: Cllr Mundy (Chair), Cllr Willis (Vice Chair).
Advised by: Jon Berry and Stephen Hill.

Decision: Call-in request to proceed to committee.

Validation outcome: Reason 2 and 3 are not valid planning reasons for a call-in.

Reason 2: amenity space in the context of the application relates to the existing gardens, and proposed balcony space. The primary areas of amenity space that are proposed for the new units are the balconies. The new occupiers may be able to access the shared gardens, but the enjoyment of existing occupiers is not materially affected by the application, and the change does not engage planning policy because the amount of amenity space for existing occupiers is the same and well within limits.

Reason 3: Construction methodology is a flexible agreement between the local authority and applicant. It is not a material ground for rejection.

Reason 1 is a valid planning reason if made in relation to the impact of this application. It may not be for other applications of a similar type due to site specific reasons.

Details: The Chair and Vice Chair agreed the committee could add value to the decision-making process by reviewing the application with a specific focus on height in context of neighbouring properties. There was also agreement that discussions should be constrained to the specifics of the application rather than general policy.

Further actions:

Include in any further training or guidance development for Councillors relating to construction methodology.

PLANNING APPLICATIONS COMMITTEE

14 SEPTEMBER 2023

CASE OFFICER REPORT

APPLICATION NO. **DATE VALID**

23/P1640 26/06/2023

Site Address: Selbridge Court, 35 Prince's Road, Wimbledon, London SW19 8RH

Ward: Wimbledon Town and Dundonald

Proposal: PROPOSED CONSTRUCTION OF ONE ADDITIONAL STOREY TO PROVIDE 4 NEW RESIDENTIAL UNITS

Drawing Nos: See condition 2

Contact Officer: Stephen Hill

RECOMMENDATION

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

CHECKLIST INFORMATION

Is a screening opinion required	No
Is an Environmental Statement required	No
Press notice	Yes
Site notice	Yes
Design Review Panel consulted	No
Number of neighbours consulted	23
External consultations	By letter and site notice
Internal consultations	As described in report
Controlled Parking Zone	Yes - W3

1. INTRODUCTION

This application is being brought to the Planning Applications Committee for determination because of a call-in from Cllr Anthony Fairclough, Ward Councillor.

2. SITE AND SURROUNDINGS

- 2.1 The application site (“the Site”) comprises a three-storey detached block of flats situated on Princes Road, Wimbledon. The existing block comprises 12 self-contained flats. The site is accessible to pedestrians from Princes Road. There are off-street car parking spaces and garages located to the rear.
- 2.2 The site’s surroundings have a predominant residential character which features a mixture of two-three storey residential properties and some more recently constructed three and four-storey blocks of flats.
- 2.3 The Site itself is not located within a Conservation Area, but lies adjacent to the South Park Gardens Conservation Area to the north and east of the site. The building on the Site is not listed locally or nationally.
- 2.4 The site is within Flood Zone 1 indicating low probability of flooding. The site has a PTAL of 6a indicating that the application site is well connected to public transport services. The Site includes nine garages and six parking spaces, accessed by an existing vehicular access from Princes Road and is located in within a Controlled Parking Zone (CPZ) Zone.
- 2.5 Existing refuse storage is located in the parking area at the rear.

3. CURRENT PROPOSAL

- 3.1 This application seeks planning permission for the erection of a single storey extension above the building comprising 4 self-contained two-bedroom flats with balconies. The proposal would add one additional storey above the existing building thereby giving the block a total of four storeys. The new storey would be accessed by an extension of the existing staircase.
- 3.2 No changes are proposed to existing storeys.
- 3.3 The height of the building with extensions proposed would be approximately 11.2m. This would be 3.2m taller than the existing building. The proposed fourth storey would be clad in zinc and would be set back from the footprint of the existing building by around 2.7m.
- 3.4 Eight additional cycle spaces are proposed. No additional car parking capacity is proposed and the applicant proposes the additional dwellings would be provided as ‘car free’ and not entitled to access to residents parking permits (this would need to be secured by a legal agreement with the Council).
- 3.5 The proposal would maintain existing common refuse arrangements with increased refuse capacity at the side of the building.

4. PLANNING HISTORY

06/P1711 - CERTIFICATE OF LAWFULNESS FOR PROPOSED REPLACEMENT OF EXISTING WINDOWS AND DOORS WITH UPVC DOUBLE GLAZING

22/P1736 -APPLICATION FOR PRIOR APPROVAL OF ADDITIONAL STOREY. REFUSED.

22/P3205 - PROPOSED CONSTRUCTION OF ONE ADDITIONAL STOREY TO PROVIDE 4 NEW RESIDENTIAL UNITS. REFUSED.

5. CONSULTATION

5.1 Public consultation was undertaken by way of letters sent to 23 neighbouring properties and existing occupiers of the flats, and a site notice was displayed in front of the property.

5.2 20 objections were received, including a letter from the Friends of Wimbledon Town Centre. The main issues are broadly summarised below:

- Concerns regarding the external appearance of the building and its impact on the character of the area.
- Concerns regarding parking capacity on site and increased parking pressure on surrounding streets.
- Concerns regarding pollution, noise and disruption to local residents from construction.
- Concerns about overlooking to surrounding neighbours
- Concerns regarding adverse impact on daylight and sunlight towards surrounding properties and the findings of the Daylight and Sunlight Assessment submitted with the application.
- Disability access
- Impacts on air traffic
- Waste disposal and storage

5.3 The Friends Of Wimbledon Park commented;-

“When the previous iteration of this application was refused in December last year, one of the reasons for refusal was that ‘the combination of [the] height, bulk, massing and design [of the proposed development] would have a detrimental impact on the Prince’s Road streetscene and would fail to preserve or enhance the setting of the adjoining Merton (South Park Gardens) Conservation Area contrary to Policies DM D2, DM D3 and DM D4 of the Adopted Sites and Policies Plan and Policies Maps (July 2014), Policy CS14 of the Core Strategy (2011) and Policies HC1, D3 and D4 of the London Plan 2021.’ We do not believe, contrary to the assertion in the Planning Statement with the application, that the revised plans address this objection at all. Reducing the additional storey to set back the extension from the front still means the proposed development, located within a few metres of the Conservation Area of South Park Gardens, is inconsistent with the character and style of the majority of the properties in the area. We submit that the box-like design of the additional storey is

inappropriate to the area. The building to which the proposal relates is, itself, already out of character with the majority of the properties in the area and any increase in height would exacerbate this problem. The second reason for refusal of the previous application was the generation of additional pressure on parking in the area. Although a legal agreement securing a car-free agreement has now been included in the application, there appears to be nothing to prevent the leaseholders of the new properties from parking in the car park of the block, forcing present residents to park their vehicles on the surrounding roads, contrary to Merton's policies. According to the Daylight and Sunlight Report on neighbouring properties with the application, although the proposed development would have a relatively low impact on the light receivable by its neighbouring properties, the daylight tests in respect of window 55 at 33 Princes Road demonstrated non-compliance with the BRE recommendations. We believe that this is unacceptable. We urge you to refuse this application again."

- 5.4 Consultation was also issued internally to Environmental Health Officer and Transport Planning Officers as part of the procedure for an earlier scheme for the same numbers of occupiers (22/P1736).

Transport Officer:

“Car parking

No off street car parking is provided.

Permit free option would be acceptable subject to the applicant entering 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

The proposal would require 2 cycle spaces per each unit (secure & undercover).

Waste Collection

Waste collection points should be located within 30 metres of residential units and within 20 metres of collection vehicles.

Recommendation: Raise no objection subject to:

- 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: 2 cycle spaces per each unit (secure & undercover)."

Environmental Health Officer:

"The Council's Environment and Health Officer raised no Environmental Health (Noise and Nuisance) objections/comments regarding this application."

6. POLICY CONTEXT

National Planning Policy Framework (2021)

Chapter 2 Achieving sustainable development
Chapter 3 Plan-making
Chapter 4 Decision-making
Chapter 5 Delivering a sufficient supply of homes
Chapter 6 Building a strong, competitive economy
Chapter 8 Promoting healthy and safe communities
Chapter 9 Promoting sustainable transport
Chapter 11 Making effective use of land
Chapter 12 Achieving well-designed places
Chapter 14 Meeting the challenge of climate change, flooding and coastal change
Chapter 15 Conserving and enhancing the natural environment
Chapter 16 Conserving and enhancing the historic environment

Merton Sites and Policies Plan (2014)

DM D2 Design considerations in all developments
DM D3 Alterations and extensions to existing buildings
DM D4 Managing heritage assets
DM H2 Housing mix
DM T1 Support for sustainable transport and active travel
DM T3 Car parking and servicing standards

Merton Core Strategy (2011)

Policy CS 8 Housing Choice
Policy CS 9 Housing Provision
Policy CS 14 Design
Policy CS 15 Climate Change
Policy CS 16 Flood Risk Management
Policy CS 17 Waste Management
Policy CS 18 Active Transport
Policy CS 19 Public Transport
Policy CS 20 Parking, Servicing and Delivery

London Plan 2021

D1 London's form, character and capacity for growth
D2 Infrastructure requirements for sustainable densities
D3 Optimising site capacity through the design-led approach
D4 Delivering good design
D6 Housing quality and standards
H1 Increasing housing supply
H2 Small sites
HC1 Heritage
T4 Assessing and mitigating transport impacts
T6 Car parking
T6.1 Residential parking

7. PLANNING CONSIDERATIONS

7.1 Principle of development

- 7.1.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states that if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan, unless material considerations indicate otherwise.
- 7.1.2 The proposal would provide four residential units within a sustainable location and is considered to be acceptable in principle subject to compliance with the relevant policies of the Development Plan.

Housing Targets

- 7.1.3 The National Planning Policy Framework requires Councils to identify a supply of specific 'deliverable' sites sufficient to provide five years' worth of housing with an additional buffer of 5% to provide choice and competition.

Provision of housing

- 7.1.4 Policy H1 of the London Plan 2021 states that development plan policies should seek to identify new sources of land for residential development including intensification of housing provision through development at higher densities. Core Strategy policies CS8 & CS9 seek to encourage proposals for well-designed and conveniently located new housing that will create socially mixed and sustainable neighbourhoods through physical regeneration and effective use of space.
- 7.1.5 Policy H1 of the London Plan 2021 has set Merton a ten-year housing target of 9,180 new homes. The proposal would make a contribution to meeting that target and providing much needed new housing
- 7.1.6 The proposal to provide an increase in residential units to this site is considered to respond positively to London Plan and Core Strategy planning policies to increase housing supply and optimise sites.

Merton's five year land supply

- 7.1.7 Merton currently does not have a five-year supply of deliverable housing. It is therefore a material consideration in the determination of planning applications proposing additional homes.
- 7.1.8 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.

7.2 Transport and highways

- 7.2.1 The applicant has submitted a Transport Statement from TTP Consulting dated September 2022.

- 7.2.2 The Site includes nine garages and six parking spaces, accessed by an existing vehicular access from Princes Road. Servicing activity currently takes place on-street on Prince's Road whilst an external bin store is located along the access road.
- 7.2.3 There are no proposed changes to the existing access arrangements from Prince's Road that currently serve the site. Merton Core Strategy (2011) policy CS 20 and Merton Sites and Policies Plan (2014) policies DM T1 and DM T2 requires that development would not adversely affect pedestrian or cycle movements, safety, the convenience of local residents, street parking or traffic management.
- 7.2.4 The applicant states that the development could be 'car free' with future occupiers not entitled to access to residents parking permits. The existing on-site car parking spaces and garages would not be available to use by the proposed units and the applicant has stated that they would be "retained for existing units." The development does not propose any increases to parking capacity.
- 7.2.5 The application is within a Controlled Parking Zone (CPZ) and has a PTAL of 6a. Therefore, the site is considered to have enough connectivity to public transport services that a 'permit-free' development could be permissible.
- 7.2.6 Accordingly, the development is considered acceptable in respect of Merton Core Strategy (2011) policy CS 20 and Merton Sites and Policies Plan (2014) policies DM T1 and DM T2.

7.3 Design and Appearance

- 7.3.1 London Plan 2021 D1, D3 and D4, Merton Core Strategy policy CS 14 (2011) and Merton Sites and Policies Plan (2014) policies DM D2 and DM D3 specify requirements for well-designed proposals that will respect the appearance, scale, bulk, form, proportions, materials and character of the original building (as well as their surroundings where relevant). Merton Sites and Policies Plan (2014) policy DM D3 states that roof alterations and extensions should ensure the use of sympathetic materials, be of a size and design that respects the character and proportions of the original building. Policy DM D4 seeks to protect the borough's heritage assets.
- 7.3.2 Officers consider that the architectural form, language, detailing and materials of the additional storey is sympathetic to the character and appearance of the host building in isolation. The lightweight appearance and zinc finish provides an appropriate contrast to the appearance of the existing storeys. The more contemporary appearance is not considered to harm the character and appearance of the host building.
- 7.3.3 The relationship between the proposed new storey and the surroundings is considered to be acceptable. The proposal is set back at the front and sides from the footprint of the existing building, with balconies on the front. The proposed massing would be set back from the edge of the building and existing parapet. This avoids the creation of an overbearing presence when viewed from the street and surrounding properties and does not negatively affect the existing streetscene, in which more modest two and three storey residences predominate. When viewed in Princes Road from the east, the new storey would be visible from some angles but respects the scale of its neighbour, 43 Princes Road, and it would not be an obtrusive or incongruous presence when approaching from the east.

- 7.3.4 From the west, the existing building sits closer to its neighbour and the proposed front elevation of the additional storey would be set back and so would not protrude onto the streetscene in an unsightly way or would form an unacceptable and overbearing presence on the street.
- 7.3.5 The southern side of Princes Road has a variety of typologies with a series of short terraces of differing styles interspersed with several blocks of flats. The 4-storey apartment blocks of Keble Court (South Park Rd) and Alden Court (Stanley Rd) provide height variations in the surrounding area together with the recent consent for 19 Princes Rd and South Park Court for additional storeys. The proposal is considered to be consistent with this variation in height and style.
- 7.3.6 The Site is opposite the South Park Gardens Conservation Area and the proposal would have an impact on views into and from within the Conservation Area. It is considered that the set back proposal would not negatively impact views into and from the Conservation Area and would preserve its setting, particularly given the existing variations set out in paragraph 7.3.5.
- 7.3.7 It is therefore considered that the proposal would have an acceptable impact on the streetscene of Princes Road and a neutral impact on the South Park Gardens Conservation Area and would be in accordance with policies DM D2, DM D3 and DM D4 of the Adopted Sites and Policies Plan and Policies Maps (July 2014) and Policy CS14 of the Core Strategy (2011).

7.4 Standard of accommodation

- 7.4.1 The development is considered to provide adequate natural light in all habitable rooms of the new self-contained flats as confirmed by the report submitted from Right to Light Consulting. Furthermore, the flats would meet space standards.
- 7.4.2 The proposal includes amenity space for each new unit in the form of a balcony. The one bedroom flats meet minimum requirements in terms of area and proportions. The two bedroom/three person apartments fall slightly short of the 6sqm requirement for a three person flat, being 5.6sqm. However, given the abundance of open space in the area this is considered acceptable for a two-bedroom apartment.

7.5 Neighbouring amenity

- 7.5.1 Merton Sites and Policies Plan (2014) policy DM D2 states proposals should not have a negative impact on neighbour amenity in terms of loss of light, quality of living conditions, visibility and noise.
- 7.5.2 The Applicant has submitted a Daylight and Sunlight Assessment from Right of Light Consulting dated 5 June 2023.
- 7.5.3 The impacts on properties are considered in turn below, with the two neighbouring properties considered first.

33 Princes Road

- 7.5.4 This neighbouring property would be most impacted by the proposal. The windows at this property would pass the Vertical Sky Component ("VSC") Test and Daylight Distribution ("DD") Test, with the exception of the window numbered 55 in the Daylight and Sunlight Report produced by Right to Light Consulting and submitted on behalf of

the applicant. It is acknowledged that the daylight to this window under the VSC and DD tests is much reduced. However, the BRE Guidelines and principles of good planning provide that that mitigating factors, some of which pertain here must be weighed against numerical compliance, namely:-

- (a) the room served by Window 55 is a small fourth bedroom, which is not one of the principal bedrooms in the property; and
- (b) an extension was undertaken at this property in or around 2016 pursuant to planning permission 15/P0783 (amended 16/P1885). This permission included the construction of a rear first floor wing on the eastern side of the building, which had the effect of enclosing Window 55 between the new wing and existing wing. The effect of the additional wing would obstruct light to Window 5, contributing significantly to the poor daylight it receives, and leaving a single channel facing the application site from which Window 55 would receive all of its daylight. Window 55 faces the boundary with the Site, serving a single aspect room.

7.5.5 Officers consider that the position of Window 55 and the decision by the owners of 33 Princes Road to restrict light to this window are significant.

7.5.6 Officers consider that the numerical impact of the Proposal on Window 55 in the VSC and DD tests has been exacerbated by the construction of the additional wing. The decision by the owners of 33 Princes Road to restrict the ability of Window 55 to receive daylight should not unduly prejudice the ability of the neighbouring property, the application site, to extend upwards. Whilst Number 33's action is not the only factor, it is an important one when deciding whether it is reasonable to restrict development on the Site as a consequence of a loss of light to this window. This is for two reasons: (a) it demonstrates that Number 33 does not attach great weight to the ability of that window to receive abundant light; and (b) it would be unreasonable to obstruct light to a boundary window with the expectation that development on that neighbouring property should be restricted as a result.

7.5.7 Taking all of these factors into account, it is considered that it would not be reasonable for the impact on this window to outweigh the other benefits of the proposal.

7.5.8 In all other respects the impacts on windows at 33 Princes Road are acceptable and within BRE Guidelines.

43 Princes Road

7.5.9 The impact on the windows to this property are assessed by Right to Light Consulting's report and the results are reproduced at Appx 2. There are small VSC impacts on windows on 10,11,12,13,24,25,26 and 27. However these windows serve bathrooms, kitchen and WC. The impacts are compliant with the BRE Guidelines and acceptable overall.

Other properties on Princes Road

7.5.10 The other properties assessed all meet BRE Guidelines as set out in Appendix 2 of the Daylight and Sunlight Report.

Overlooking from balconies

- 7.5.11 The proposed balconies face the street and it is not considered that there are any unacceptable impacts that would arise from the use of these balconies, as they are positioned across the road. Balconies at the rear would offer some cross-boundary views to the rear gardens of neighbouring properties, but this would be in the context of the surrounding residential environment wherein some visual interaction with windows is common place. Owing to the set back position of the new storey from the existing building footprint, and in combination with the limited height of the proposal, leads officers to conclude that it would not cause an overbearing impact on surrounding neighbouring occupiers.
- 7.5.12 The proposal would extend the building vertically and be set in from the edge of the building. Officers do not consider that the proposal would cause a harmful impact on the amenities of the existing flat occupiers on the site. The construction process will have some impact on existing flat occupiers which is unavoidable. However, a Construction Management Plan is to be secured by condition to ensure disruption is kept to a minimum.
- 7.5.12 Overall, the potential impacts of the development on the amenities of neighbouring properties are considered acceptable and would comply with Merton Sites and Policies Plan (2014) policy DM D2.

7.6 Flood risk

The proposal is in Flood Zone 1, indicating a low risk of flooding. A report was carried out by Ark Environmental dated June 2023 which confirmed that no flood risk issues would arise.

7.7 Ecology

A green roof is proposed but Officers consider that more might be done to take advantage of the opportunity to enhance the ecology of the area and a condition would be imposed requiring an Ecology Management Plan.

7.8 Refuse and recycling

The applicant proposes an extended bin store on the eastern side of the Site to accommodate increased refuse and recycling. The provision made is considered sufficient and acceptable. A condition would be attached requiring the implementation of the extended bin stores.

7.9 Housing mix

- 7.9.1 London Plan Policy H10 promotes development which provides range of unit sizes which respond to the particular site circumstances and evidence available. Policy DM H2 of the Adopted Merton Sites and Policies Plan and Policies Maps (July 2014) states that residential proposals will be considered favourably where they contribute to meeting the needs of different households such as families with children, single person households and older people by providing a mix of dwelling sizes, taking account of the borough level indicative proportions concerning housing mix.
- 7.9.2 Merton's Housing Strategy (2022-27) borough level indicative proportions of general housing need are set out below.

Bedrooms	Affordable Rent %	Low Cost Home Ownership %	Market %
1	25-30	25-30	5-10
2	35-40	30-35	20-25
3	25-30	25-30	45-50
4	5-10	10-15	20-25

7.9.3 The proposed housing mix is as follows:-

Number of bedrooms	Number of units
One	2
Two	2

7.9.4 The targets above are general borough wide indications of need. This is a small sites proposal for only four units, being single storey apartments at a high level. The proposal includes a reasonable mix of unit sizes for a small scheme which meets Merton's identified demand for one and two-bedroom homes. It is acknowledged that there is a limited opportunity to provide family units on this site and the proposal would be at third floor which would not be ideal for family accommodation.

7.9.5 On balance, the proposed unit mix is considered acceptable.

7.10 Construction management

7.10.1 The management of the construction process will be subject to a Construction and Logistics plan controlled by a pre-development condition.

7.10.2 The Applicant has submitted brochure on Modular Construction indicating how the build will take place. It will be a volumetric modular construction, with the apartments being constructed off site. The works in the factory include full first and second fix of the apartments including kitchens, electrics/plumbing, bathroom/en-suite tiling, decoration. The units are then divided ready to be transported into place.

7.10.3 This means that instead of contractors being on site for 12-18 months, the site works are expected to take 12-18 weeks.

7.10.4 The Applicant states that "the company Moduloft is a shareholder in CLA and this is the unique USP of the CLA offer".

7.11 Air quality

7.11.1 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 any parking permits allowed for the new flats would only be for emission-fee vehicles. Further, a Construction Method Statement would capture measures as to how emissions and dust would be controlled during the construction process. This would be controlled via condition.

7.12 Sustainability

- 7.12.1 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.
- 7.12.2 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. CO2 emissions for the proposed development would be assessed under Approved Document Part L1A of Building Regulations. 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.

8. ENVIRONMENTAL IMPACT ASSESSMENT

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

9. LOCAL FINANCE CONSIDERATIONS

- 9.1 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.

10. CONCLUSION

- 10.1 The benefits of the proposal would be four new flats to the Borough's housing stock in a sustainable location. The visual impact of the proposal is much improved compared to the previous refused proposal and the impact on the streetscene is considered acceptable. It is concluded that the proposed development would have a neutral impact on the Prince's Road streetscene and would preserve the setting of the adjoining Merton (South Park Gardens) Conservation Area.
- 10.2 The Applicant points out that there are ancillary benefits that the scheme will bring to existing residents including a new fire strategy and alarm, new fire doors and front doors and redecoration of internal areas. Most significantly, the scheme will provide a new roof.
- 10.3 A legal agreement would be entered into to ensure the development is 'car free' save for emission-free vehicles.

Recommendation:

Grant Planning permission subject to S106 or other enabling agreement to restrict the issuance of parking permits for the new flats (with exemption for emission-free vehicles) and conditions.

Conditions

1. Commencement of development (Full Permission) - 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. Approved Plans - The development hereby permitted shall be carried out in accordance with the following approved plans:

10 3 5/P/0 8
10 3 5/P/0 9
10 3 5/P/010
10 3 5/P/011
10 3 5/P/012
10 3 5/P/013
10 3 5/P/014
10 3 5/P/015

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

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

Reason: To ensure a satisfactory appearance of the development and to comply with the following Development Plan policies for Merton: 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 Use of Flat Roof - Access to the flat roof of the development hereby permitted (apart from designated terraces indicated on the approved plans) shall be for maintenance or emergency purposes only, and the flat roof shall not be used as a roof garden, terrace, patio or similar amenity area.

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

- 5 Screening - The screening or enclosure to the balconies on all elevations will be obscure glazed before the development is first occupied and retained permanently thereafter.

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

- 6 No development shall take place until a Construction Method Statement has been submitted to, and approved in writing by, the local 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: 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.

- 7 Obscured Glazing - Before the development hereby permitted is first occupied, the windows in the east and west elevations shall be glazed with obscured glass and shall be maintained as such thereafter.

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.

- 8 Cycle Parking to be implemented - The development hereby permitted shall not be occupied until the cycle parking for 8 bikes shown on the Ground Floor Plan 1035/P/08 and other drawings hereby approved has been provided and made available for use. These facilities shall be retained for the occupants of and visitors to the development at all times.

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

- 9 Refuse & Recycling (Implementation) - The development hereby approved shall not be occupied until the refuse and recycling storage facilities shown on the approved plans have been fully implemented and made available for use. These facilities shall thereafter be retained for use at all times.

Reason: To ensure the provision of satisfactory facilities for the storage of refuse and recycling material and to comply with the following Development Plan policies for Merton: policies T4 and T7 of the London Plan 2021, policy CS17 of Merton's Core Planning Strategy 2011 and policy DM D2 of Merton's Sites and Policies Plan 2014.

- 10 Construction Times - No demolition or construction work or ancillary activities such as deliveries shall take place before 8am or after 6pm Mondays - Fridays inclusive, before 8am or after 1pm on Saturdays or at any time on Sundays or Bank Holidays.

Reason: To safeguard the amenities of the area and the occupiers of neighbouring properties and ensure compliance with the following Development Plan policies for Merton: policies D14 and T7 of the London Plan 2021 and policy DM EP2 of Merton's Sites and Policies Plan 2014.

- 11 Sustainability (Water Consumption) - No part of the development hereby approved shall be occupied until evidence has been submitted to, and approved in writing by, the Local Planning Authority confirming that the development has achieved internal water consumption rates of no greater than 105 litres per person per day.

Reason: To ensure that the development achieves a high standard of sustainability and makes efficient use of resources and to comply with the following Development Plan policies for Merton: Policy SI 2 and SI 3 of the London Plan 2021 and Policy CS15 of Merton's Core Planning Strategy 2011.

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

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

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

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

- 14 Construction Logistics Plan - 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 construction period, unless the prior written approval of the Local Planning Authority is first obtained to any variation.

Reason: To ensure the safety of pedestrians and vehicles and the amenities of the surrounding area and to comply with the following Development Plan policies for

Merton: policies 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.

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).

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.

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 coordinated to take place wherever possible at the same time.

INFORMATIVE

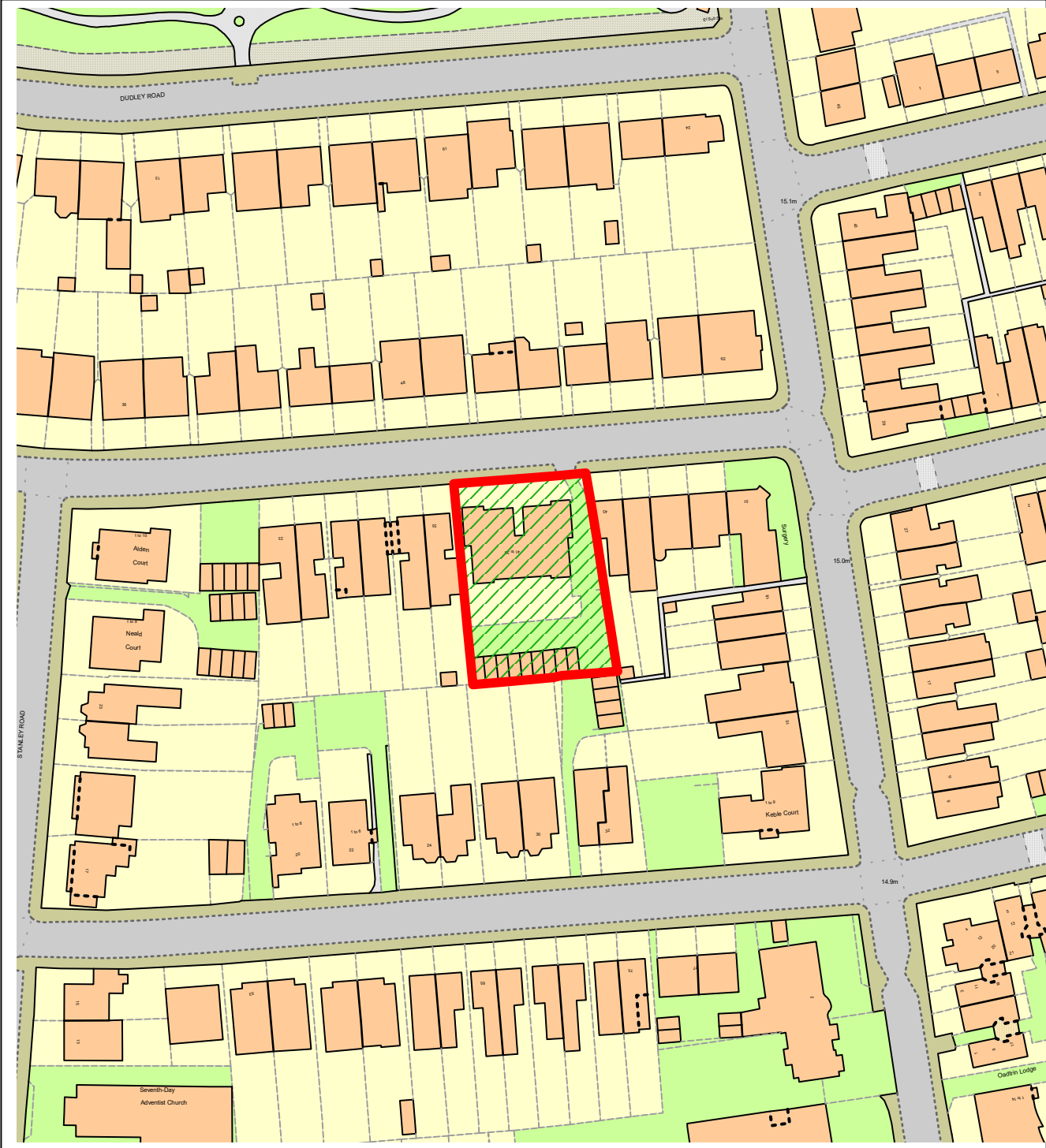
The applicant is advised to check the requirements of the Party Wall Act 1996 relating to work on an existing wall shared with another property, building on the boundary with a neighbouring property, or excavating near a neighbouring building. Further information is available at the following link:

<http://www.planningportal.gov.uk/buildingregulations/buildingpolicyandlegislation/currentlegislation/partywallact>

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

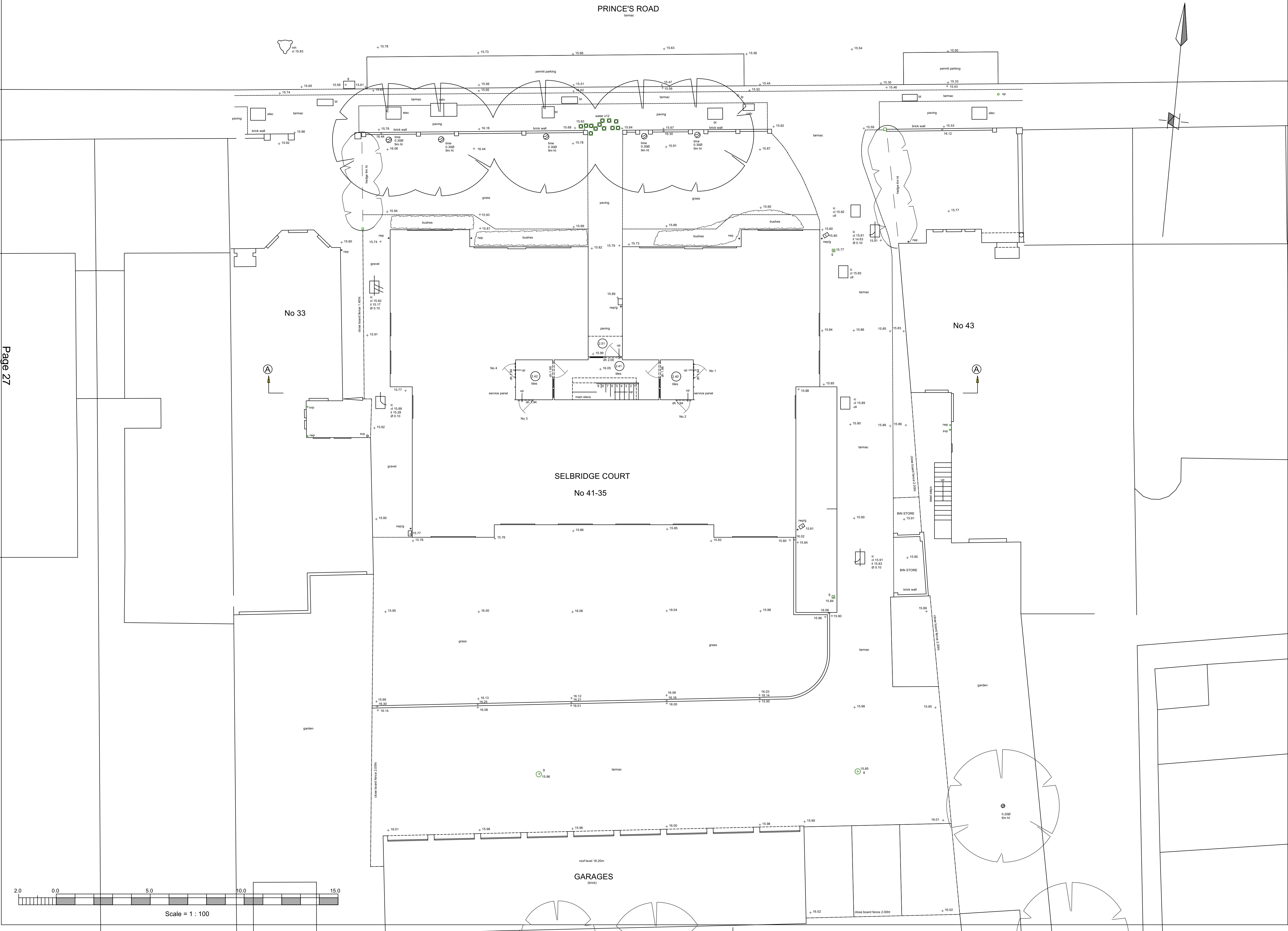


This material has been reproduced from Ordnance Survey digital map data with the permission of the controller of Her Majesty's Stationery Office, © Crown Copyright.

1/100
 ALL LEVELS ARE IN METRES DERIVED FROM GPS TRANSFORMATION
 OSGM15
 THE CO-ORDINATES ARE DERIVED FROM THE ORDNANCE SURVEY
 ACTIVE STATION NETWORK OSTN15

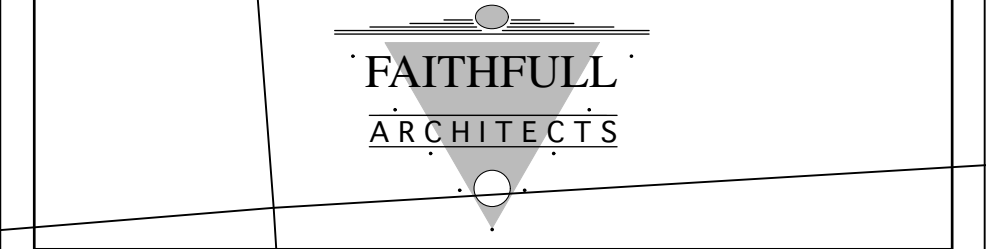
- sh sill to head height
- fs floor to sill height
- u/s underside height
- t/s topside height
- fb floorboard direction
- conc concrete
- rl roof light
- cup'd cupboard
- fp fireplace
- sd sliding door
- s/vp soil and vent pipe
- rwp rain water pipe
- carpet
- ⊙ room height
- roof slope
- radiator

Page 27



REV.	DATE	DRWN.	DESCRIPTION	INIT.

FIGURED DIMENSIONS ONLY TO BE USED © FAITHFULL ARCHITECTS



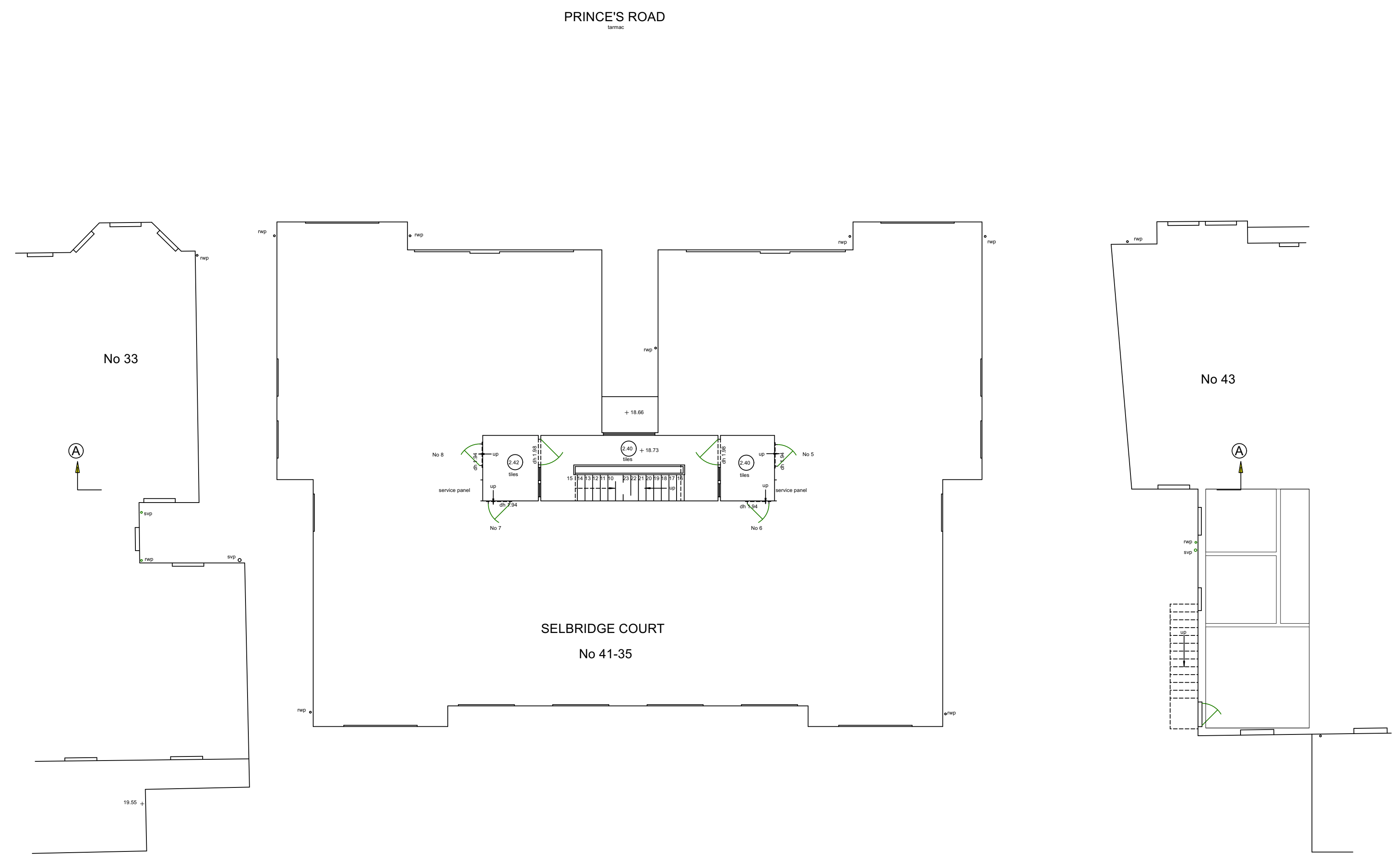
+44 (0)20 7228 0888

PROJECT: SELBRIDGE COURT
 35-41 PRINCE'S ROAD SW19 8RH

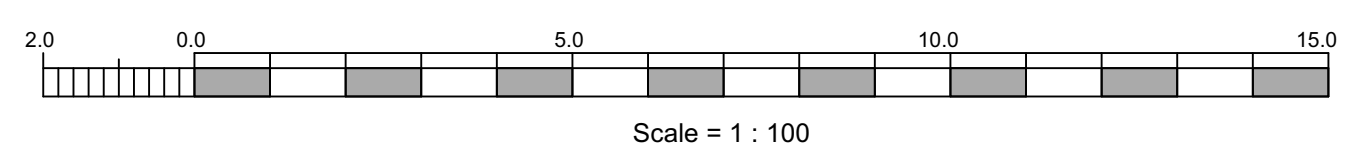
CLIENT: City Loft Airspace

DRAWING: Existing Ground Floor Plan

SCALE: 1:100 @A1	DRAWN BY:
DATE: January 2022	DRAWING NO. 1035/P/03
	REV.

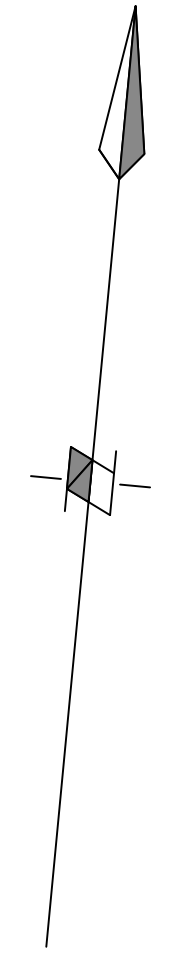


FIRST FLOOR PLAN



1/200
 ALL LEVELS ARE IN METRES DERIVED FROM GPS TRANSFORMATION OSGM15
 THE CO-ORDINATES ARE DERIVED FROM THE ORDNANCE SURVEY ACTIVE STATION NETWORK OSTN15

- sh sill to head height
- fs floor to sill height
- u/s underside height
- t/s topside height
- fb floorboard direction
- conc concrete
- rf roof light
- cup'd cupboard
- fp fireplace
- sd sliding door
- svp soil and vent pipe
- rwp rain water pipe
- ⊙ carpet
- ⊙ 3.17 room height
- roof slope
- radiator



REV.	DATE	DRWN.	DESCRIPTION	INIT.

FIGURED DIMENSIONS ONLY TO BE USED © FAITHFULL ARCHITECTS



+44 (0)20 7228 0888

PROJECT: SELBRIDGE COURT
 35-41 PRINCE'S ROAD SW19 8RH

CLIENT: City Loft Airspace

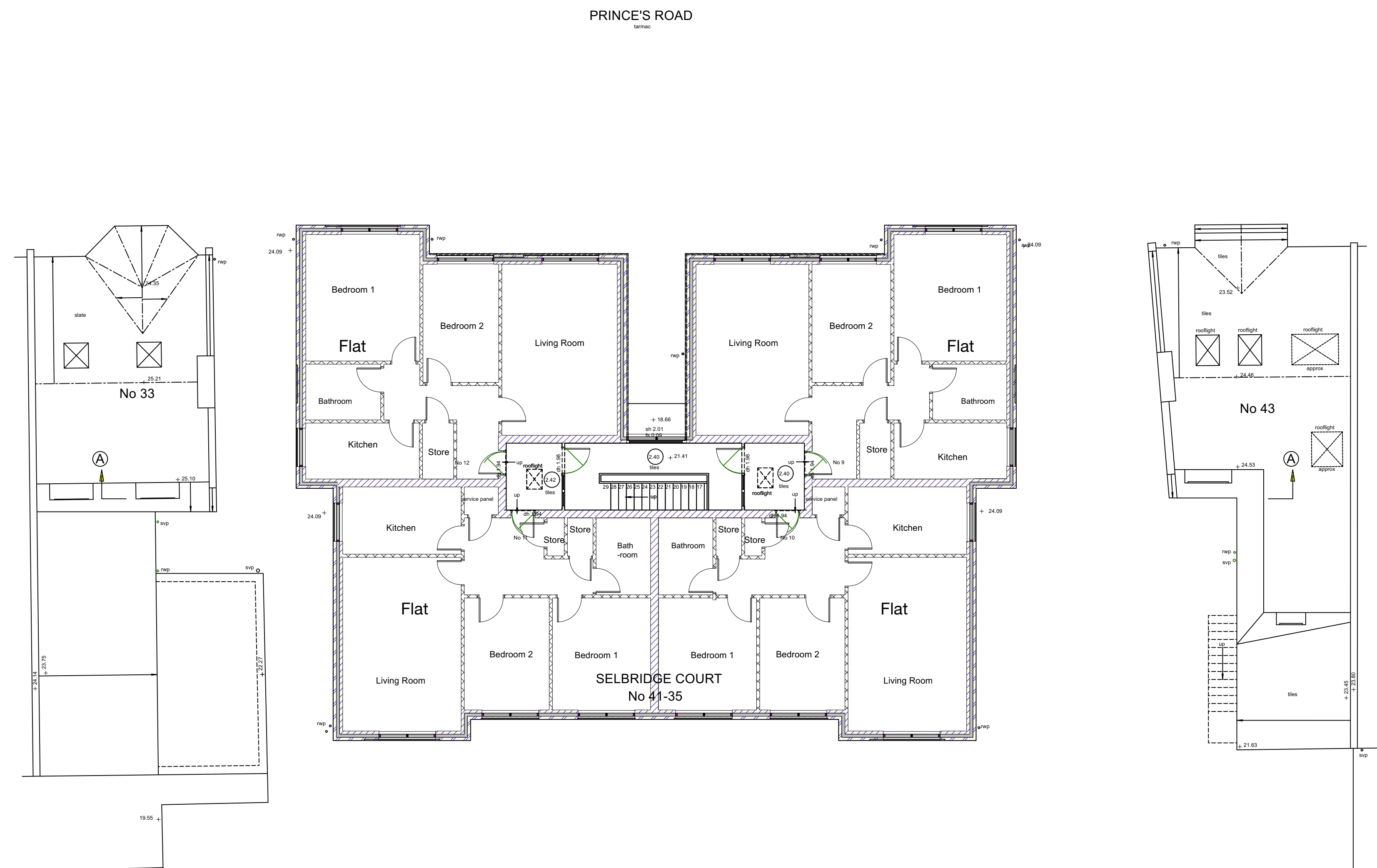
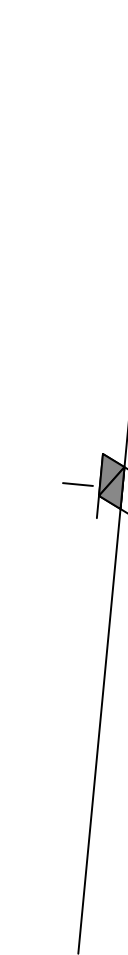
DRAWING: Existing First Floor Plan

SCALE: 1:100 @A1	DRAWN BY:
DATE: January 2022	DRAWING NO. 1035/P/04
	REV.

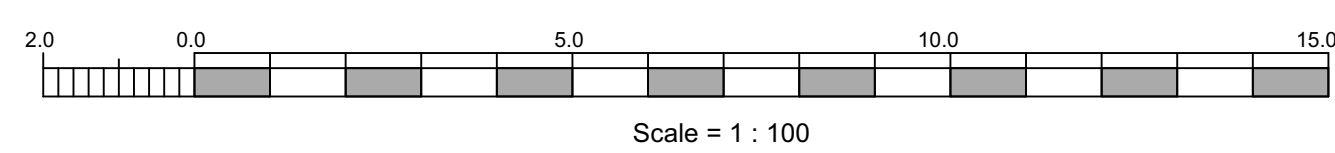
1/200
ALL LEVELS ARE IN METRES DERIVED FROM GPS TRANSFORMATION
OSGM15
THE CO-ORDINATES ARE DERIVED FROM THE ORDNANCE SURVEY
ACTIVE STATION NETWORK OSTN15

- sh sill to head height
- fs floor to sill height
- u/s underside height
- t/s topside height
- fb floorboard direction
- conc concrete
- rf roof light
- cup'd cupboard
- fp fireplace
- sd sliding door
- svp soil and vent pipe
- rwp rain water pipe
- ⊙ carpet
- ⊙ 3.17 room height
- ↘ roof slope
- radiator

NB - Internal Layout not surveyed

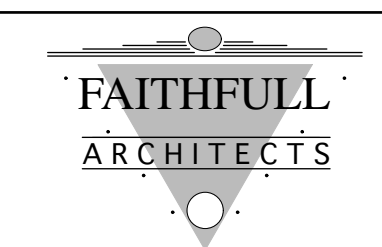


SECOND FLOOR PLAN



REV.	DATE	DRWN.	DESCRIPTION	INIT.

FIGURED DIMENSIONS ONLY TO BE USED © FAITHFULL ARCHITECTS



+44 (0)20 7228 0888

PROJECT: SELBRIDGE COURT
35-41 PRINCE'S ROAD SW19 8RH

CLIENT: City Loft Airspace

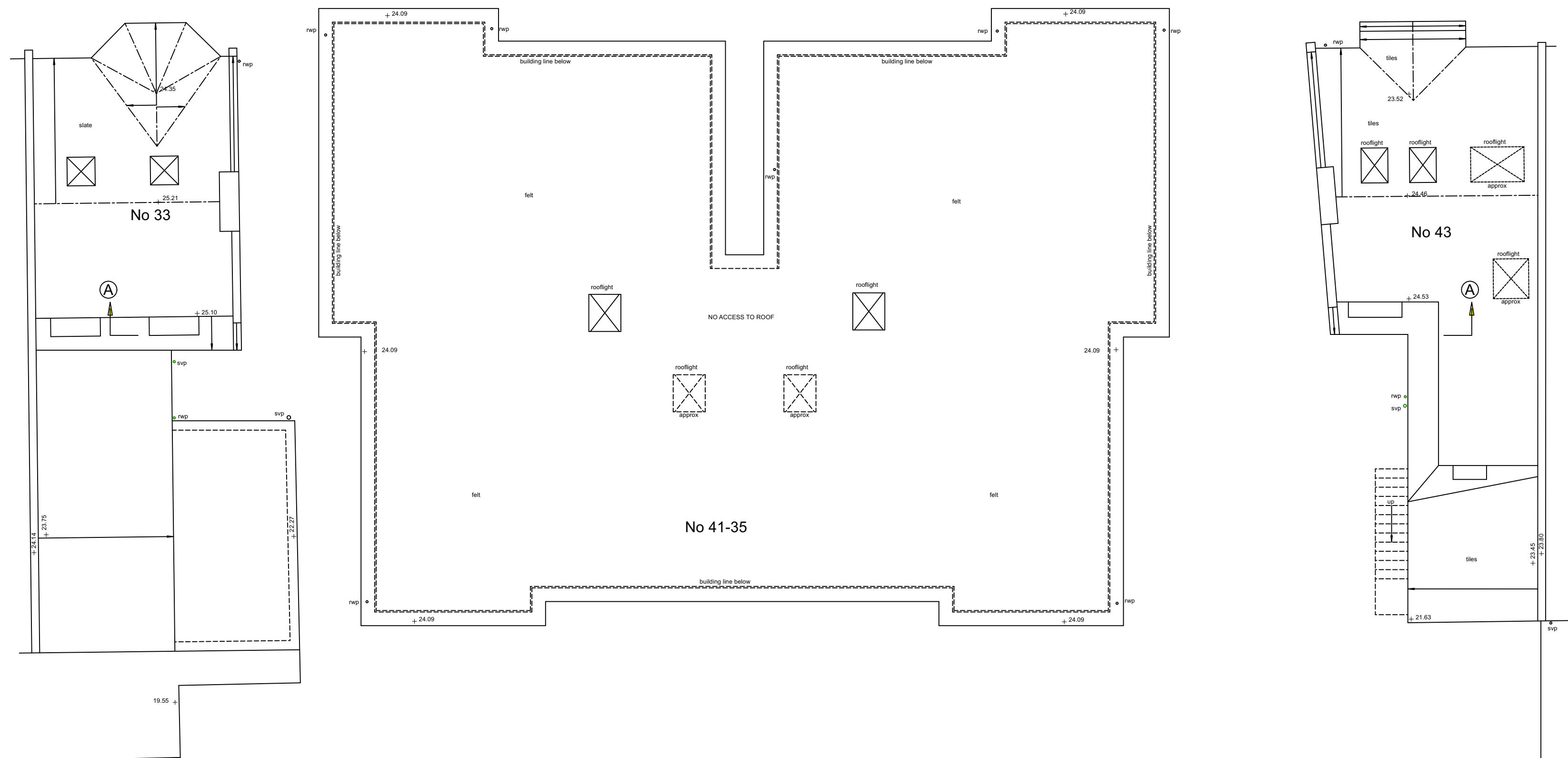
DRAWING: Existing Second Floor Plan

SCALE: 1:100 @A1	DRAWN BY:
DATE: January 2022	DRAWING NO. 1035/P/05
	REV.

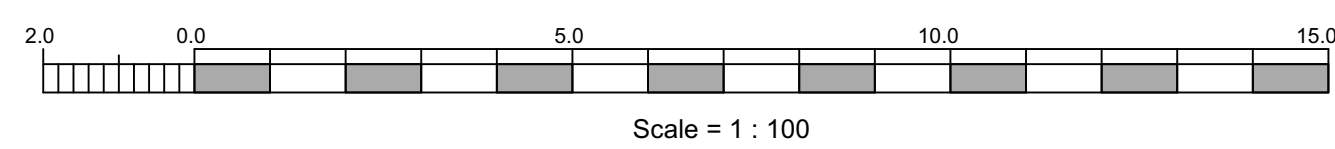
1/200
ALL LEVELS ARE IN METRES DERIVED FROM GPS TRANSFORMATION
OSGM15
THE CO-ORDINATES ARE DERIVED FROM THE ORDNANCE SURVEY
ACTIVE STATION NETWORK OSTN15

- sh sill to head height
- fs floor to sill height
- u/s underside height
- t/s topside height
- fb floorboard direction
- conc concrete
- rf roof light
- cup'd cupboard
- fp fireplace
- sd sliding door
- svp soil and vent pipe
- rwp rain water pipe
- ⊙ carpet
- ⊙ 3.17 room height
- roof slope
- radiator

PRINCE'S ROAD

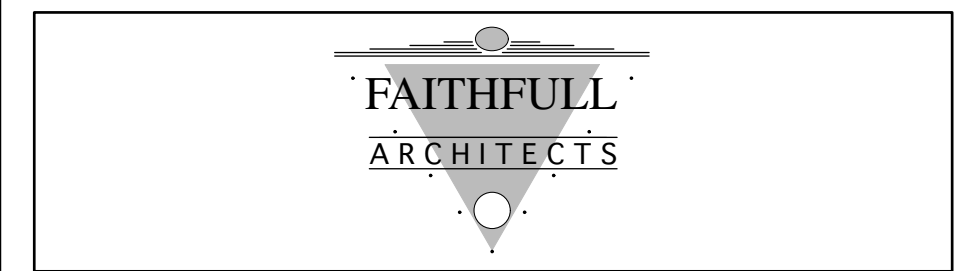


ROOF PLAN



REV.	DATE	DRWN.	DESCRIPTION	INIT.

FIGURED DIMENSIONS ONLY TO BE USED © FAITHFULL ARCHITECTS



+44 (0)20 7228 0888

PROJECT: SELBRIDGE COURT
35-41 PRINCE'S ROAD SW19 8RH

CLIENT: City Loft Airspace

DRAWING: Existing Roof Plan (3rd Level)

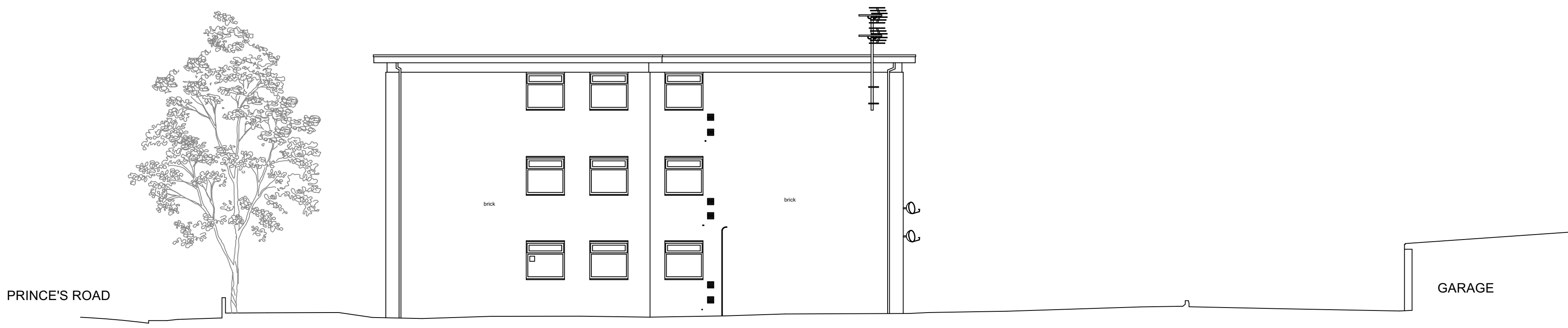
SCALE: 1:100 @A1	DRAWN BY:
DATE: January 2022	DRAWING NO. 1035/P/06
	REV.



No 43

No 33

NORTH ELEVATION
 (Selbridge Court)
 Δ 14.00m



PRINCE'S ROAD

GARAGE

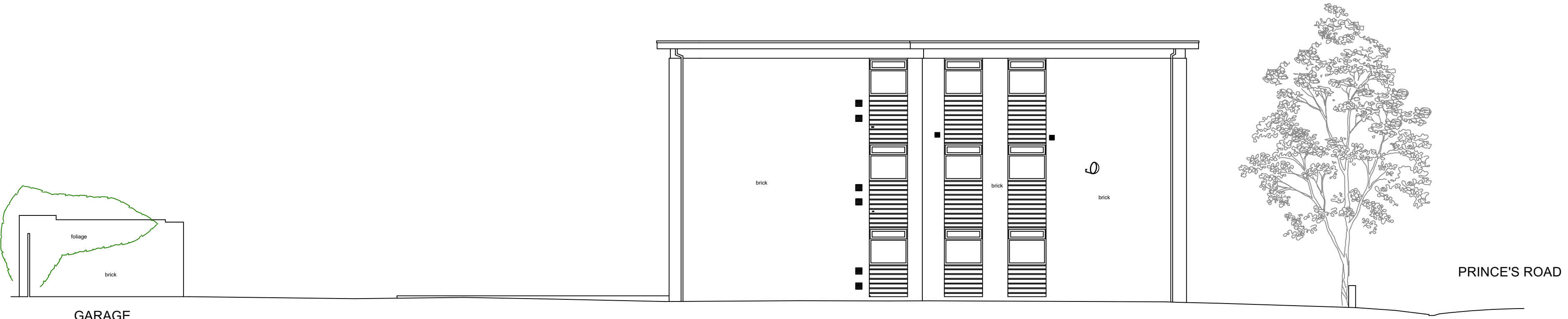
SELBRIDGE COURT
 WEST ELEVATION
 Δ 14.00m



No 43

No 33

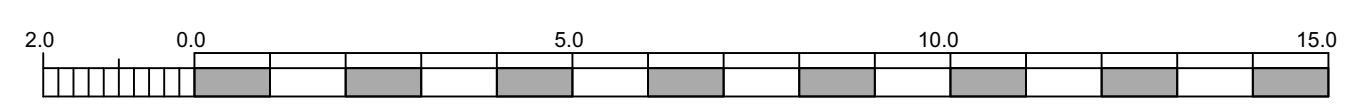
SELBRIDGE COURT
 SOUTH ELEVATION
 Δ 14.00m



GARAGE

PRINCE'S ROAD

SELBRIDGE COURT
 EAST ELEVATION
 Δ 14.00m



Scale = 1 : 100

1/100
 ALL LEVELS ARE IN METRES DERIVED FROM GPS TRANSFORMATION
 OSGM15

REV.	DATE	DRWN.	DESCRIPTION	INIT.

FIGURED DIMENSIONS ONLY TO BE USED © FAITHFULL ARCHITECTS



+44 (0)20 7228 0888

PROJECT: SELBRIDGE COURT
 35-41 PRINCE'S ROAD SW19 8RH

CLIENT: City Loft Airspace

DRAWING: Existing Elevations

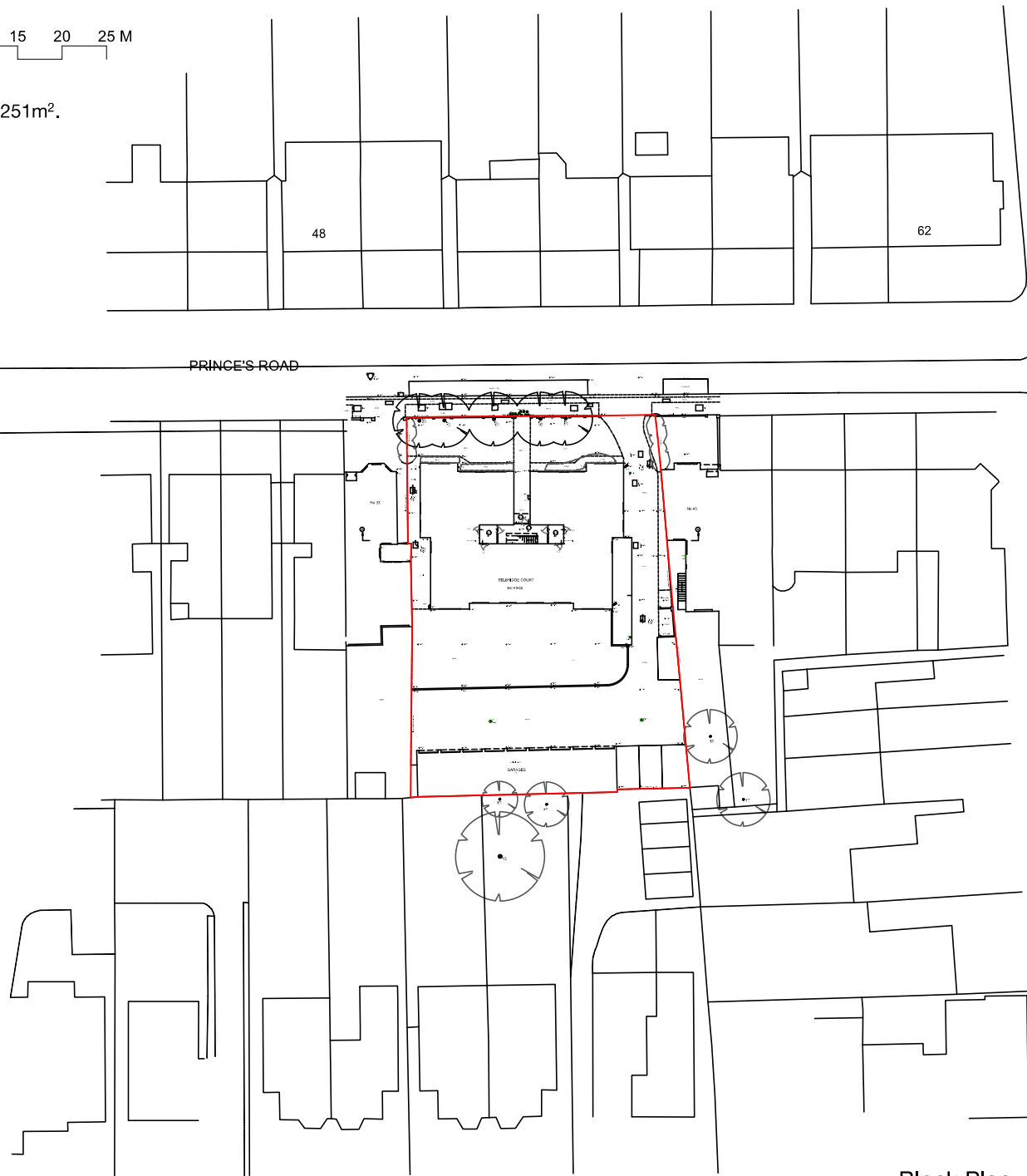
SCALE: 1:100 @A1	DRAWN BY:
DATE: January 2022	DRAWING NO. 1035/P/07
	REV.

DESIGN & ACCESS STATEMENT
FOR
ROOF EXTENSION DEVELOPMENT
AT
SELBRIDGE COURT
35 - 41 PRINCES ROAD
LONDON, SW19 8RH.

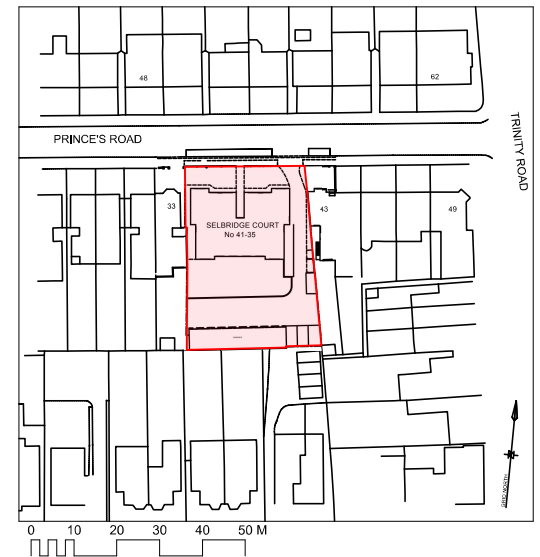


0 5 10 15 20 25 M

Site Area = 1,251m².



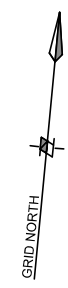
Block Plan
scale 1:500



Location Plan
scale 1:1250

Page 33

REV.:	DATE:	DRWN.:	DESCRIPTION:	INIT.:
FIGURED DIMENSIONS ONLY TO BE USED				© FAITHFULL ARCHITECTS
+44 (0)20 7228 0888				
PROJECT: SELBRIDGE COURT 35-41 PRINCE'S ROAD SW19 8RH				
CLIENT: City Loft Airspace				
DRAWING: Location Plan & Block Plan				
SCALE:	1:500 @A3	DRAWN BY:		
DATE:	March 2022	DRAWING NO.	1035/P/01	REV.:





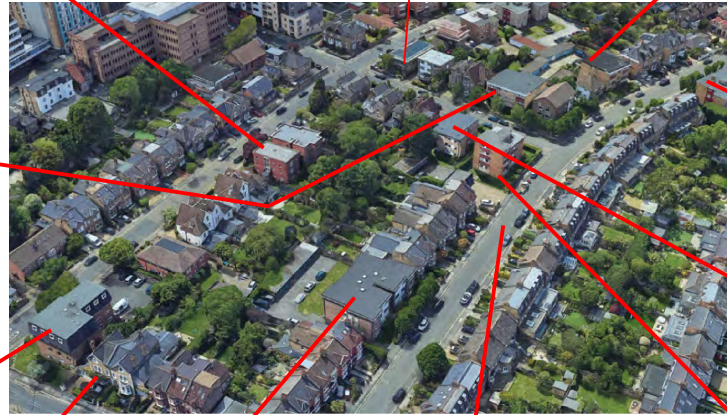
Aerial Views of Site.



View of Site from Princes Road



View of Site from the rear areas.



SELBRIDGE COURT



Views of buildings and houses in the local area.



Merton Policies Plan of Local Area.

DESIGN AND ACCESS STATEMENT
for the development of 4no. flats at
Selbridge Court, Prince's Road
London, SW19 8RH.

INTRODUCTION:

This Design and Access Statement is submitted in support of the Full Planning Application for the proposed upward roof extension at Selbridge Court, 35-41 Prince's Road SW19.

This statement illustrates the design ideas and concepts of the proposal and should be read in conjunction with the application drawings and documents.

It also takes account of the previous applications, ref: 22/P/1736 and 22/P/3204 and a revised design is proposed to overcome the concerns of planning officers.

The site is approx. 1251m² and currently comprises of 12no. 2-bed flats on 3no. floors. There is no lift access. Externally, the grounds consist of 9no. garages, each for a single car, with a further 6no. car parking spaces; giving a total of 15no. on-site car parking spaces. There are also areas for refuse bin storage, all within communal gardens.

SITE ASSESSMENT & CONTEXT:

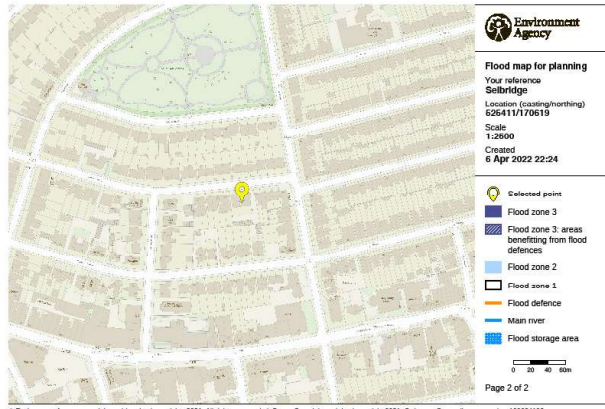
The building is not listed and the site is not within a Conservation Area, but Prince's Road forms the boundary with the South Park CA, so that houses on the north side of the street are within it. There are no planning policy constraints.

Whilst most of properties in Prince's Road date from the late-19th and early-20th centuries, Selbridge Court dates from the 1970's, and is of an aesthetic typical of its time; as a simple, unremarkable, modernist building of brick with in-fill panels (now of uPVC boarding) and a flat-roof.

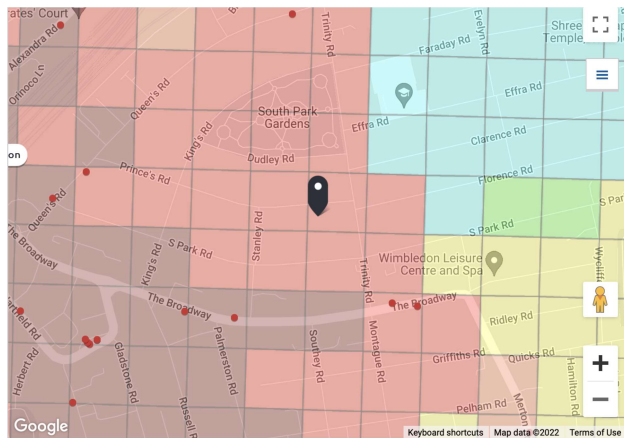
Due to the lower floor-to-ceiling heights, the existing building is slightly lower than its neighbours, even though it is 3-storeys and the adjoining properties are 2-storeys with pitched roofs (most with loft conversions).

Whilst there appears to be a degree of general consistency of buildings and houses in terms of types and styles on the north side of Prince's Road, within the CA, the southern side has a very different character (see previous page). This southern side is more fragmented, with a series of short terraces of differing styles and aesthetics interspersed with a number of individual buildings of differing sizes and heights, consisting of blocks of flats, large detached and semi-detached houses. This local area bounded by the southern side of Prince's Rd, Trinity Rd, South Park Rd, Stanley Rd and King's Rd has therefore a very an eclectic character, giving variations in styles and heights to the streetscape and adding to the local character. The 4-storey apartment blocks of Keble Court (South Park Rd) and Alden Court (Stanley Rd), give height variations that add interest, as punctuation marks, to the surrounding streetscape. The recent planning consent for 19 Prince's Rd for an additional storey also enhances this local variance, adding to the area's eclectic character. The proposal subject of this application is entirely consistent with this theme, further enhancing this local character and the streetscene.

The site is within a PTAL 6a zone and a Flood zone 1.



Flood Risk - zone 1



You can click anywhere on the map to change the selected location.

PTAL output for Base Year 6a

SW19 8RH
 Prince's Rd, London SW19 8RH, UK
 Easting: 525413, Northing: 170618

PTAL -zone 6a

USE:

The building is currently 12no. 2-bedroomed apartments and is C3 use class. The proposal is to extend the roof by a single storey to create 4no. new dwellings. The current C3 use will be maintained.

AMOUNT:

The proposal is to construct a single additional storey to create 4no. new flats. The flats will set back from the outline of the flats below and will be set back by 2.7m from the front facing Prince's Rd and 1.2m in from each of the sides. This will create 2no. 2-bed units and 2no. 1-bed units, all with balconies providing appropriate external amenity space.

The new dwellings will be built to not only provide sustainable low energy living, but also sustainable construction. The scheme does not provide any additional car parking spaces but does provide a total of 8no. secure bicycle spaces for the new residential units. The flats have a private balconies spaces of approx. 5.7m². They generally exceed minimal sizes, and provide 2no. 2-bed(3p) units at 62.2m² and 2no. 1-bed(2p) units at 51.5m².

LAYOUT:

The layout of the flats, generally, follow the layout of those on the lower floors. However, the layouts do vary and provide bathrooms-en-suite to the main bedroom. The layout is such that the rooms exceed minimum sizes. The layout also allows for easy storage and collection of refuse.

However, due to the layout of the existing block of flats it is not possible to install a lift, hence access to the new flats will be by the existing staircase, which will be extended up to the new floor.

SCALE:

The local context is made up of building styles that very much reflect their own time, and the scale of these buildings is appropriate to their time. The new extended storey is carefully designed to maintain and compliment the scale and proportions of existing subject building.

The additional storey therefore is designed as zinc-clad 'roof' style structure, giving the appearance and proportions of a mansard. Further the construction of the connection between the existing roof of the building and the floor structure of the new storey is designed to give a clear distinction and separation between the old (brick) and the new (zinc) structures. This evokes the concept of a cornice in a classical manner and enhances the proportions. The design of this junction also creates a small void which allows the waterproofing to the lower flats to be maintained during construction. Further, this small void also allows for an acoustic and services buffer between the existing roof slab and new floor structure, which improves acoustic separation and allows easy distribution of service lines and ducts etc.

Following the previous refusal, the front of the extension has been set back by 2.3 metres (2.7 metres from the front projecting bays). It has also been set back from the sides by 1.2 metres. These setbacks are similar to the recently approved scheme at No.19 and significantly reduce the scale and massing of the proposed extension. The proposed obscure glazed balustrades are also set back behind the parapet and 1.2 metres from the sides. These help to screen the extension and break up the massing, as well as providing amenity space.

The trees along the front garden areas will be retained to further ensure the impact of the new units on the streetscape will be minimised.



LANDSCAPING:

The effects of the proposal on the landscaping will be limited. The bins storage area will be enlarged to accommodate additional flats and a small bike storage/racking area will be created. However the external areas are such that the above can be easily accommodated. These are along the side returns and therefore impact on the street-scene will be minimal.

APPEARANCE:

A new storey is designed to create the aesthetic of a mansard roof, which is significantly set back from the main body of the building. This allows the new mansard storey to appear significantly sub-servient, thus minimising apparent massing. The zinc cladding will clad the new structure and allow this 'roof style' to appear as a roof extension. Further being very light-weight, it can be craned into place in this location.

The modeling and articulation, both in plan and elevation, of the building's form and its use of materials has been designed to balance its scale so that it can not only act as a visual transition between the old and the new parts but also the wider street scene.

The appearance of the proposed single-storey extension remains contemporary whilst referencing the existing structure, by replicating horizontal fascias and parapets and aligning all fenestration to the existing windows below.

ACCESS:

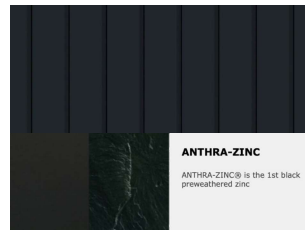
The surrounding streets are generally level, which allows level access, via entrances areas. However, universal access is not possible as there is only one means of access, which is via the existing stairs.

As far as access to the wider environment is concerned, the Transport Statement submitted as part of the application addresses the accessibility of the site.

CONCLUSIONS:

The proposal makes full use of an existing site, providing much needed additional accommodation, but without adversely affecting the area. The residential units will have adequate and appropriate external space. The proposed zinc materials allow the scheme to respect the area, and remain subservient to the existing building. In turn, the building will be enhanced by the 'roof' aesthetic; allowing it to echo other properties in the street of having a distinct difference between main body of the building (brick) and a 'roof' (slates or zinc).

Overall, the scheme will provide additional housing giving significant economic, social and design benefits, without adversely affecting either the existing building, the streetscape or the conservation area opposite.



VM Zinc "Anthra-Zinc" to rear extension.



Al.windows and patio doors to be RAL 7016

Proposed Materials



CGI View along Prince's Road looking West

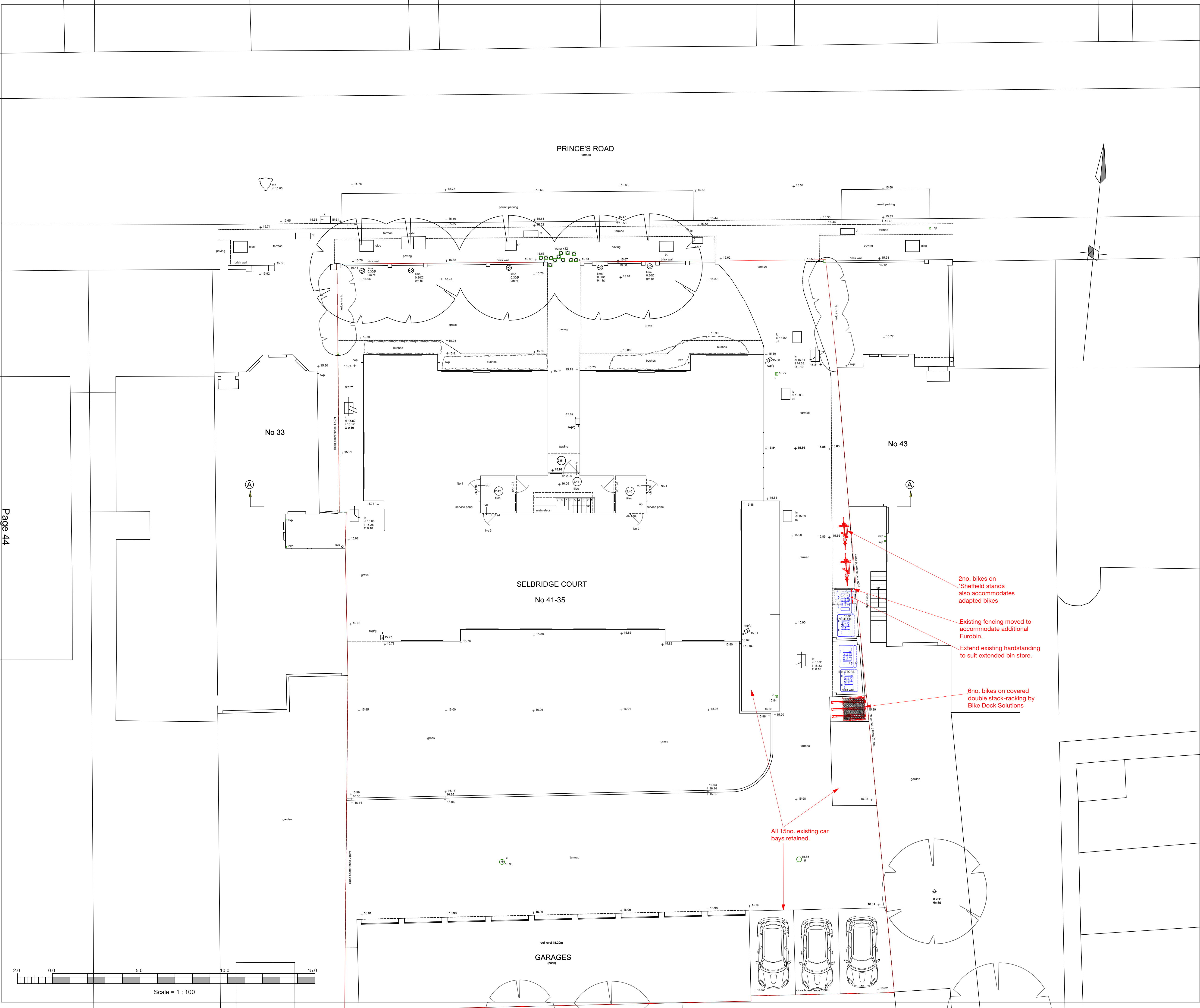


CGI View along Prince's Road looking East



1/100
 ALL LEVELS ARE IN METRES DERIVED FROM GPS TRANSFORMATION
 OSGM15
 THE CO-ORDINATES ARE DERIVED FROM THE ORDNANCE SURVEY
 ACTIVE STATION NETWORK OSTN15

- sh sill to head height
- fs floor to sill height
- u/s underside height
- t/s topside height
- f/b floorboard direction
- conc concrete
- rl roof light
- cup'd cupboard
- fp fireplace
- sd sliding door
- s/vp soil and vent pipe
- r/wp rain water pipe
- carpet
- ⊙ room height
- roof slope
- radiator



2no. bikes on Sheffield stands also accommodates adapted bikes

Existing fencing moved to accommodate additional Eurobin.

Extend existing handstanding to suit extended bin store.

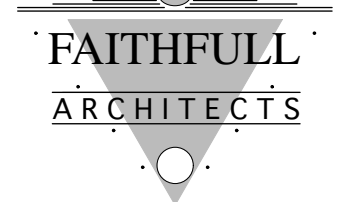
6no. bikes on covered double stack-racking by Bike Dock Solutions

All 15no. existing car bays retained.

Page 44

REV.	DATE	DRWN.	DESCRIPTION	INIT.
B	May 23		Bike racking to be covered	
A	Feb 23		Scheme revised	

FIGURED DIMENSIONS ONLY TO BE USED © FAITHFULL ARCHITECTS



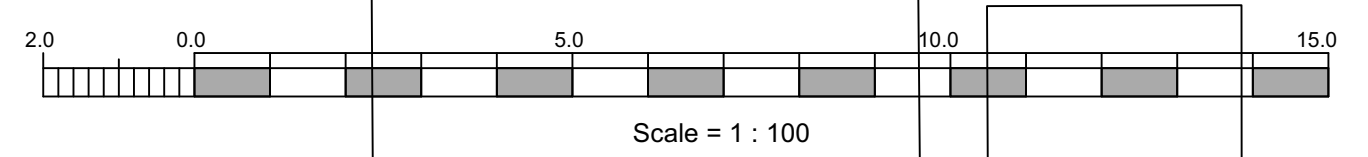
+44 (0)20 7228 0888

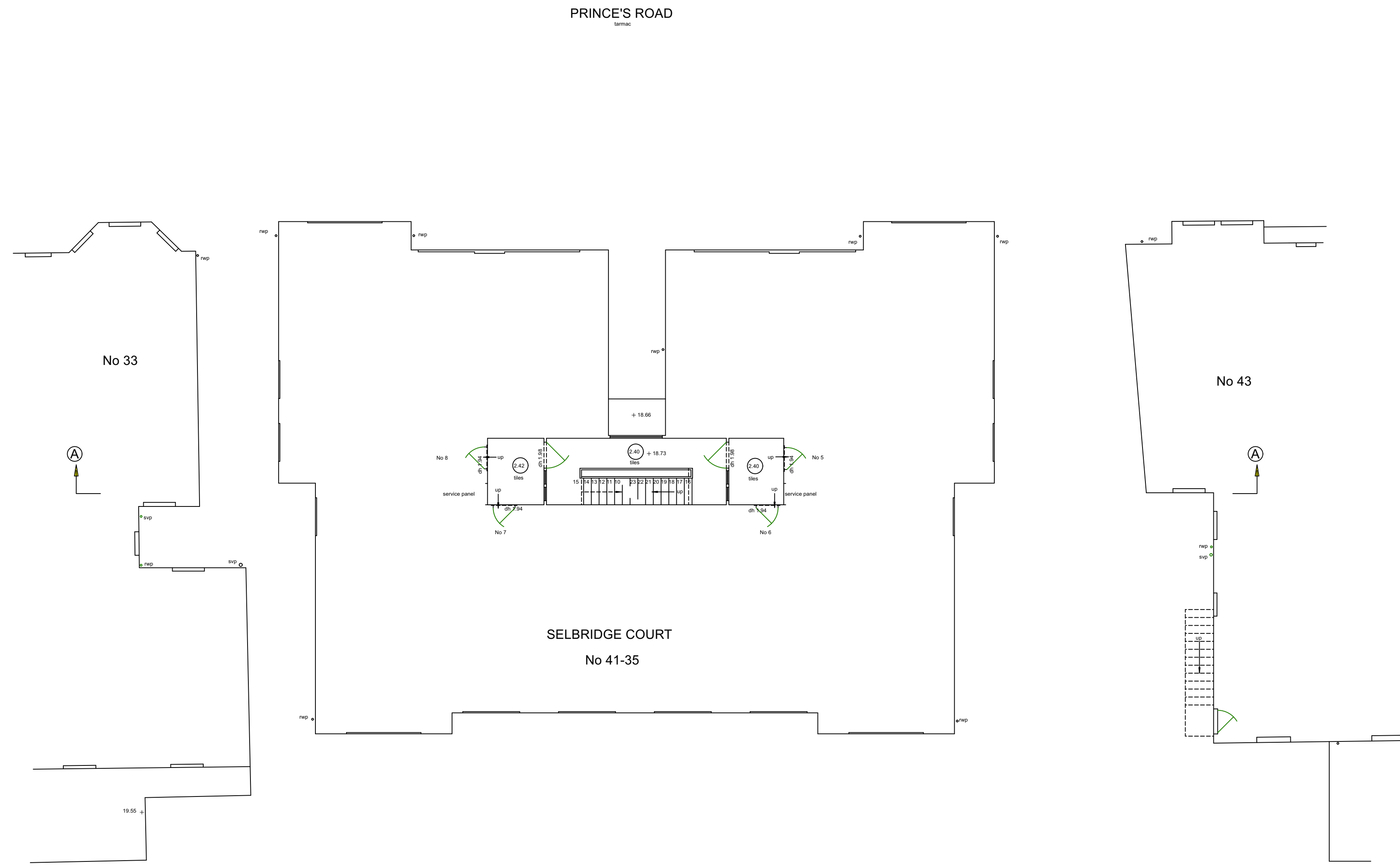
PROJECT: SELBRIDGE COURT
 35-41 PRINCE'S ROAD SW19 8RH

CLIENT: City Loft Airspace

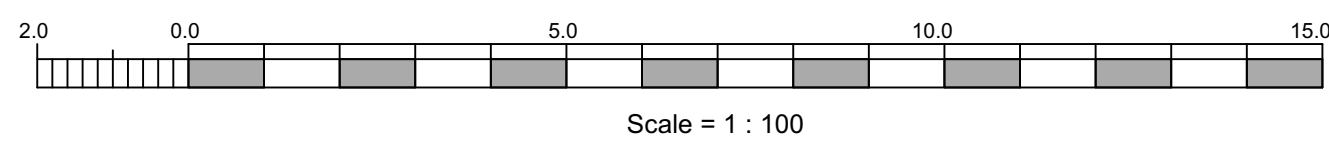
DRAWING: Proposed Ground Floor Plan

SCALE:	1:100 @A1	DRAWN BY:	
DATE:	January 2022	DRAWING NO.	1035/P/08
		REV.	B



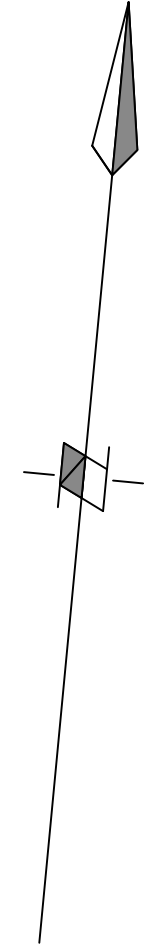


FIRST FLOOR PLAN



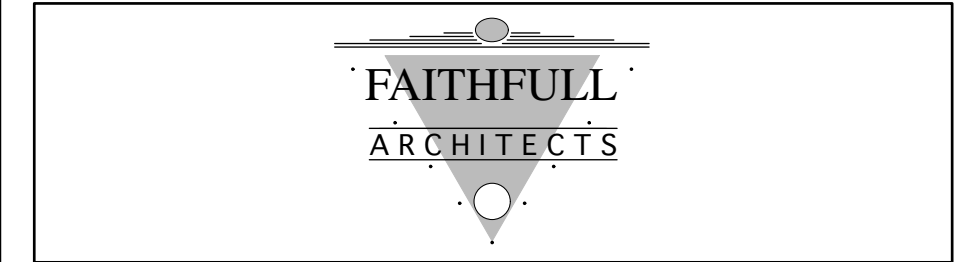
1/200
 ALL LEVELS ARE IN METRES DERIVED FROM GPS TRANSFORMATION
 OSGM15
 THE CO-ORDINATES ARE DERIVED FROM THE ORDNANCE SURVEY
 ACTIVE STATION NETWORK OSTN15

- sh sill to head height
- fs floor to sill height
- u/s underside height
- t/s topside height
- fb floorboard direction
- conc concrete
- rl roof light
- cup'd cupboard
- fp fireplace
- sd sliding door
- svp soil and vent pipe
- rwp rain water pipe
- ⊙ carpet
- ⊙ 3.17 room height
- ↘ roof slope
- radiator



REV.	DATE	DRWN.	DESCRIPTION	INIT.

FIGURED DIMENSIONS ONLY TO BE USED © FAITHFULL ARCHITECTS



+44 (0)20 7228 0888

PROJECT: SELBRIDGE COURT
 35-41 PRINCE'S ROAD SW19 8RH

CLIENT: City Loft Airspace

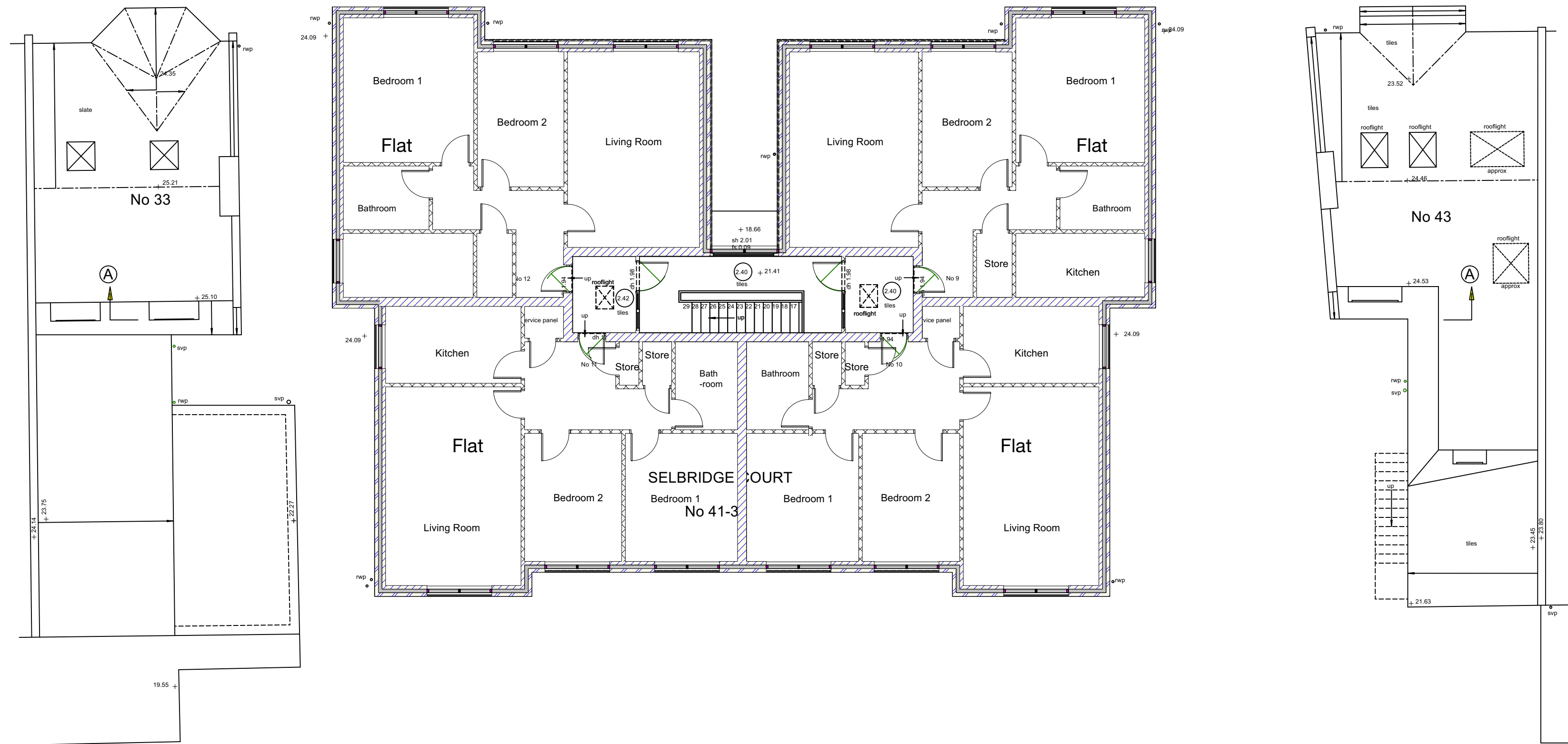
DRAWING: Proposed First Floor Plan

SCALE: 1:100 @A1	DRAWN BY:
DATE: January 2022	DRAWING NO. 1035/P/09
	REV.

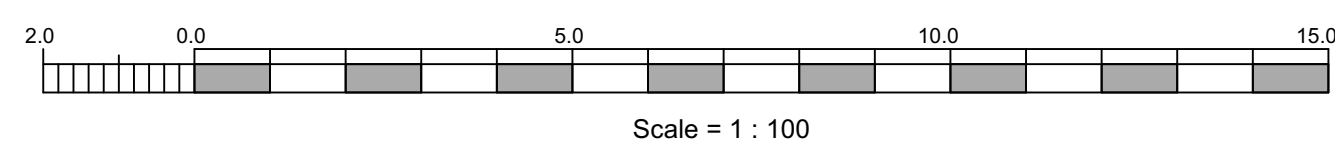
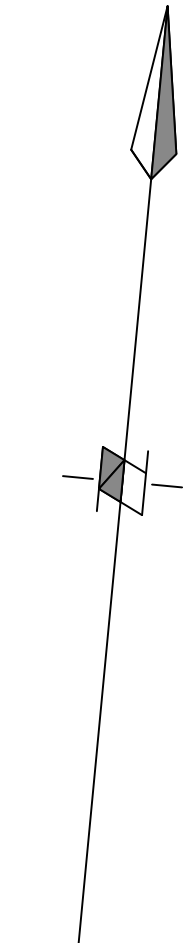
1/200
 ALL LEVELS ARE IN METRES DERIVED FROM GPS TRANSFORMATION
 OSGM15
 THE CO-ORDINATES ARE DERIVED FROM THE ORDNANCE SURVEY
 ACTIVE STATION NETWORK OSTN15

- sh sill to head height
- fs floor to sill height
- u/s underside height
- t/s topside height
- fb floorboard direction
- conc concrete
- rf roof light
- cup'd cupboard
- fp fireplace
- sd sliding door
- svp soil and vent pipe
- rwp rain water pipe
- ⊙ carpet
- ⊙ 3.17 room height
- ↘ roof slope
- radiator

PRINCE'S ROAD

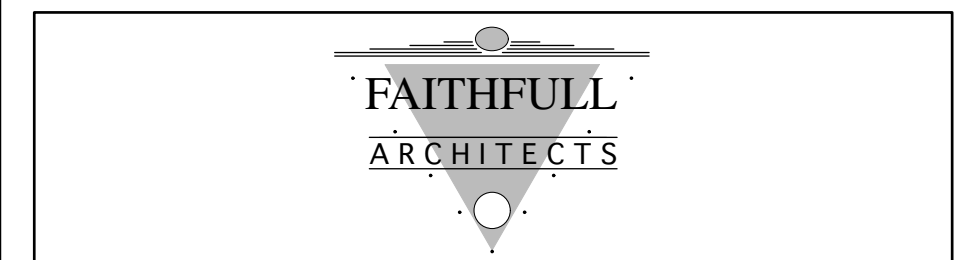


SECOND FLOOR PLAN



REV.	DATE	DRWN.	DESCRIPTION	INIT.

FIGURED DIMENSIONS ONLY TO BE USED © FAITHFULL ARCHITECTS



+44 (0)20 7228 0888

PROJECT: SELBRIDGE COURT
 35-41 PRINCE'S ROAD SW19 8RH

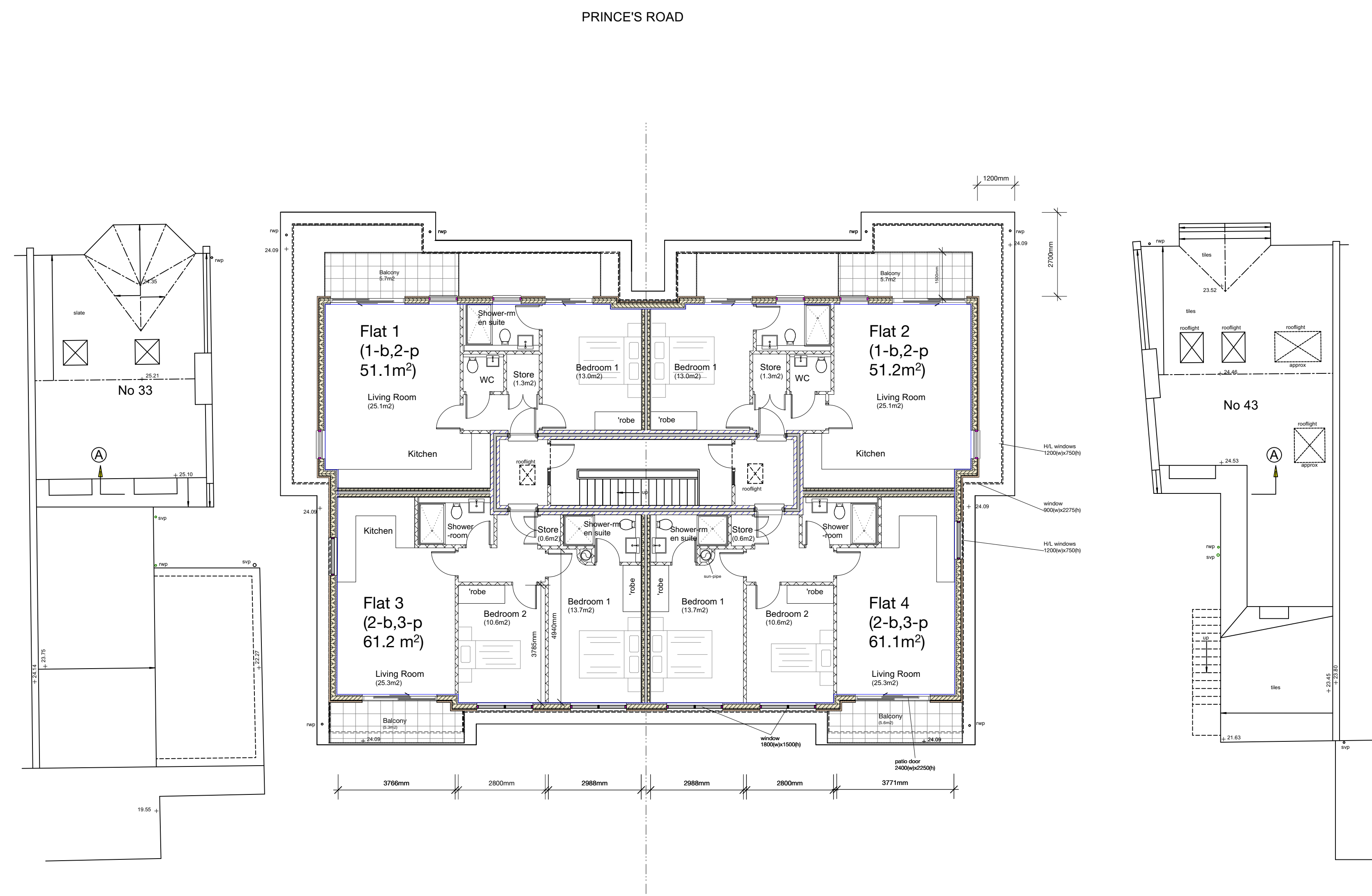
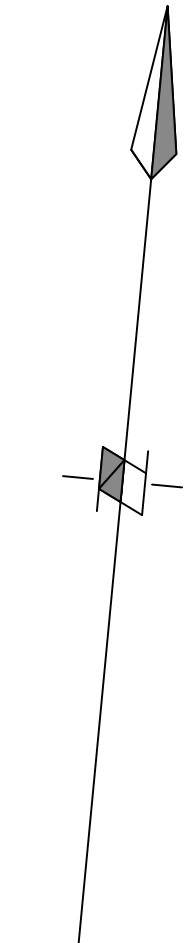
CLIENT: City Loft Airspace

DRAWING: Approx 2nd floor layout

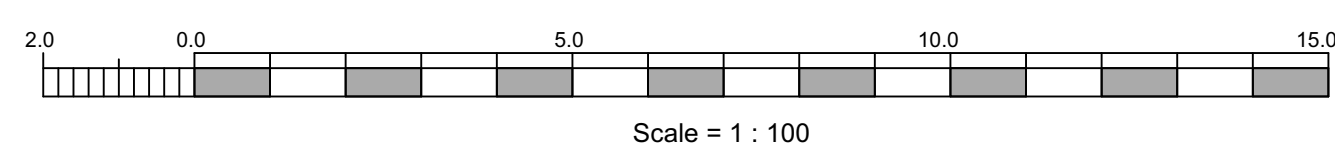
SCALE: 1:100 @A1	DRAWN BY:
DATE: January 2022	DRAWING NO. 1035/P/10
	REV.

1/200
 ALL LEVELS ARE IN METRES DERIVED FROM GPS TRANSFORMATION
 OSGM15
 THE CO-ORDINATES ARE DERIVED FROM THE ORDNANCE SURVEY
 ACTIVE STATION NETWORK OSTN15

- sh sill to head height
- fs floor to sill height
- u/s underside height
- t/s topside height
- fb floorboard direction
- conc concrete
- rf roof light
- cup'd cupboard
- fp fireplace
- sd sliding door
- svp soil and vent pipe
- rwp rain water pipe
- ⊙ carpet
- ⊙ 3.17 room height
- ↘ roof slope
- radiator

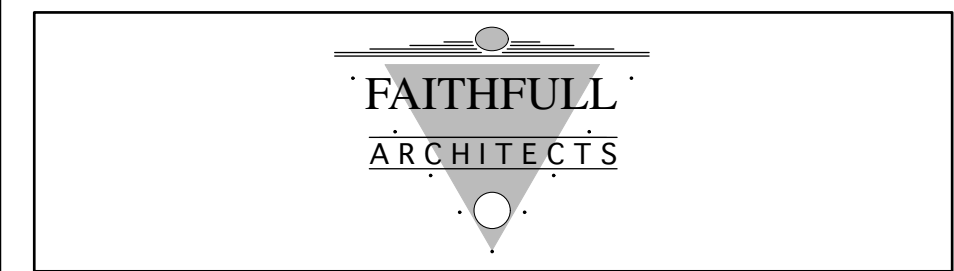


THIRD FLOOR PLAN



REV.	DATE	DRWN.	DESCRIPTION	INIT.
B	Mar 23		Scheme revised	
A	Feb 23		Scheme revised	

FIGURED DIMENSIONS ONLY TO BE USED © FAITHFULL ARCHITECTS



+44 (0)20 7228 0888

PROJECT: SELBRIDGE COURT
 35-41 PRINCE'S ROAD SW19 8RH

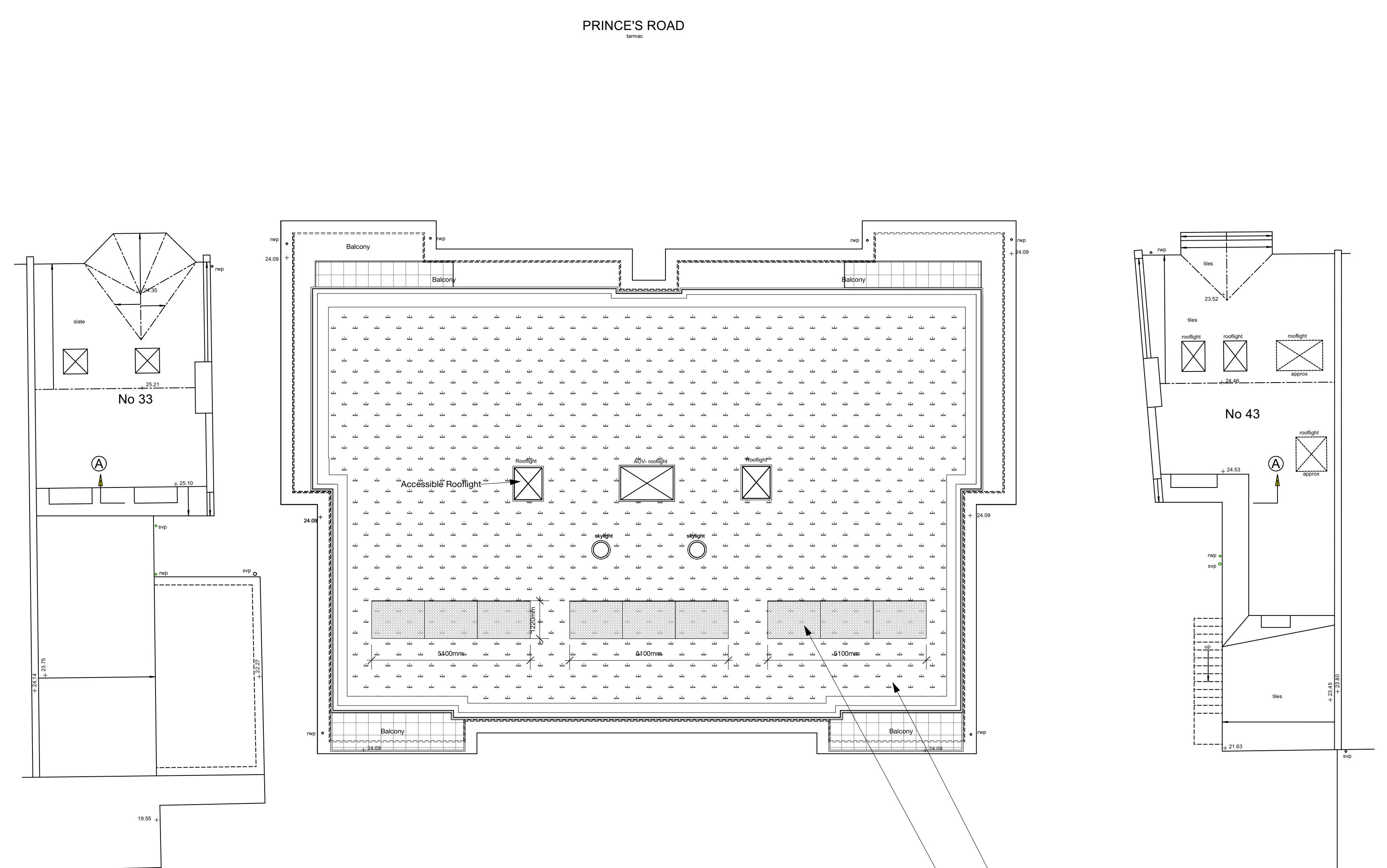
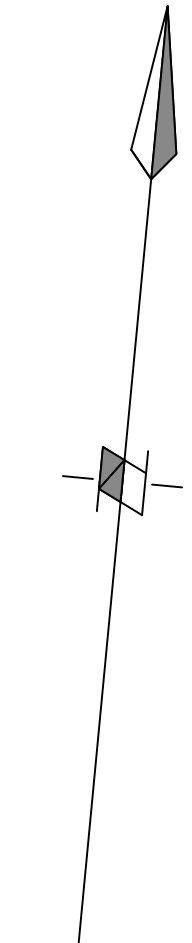
CLIENT: City Loft Airspace

DRAWING: Proposed Third Floor Plan

SCALE:	1:100 @A1	DRAWN BY:	
DATE:	January 2022	DRAWING NO.	1035/P/11
		REV.	B

1/200
 ALL LEVELS ARE IN METRES DERIVED FROM GPS TRANSFORMATION
 OSGM15
 THE CO-ORDINATES ARE DERIVED FROM THE ORDNANCE SURVEY
 ACTIVE STATION NETWORK OSTN15

- sh sill to head height
- fs floor to sill height
- uls underside height
- ts topside height
- fb floorboard direction
- conc concrete
- rf roof light
- cup'd cupboard
- fp fireplace
- sd sliding door
- svp soil and vent pipe
- rwp rain water pipe
- ⊙ carpet
- ⊙ 3.17 room height
- ↘ roof slope
- radiator

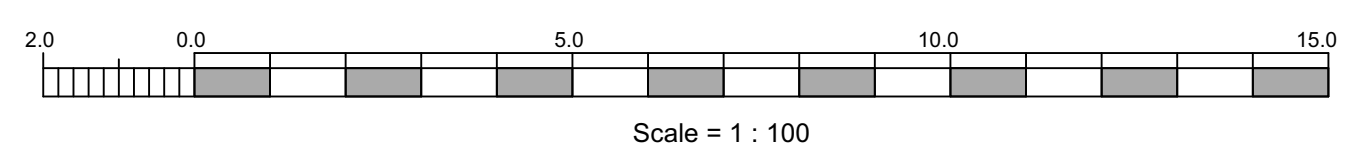


PRINCE'S ROAD

THIRD FLOOR PLAN

Sedum roof to be:
 Bauder Lightweight Sedum System, as:
 Bauder XF301 Sedum Blanket (mixed) on
 Bauder SDF Mat, drainage layer, inc.
 Bauder AL40 sedum blanket Edge trim.

PhotoVoltaic panels:
 1.2x1.7m PV panels
 in 3no, banks of 3:
 total: 18.36m²



B	Mar 23		balconies set back	
A	Feb 23		Scheme revised	
REV.	DATE	DRWN.	DESCRIPTION	INIT.

FIGURED DIMENSIONS ONLY TO BE USED © FAITHFULL ARCHITECTS



+44 (0)20 7228 0888

PROJECT: SELBRIDGE COURT
 35-41 PRINCE'S ROAD SW19 8RH

CLIENT: City Loft Airspace

DRAWING: Proposed Roof Plan

SCALE: 1:100 @A1	DRAWN BY:
DATE: January 2022	DRAWING NO. 1035/P/12 REV. B

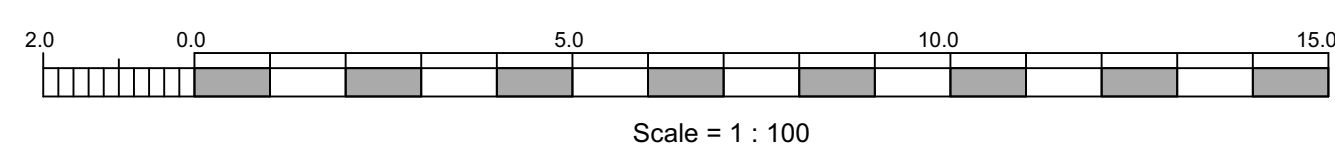
1/100
ALL LEVELS ARE IN METRES DERIVED FROM GPS TRANSFORMATION
OSGM15



2700mm
2300mm

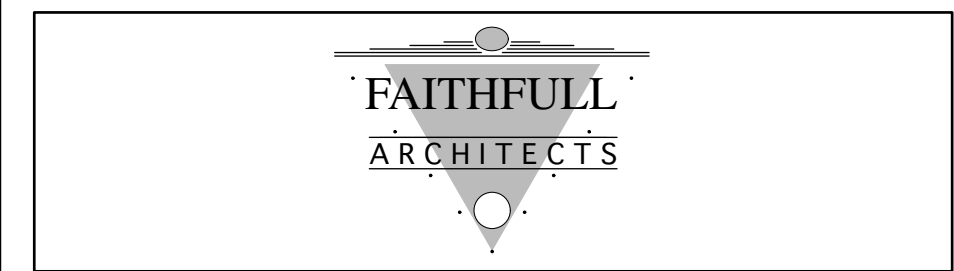


Page 50



REV.	DATE	DRWN.	DESCRIPTION	INIT.
C	May 23		Panelling layout to zinc sheeting amended	
B	Mar 23		balconies set back	
A	Feb 23		Scheme revised	

FIGURED DIMENSIONS ONLY TO BE USED © FAITHFULL ARCHITECTS



+44 (0)20 7228 0888

PROJECT: SELBRIDGE COURT
35-41 PRINCE'S ROAD SW19 8RH

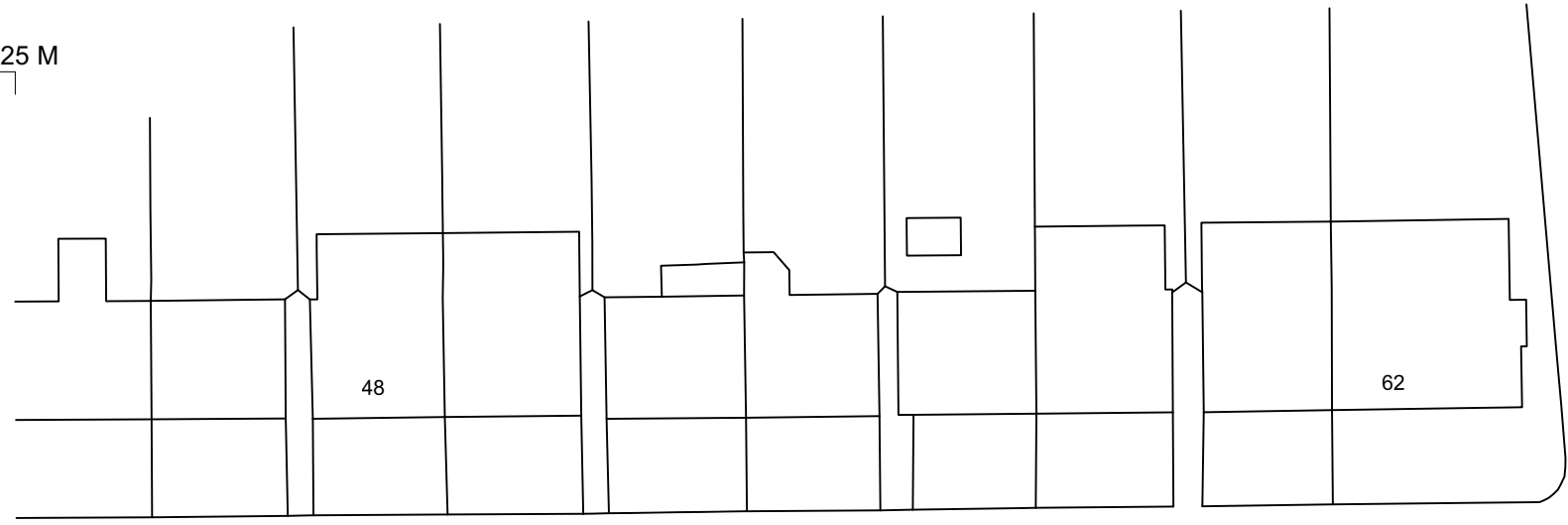
CLIENT: City Loft Airspace

DRAWING: Proposed Side Elevations

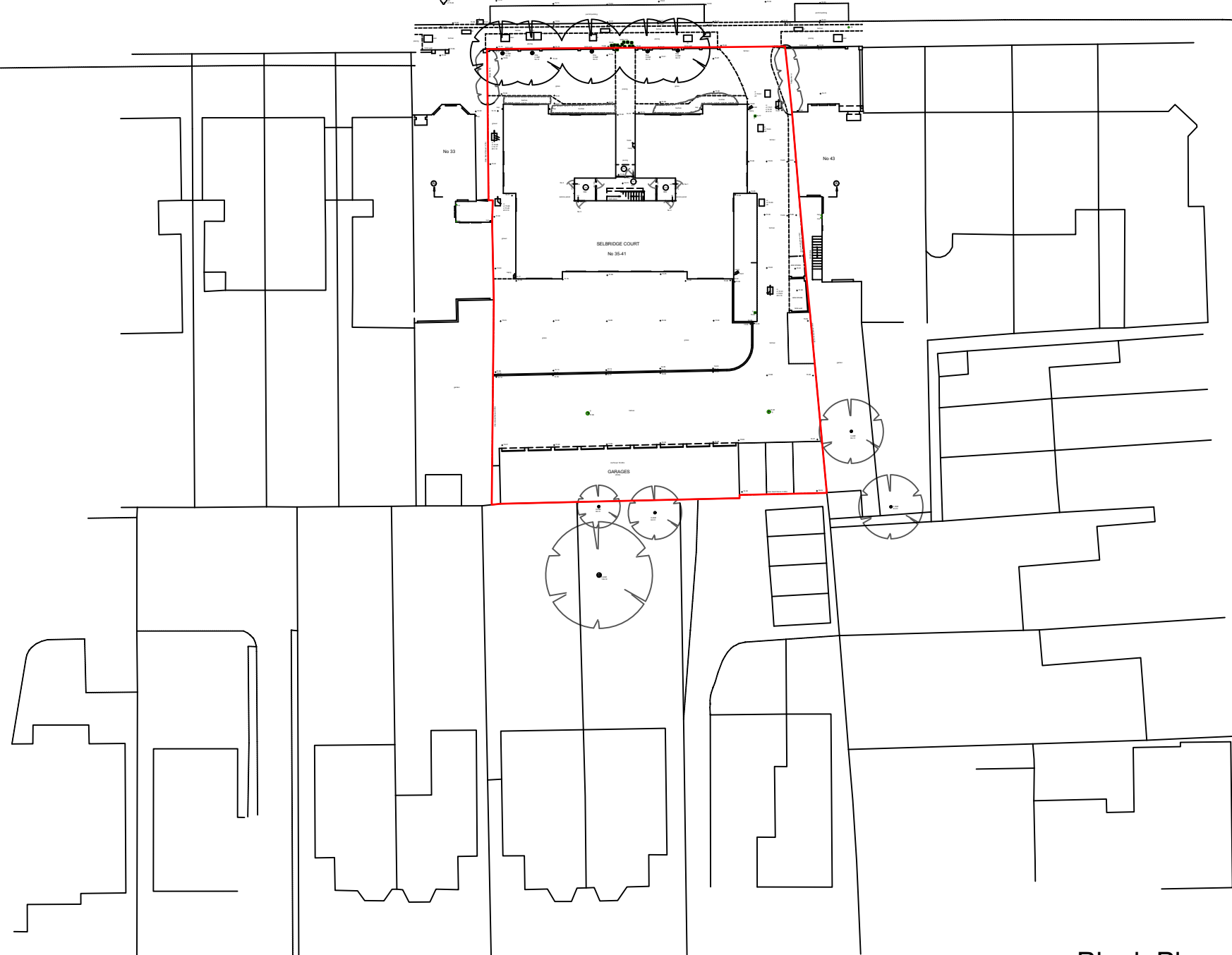
SCALE: 1:100 @A1	DRAWN BY:
DATE: January 2022	DRAWING NO. 1035/P/14
	REV. C

0 5 10 15 20 25 M

Site Area = 1,251m².



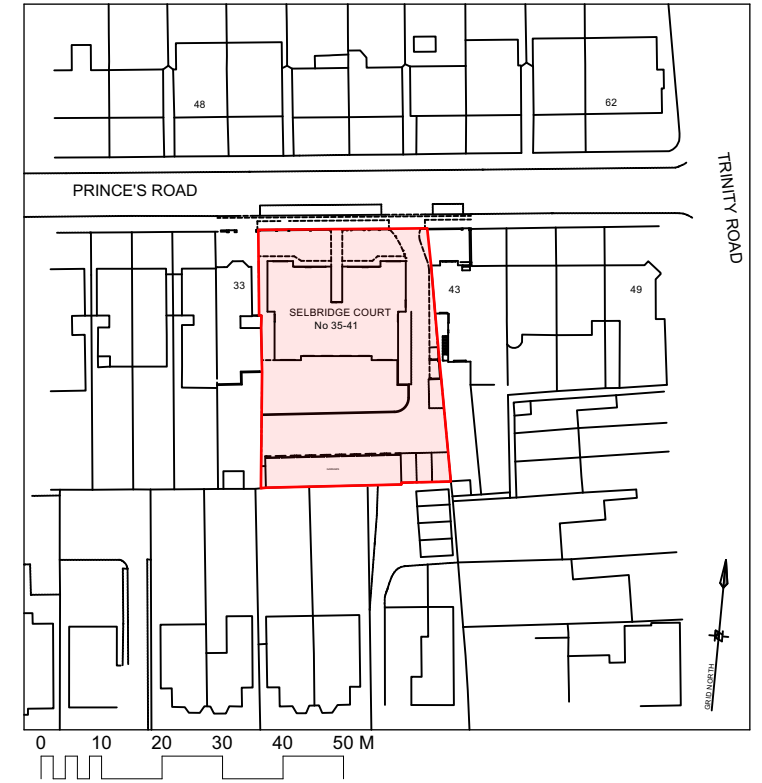
PRINCE'S ROAD




Block Plan
scale 1:500

GRID NORTH

TRINITY ROAD



Location Plan
scale 1:1250

REV.	DATE	DRWN.	DESCRIPTION	INIT.
FIGURED DIMENSIONS ONLY TO BE USED				© FAITHFULL ARCHITECTS
				
☎ +44 (0)20 7228 0888				
PROJECT: SELBRIDGE COURT				
35-41 PRINCE'S ROAD SW19 8RH				
CLIENT: City Loft Airspace				
DRAWING: Location Plan & Block Plan				
SCALE:	1:500 @A3	DRAWN BY:		
DATE:	March 2022	DRAWING NO.	1035/P/01	REV.

Committee: Planning Applications

Date: 14th September 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](#)

Application Number	21/P2584
Appeal number:	APP/T5720/W/22/3311771
Site:	96 TAVISTOCK CRESCENT MITCHAM SURREY CR4 1QG
Development:	THE PROPOSED DEMOLITION OF GARAGE IN THE REAR GARDEN AND CONSTRUCTION OF A NEW 1 BEDROOM (STUDIO) SELF CONTAINED FLAT
Recommendation:	Refuse (Delegated)
Appeal Decision:	DISMISSED
Date of Appeal Decision:	29 th August 2023

[click LINK TO DECISION NOTICE](#)

Application Number 21/P3428
Appeal number: APP/T5720/W/22/3307054
Site: ELECTRICAL SUB-STATION
ADJACENT TO 14 PEPYS ROAD
RAYNES PARK

Development: THE DEMOLITION OF EXISTING ELECTRICAL SUB-STATION AND ERECTION ON SITE OF 3 x SELF CONTAINED FLATS WITH EXTERNAL AMENITY SPACE AND ACCESS TO GROUNDS OF LANGHAM COURT

Recommendation: Grant permission subject to S106 Obligation
Appeal Decision: **ALLOWED**
Date of Appeal Decision: 17th August 2023

[click LINK TO DECISION NOTICE](#)

Application Number 22/P0129
Appeal number: APP/T5720/W/22/3299447
Site: HOLMES ROAD
WIMBLEDON
LONDON SW19 1DZ

Development: THE PROPOSED 5G TELECOMS INSTALLATION: H3G PHASE 8 16M HIGH STREET POLE C/W WRAP-AROUND CABINET AND 3 FURTHER ADDITIONAL EQUIPMENT CABINETS

Recommendation: Refuse (Delegated)
Appeal Decision: **DISMISSED**
Date of Appeal Decision: 17th August 2023

[click LINK TO DECISION NOTICE](#)

Application Number 22/P2156
Appeal number: APP/T5720/W/22/3312465
Site: 153 STREATHAM ROAD
MITCHAM
CR4 2AG

Development: THE ERECTION OF FIRST FLOOR REAR EXTENSIONS AND AMENITY AREAS TO EXISTING FLATS. REPLACEMENT OF EXISTING 3X ROOF DORMERS WITH 1X ENLARGED REAR DORMER

Recommendation: Refuse (Delegated)
Appeal Decision: **DISMISSED**
Date of Appeal Decision: 18th August 2023

[click LINK TO DECISION NOTICE](#)

Application Number 23/P0390
Appeal number: APP/T5720/D/23/3324350
Site: 217 TAMWORTH LANE
MITCHAM
CR4 1DH

Development: THE FORMATION OF VEHICULAR CROSSOVER

Recommendation: Refuse (Delegated)

Appeal Decision: **ALLOWED**

Date of Appeal Decision: 16th August 2023

[click LINK TO DECISION NOTICE](#)

Alternative options

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

1 CONSULTATION UNDERTAKEN OR PROPOSED

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

2 TIMETABLE

- 2.1. N/A

3 FINANCIAL, RESOURCE AND PROPERTY IMPLICATIONS

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

4 LEGAL AND STATUTORY IMPLICATIONS

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

5 HUMAN RIGHTS, EQUALITIES AND COMMUNITY COHESION IMPLICATIONS

5.1. None for the purposes of this report.

6 CRIME AND DISORDER IMPLICATIONS

6.1. None for the purposes of this report.

7 RISK MANAGEMENT AND HEALTH AND SAFETY IMPLICATIONS

7.1. See 6.1 above.

8 BACKGROUND PAPERS

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

Date: 14th September 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
Raymond.Yeung@merton.gov.uk

Recommendation:

That Members note the contents of the report.

1. Purpose of report and executive summary

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

Current Enforcement Cases:	359	New Appeals:	0
New Complaints	18	Existing Appeals	15
Cases Closed	11	<i>There is a high volume of backlog at the Planning Inspectorates to determine appeals, the waiting time with them is several months, the existing appeals have not progressed with the inspectors.</i>	
New Enforcement Notices Issued			
Breach of Condition Notices	0	Prosecutions: (instructed)	0
Enforcement Notices	1	New Instructions to Legal	2
S.215:	1	Existing instructions to Legal	2
Others (PCN, TSN)	0	<hr/>	
Total	2	TREE ISSUES	
		Tree Applications Received	95
		% Determined within time limits:	99%
		High Hedges Complaint	0
		New Tree Preservation Orders (TPO)	0
		Tree Replacement Notice	0
		Tree/High Hedge Appeal	0
		5-Day notice	2

Note (*figures are for the period from (from 11th August 2023 to 5th September 2023).*)

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 Action

Land at Former La Sporta Community Centre, Church Road, Mitcham - Enforcement Notice

The Council issued an enforcement notice for the a material change of use of the Land from a community centre (Use class F2) to the mixed use of the Land for the siting and use as a hot food takeaway trailer (Use Class Sui-Generis) and; (ii) operational development comprising of the siting of a static hot food take-away trailer. They are required to permanently remove the Trailer from the Land that facilitates the Unauthorised Use.

174 Haydons Road, South Wimbledon – S215 Notice

The Council issued a S215 untidy land notice, they are required to clear all rubbish and debris from the front of the Land including, but not limited to wooden boards, plastic bags of rubbish, building materials and broken fencing.

8 Dahlia Gardens -Potential prosecution for non-compliance of enforcement notice

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

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

Officers conducted a Notice of Entry to visit in March to see works are not complied with the notice and a further letter of alleged offence in April 2023, the council will review next steps to potential prosecution for non-compliance of the said notice.

Officers are now reviewing legal action.

162 & 164 Hartfield Road, Wimbledon-Breach of condition notice issued

A new breach of Condition notice has been served, this time condition 11 in addition to condition 14 of the 2018 Permission that requires full compliance with the construction and ancillary works times, in addition to the CTMP for the duration of the construction process and paragraph b) of the CTMP has not been complied with delivery times. The council are now reviewing the next steps, such as a temporary stop notice.

153A Dorset Road Merton Park London SW19 3EQ- Notice issued-Appealed

Notice served against the conversion of the outbuilding on the Land into a self-contained residential unit.

The conversion of the outbuilding to a self-contained unit, by reason of size and layout would fail to provide an acceptable standard of residential accommodation and living space resulting in a cramped and unsatisfactory standard of accommodation to the detriment of the amenities of current and future occupiers. It does not provide sufficient secure, integrated, convenient and accessible cycle parking nor refuse and recycling facilities. It creates a harmful impact to amenity to the host and neighbouring properties by reasons of noise, lack of privacy and disruption and creates limited outdoor amenity space for both the occupiers of the outbuilding and the main dwelling on the site. The requirement is to cease the use of the outbuilding as a self-contained residential unit. The notice has been appealed.

37 Octavia Close, Mitcham –Notice issued-Appealed

Unauthorised erection of a front porch, and enforcement notice was issued for its removal. The Porch by the virtue of its size, siting and design is considered visually obtrusive, incongruous and unsympathetic to the character and appearance of the dwelling, locality, and character of the area in general. The applicants have appealed against the notice.

59 Epsom Road, Morden-Notice issued-Appealed

Use of the outbuilding at the rear of the Land as a self-contained residential unit. The change of use has a negative effect on the neighbouring properties and local residents in terms of noise as the occupiers would use the alley way on a daily basis; the front of the garage/outbuilding has been fenced off to provide a private amenity space. This would result in further noise issues when in use by any occupiers. The amenity space enjoyed by the occupiers of the host site has been reduced. The gardens abutting the alleyway are open spaces and are open to crime, no preventive design measures have been taken into consideration to combat crime. The applicants have appealed against the notice.

The Beeches -Broken fences and untidy land – Before and after

The council were notified about the state of the fences in this residential area, following contact made by officers, the fence was replaced immediately along with the clear up paving and repairing of patios slabs.



Before



After

Market Square, Upper Green Mitcham –erection of stalls Before and After

Officers were notified about the stall erected against the trees, following a discussion with those responsible it was removed immediately.



Before



After -1 week later

Land at 144 Central Road – Caravan untidy land -Before & After

Officers visited the car park and a warning letter was placed on the caravan, the results are below.



Before



After

Land at 93 Montacute Road – Asbestos untidy land -Before & After

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 -Before & After

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. Having tried to get the responsible persons to comply with the notice and arrange another visit, they have appealed against the notice, we are awaiting for the outcome of the appeal from the planning inspectorates.

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.

An appeal was submitted against the notice, enforcement officers have written up an appeal statement to defend their position on why it was served a notice, now awaiting for the planning inspector’s appeal site visit and final decision.

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 re-serve a notice but to reinstate the garage and rear boundary adjacent to Acacia Road.

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

To summarise:

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

The Land is again being fly tipped a further s215 Notice was issued on February 2023 including enclosing and clearing the untidy / overgrown Land.

The land was fully secured with hoarding following collaboration with the anti-social behaviour team, but rubbish accumulating again. April 2023, the council issued another warning letter by the waste team.

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 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 having obtained quotes form a suitable contractor.

An appeal has come in for the refused certificate of lawfulness for the outbuilding to be permitted development, awaiting the planning inspectorates decision on this.

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

This page is intentionally left blank

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

Development and Planning Applications Committee Chair's Procedure

Last updated 13/08/23

Next review 13/11/23

Agenda Publication

The agenda will be published on Merton.gov.uk a minimum of seven clear working days in advance of the meeting and will confirm: the list of agenda items due to be considered at the meeting; all accompanying papers; and plans for those items. Committee members receive papers ten calendar days in advance of the meeting.

The Committee cycle:

Below lists the milestones in a standard committee month. These align to the committee dates mapper.

- Forward planning meetings & 1:1s
- Notification to Chair & Vice Chair of potential applications
- Chair & Vice Chair with officers
- Chair's email to committee
- Draft agenda published internally
- Papers available for sign off
- Papers delivered
- Pack published
- Potential site visit
- Deadline for applicants to register attendees
- Technical briefing
- Applicant panel details circulated to committee. Committee asked to flag conflicts of interest with Chair and Monitoring Officer
- Deadline for comments and questions by committee and any known conflicts of interest registration (12pm)
- Deadline for comments on BPAC papers electronically
- Last date for speakers to register (by 12pm)
- Inform public speakers
- Mod sheet Planning
- Mod sheet BPAC
- Washup
- Conditions and decision notice drafted for Chair's review
- Minutes written up and circulated to Chair review and sign off
- Minutes signed off by Chair and returned to officers
- Actions, conditions, risks and lessons logged

Planning applications

The committee has dual functions over policy and applications. The following relate to planning applications.

Agenda setting

The Chair in consultation with Vice Chair and Head of Planning and Development and Head of Development Policy and officers will decide on the agenda and forward plan for the committee.

Speakers List

Once the agenda has been published, the speakers list will be open for registration. All speakers must register in advance by contacting the Planning Department no later than 12 noon three days before the meeting by phone (020-8545-3445/3448) or e-mail (planning@merton.gov.uk). Where this falls on a weekend the deadline will be the previous Friday. The Chair will review requests to speak based on qualifications and considerations in Table 1.0.

Following the Chair's review, officers will notify residents and the Committee of the decision as to who may speak at the committee. This should be no later than 12pm on the day before the committee.

Table 1.0: Qualifications for speaking at Committee

Type	Max number	Time to speak	Qualifications	Considerations for allocation of speaking slots
Resident supporters or objectors	Two	Three minutes each. Max six minutes collectively.	<ul style="list-style-type: none">• Reside in the London Borough of Merton• Submitted a written representation to the planning application in question• If selected, speaking slot is not transferable	<ul style="list-style-type: none">• =<6 Proximity to the red line boundary of the development• Can provide the committee with new insight into the impact development would bring• Where an application crosses local authority boundaries one slot is always reserved for a Merton resident• =>7 selected by chance through computer programme• Reserves can be drawn using same method

Type	Max number	Time to speak	Qualifications	Considerations for allocation of speaking slots
Statutory stakeholders	N/A	Max six minutes	<ul style="list-style-type: none"> A statutory stakeholder consultee on a planning application e.g. utilities 	<ul style="list-style-type: none"> Can provide the committee with new insight into the impact development would bring
Ward Councillors	Three	Two minutes each. Max six minutes collectively.	<ul style="list-style-type: none"> Councillor in the ward of the development 	<ul style="list-style-type: none"> Where an application borders two wards or more at the discretion of the Chair ward speakers can be drawn from more than one ward
Members of Parliament	1	Two minutes	<ul style="list-style-type: none"> Elected Member of Parliament for the constituency the application is in. 	Ibid...
Cabinet member	1	Two minutes	<ul style="list-style-type: none"> Cabinet member for an area of material consideration for the purposes of identifying factual information within a planning application 	Where pre-existing council policy exists or development is of strategic importance or pre-engagement with the committee at technical briefing and agenda setting meetings identify gaps in understanding to facilitate most appropriate cabinet member to support committees understanding
Agent and Applicant	N/A	Three minutes unless opposing speakers then max six minutes	<ul style="list-style-type: none"> Part of the team bringing the application to council for approval Arranged between speakers as to how this time is split. 	Agent and Applicant are expected to address questions raised by previous opposing speakers and make arguments using non-technical language.

Officer presentations

Officers will present for a maximum of 30 minutes, and should set the scene for the application, addressing both the benefits and the risks.

Committee papers

Papers will have clear summaries to the following strategic priorities: Contribution to ecology, carbon reduction, affordable housing and housing delivery, employment and economy, smart cities agenda.

Presentations

All presentations from residents and applicants shall be verbal. The distribution of printed documents will not be permitted. Entry and exit is via the side of the chamber as directed.

Speakers can address the committee remotely or within the Council Chamber. If within the Council Chamber, a traffic light and timer system will be operated and will show on screen. Remote speakers will be verbally advised when they have one minute remaining.

As part of the joining arrangements officers will make speakers aware they do not have legal privilege when speaking before the Committee. It's important any statements are supported by fact and reasoned opinion.

Tailoring proceedings

The Chair retains discretion to tailor proceedings to facilitate appropriate information for the committee

Ability to clarify comments made by applicant or speaker or to seek expert third-party advice

To make informed decisions Committee members may ask any of the speaker's questions for the purpose of seeking factual information to better inform decision making. Such questions will be subject to the direction of the Chair if necessary. They are not a means to provide speakers with additional time to make speeches.

If information cannot be verified through publicly available sources there may be a need to secure additional expert witness statements to support deliberations.

Submission of additional information before the meeting

Any additional information not requested by officers relating to an item on the agenda should be sent to the Planning Department before 12 noon three days before the meeting by email (planning@merton.gov.uk). Where this falls on a weekend the deadline will be the previous Friday. Only in exceptional circumstances will Information sent directly to committee members be considered in the decision-making process.

Briefing

Committee members are invited to a technical briefing from planning officers prior to the Committee meeting. This meeting is an opportunity to clarify any technical issues

and identify what further information the committee requires for decision ready proceedings. The questions and answers will form part of the modification sheet.

The Modifications Sheet

No later than 12pm the day of the meeting, a modifications sheet will be published on the Council's website and circulated to committee members via email. This will include responses to written questions, material discussion in the technical briefing or changes to applications and may be referred to during officer presentations at the meeting.

Site visits

In person tours of a site are valuable tools to gain a greater understanding of its location, physical characteristics and relationship to neighboring properties or land use. The information gained can aid the Committee in bringing to life the words and observations in officers reports.

All site visits should be coordinated and provide value to the Committee. They will be organised through democratic services and only on the authorisation of the Chair. Site visits are not open for general attendance. For the purpose of factual record, attendance at a site visit will be recorded by the lead officer including the locations visited.

Applicants and agents may accompany committee members on site visits. Care must be taken not to discuss the merits or otherwise of the application. The visits are for fact finding purposes alone.

Questions by email

Committee members are also able to submit written questions to planning officers until two days prior to the Committee meeting. Responses will be included in the modification sheet. Priority will be given to members with follow-up questions who have attended the technical briefing and questions not already addressed in that briefing.

Seating at the meeting and conduct

Seating

Observers seating at the rear of the chamber is on a first come first served basis. For major applications, a ticketing system maybe in force.

If an application crosses local authority boundaries and Merton has decision making powers delegated to it the allocation of seats will be divided in equal proportion between the local authority residents.

Those speaking at committee will be seated in front of the observation gallery at a microphone.

Behaviours that are disruptive to the good running of the meeting will result in individual(s) attending in person or online being asked to leave. To ensure the safeguarding of the committee and public the meeting may need to be adjourned.

Agenda item order

Planning items will be taken in the order decided by the Chair and announced at the start of the meeting. This may differ from the Chair's standing order in Appendix 1. It is not possible to give the exact time items will be heard. Whilst the Committee will endeavor to consider all items on the agenda, if it is not possible to hear an item, every effort will be made to take it at the next meeting of the Committee.

Process for Consideration of Items

Items will be considered in the following order:

1. Introduction to the Application by Planning Officer
2. Registered Speakers in the order listed above. If there are no speakers, proceed directly to step 4
3. Points of clarification or response from Planning Officers following speeches
4. Questions from the Committee to Planning Officers and at the discretion of the Chair to applicants, Councillors and residents.
5. Comments or observations from Committee members on the application. This may include suggestions for conditions.
6. Vote on the application in the following order: Voting against the recommendation, not voting in favour of the recommendation; voting in favour of the recommendation

Members must be present for the entirety of an item to be able to vote on it. The Chair and officers will check which members are present before starting each item.

Conditions

Before a vote is taken the Committee may wish to place additional or remove conditions from an application to enhance benefits for the community or compel the applicant to conduct development in a prescribed way. These should be agreed with the majority consensus of the committee formally secured at the discretion of the Chair and will then form part of the vote on the recommendation.

Voting

The Chair will call a vote on the recommendation within the officer report noting any changes to conditions. These conditions will be included in a separate log. An officer or the Chair will verbally announce the result of the vote. The numbers of votes will be recorded in the minutes. Note: Committee members retain the right to vote remotely.

If a vote on the recommendation falls, a further vote will be required to agree a planning basis for the refusal or granting of an application in contradiction to Officer recommendation. If the committee is unable to agree a reason the committee will vote again on the original recommendation.

Following the meeting Planning Officers will gain agreement in writing from the Chair of the conditions to be placed on the item so as to ensure the committee's decision is translated accurately into action. Appropriate amendments may be made with the agreement of the Chair to the decision notice as required to provide an informative and accurate response referencing appropriate policies

The Chair can vote on applications, entitled to a casting vote, or call a second vote in the event of the committee is unable to come to a clear decision.

Supporting effective decision making

Deliberating on planning applications is a mentally demanding task. To support effective decision making the Chair will propose regular breaks and is able to close the meeting at any stage even if all the agenda items have not been heard. The Chair's standing instructions are for a break after 1.5 - 2 hours and for business to be completed 4 hours from the commencement of the meeting.

Interests

Declarations of Interests

Members need to have regard to the items published with the agenda and, where necessary to declare at this meeting any Disclosable Pecuniary Interest (as defined in the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012) in any matter to be considered at the meeting. If a pecuniary interest is declared, they should withdraw from the meeting room during the whole of the consideration of that matter and must not participate in any vote on that matter. If members consider they should not participate because of a non-pecuniary interest, including other registrable interests or other matters which may give rise to a perception of bias, they should declare this, withdraw and be replaced by a substitute for the consideration of the item. Members should have regard to the Code of conduct for members and for further advice speak with the Council's Monitoring Officer (John.Scarborough@merton.gov.uk) or deputy (Fabiola.hickson@merton.gov.uk).

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

Phone – 020 8545 3356 e-mail – democratic.services@merton.gov.uk

Call-in

Appendix two notes the call-in process for planning applications. As granted by full council the Chair of the committee will publish a process including the criteria for call-in.

All call-ins must have a planning reason not addressed through condition or legal agreement, made between the start and end dates of the public consultation period, relate to the latest application being consulted on, and should be accompanied by a declaration of interest. Call-ins are not a tool for casework management. Councillors will be expected to evidence how other

options have been explored other than call-in. Call-ins can be made on the discharge of conditions.

Summary of call in process

- (A) Call-ins start with an informal conversation with the Chair of the committee so a shared understanding of the issues of the case can be formed.**
- (B) If a call-in is to proceed a form will be completed including details of the rationale and steps taken by the Councillor to address the matter outside of call-in. The form must be submitted during the public consultation stage.**
- (C) The submitted form is validated. Valid forms are reviewed at the Chair – Vice Chair agenda setting meeting. The substance of the arguments for call-in is reviewed and this may require the Councillor to attend the meeting to answer questions.**
- (D) The outcome is reported at the next meeting of the Committee, or item of business included in the agenda.**
- (E) Call-ins may be heard by committee or through mediation. If mediation fails cases can return to the committee.**
- (F) If an appropriately validated call-in request is not supported, Councillors can request the committee take the business. This may be granted with the inclusion of the call-in decision report and copy of the submission form.**

Call-ins follow same process in committee as other applications with one exception – Planning Committee members are unable to preside over an application they may call-in or have advised to be called-in. Committee members who advise residents on matters of call-in must take care and declare their interest to the Chair and Head of development at the earliest opportunity to avoid accusations access is used to secure outcome.

Records for the call-in process will inform further iterations to secure balanced use.

Development

The following relate to the committees development policy function

Dedicating time

Every quarter at least 2 hours of the committees time should be planned for development work. Over a year this is the equivalent of four meetings of the previous Borough Plan Advisory Committee.

Forward agenda

The committee will meet once a year to map out recommendations for commissions. These commission suggestions will be sent to the Cabinet member for Housing and Development and other cabinet members as relevant. Those commissions supported will form part of the committees forward plan and map out accordingly.

Products to created

(A) Call-in form; (B) Validation guidance; (C) Updated decision log; (D) Chair and Vice Chair meeting process guide (E) Updated design of committee paper for (i) Call-ins (ii) standard (F) Risk log

Appendix 1: Standard order of business

The items for consideration will normally be taken in the order below. In the case of a tie, the application which has received the highest number of representations will be taken first:

- Housing (Organised by number of units)
 - Applications with credible social housing
 - Proportion of significant proposed affordable housing
 - Private sale
 - HMOs
 - Alterations, extensions to existing
 - Other housing applications

- Commercial (Organised by estimated number of jobs created or maintained, or the capital cost of the development)
 - Square footage
 - High jobs/capital cost
 - Low number jobs/capital cost

- Parks, allotments, street scene
- Trees Protection Orders
- Advertising boards
- Reports from third party
- Reports as part of conditions

No priority will be given to called in items. They will be taken in the priority listed above.

Appendix 2: Call in process

Page 87

