

Merton Council

Development and Planning Applications Committee Agenda

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 23 November 2023

Time: 7.15 pm

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

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Development and Planning Applications Committee Agenda

23 November 2023

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

Note: there is no written report for this item

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 Burlington Gate, 42 Rothesay Avenue, Wimbledon Chase, SW20 8JU 1 - 40
Application number: 23/P2170
Ward: Merton Park
Recommendation: Grant Permission Subject to Section 106 Obligation or any other enabling agreement
- 6 Planning Appeal Decisions 41 - 44
Officer Recommendation:
That Members note the contents of the report.
- 7 Planning Enforcement - Summary of Current Cases 45 - 58
Officer Recommendation:
That Members note the contents of the report.
- 8 Glossary of Terms 59 - 64
- 9 Chairs Procedure Guide 65 - 76

Note on declarations of interest

Members are advised to declare any Disclosable Pecuniary Interest in any matter to be considered at the meeting. If a pecuniary interest is declared they should withdraw from the meeting room during the whole of the consideration of that matter and must not participate in any vote on that matter. For further advice please speak with the Managing Director, South London Legal Partnership.

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PLANNING APPLICATIONS COMMITTEE

23 NOVEMBER 2023

CASE OFFICER REPORT

<u>APPLICATION NO.</u>	<u>DATE VALID</u>
23/P2170	02/08/2023
Site Address:	Burlington Gate 42 Rothesay Avenue Wimbledon Chase SW20 8JU
Ward:	Merton Park
Proposal:	CONVERSION OF ROOFSPACE OF SOUTH BLOCK, WITH AN INCREASE IN HEIGHT OF THE RIDGELINE BY 2.3M, TO PROVIDE 3 X SELF-CONTAINED FLATS (2 x 2B & 1 X 1B) WITH ASSOCIATED WORKS, INCLUDING THE FORMATION OF A NEW ROOF TERRACE, CYCLE STORE AND LANDSCAPING.
Drawing Nos:	See condition 2
Contact Officer:	Tim Lipscomb (020 8545 3496)

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	No
Site notice	Yes
Design Review Panel consulted	No
Number of neighbours consulted	75
External consultations	No
Internal consultations	Yes
Controlled Parking Zone	Yes (MP2)
Conservation Area	No
Listed Building	No

Public Transport Accessibility Rating	3
Tree Protection Orders	No

1. INTRODUCTION

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

2. SITE AND SURROUNDINGS

- 2.1.1 The application site comprises a gated residential development located at the end of Rothesay Avenue, which provides the entrance to Wimbledon Chase Train Station. The site adjoins the train line to the west, with residential dwellings to the east and south. The site has an area of 0.19ha.
- 2.1.2 The existing development comprises 34 one and two bedroom flats within two separate blocks. The northern block consists of a three storey building containing 10 flats. While the larger southern block (the subject of this application) is built over four storeys, incorporating 24 flats. There is a ground level car park between the two buildings, providing 23 parking spaces. There is also a basement level car park beneath the larger of the two blocks, providing a further 15 spaces (38 spaces in total). The site was previously industrial land, which had been converted in the 1990's through extensions and refurbishment. The southern block, the subject of this application has an eaves height of 11.4m and a height to the ridge of 13.8m (with a rooftop conservatory extending above this, to a height of 15.6m).
- 2.1.3 The larger block of flats accommodates a shared terrace at the 4th floor as a communal amenity space for the residents (146sqm), along with a rooftop conservatory which provides a covered access to the roof and a useable floor area of approximately 8.5sqm. There is also a space to the northeast of the building, adjacent to the rear of properties on Sandringham Avenue, of approximately 75sqm, this is currently not used for communal amenity. The residents from the smaller block of flats share a rear garden at ground level to the rear of the building.
- 2.1.4 The site is not located within a conservation area, nor is it within the setting of a listed building. The site benefits from a PTAL rating of 3 and is within a Controlled Parking Zone. The site is within Flood Zone 1 (low risk).
- 2.1.5 The site is subject to the following planning constraints:
- Flood Zone 1
 - PTAL 3
 - Controlled Parking Zone MP2
 - Adjacent to green corridor (railway embankment)
 - Adjacent to Site of Importance for Nature Conservation (railway embankment)

3. CURRENT PROPOSAL

3.1.1 The proposal is for a rooftop extension to provide three flats, each with at least one balcony/roof terrace. The roof extension would effectively extend the existing mono-pitch roof to allow for new accommodation within the roofspace. The proposed rooftop extension would maintain the existing eaves line with the roof above enlarged and increased in height by approximately 2.3m (up to a ridge height of 16.1m – from an existing height of 13.8m). The angle of the roof pitch would rise from 35 degrees to approximately 47 degrees.

3.1.2 The proposed flats would be served by dormer features inserted into the enlarged roofscape. The proposed roof tiles would match the existing.

3.1.3 Each of the three proposed units would be dual aspect but no windows would be positioned in the northeast facing elevation (towards properties on Sandringham Avenue).

3.1.4 The roof addition would reduce the size of the existing communal roof terrace, with a resultant space of 120sqm but with an enhanced offering of planting and seating - approximately 21 potted plants of varying maturity up to 2m in height along with five heavy duty benches. An existing strip of land to the northeast of the building would be re-landscaped to provide an additional external amenity space of approximately 91.5sqm, with a covered pergola, although this space exists currently, it is not landscaped to form useable amenity space or used as amenity space.

3.1.5 A new landscaped strip to the perimeter fence to the frontage with Rothesay Avenue is proposed.

3.1.6 Bike and bin enclosures (6 cycle parking spaces) would be provided adjacent to the smaller block of flats on site. Servicing would be carried out in the same way as for the existing flatted units on site.

3.1.7 The proposal would provide the following accommodation:

Flat	No. beds	No. persons	Required GIA (sqm)	Proposed GIA (sqm)	External amenity (sqm)	Compliant
1	2	4	70	70	7	Yes
2	1	2	50	55	11	Yes
3	2	4	70	77	7	Yes

3.1.8 The application follows previously refused application 21/P3292 (see paragraph 4.1.8 for refusal reasons). The key differences between the previous proposal and the current proposal are as follows:

- The rooftop amenity space to the main building has been enlarged from 69sqm, in the refused application, to 120sqm, in the current application.
- The current proposal includes a pergola to the ground floor external amenity space.
- The balcony spaces are larger for each unit under the current proposal.
- The ridge height of the previous proposal was 16.0m, the ridge height of the current scheme is 16.1m, with a marginally steeper roof pitch (47 as opposed

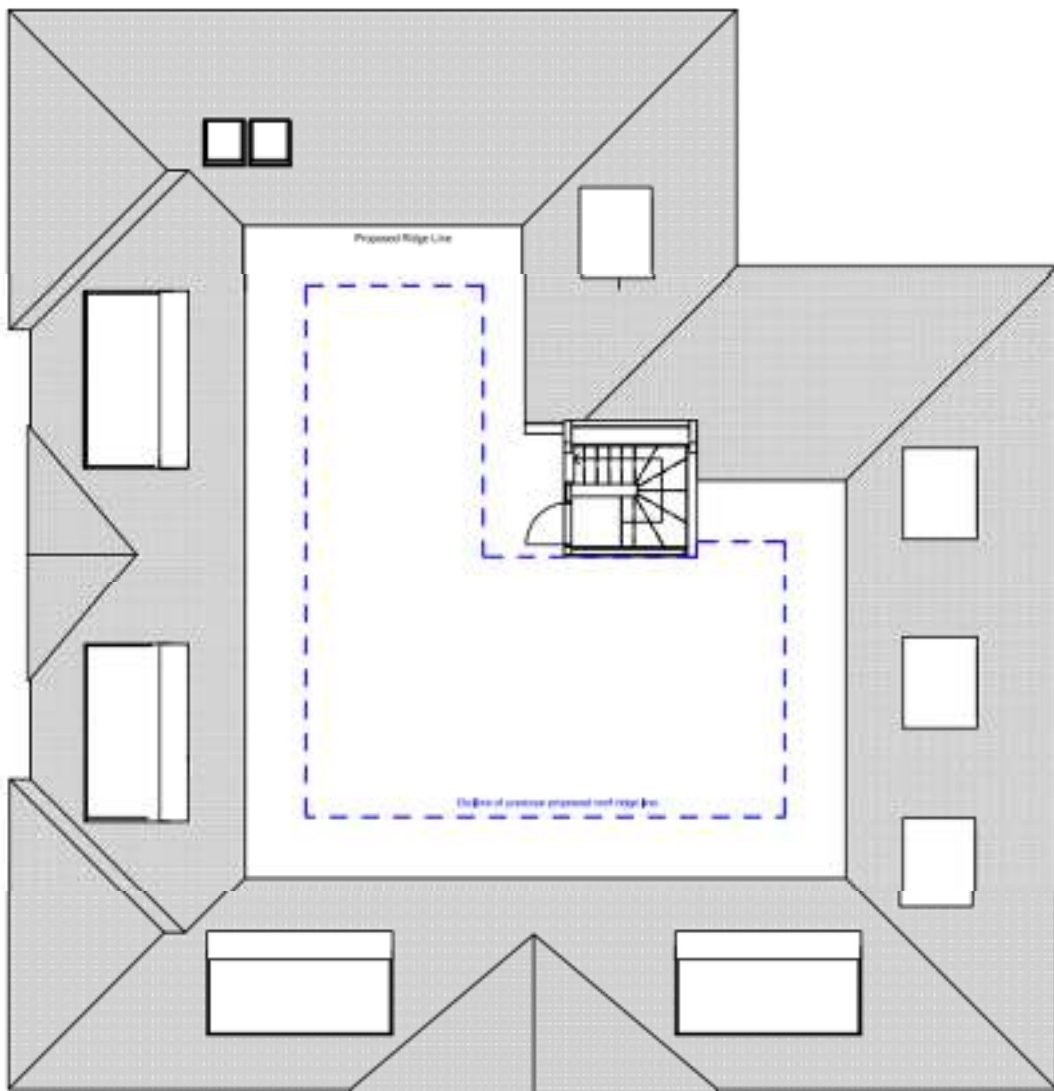
to 44 degrees).

- The current application is accompanied by a rooftop condition survey which sets out that the quality of the space is substandard and has fallen into a state of disrepair.
- The housing mix has changed – the previous proposal was for 3 x 1b/2p units. The current proposal is for 1 x 1b/2p and 2 x 2b/4p units.

N.B. The Officer report for the previous application reported the area of land to the north of the building as having an area of 52sqm (as opposed to the 91.5sqm quoted above). This was as a result of removing the treed area from the calculation. For clarity, the size of this area has not changed and is not proposed to change in size – it is now measured including the trees along the boundary.

Below is a comparison of the roof plan of the refused application and the current application:

Roof plan (previously proposed rooftop terrace shown in blue):



PROPOSED ROOF PLAN
1:100

3.1.9 The application is accompanied by the following supporting documents:

- Application Form
- CIL Form
- Daylight/Sunlight Assessment
- Design and Access Statement
- Energy Statement
- Planning Statement
- Rooftop Condition Survey
- Sustainability Statement

4. PLANNING HISTORY

4.1.1 WIM3202 - WAREHOUSE. Granted 28/07/1937.

4.1.2 WIM5621A - TEMPORARY OFFICES. Granted 25/11/1949.

4.1.3 WIM6087 - CIRCULAR SAW AND MANUFACTURE OF PACKING CASES. Granted 21/08/1951.

4.1.4 91/P0778 - Outline application in respect of redevelopment of site by erection of single-storey station building and part 2/part 3-storey building comprising 5 shops at ground floor and 5 self-contained 1 bedroom and 2 self-contained 2-bedroom flats on upper floors and provision of 15 car parking spaces at rear with access from Rothesay Avenue. Grant Permission (subject to conditions) 13-02-1992.

4.1.5 91/P0587 - OUTLINE PLANNING APPROVAL TO REDEVELOP EXISTING SITE FOR RESIDENTIAL PURPOSES. Granted 04/09/1991.

4.1.6 92/P0023 - REFURBISHMENT OF EXISTING 3 STOREY WAREHOUSE BUILDING TO PROVIDE 12 NO. 2-BED FLATS 7 NO. 1-BED FLATS AND 5 STUDIO UNITS; INCLUDING ERECTION OF A FOUR-STOREY BUILDING PROVIDING 7 NO. 2-BED FLATS AND 3 NO. 1-BED FLATS; TOGETHER WITH LANDSCAPING WORKS AND PROVISION OF RELATED CAR PARKING. Refused 25/03/1992. Allowed at appeal 09/09/1992.

4.1.7 21/P0181 - APPLICATION TO DETERMINE WHETHER PRIOR APPROVAL IS REQUIRED IN RESPECT OF THE PROPOSED ERECTION OF EXTENSIONS TO ROOFSPACE OF BLOCK 1 TO 24 TO PROVIDE 3 X SELF CONTAINED FLATS WITH ASSOCIATED WORKS. Prior Approval Refused 18/02/2021 for the following reasons:

1. The proposed development, by reason of the buildings original construction date falling before 1st July 1948, would fail to comply with Schedule 2, Part 20, Class A.1 (c) of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
2. The proposed development, by reason of the additional storey floor to ceiling height exceeding that of the existing floor to ceiling heights of any other existing storeys, would fail to comply with Schedule 2, Part 20, Class A.1 (e)(ii) of The Town and Country Planning (General Permitted Development)

(England) Order 2015 (as amended).

3. The proposed development, by reason of the loss of significant external amenity provision, would result in a detrimental impact to enjoyment of the existing resident's amenity, contrary to DMD2 and DMD3 of the Adopted Sites and Policies Plan 2014. The proposal would therefore fail comply with Schedule 2, Part 20, Class A.2 (1)(g) of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

4.1.8

21/P3292 - CONVERSION OF ROOFSpace OF SOUTH BLOCK, WITH AN INCREASE IN HEIGHT OF THE RIDGELINE BY 2.2M, TO PROVIDE 3 X SELF-CONTAINED FLATS (1B, 2P) WITH ASSOCIATED WORKS, INCLUDING THE FORMATION OF A NEW ROOF TERRACE, CYCLE STORE AND LANDSCAPING. Permission Refused 28/11/2022, for the following reason:

1. The proposed rooftop extension would reduce the amount of communal external amenity space to existing occupiers of the site to the extent 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.

5. **CONSULTATION**

5.1.1

The application has been advertised by site notice and letters of notification to the occupiers of neighbouring properties (75).

In response to the consultation, 20 letters of objection were received, raising objections on the following grounds:

Visual impact:

- Negative effect on the local conservation area
- An extra storey will make a very large difference to the overall look of the complex, it's already one of the highest buildings in the local area.
- Over-bearing, out-of-scale or out of character in terms of its appearance compared with existing developments in the area.

Impact on neighbouring amenity and amenity of existing residents:

- Loss of views and loss of outlook
- Overlooking to neighbouring properties
- Existing top floor would be subject to more noise as a result of occupants above.
- Concerns over drainage
- This is the third application and is adversely impacting mental health
- Disruption throughout construction process (noise, dust, disruption in the building due to access for materials etc). The application proposes that this will go on for 4 months but is this guaranteed? The scaffolding will also block the lighting from the windows in the summer months and cause it to be miserable. We won't be able to use the rooftop during the summer months either as it will be in construction so this will cause our mental wellbeing to deteriorate.

- Query whether occupants in the top floors would be rehoused throughout the construction process. Compensation for impact will be sought.
- Loss/reduction of amenity space for existing residents.
- What is being described as a pergola would be little more than a lean-to/bus shelter facing a fence. This is not an acceptable replacement for the existing large rooftop area which is much lighter, quieter and more private
- It seems highly impractical to have to build another floor on a building which is already inhabited, how will this be carried out? There isn't space for cranes or scaffolding around the building, is everything going to be carried up the main hallway? There are serious health and safety issues associated with that.
- Query whether roof terrace would be child-safe. Assertion that existing roof terrace has 6ft high walls. The lower walls with climbable furniture could be dangerous.
- Area to the immediate right of the entrance gates is paved and cannot be used for landscaping as shown.
- Balconies are directly above windows below, creating noise disturbance.
- Loss of natural light to stairwell.
- New residents should not be allowed to use the amenity space, it should be at the discretion of existing residents. New units should pay higher service charge.

Other matters:

- Objections previously raise still stand.
- Granting would set an unwanted precedent.
- Existing mature trees not shown on plans – concern that they are intended to be removed.
- Reduction in value flats due to the reduction in amenity space.
- Leasing or selling flats below will be difficult, adversely impact on finances of owners.
- It is not clear apart from a financial benefit to the freeholder, what benefits there are to the leaseholders and current residents. There are no enhancements to the existing properties.
- Query Council Tax banding and service charge for the proposed properties.
- Query overheating mitigation measures. Passive cooling measures are needed.
- The company submitting the application is based in Guernsey and does not pay tax in the UK.
- Disagree with the rooftop condition survey which suggests the rooftop is unsafe, underused and run-down. I like using the roof space as it is, recognise the responsibility to maintain it as sitting with the leaseholders and I regularly use this space. I do not want this reduced in size and changed.
- Concerns that notification period has been curtailed by postal delays.

- No site notice erected.
- Concern that refuse arrangements are not sufficient.
- The suggestion that the rooftop amenity space is underused is not correct.
- Concern that service charge would go up.
- There is Japanese Knotweed on the site.
- Concern that asbestos may be discovered.
- Concerns over parking pressure impact.
- There should be a blanket ban on parking.
- It would be unreasonable to expect the current residents to give up visitor parking spaces for the three new flats. The provision of six new cycle spaces would not compensate for this loss.
- The landscaping plans for rooftop have not been detailed in the report and the developer has not approached residents about the development. Additionally, the only other outdoor space is on the ground and highly impractical as it does not get much sunlight and would create noise and affect the privacy of the residents on the ground floor.
- The proposal would not comply with the requirements of Schedule 2, Part 20, Class A.1 (c) of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
- Concerns over the cumulative impact of this proposal along with the Wimbledon Chase station development.
- Impact on local infrastructure due to additional properties.
- The provision of three units would not add significantly to Merton's housing delivery.
- Concerns over fire safety arrangements.
- Plans do not include dimensions.
- Discrepancies between the stated measurements of the roof top amenity space and amenity space to the north of the building between the two applications.
- Query whether suitable ceiling heights have been achieved.
- Concerns regarding structural stability of the foundations and the ability of the building to accommodate an additional floor.
- The new flats would not represent 'affordable housing'.

Officer comments:

The material planning considerations relevant to this assessment are considered in the body of the report. Issues of impact on visual amenity, neighbouring amenity, the standard of accommodation and reduction in amenity space are factors to be considered in the assessment. However, in addition, the following response is provided:

- For clarity, Officers are not relying on the rooftop condition survey to add weight to the current proposal. The condition of the existing roof does not affect the acceptability of the proposed roof enlargement.

- In terms of safety of the roof terrace. Safety issues would be addressed under Building Regulations, which are required for these works.
- Issues relating to disturbance throughout the construction process cannot reasonably amount to a reason for refusal but safeguarding conditions are recommended to minimise any adverse impact.
- Some degree of disturbance caused by the construction process is inevitable. However, this cannot reasonably amount to a reason for refusal provided reasonable efforts are made to minimise and mitigate for the impact. Therefore, conditions for method of construction statements are sought which would detail how the impacts of the construction process are to be minimised. Any compensation sought by existing occupiers would be a private civil matter – in planning terms, provided the impact is minimised as far as possible there would be no reasonable grounds for objection.
- In terms of landscaping, this can be controlled by way of condition. The application form states that no trees are to be felled. The agent has revised the plans to clearly show that no trees would be removed (or planted).
- Any cladding of the top floor would be required to meet relevant Building regulation requirements (along with means of evacuation) and is not a matter that can be considered under this minor planning application (only major planning applications are required to provide a Fire Safety Statement).
- Issues of whether leaseholders have agreed to additional floors above is a private, civil matter and does not affect the planning assessment of the proposal. Planning permission does not convey an ultimate right to develop and if there are other legal obstacles the granting of planning permission may not necessarily override these legal obstacles.
- Issues relating to re-mortgaging, building insurance and service charges are not matters that can be considered under the planning assessment.
- The impact on property values is not a material planning consideration (however, Members are advised that the impact on visual and residential amenity are material considerations that can be taken into account).
- Issues of soundproofing would be addressed through the Building Regulations as opposed to at the planning stage.
- Concerns relating to displacement parking in neighbouring streets has been carefully considered but Officers conclude that it would not be reasonable to withhold planning permission on this basis, as the application would be subject to a restriction on the issuing of parking permits by way of s.106 which would meet the relevant policy requirements.
- As the proposal is for three additional units, all sustainability issues, including overheating and passive colling, would be addressed at the Building Regulations stage of development.
- In response to concerns that the notification period had been curtailed by postal delays, Officers have informally extended the time period for comments to be received, with the applicant's agreement.

5.2 Internal Consultees:

5.2.2 LBM Transport Planning

Proposal:

The proposal is to modify and extend upwards the existing roof by approx. 2.3m to create a new level of accommodation within the roof that includes 3 new apartments.

Site and surroundings

The application site comprises a gated residential development located at the end of Rothesay Avenue, which provides the entrance to Wimbledon Chase Train Station. The site adjoins the train line to the west, with residential dwellings to the east and south.

PTAL

The site is within PTAL 3, which is considered to be a moderate rating. A moderate PTAL rating suggests that it is possible to plan regular journeys such as daily work trips or trips to and from school using public transport.

Controlled Parking Zones

The site falls within Controlled Parking Zone 5F which prevents parking for non-permit holders between 08:30 and 18:30 Monday to Friday.

Access:

The proposed scheme will retain the existing access off Rothesay Avenue. The site is accessed into the main car park space located between the two residential buildings.

Car Parking

The proposal does not identify additional onsite parking. Permit free option would be acceptable subject to the applicant enters into a Unilateral Undertaking which would restrict future occupiers of all units from obtaining an on-street residential parking permit to park in the surrounding controlled parking zones to be secured by via S106 legal agreement.

Cycle Parking

The proposal would require 2 cycle spaces per each 2 bed units and one cycle space to one bed unit (secure & undercover) in accordance with the 'London Plan' standards.

Refuse

A storage area for refuse has been indicated at ground floor level, which provides suitable access to residents and for the transportation of refuse for collection.

Recommendation:

Raise no objection subject to:

- Permit free option would be acceptable subject to the applicant enters into a Unilateral Undertaking which would restrict future occupiers of all units from obtaining an on-street residential parking permit to park in the surrounding controlled parking zones to be secured by via S106 legal agreement.
- Cycle Parking: 2 cycle spaces per each 2 bed units and one cycle space to one bed unit (secure & undercover).

5.2.3 **LBM Highway Officer (11/08/2023)**

Highways comments are H9, INF9 & INF12

6. POLICY CONTEXT

List of relevant planning policies

National Planning Policy Framework (2023)

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

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
- D5 Inclusive design
- D6 Housing quality and standards
- D7 Accessible housing
- D8 Public realm
- D11 Safety, security and resilience to emergency
- D12 Fire safety
- D13 Agent of Change
- D14 Noise
- H1 Increasing housing supply
- H10 Housing size mix
- G6 Biodiversity and access to nature
- G7 Trees and woodlands
- SI 1 Improving air quality
- SI 2 Minimising greenhouse gas emissions
- SI 3 Energy infrastructure
- SI 4 Managing heat risk
- SI 5 Water infrastructure
- SI 7 Reducing waste and supporting the circular economy
- SI 13 Sustainable drainage
- T1 Strategic approach to transport
- T2 Healthy Streets
- T3 Transport capacity, connectivity and safeguarding
- T4 Assessing and mitigating transport impacts
- T5 Cycling
- T6 Car parking
- T6.1 Residential parking

T7 Deliveries, servicing and construction

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

CS 8 Housing choice
CS 9 Housing provision
CS 11 Infrastructure
CS 13 Open space, leisure and nature conservation
CS 14 Design
CS 15 Climate change
CS 17 Waste management
CS 18 Transport
CS 19 Public transport
CS 20 Parking servicing and delivery

Merton Sites and Policies Plan – 2014 (SPP)

DM H2 Housing mix
DM O2 Nature conservation, Trees, hedges and landscape features
DM D1 Urban Design
DM D2 Design considerations
DM D3 Extensions and alterations to existing buildings
DM EP2 Reducing and mitigating noise
DM EP3 Allowable solutions
DM EP4 Pollutants
DM F2 Sustainable urban drainage systems (SuDS) and; Wastewater and Water Infrastructure
DM T2 Transport impacts of development
DM T3 Car parking and servicing standards
DM T4 Transport infrastructure

Supplementary planning considerations

National Design Guide – October 2019
Draft Merton Local Plan
Mayor's SPG - Housing 2016
Mayor's SPG – Sustainable Design and Construction 2014
Mayor's SPG – Character and Context 2014
LB Merton – Air quality action plan - 2018-2023.
LB Merton - Draft Sustainable Drainage (SUDS) Design and Evaluation Supplementary Planning Document (SPD) 2018
Merton's Waste and Recycling Storage Requirements – A Guidance for Architects
Merton's Small Sites Toolkit SPD 2021

7. PLANNING CONSIDERATIONS

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

- Principle of development
- Housing mix
- Design and impact upon the character and appearance of the area
- Impact on neighbouring amenity

- Standard of accommodation
- Inclusive Design and Accessible Housing
- Transport, highway network, parking and sustainable travel
- Flooding and site drainage
- Sustainable design and construction
- Air quality
- Biodiversity
- Fire Safety
- Safety and Security considerations
- Response to issues raised in objection letters

7.2 Principle of development

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

Residential

7.2.3 National Planning Policy Framework (NPPF) 2023 - Paragraph 124, explains planning decisions should support development that makes efficient use of land, taking into account the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it; the desirability of maintaining an area's prevailing character and setting, and the importance of securing well-designed, attractive and healthy places.

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

7.2.5 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.

7.2.6 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.

7.2.7 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 valuable contribution to meeting that target and providing much needed new housing.

7.2.8 The proposal to intensify residential use to this site is considered to respond positively to London Plan and Core Strategy planning policies to increase housing supply and optimising sites and the principle of development is considered to be acceptable subject to compliance with the relevant policies of the Development Plan.

Merton's five year land supply

7.2.9 Merton currently does not have a five-year supply of deliverable housing. It is therefore advised that Members should consider this position as a significant material consideration in the determination of planning applications proposing additional homes.

7.2.10 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

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

Small Sites

7.2.12 The application site has a site area of 0.19 hectares. The application site therefore falls under planning policy H2 (Small Sites) of the London Plan 2021. Following on from the housing targets set out above, small sites are expected to deliver 2,610 new homes over the 10 year period (2019/20 - 2028/29). Policy H2 sets out that for London to deliver more of the housing it needs, small sites (below 0.25 hectares in size) must make a substantially greater contribution to new supply across the city. Therefore, increasing the rate of housing delivery from small sites is a strategic priority. Achieving this objective will require positive and proactive planning by boroughs both in terms of planning decisions and plan-making.

Planning History

7.2.13 Officers note that permission was refused for a rooftop extension for three flats under application ref. 22/P3292. The key differences between that application and the current application are outlined above in the proposal section. The previous application was refused due to the reduction in external amenity space for existing residents, as a result in the reduction in size of the roof top terrace. Otherwise, the application was found to be acceptable. The previous decision is therefore a significant material planning consideration that must be taken into consideration. Given the relatively minor changes to the design and appearance of the building, between the two applications, Officers would therefore advise Members that the key consideration for discussion/assessment is whether the current proposal has overcome the previous reason for refusal. In Officers' view, all other aspects of the scheme (other than the provision of amenity space) are not considered to be materially different to the former scheme that the Planning Applications Committee considered to be acceptable.

7.2.14 Therefore, the key consideration in this assessment is whether the proposal has overcome the previous reason for refusal (and if any other issues arise as a result of the changes).

Conclusion on principle of development

7.2.15 The proposal is considered to respond positively to London Plan and Core Strategy planning policies to meet increased housing targets and optimising sites and the

principle of development is considered to be acceptable subject to compliance with the relevant policies of the Development Plan.

7.3 **Housing mix**

7.3.16 London Plan Policy H10 and associated planning guidance promotes housing choice and seeks a balance of unit sizes in new developments.

7.3.17 Policy DM H2 of the SPP aims to create socially mixed communities, catering for all sectors of the community by providing a choice of housing with respect to dwelling size and type in the borough. The policy sets out the following indicative borough level housing mix:

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

7.3.18 The London Plan advises that boroughs should not set prescriptive dwelling size mix requirement but that the housing mix should be informed by the local housing need.

“H10 (London plan Policy):

7.3.19 Schemes should generally consist of a range of unit sizes. To determine the appropriate mix of unit sizes in relation to the number of bedrooms for a scheme, applicants and decision-makers should have regard to:

- robust local evidence of need where available or, where this is not available, the range of housing need and demand identified by the 2017 London Strategic Housing Market Assessment
- the requirement to deliver mixed and inclusive neighbourhoods
- the need to deliver a range of unit types at different price points across London
- the mix of uses in the scheme
- the range of tenures in the scheme
- the nature and location of the site, with a higher proportion of one and two bed units generally more appropriate in locations which are closer to a town centre or station or with higher public transport access and connectivity
- the aim to optimise housing potential on sites
- the ability of new development to reduce pressure on conversion and sub-division of existing stock
- the need for additional family housing and the role of one and two bed units in freeing up existing family housing.

7.3.20 Policy H10 of the London Plan sets out all the issues that applicants and boroughs should take into account when considering the mix of homes on a site.

7.3.21 The housing mix proposed is: 1 x 1b/2p (33.3%) and 2 x 2b/4p (66.6%).

7.3.22 The application does not accord with the indicative, borough wide mix set out in SPP Policy DM H2, in particular, in regards to the provision of family sized units. However, it

is noted that flatted accommodation is not always ideal for family occupation and given the proximity to public transport routes it is considered that a provision of smaller units would be acceptable. It is of note that the housing mix is more in line with Policy DM H2 than the previously refused scheme for which no reason for refusal was raised on housing mix.

7.4 Design and impact upon the character and appearance of the area

- 7.4.1 The NPPF, London Plan policies D3 and D4, Core Strategy policy CS 14 and SPP Policy DM D2 require well designed proposals which make a positive contribution to the public realm, are of the highest quality materials and design and which are appropriate in their context. Thus, development proposals must respect the appearance, materials, scale, bulk, proportions and character of their surroundings.
- 7.4.2 The proposal would increase the height, scale, bulk and massing of the building. However, the eaves height would remain the same as existing. The additional roof massing would have some limited impact in the streetscene but the additional bulk and massing is not considered to be harmful to the character of the area. The increase in roof pitch would not appear so conspicuous or out of keeping with the area to warrant a refusal of permission.
- 7.4.3 The very slight increase in height and roof pitch over and above the previous application is not considered to result in a materially greater impact in terms of visual amenity.
- 7.4.4 It is noted that the building is taller than the surrounding two-storey housing and is somewhat of an anomaly in the streetscene. The additional bulk to the roof would be noticeable from surrounding gardens and residential windows and on the approach along Rothesay Avenue. However, the replaced roof would appear proportionate in scale in relation to the existing building.
- 7.4.5 As with the previous proposal, Officers raise no objection in terms of the visual impact.
- 7.4.6 The proposal is considered to be acceptable in terms of the impact on the character and appearance of the area and would comply with Policies D3 and D4 of the London Plan, Policy CS14 of the Core Planning Strategy and Policies DMD2 and DMD3 of the Sites and Policies Plan 2014.

7.5 Impact on neighbouring amenity

- 7.5.1 Policy DM D2 seeks to ensure that development does not adversely impact on the amenity of nearby residential properties.
- 7.5.2 Privacy and overlooking
- 7.5.3 The proposal would involve windows at a higher level than exists currently. The main outlook is provided to the northwest and southwest elevations, which look towards the street and the existing car park. Three proposed bedroom windows would face towards the southeast. However, these would be dormer windows, set up the roofslope, which reduces the available angle of viewing. In addition, these windows would be set back further than the existing windows below and there would be no material increase in overlooking as a result of the proposed development.
- 7.5.4 The proposed flats would not result in material harm to the existing flats below by way of overlooking or loss of privacy as no direct views would be provided.
- 7.5.5 Loss of light, shadowing and visual intrusion
- 7.5.6 The proposal involved increasing the roof massing of the already substantial building. However, the eaves level would remain the same as existing and the majority of the

additional bulk and massing is focused towards the centre of the building.

- 7.5.7 There would be some marginal impact on outlook and daylight to all nearby residential properties but the increased ridge height would not be particularly intrusive and this impact is not considered to be materially harmful.
- 7.5.8 In terms of overshadowing, the properties to the south in Rothesay Avenue would not be overshadowed to any material extent. To the immediate east and northeast, the properties in Sandringham Avenue would lose some late afternoon sun but not to a significant extent. The existing flatted block to the north would experience a very minor impact on sunlight but due to the separation distances this would not be materially harmful.
- 7.5.9 The applicant has submitted a daylight and sunlight assessment, which has been revised, as the existing plans had been revised. The assessment concludes that the effects upon adjoining properties daylight/sunlight is de minimis and would not be discernible to the human eye and accords with the relevant guidance. Officers concur with this conclusion and consider that the impacts in terms of daylight and sunlight, would not be materially harmful to neighbouring amenity.
- 7.5.10 As with the previous proposal, Officers raise no objection in terms of the impact on neighbouring amenity. The proposal is considered to be acceptable in terms of the impact on neighbouring amenity, in accordance with Policy DM D2 of the Sites and Policies Plan 2014.

7.6 Standard of accommodation

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

Internal Layout

- 7.6.2 The detailed design of the proposed development must have regard to the requirements of the London Plan (2021) in terms of unit and room sizes and provision of external amenity space. All of the flats would meet or exceed internal space standards (GIA) and would have adequately sized rooms and convenient and efficient room layouts, which are functional and fit for purpose. Good outlook as well as adequate daylight / sunlight would be received into habitable rooms. All units would be dual aspect which promotes outlook choice and natural ventilation. All units would also meet the minimum 2.5m headroom required under the London Plan. The proposed flats are therefore considered to offer good quality accommodation for future occupants.

Amenity Space (private)

- 7.6.3 Each of the proposed three new flats would have access to at least one private balcony which is partly recessed/inset into the slope of the new roof form (unit 2 would have 2 private balconies, one from the living area and other spanning across the living area and bedroom). The balconies would have a depth of at least 1.5m (Units 1 and 3 would have a 2.0m deep balcony, Unit 1 would have a 1.5m deep balcony). The balconies would have an area of 11sqm (for the 1 bedroom unit) and 7sqm (for the 2

bedroom units) which would comply with London Plan standards (5sqm for a 1-2 person unit, with an additional 1sqm for each additional occupant – so a minimum of 7sqm for the 2b/4p units). Members should note that the proposal is an improvement compared to the scheme refused by Members in terms of private amenity space as the private balconies under the previous scheme were below London Plan standards, in that they did not meet the minimum depth of 1.5m.

7.6.4 As set out in the report above, two of the proposed units would provide in excess of the minimum internal space standards. The London Housing SPG sets out that:

“In exceptional circumstances, where site constraints make it impossible to provide private open space for all dwellings, a proportion of dwellings may instead be provided with additional internal living space equivalent to the area of the private open space requirement. This area must be added to the minimum GIA.”

The principle of providing additional internal floor area in lieu of private external amenity space has some policy support. Under the current scheme each unit provides external private amenity space in line with London Plan guidance (whereas the private balconies under the previous scheme were below London Plan standards). In any event, the proposal over provides in terms of internal floor area for Units 2 and 3, therefore adding to the overall good standard of accommodation proposed.

Amenity Space (communal)

7.6.5 It must be noted that the London Plan does not explicitly set out minimum standards for communal amenity space. There is currently approximately 146sqm of amenity space in the form of the existing roof terrace. The proposal before Members would reduce the roof top amenity space from 146sqm to 120sqm, a reduction of 26sqm. In comparison to the scheme refused by the committee, the roof top amenity area has been increased from 69sqm to 120sqm (a 51sqm increase). The applicant has also identified an area of 91.5sqm to the side of the existing building, which currently acts as an informal visual buffer between the building and residential dwellings in Sandringham Avenue. Officers note that this area is not currently landscaped as an amenity area, is shaded throughout much of the day and is not therefore considered to have high amenity value. However, the proposal would include an upgrade of the landscaping with a pergola added to make it more attractive for use as amenity space should existing/proposed residents want to use the space.

7.6.6 If this new amenity area to the side of the building were included in the existing amenity space there would be a total of 237.5sqm existing amenity space. The proposal seeks to reduce this to a total of 211.5sqm (a reduction of only 16 sqm overall). There are 24 flats in the existing building, which would equate to approximately 10sqm of communal amenity space per unit (including the area to the side of the building, which is present but not currently used as amenity space). In the proposed scenario, there would be 27 flats in the building, which would equate to 7.8sqm per unit (this is an increase over the average of 4.5sqm per unit under the previous application).

Play Space

7.6.7 The London Plan includes space standards for children’s play space – the existing building theoretically requires a minimum of 28sqm of play space. The proposed layout (including 27 flats) would yield a requirement for 32sqm of play space. As the scheme provides in excess of this figure, a refusal based on reduction of communal amenity space could not be reasonably be substantiated under policy grounds.

Conclusion (amenity space)

- 7.6.8 The agent has indicated that the roof top terrace is not well used by residents. Whereas some residents have indicated that this area is well used by existing residents. In addition, the agent sets out that the rooftop is in a poor condition and that the conservatory has insulation problems. These matters are noted, Officers have no definitive evidence regarding how well the space is used, however, this is not an overriding consideration. Officers need to consider the key issues as to whether the proposed arrangements would be acceptable against the relevant planning policies. Officers have considered and have had regard to comments/concerns received from neighbours, however there are no minimum planning policy requirement for communal amenity space, other than the provision of children play space outlined above (note - proposal would meet play space requirements. Whilst existing residents may object to the reduction in amenity space, in planning terms, the provision of amenity space as proposed would not be objectionable.
- 7.6.9 The proposed units would provide internal floor areas in excess of that required by the space standards and would also provide for private amenity space for each unit, in addition to communal amenity space. Whilst there is an overall reduction in communal amenity space, subject to conditions to secure landscaping works, to include benches, planting etc, the quality of the communal amenity space would be improved and, overall, it is concluded that the impact on the living standards of existing flats, in terms of communal amenity space, would be acceptable.
- 7.6.10 The area to the side of the building, as put forward by the applicant, is not ideal as an amenity space as it is shaded. However, it would allow for some degree of access for existing and proposed residents should they wish to use the space.
- 7.6.11 On balance, it is considered that the proposal has overcome the previous reason for refusal and Officers conclude that the standard of accommodation, for all future occupants of the building, would be acceptable and the proposal would comply with Policy D6 of the London Plan 2021.

7.7 Inclusive Design and Accessible Housing

- 7.7.1 Policy D5 (Inclusive Design) of the London Plan 2021 states that development proposal should achieve the highest standards of accessible and inclusive design. Inclusive design creates spaces and places that can facilitate social integration, enabling people to lead more interconnected lives. Development proposals should help to create inclusive neighbourhoods that cumulatively form a network in which people can live and work in a safe, healthy, supportive and inclusive environment.
- 7.7.2 Planning Policy D7 (Accessible housing) of the London Plan 2021 seeks to provide suitable housing and genuine choice for London's diverse population, including disabled people, older people and families with young children, residential development must ensure that at least 10 per cent of dwellings meet Building Regulation requirement M4(3) 'wheelchair user dwellings' and all other dwellings meet Building Regulation requirement M4(2) 'accessible and adaptable dwellings.
- 7.7.3 The building has been designed to comply with M4 standards of the Building Regulations.
- 7.7.4 The proposed development would meet the relevant requirements of the London Plan in terms of inclusive design and accessible housing.

7.8 Transport, highway network, parking and sustainable travel

- 7.8.1 Planning Policy T1 (Strategic approach to transport) of the London Plan 2021 states that the delivery of the Mayor's strategic target of 80 per cent of all trips in London to be made by foot, cycle or public transport by 2041. All development should make the

most effective use of land, reflecting its connectivity and accessibility by existing and future public transport, walking and cycling routes, and ensure that any impacts on London's transport networks and supporting infrastructure are mitigated.

- 7.8.2 Planning Policy DM T2 (Transport impacts of development) of Merton's Sites and Policies Plans seeks to ensure that development is sustainable and has minimal impact on the existing transport infrastructure and local environment.
- 7.8.3 Core Strategy policy CS20 and SPP policy DM T3 require that developments do not adversely affect pedestrian or cycle movements, safety, the convenience of local residents, on street parking or traffic management.

Car Parking

- 7.8.4 Policy T6 of the London Plan states that car-free development should be the starting point for all development proposals in places that are (or are planned to be) well-connected by public transport. At a local level Policy CS20 requires developers to demonstrate that their development will not adversely affect on-street parking or traffic management. Policies DMT1-T3 seek to ensure that developments do not result in congestion, have a minimal impact on existing transport infrastructure and provide suitable levels of parking.
- 7.8.5 The proposed development would provide three new dwellings. The site is within a Controlled Parking Zone and therefore, in order to minimise the impact on the local highway network and to minimise impact on parking pressure, officers advise that the application should be subject to a s.106 agreement to preclude the issuing of parking permits to future occupiers.
- 7.8.6 The concerns raised by neighbours in relation to the increased use of visitor spaces is noted, however, this impact could not reasonably amount to a reason for refusal. Subject to legal agreement and conditions, as with the previous application, the proposed development is considered to be acceptable in term of transport and highway impacts.

Cycle Parking

- 7.8.7 Planning Policy T5 (Cycling) of the London Plan 2021 states that development proposals should help remove barriers to cycling and create a healthy environment in which people choose to cycle. Developments should provide cycle parking at least in accordance with the minimum standards set out in Table 10.2. In accordance with Table 10.2, residential dwellings should provide 1 space per studio/1 person 1 bedroom dwelling, 1.5 spaces per 2 person 1 bedroom dwelling and 2 spaces per all other dwellings. For developments with 5-40 dwellings, 2 additional short stay spaces are required.
- 7.8.8 The proposed development would provide 6 bicycle parking spaces, within an enclosure to be located near the existing block to the northern part of the site. This would meet with London Plan requirements for suitable levels of cycle parking in an accessible location.

Construction

- 7.8.9 As set out within the report above, existing residents have raised several concerns with the construction process. As set out in the Officer's response to representations, some degree of disturbance caused by the construction process is inevitable. However, this cannot reasonably amount to a reason for refusal provided reasonable efforts are made to minimise and mitigate for the impact. Therefore, conditions for method of construction statements are sought which would detail how the impacts of the construction process are to be minimised. Any compensation sought by existing

occupiers would be a private civil matter – in planning terms, provided the impact is minimised as far as possible there would be no reasonable grounds for objection.

Refuse storage and collection

- 7.8.10 Policy D6 (Housing quality and standards) of the London Plan 2021 states that housing should be designed with adequate and easily accessible storage space that supports the separate collection of dry recyclables (for at least card, paper, mixed plastics, metals, glass) and food waste as well as residual waste.
- 7.8.11 Policy SI7 of the London Plan and policy CS 17 of the Core Strategy requires details of refuse storage and collection arrangements.
- 7.8.12 A storage area for refuse has been indicated at ground floor level, adjacent to the north flatted block, which would provide suitable access to residents and for the transportation of refuse for collection. It is considered this arrangement would be acceptable and a condition requiring its implementation and retention will be included to safeguard this.

7.9 Flooding and site drainage

- 7.9.13 London Plan policy SI 13, CS policy CS16 and SPP policies DM F1 and DM F2 seek to minimise the impact of flooding on residents and the environment and promote the use of sustainable drainage systems to reduce the overall amount of rainfall being discharged into the drainage system and reduce the borough's susceptibility to surface water flooding.
- 7.9.14 The Policy SI 13 of the London Plan (Sustainable drainage) sets out that development proposals should aim to achieve greenfield run-off rates and ensure that surface water run-off is managed as close to its source as possible. There should also be a preference for green over grey features.
- 7.9.15 The site is within Flood Zone 1 (low probability of flooding) and is not within a critical drainage area. However, notwithstanding that, the final scheme should include details of a Sustainable Urban Drainage System and demonstrate a sustainable approach to the management of surface water on site. This matter can be satisfactorily addressed by way of condition and officers raise no objection in this regard.

7.10 Sustainable Design and Construction

- 7.10.1 London Plan policies SI 2 to SI 5 and CS policy CS15 seek to ensure the highest standards of sustainability are achieved for developments which includes minimising carbon dioxide emissions, maximising recycling, sourcing materials with a low carbon footprint, ensuring urban greening and minimising the usage of resources such as water.
- 7.10.2 Subject to conditions to secure the necessary details, the proposal is considered to be acceptable in terms of sustainability and climate change considerations.

7.11 Air Quality

- 7.11.1 The whole of Merton is an Air Quality Management Area (AQMA).
- 7.11.2 Whilst the development is a minor application, as opposed to a major, it is important that the impact on air quality is minimised and therefore, officers recommend conditions relating to the construction process and air quality.
- 7.11.3 The proposed development would be air quality neutral in line with London Plan policies.
- 7.11.4 The proposal is considered to be acceptable in terms of air quality, subject to

conditions to minimise air pollution throughout the construction phase.

7.12 Biodiversity

- 7.12.1 Policy G6 of the London Plan sets out that development proposals should manage impacts on biodiversity and aim to secure net biodiversity gain.
- 7.12.2 The site is predominantly buildings and hardstanding, with areas of planting and soft landscaping.
- 7.12.3 The scheme does not include any ecological enhancement measures. However, this matter can be addressed by way of condition to secure a plan for the implementation of ecological enhancement measures, which may include specific planting, bird boxes, bat boxes etc.
- 7.12.4 Subject to a condition to ensure that biodiversity on the site would be improved and there would be an overall biodiversity net gain, the proposal would be acceptable in this regard.

7.13 Fire Safety

- 7.13.5 Planning Policy D12 (Fire safety) of the of the London Plan 2021 highlights that fire safety of developments should be considered from the outset. How a building will function in terms of fire, emergency evacuation, and the safety of all users should be considered at the earliest possible stage to ensure the most successful outcomes are achieved, creating developments that are safe and that Londoners can have confidence living in and using.
- 7.13.6 Major developments must be accompanied by a fire statement. However, minor applications would be assessed against the Building Regulations rather than at the planning application stage.

7.14 Safety and Security Considerations

- 7.14.7 Policy DMD2 sets out that all developments must provide layouts that are safe, secure and take account of crime prevention and are developed in accordance with Secured by Design principles.
- 7.14.8 The proposal introduces three new units at roof top level and would not have a significant impact in terms of safety and security considerations.

7.15 Response to issues raised in objection letters

- 7.15.9 The majority of uses raised by objectors are addressed in the body of this report and a number of issues relate to the original application scheme, rather than the amended scheme. However, in addition, the following comments are provided:
- Issues relating to disturbance throughout the construction process cannot reasonably amount to a reason for refusal but safeguarding conditions are recommended to minimise any adverse impact.
 - In terms of landscaping, this can be controlled by way of condition.
 - Any cladding of the top floor or means of escape would be required to meet relevant Building regulation requirements (along with means of evacuation) and is not a matter that can be considered under this minor planning application (only major planning applications are required to provide a Fire Safety Statement).
 - Issues of whether leaseholders have agreed to additional floors above is a private, civil matter and does not affect the planning assessment of the

proposal. Planning permission does not convey an ultimate right to develop and if there are other legal obstacles the granting of planning permission may not necessarily overrule these legal obstacles.

- Issues relating to re-mortgaging, building insurance, service charges and Council Tax are not matters that can be considered under the planning assessment.
- Some degree of disturbance caused by the construction process is inevitable. However, this cannot reasonably amount to a reason for refusal provided reasonable efforts are made to minimise and mitigate for the impact. Therefore, conditions for method of construction statements are sought which would detail how the impacts of the construction process are to be minimised. Any compensation sought by existing occupiers would be a private civil matter – in planning terms, provided the impact is minimised as far as possible there would be no reasonable grounds for objection.
- The impact on property values is not a material planning consideration (however, Members are advised that the impact on visual and residential amenity are material considerations that can be taken into account).
- Issues of soundproofing would be addressed through the Building Regulations as opposed to at the planning stage.
- Concerns relating to displacement parking in neighbouring streets has been carefully considered but officers conclude that it would not be reasonable to withhold planning permission on this basis, as the application would be subject to a restriction on the issuing of parking permits by way of s.106 which would meet the relevant policy requirements.

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

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

10. CONCLUSION

- 10.1.1 The proposal would provide three additional units, all with some degree of external amenity space, which would contribute to meeting the borough's overall housing need.
- 10.1.2 The form and appearance of the proposed addition is considered to complement the existing building and would not appear visually discordant in the streetscene despite the increased height.
- 10.1.3 The proposal, as a result of the increased height over the existing, would result in some limited impact on properties to the front and rear of the site. However, as

explained in this report, the impact is considered to be minimal and would not warrant a reason for refusal in this urban context.

- 10.1.4 In terms of communal external amenity space, the current proposal provides a greater degree of both communal external amenity space and private balcony space than the previously refused scheme. The landscaping and provision of benches to the rooftop amenity space would improve the quality of the external amenity space. In addition, the landscaping works and provision of pergola to the ground level amenity space would improve the useability of this area as amenity space, should residents want to make use of the space. The reduction in communal amenity space is not considered to amount to material planning harm for which a refusal of permission would be warranted. Subject to conditions and a legal agreement the recommendation is for approval.

11. **RECOMMENDATION**

- 11.1 **GRANT** planning permission subject to conditions and s106 agreement securing the following:

- Restrict parking permits for all new units.
- Cost to Council of all work in drafting S106 and monitoring the obligations.

And the following 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: P-Si-D-011 Rev K, P-00-D-013 Rev F P-R2-D-014 Rev F, P-04-D-015 Rev G, P-R-D-016 Rev K, E-E/N-D-017 Rev J, E-S/W-D-018 Rev G and X-AA-D-019/1 Rev G.

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 Cycle Parking - Details to be Submitted - No development shall commence until details of secure cycle parking facilities for the occupants of, and visitors to, the development have been submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be fully implemented and made available for use prior to the

first occupation of the development and thereafter retained for use at all times.

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

- 5 Working Method Statement & Demolition/Construction Logistics Plan - Development shall not commence until a working method statement and demolition/construction logistics plan has been submitted to and approved in writing by the Local Planning Authority to accommodate:

- (i) Hours of operation
- (ii) Parking of vehicles of site operatives and visitors;
- (ii) Loading and unloading of plant and materials;
- (iii) Storage of construction plant and materials;
- (iv) Wheel cleaning facilities
- (v) Control of dirt, dust, smell and other effluvia;
- (vi) Control of surface water run-off.
- (vii) Measures to control the emission of noise and vibration during construction/demolition.
- (viii) The erection and maintenance of any security hoarding including decorative displays.
- (ix) A scheme for recycling/disposing of waste resulting from demolition and construction works

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

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.

- 6 Sustainable Drainage - No development approved by this permission shall be commenced until a detailed scheme for the provision of surface and foul water drainage has been implemented in accordance with details that have been submitted to and approved in writing by the local planning authority. The drainage scheme will dispose of surface water by means of a sustainable drainage system (SuDS) via infiltration or at an agreed runoff rate, in accordance with drainage hierarchy contained within the London Plan and the advice contained within the National SuDS Standards.

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

- 7 Landscaping - No development shall take place until full details of landscaping to the proposed roof terrace and strip of land to the north of the main building, has been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved before the first occupation of the development hereby approved, unless otherwise agreed in writing by the Local Planning Authority. The

details shall include on a plan, full details of the size, species, spacing, quantities and location of proposed plants, together with any hard surfacing, means of enclosure, structures (such as the proposed pergola and benches etc) and indications of all existing trees, hedges and any other features to be retained, and measures for their protection during the course of development.

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

- 8 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.

- 9 Biodiversity Net Gain - The development hereby approved shall not be occupied until a plan for ecological enhancements, to secure a biodiversity net gain, has been submitted to and approved in writing by the Local Planning Authority. The agreed enhancements shall be implemented prior to the first occupation of the development hereby permitted and maintained thereafter.

Reason: Having regard to the biodiversity value of the site.

- 10 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.

- 11 No Use of Flat Roof - Access to the flat roof of the development hereby permitted (other than the areas clearly marked as roof terraces or balconies) 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.

- 12 No External Lighting - No external lighting shall be installed without the prior approval in writing of the Local Planning Authority.

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

- 13 Noise levels, (expressed as the equivalent continuous sound level) LAeq (10 minutes),

from any fixed external new plant/machinery shall not exceed LA90-10dB at the boundary with any residential property or noise sensitive premises.

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 D4 and D14 of the London Plan 2021 and policies DM D2, DM D3, DM EP2 and DM EP4 of Merton's Sites and Policies Plan 2014.

- 14 Air Quality - All Non-road Mobile Machinery (NRMM) used during the course of the development that is within the scope of the Greater London Authority 'Control of Dust and Emissions during Construction and Demolition' Supplementary Planning Guidance (SPG) dated July 2014, or any subsequent amendment or guidance, shall comply with the emission requirements therein.

Reason: To ensure the development does not raise local environment impacts and pollution and to manage and prevent further deterioration of existing low quality air across London in accordance with London Plan policies GG3 and SI1, and NPPF 181.

- 15 Air Quality Neutral - In the event that gas fired boilers are provided for the proposed development hereby approved, the individual boilers shall not exceed NOx emissions of more than 40 mg/kWh.

Reason: Having regard to air quality in the locality.

- 16 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.

- 17 INFORMATIVE

The applicant is advised to check the requirements of the Party Wall Act 1996 relating to work on an existing wall shared with another property, building on the boundary with a neighbouring property, or excavating near a neighbouring building. Further information is available at the following link:
<http://www.planningportal.gov.uk/buildingregulations/buildingpolicyandlegislation/current-legislation/partywallact>

- 18 INFORMATIVE

It is the responsibility of the developer to make proper provision for drainage to ground, watercourses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off-site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of ground water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required (contact no. 0845 850 2777).

- 19 INFORMATIVE

This permission creates one or more new units which will require a correct postal address. Please contact the Street Naming & Numbering Officer at the London Borough of Merton
Street Naming and Numbering (Business Improvement Division)
Corporate Services

7th Floor, Merton Civic Centre
London Road
Morden
SM4 5DX
Email: street.naming@merton.gov.uk

20 INFORMATIVE

In accordance with paragraph 38 of the NPPF, The London Borough of Merton (LBM) takes a positive and proactive approach to development proposals focused on solutions. LBM works with applicants/agents in a positive and proactive manner by:

- i) Offering a pre-application advice and duty desk service.
- ii) Where possible, suggesting solutions to secure a successful outcome.
- iii) As appropriate, updating applicants/agents of any issues that may arise in the processing of their application.

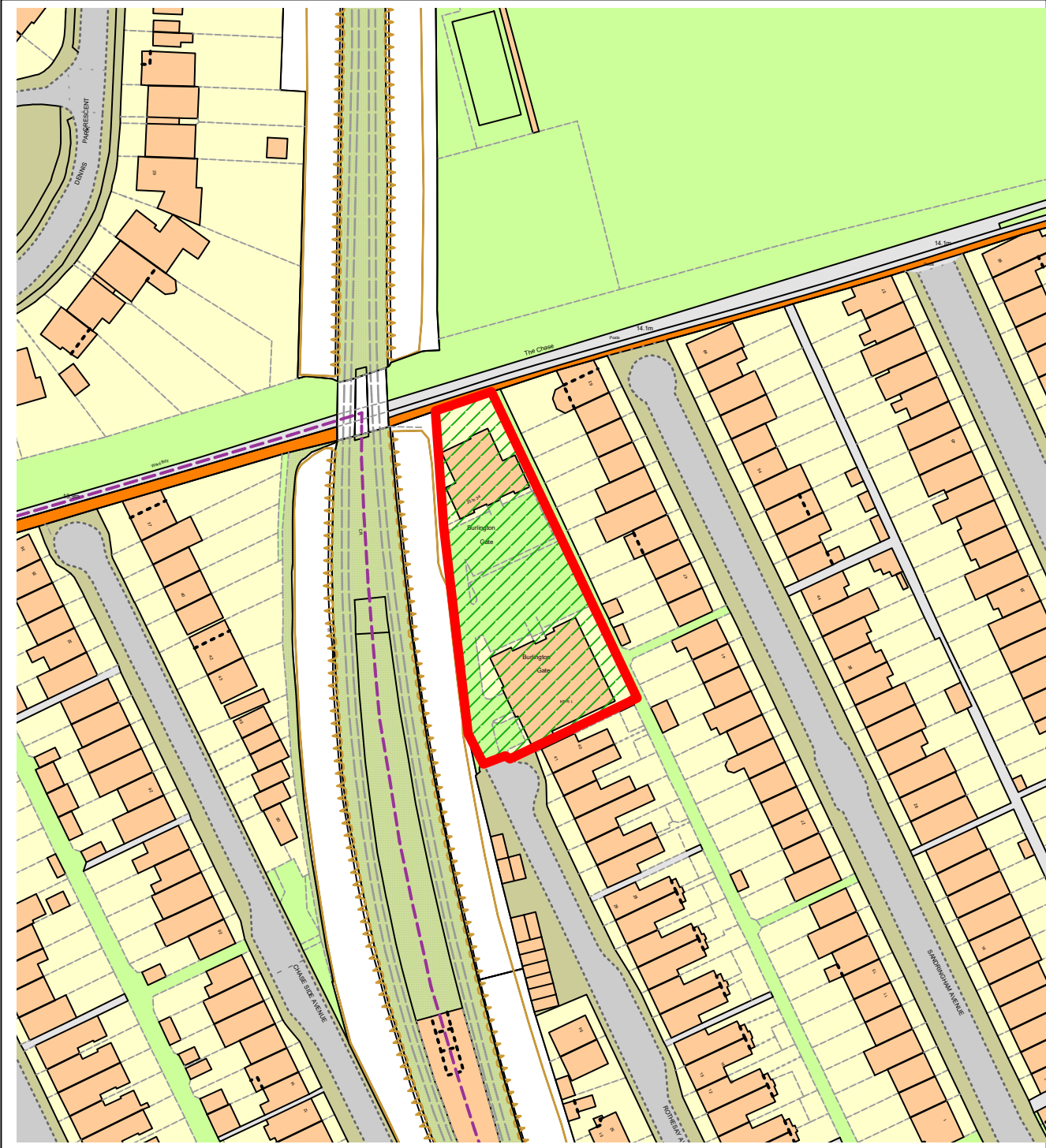
In this instance:

- i) The application was acceptable as submitted and no further assistance was required.
- ii) The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.

21 INFORMATIVE

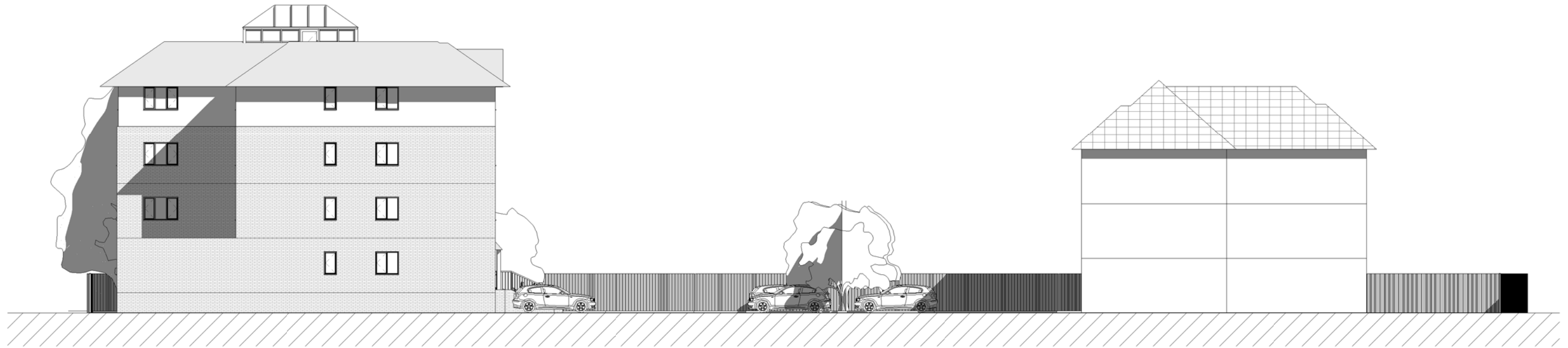
The applicant should be aware that the site may provide a useful habitat for swifts. Swifts are currently in decline in the UK and in order to encourage and improve the conservation of swifts the applicant is advised to consider the installation of a swift nesting box/bricks on the site.

NORTHGATE SE GIS Print Template



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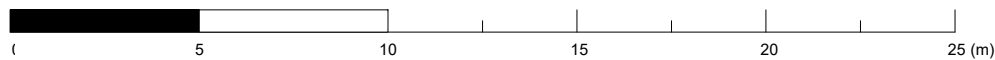


EAST ELEVATION
1:200

Page 30



NORTH ELEVATION
1:200



A	DRAWINGS AMENDED TO SURVEY	AG	01.12.21
REV/ISSUE	NOTE	DRN	DATE

SCALE	DATE	DRN	CHK
1:200@A3	31/03/2020	SR	MH

PROJECT
Burlington Gate, 42 Rothesay Ave, London SW20 8JU

DRAWING
Existing East and North Elevation

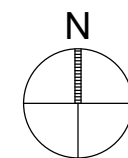
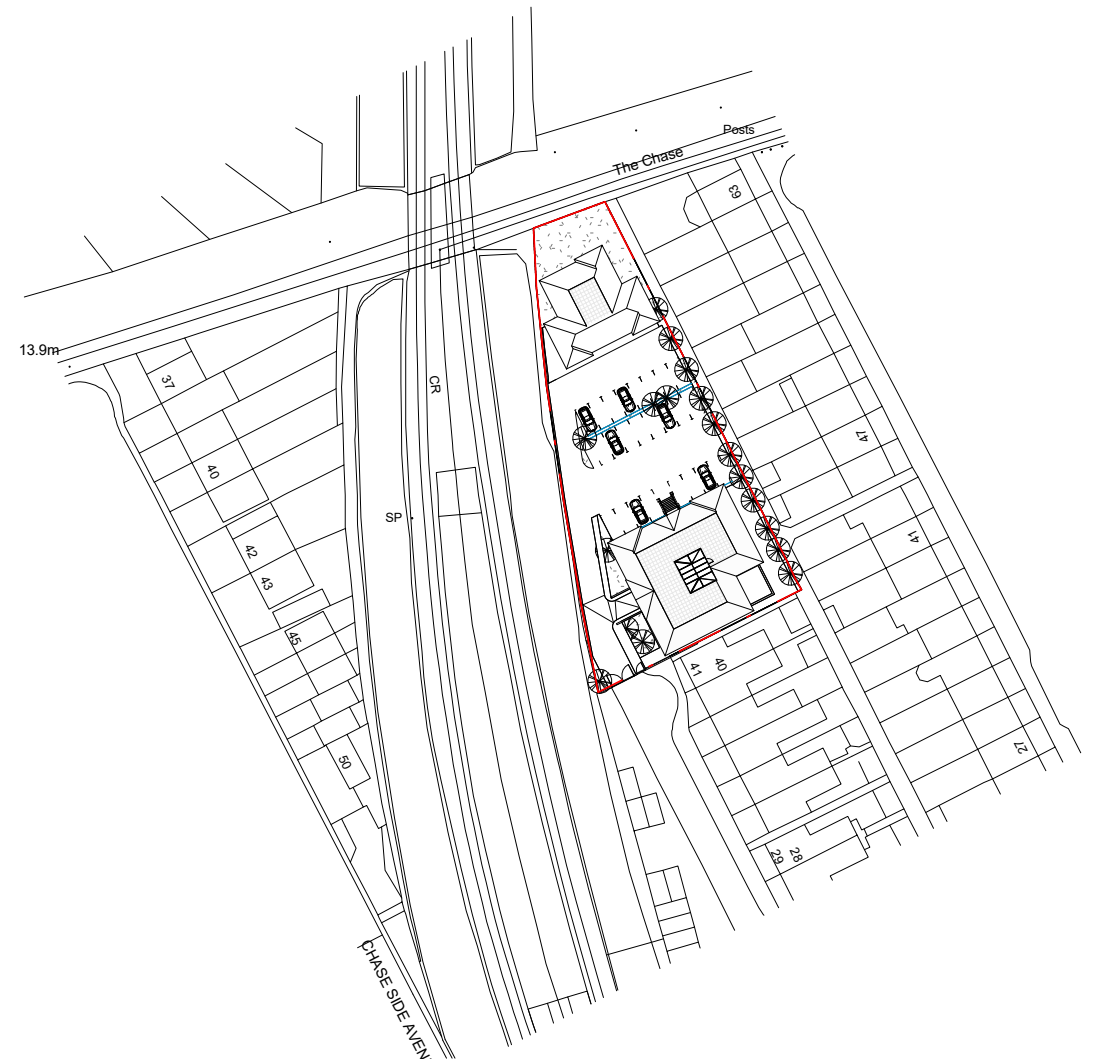
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JOB NO	DRAWING NO	REV
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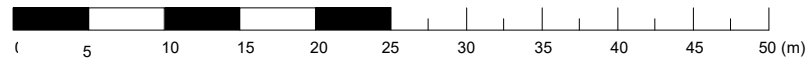
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--- SITE BOUNDARY



A	DRAWINGS AMENDED TO SURVEY	AG	01.12.21
REV/ ISSUE	NOTE	DRN	DATE

SCALE	DATE	DRN	CHK
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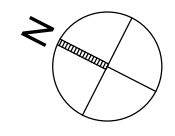
PROJECT
Burlington Gate, 42 Rothey Ave, London SW20 8JU

DRAWING
Existing Site Plan

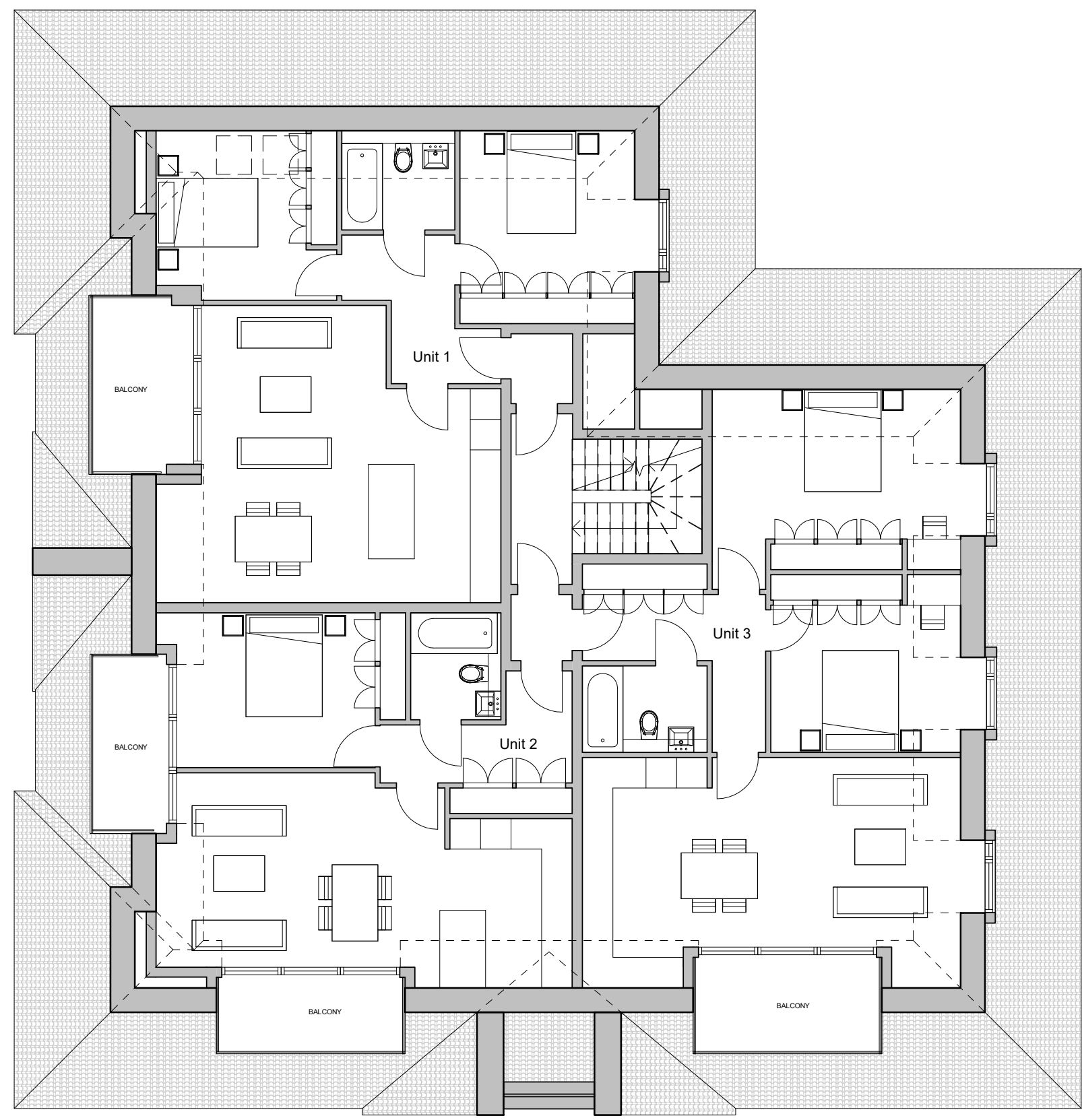
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--- SITE BOUNDARY



Area Schedule (GIA)				
Name	Area Type	Area	Min Area Req	Occupancy
Unit 1	Floor Area	70 m ²	70 m ²	2b4p
Floor Area		70 m ²		
Unit 1	Exterior Area	7 m ²		
Exterior Area		7 m ²		
Unit 2	Floor Area	55 m ²	50 m ²	1b2p
Floor Area		55 m ²		
Unit 2	Exterior Area	6 m ²		
Unit 2	Exterior Area	5 m ²		
Exterior Area		11 m ²		
Unit 3	Floor Area	77 m ²	70 m ²	2b4p
Floor Area		77 m ²		
Unit 3	Exterior Area	7 m ²		
Exterior Area		7 m ²		

G	Revised Unit 1	AG	19.12.30
F	Revised schedule of accommodation	SR	27.10.22
E	Roof pitch and floor area increased	AG	25.10.22
D	Glazed Access to roof amenity	AG	17.12.21
C	Client's comments addressed	SR	13.12.21
B	Drawings amended to survey	AG	01.12.21
A	Full Planning Application	AG	29.07.21
REVISSUE	NOTE	DRN	DATE

SCALE	DATE	DRN	CHK
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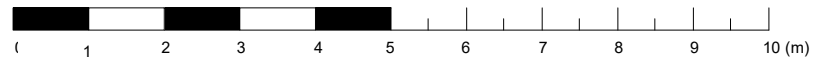
PROJECT
Burlington Gate, 42 Rothesay Ave, London SW20 8JU

DRAWING
Proposed 4th floor Plan

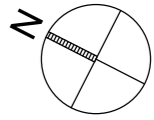
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PROPOSED 4th FLOOR PLAN
1:100



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F	Revised Unit 1	AG	19.12.30	
E	Existing trees added	SR	07.04.22	
D	Glazed Access to roof amenity	AG	17.12.21	
C	Client's comments addressed	SR	13.12.21	
B	Drawings amended to survey	AG	01.12.21	
A	Full Planning Application	AG	29.07.21	
REV	NOTE	DRN	DATE	

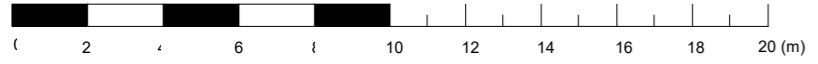
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PROJECT
Burlington Gate, 42 Rothesay Ave,
London SW20 8JU

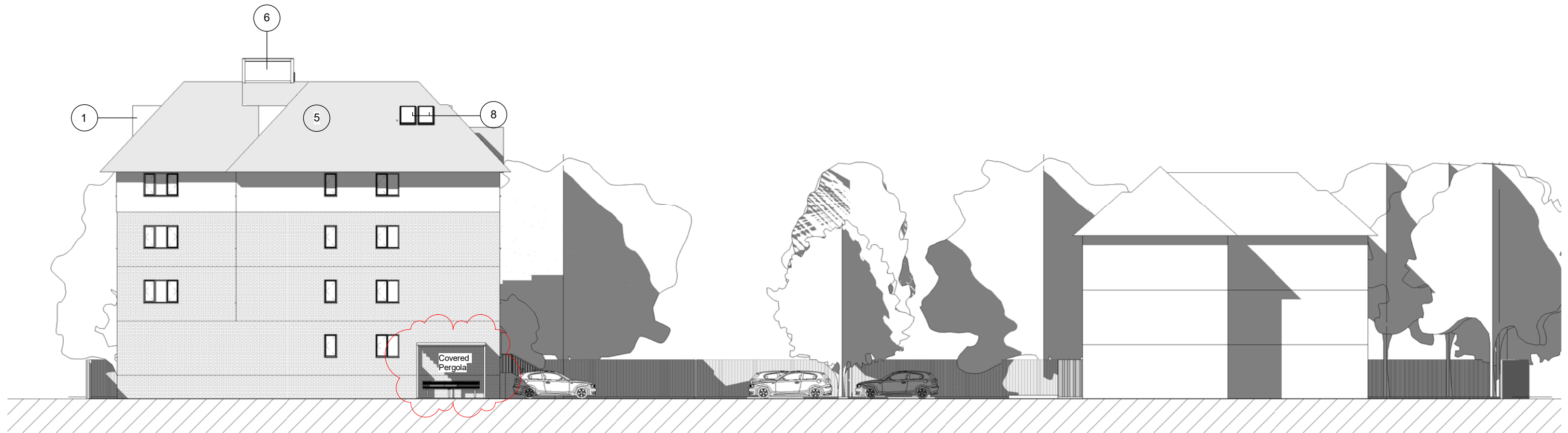
DRAWING
Proposed Amenity Space
roof

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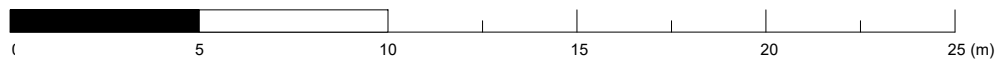


EAST ELEVATION
1:200

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NORTH ELEVATION
1:200



Key:

- 1 Zinc Cladding
- 2 PPC Aluminium Double-glazed window
- 3 Glass Panel Balustrade
- 4 White Render
- 5 Clay tiles on the new roof to match the existing
- 6 Glazed access to roof amenity
- 7 PPC Aluminium Double-glazed door
- 8 Rooflight

REV/ISSUE	NOTE	DRN	DATE
J	Covered Pergola	AG	19.04.23
H	Revised Unit 1	AG	19.12.22
G	Revised schedule of accommodation	SR	27.10.22
F	Roof pitch and floor area increased	AG	25.10.22
E	Existing trees added	SR	07.04.22
D	Glazed Access to roof amenity	AG	17.12.21
C	Client's comments addressed	SR	13.12.21
B	Drawings amended to survey	AG	01.12.21
A	Full Planning Application	AG	29.07.21

SCALE	DATE	DRN	CHK
1:200@A3	31/03/2020	SR	MH

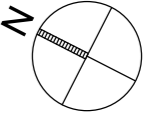
PROJECT
Burlington Gate, 42 Rothesay Ave, London SW20 8JU

DRAWING
Proposed East and North Elevation

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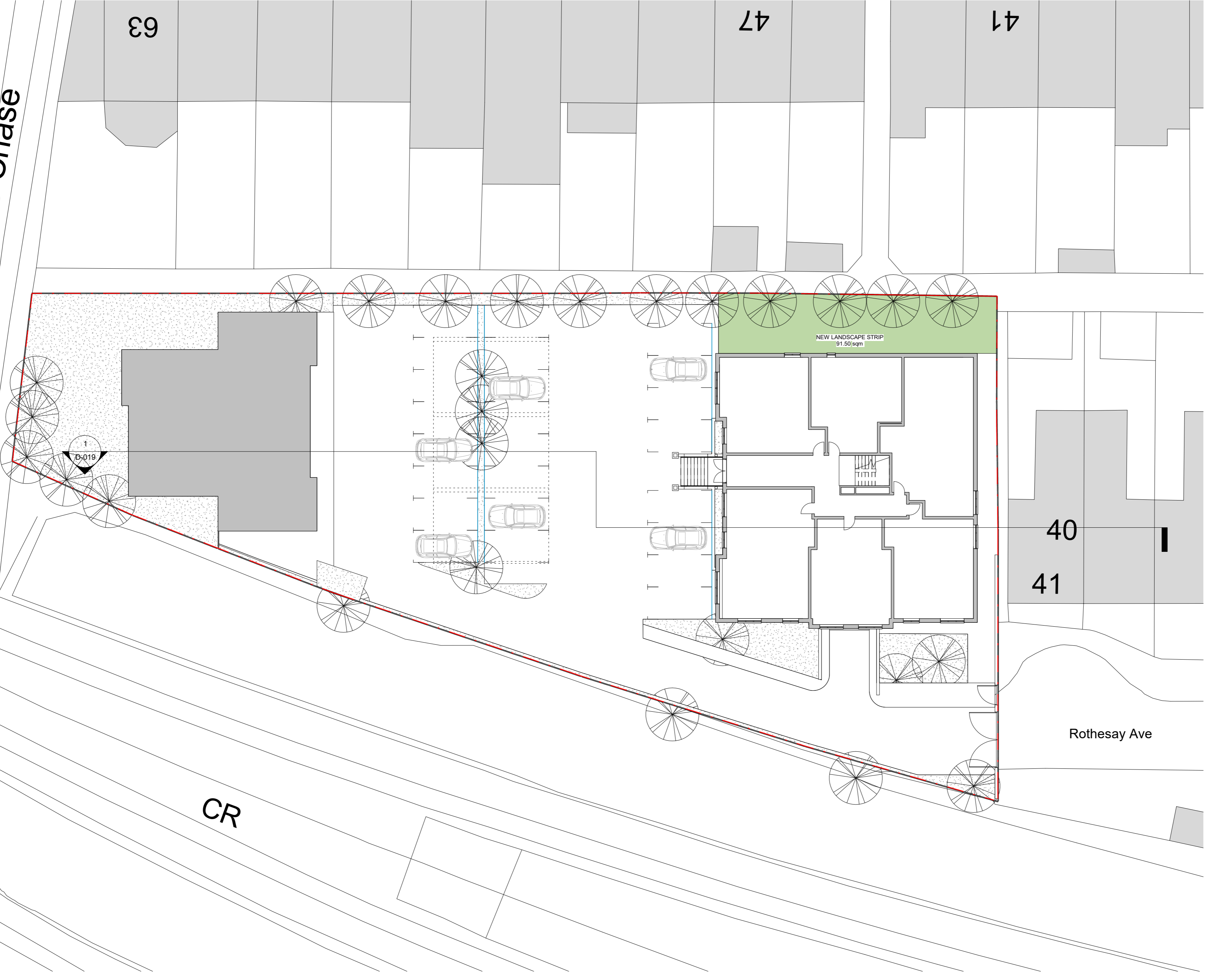
Page 35

The Chase

63

47

41



40

41

Rothesay Ave

CR



SCALE	DATE	DRN	CHK
1:200@A2	31/03/2020	SR	MH
PROJECT			
Burlington Gate, 42 Rothesay Ave, London SW20 8JU			
DRAWING			
Proposed New GR Amenity Area			
bubble architects			
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JOB NO	DRAWING NO	REV	
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SCALE	DATE	DRN	CHK
1:200@A2	31/03/2020	SR	MH

PROJECT
Burlington Gate, 42 Rothesay Ave, London SW20 8JU

DRAWING
Proposed New GR Amenity Area

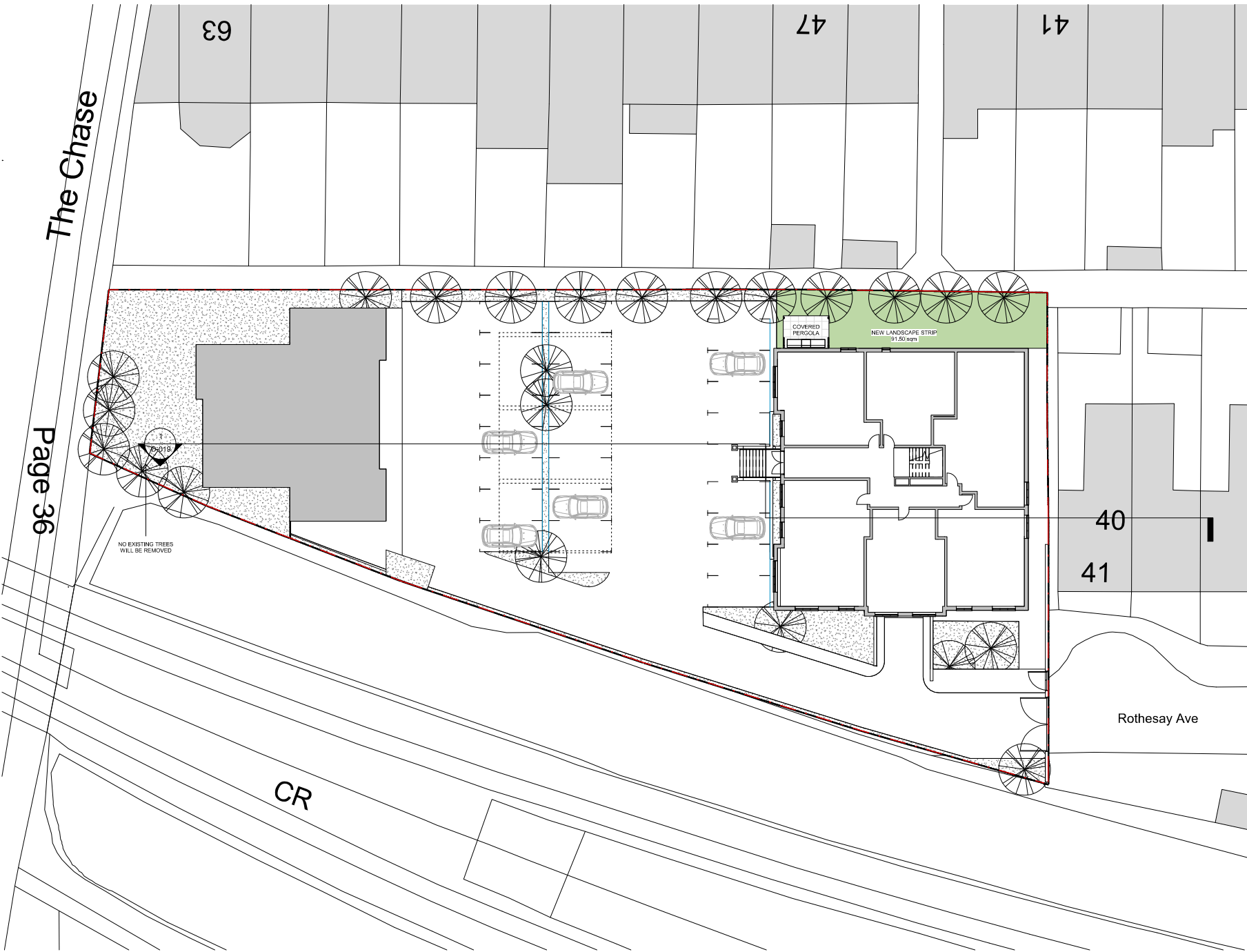
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--- SITE BOUNDARY



The Chase

Page 36

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47

41

40

41

Rothesay Ave

CR

NO EXISTING TREES
WILL BE REMOVED

COVERED
PERGOLA

NEW LANDSCAPE STRIP
91.50sqm

REV	NOTE	DRN	DATE
F	Trees removed from proposed drags to match existing	AG	17.10.23
E	Comments added	SR	12.10.23
D	Covered Pergola	AG	19.04.23
C	Existing trees added	SR	07.04.22
B	Shared Access to roof amenity	AG	17.12.21
A	Full Planning Application	AG	29.07.21

SCALE	DATE	DRN	CHK
1:200@A2	31/03/2020	SR	MH

PROJECT
Burlington Gate, 42 Rothesay Ave,
London SW20 8JU

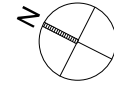
DRAWING
Proposed GF Plan

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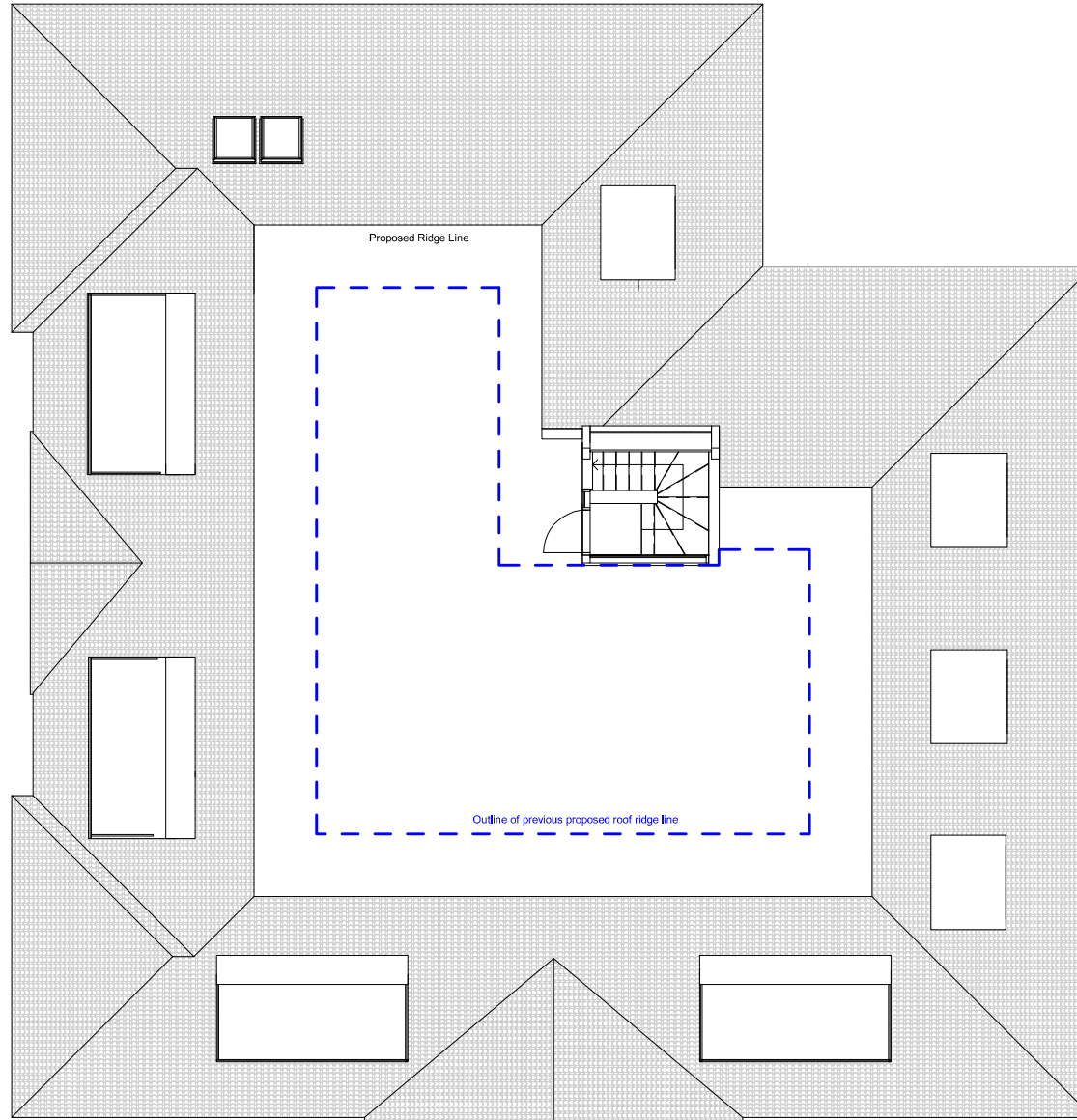
JOB NO	DRAWING NO	REV
019036	P-00-D-013	F



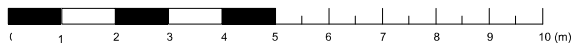
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PROPOSED ROOF PLAN
1:100



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K	overlay of previous proposed roof	AG	13.10.23
J	Overlay of Existing Roof to Proposal	AG	06.10.23
H	Revised Unit 1	AG	19.12.22
G	Revised schedule of accommodation	SR	27.10.22
F	Roof pitch and floor area increased	AG	25.10.22
E	Roof amenity increase - 2options	AG	11.10.22
D	Glazed Access to roof amenity	AG	17.12.21
C	Client's comments addressed	SR	13.12.21
B	Drawings amended to survey	AG	01.12.21
A	Full Planning Application	AG	29.07.21
REVISION	NOTE	DRN	DATE

SCALE	DATE	DRN	CHK
1:100@A3	31/03/2020	SR	MH

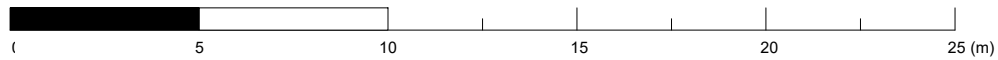
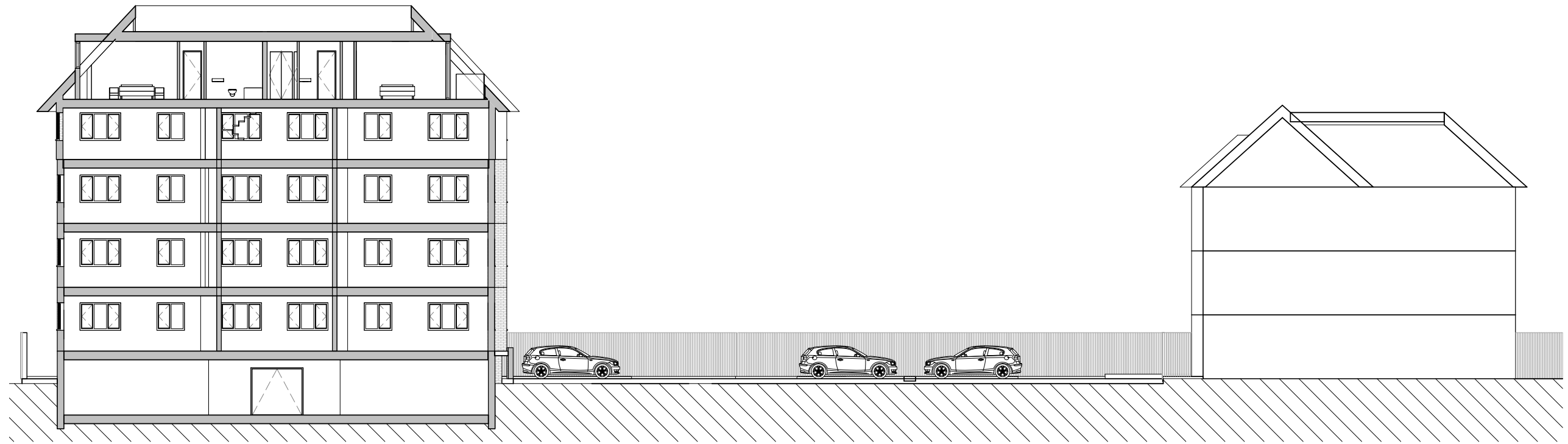
PROJECT
Burlington Gate, 42 Rothesay
Ave, London SW20 8JU

DRAWING
Proposed Roof Plan

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REV/ISSUE	NOTE	DRN	DATE
G	Revised Unit 1	AG	19.12.30
F	Revised schedule of accommodation	SR	27.10.22
E	Roof pitch and floor area increased	AG	25.10.22
D	Glazed Access to roof amenity	AG	17.12.21
C	Client's comments addressed	SR	13.12.21
B	Drawings amended to survey	AG	01.12.21
A	Full Planning Application	AG	29.07.21

SCALE	DATE	DRN	CHK
1:200@A3	31/03/2020	SR	MH

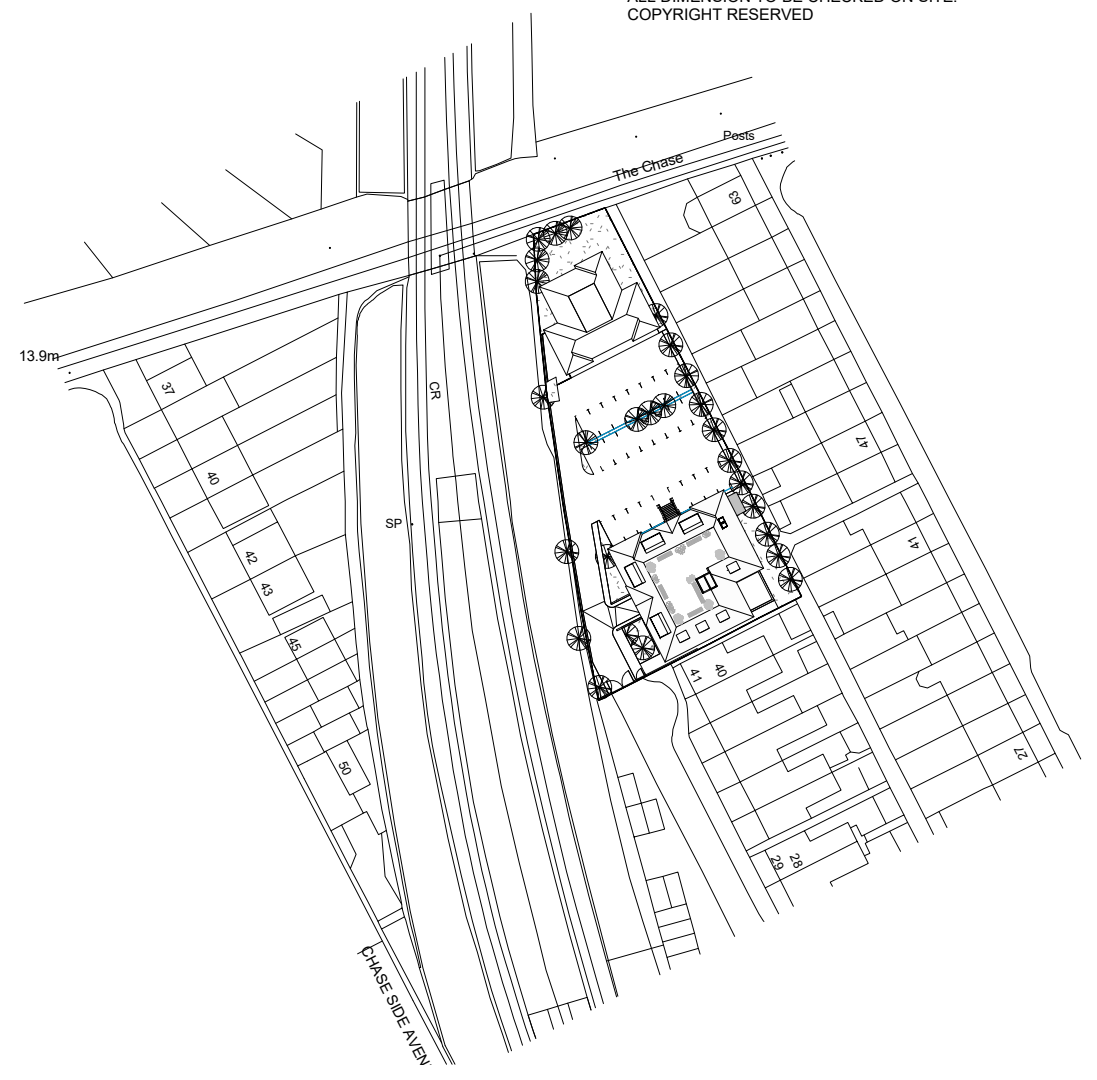
PROJECT
Burlington Gate, 42 Rothesay Ave, London SW20 8JU

DRAWING
Proposed Section AA

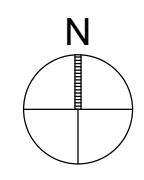
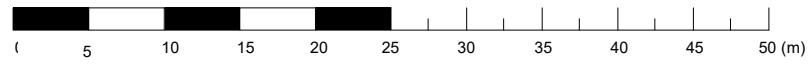
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REV/ISSUE	NOTE	DRN	DATE
K	Covered Pergola	AG	19.04.23
J	Revised Unit 1	AG	19.12.22
H	Revised schedule of accommodation	SR	27.10.22
G	Corner Fence updated	AG	25.10.22
F	Existing trees added	SR	07.04.22
E	Glazed Access to roof amenity	AG	17.12.21
D	Client's comments addressed	SR	13.12.21
C	Drawings amended to survey	AG	01.12.21
B	Full Planning Application	AG	29.07.21
A	Cycle shed and landscaping added	MH	23.12.20

SCALE	DATE	DRN	CHK
1:500@A3	31/03/2020	SR	MH

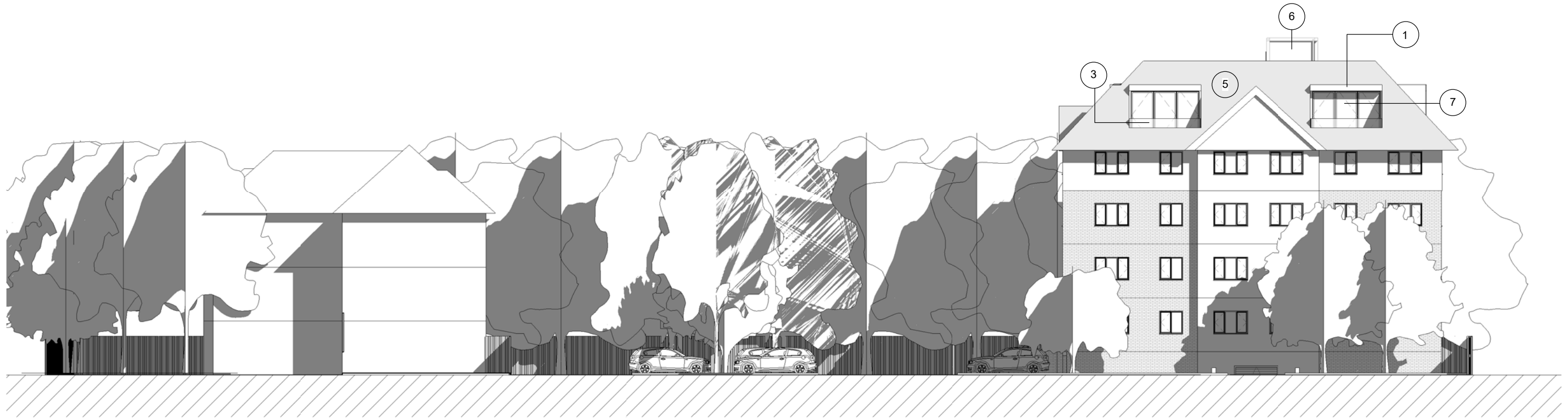
PROJECT
Burlington Gate, 42 Rothey Ave, London SW20 8JU

DRAWING
Proposed Site Plan

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WEST ELEVATION
1:200

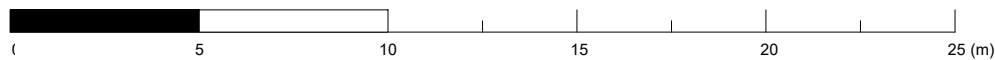
Page 40



SOUTH ELEVATION
1:200

Key:

- 1 Zinc Cladding
- 2 PPC Aluminium Double-glazed window
- 3 Glass Panel Balustrade
- 4 White Render
- 5 Clay Tiles to match the existing
- 6 Glazed access to roof amenity
- 7 PPC Aluminium Double-glazed door



REV/ISSUE	NOTE	DRN	DATE
G	Revised schedule of accommodation	SR	27.10.22
F	Roof pitch and floor area increased	AG	25.10.22
E	Existing trees added	SR	07.04.22
D	Glazed Access to roof amenity	AG	17.12.21
C	Client's comments addressed	SR	13.12.21
B	Drawings amended to survey	AG	01.12.21
A	Full Planning Application	AG	29.07.21

SCALE	DATE	DRN	CHK
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PROJECT
Burlington Gate, 42 Rothesay Ave, London SW20 8JU

DRAWING
Proposed South and West Elevation

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JOB NO	DRAWING NO	REV
019036	E-SW-D-018	G

Committee: Planning Applications

Date: 23rd November 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	22/P1990
Appeal number:	APP/T5720/W/23/3315683
Site:	153 Links Road, Tooting SW17 9EW
Development:	CHANGE OF USE OF A DWELLING HOUSE TO A 7-BED (7 PERSON) HOUSE IN MULTIPLE OCCUPATION.
LPA Decision:	Refused at Committee
Appeal Decision:	DISMISSED
Date of Appeal Decision:	16 th October 2023

[click LINK TO DECISION NOTICE](#)

Application Number **22/P2666**
Appeal number: APP/T5720/W/23/3319416
Site: 50 Faversham Road, Morden SM4 6RE
Development: RETENTION OF EXISTING CONVERSION OF A SINGLE DWELLINGHOUSE INTO 2 x SELF-CONTAINED FLATS
LPA Decision: Delegated Refusal
Appeal Decision: **DISMISSED**
Date of Appeal Decision: 7^h November 2023

[click LINK TO DECISION NOTICE](#)

Alternative options

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

1 CONSULTATION UNDERTAKEN OR PROPOSED

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

2 TIMETABLE

- 2.1. N/A

3 FINANCIAL, RESOURCE AND PROPERTY IMPLICATIONS

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

4 LEGAL AND STATUTORY IMPLICATIONS

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

5 HUMAN RIGHTS, EQUALITIES AND COMMUNITY COHESION IMPLICATIONS

5.1. None for the purposes of this report.

6 CRIME AND DISORDER IMPLICATIONS

6.1. None for the purposes of this report.

7 RISK MANAGEMENT AND HEALTH AND SAFETY IMPLICATIONS

7.1. See 6.1 above.

8 BACKGROUND PAPERS

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

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Date: 23rd November 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:	368	New Appeals:	0
New Complaints	23	Existing Appeals	17
Cases Closed	15	<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	0	New Instructions to Legal	2
S.215:	1	Existing instructions to Legal	2
Others (PCN, TSN)	0	<hr/>	
Total	1	TREE ISSUES	
		Tree Applications Received	103
		% Determined within time limits:	98%
		High Hedges Complaint	1
		New Tree Preservation Orders (TPO)	0
		Tree Replacement Notice	0
		Tree/High Hedge Appeal	0
		5-Day notice	5

Note (*figures are for the period from (from 12th October 2023 to 13th November 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

174 Haydons Road, South Wimbledon – S215 Notice

The Council re-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.

Land at Former La Sporta Community Centre, 205 London Road/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. An appeal has come in for this notice.

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 formal 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



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, a site was conducted by officers and the inspectors, we are now 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

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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

