

# 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 7 December 2023

**Time:** 7.15 pm

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

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

Public meeting can be viewed by following this link  
[Upcoming - Auditel Scheduler \(sonicfoundry.com\)](https://www.auditel.com/scheduler)

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# Development and Planning Applications Committee Agenda

## 7 December 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 Penthouse Flat 11, 3 Lansdowne Road, West Wimbledon, SW20 8AP 1 - 30  
Application number: 23/P0747  
Ward: Village  
Recommendation: REFUSE Planning Permission
- 6 310-356 Grand Drive, Raynes Park, London, SW20 9NQ 31 - 64  
Application number: 23/P1621  
Ward: Lower Morden  
Recommendation: GRANT PRIOR APPROVAL subject to conditions s106 agreement
- 7 Planning Appeal Decisions 65 - 68  
Officer Recommendation:  
That Members note the contents of the report.
- 8 Planning Enforcement - Summary of Current Cases 69 - 82  
Officer Recommendation:  
That Members note the contents of the report.
- 9 Glossary of Terms 83 - 88
- 10 Chairs Procedure Guide 89 - 100

**Note on declarations of interest**

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

## PLANNING APPLICATIONS COMMITTEE

### 7 DECEMBER 2023

#### OFFICER REPORT

**APPLICATION NO.**      **DATE VALID**

23/P0747

20/04/2023

**Site Address:** Penthouse Flat, 3 Lansdowne Road, West Wimbledon, SW20 8AP

**Ward:** Village

**Proposal:** EXTENSION OF EXISTING PENTHOUSE TO ENLARGE FLOOR AREA AND ERECTION OF ROOF EXTENSION TO PROVIDE ADDITIONAL ACCOMMODATION AT ROOF LEVEL

**Drawing Nos:** 2464-00-DR-0105-P02; 2464-00-DR-0106-P02; 2464-00-DR-0107-P02; 2464-00-DR-0600-P02; 2464-00-DR-0601-P02; 2464-00-DR-0602-P02; 2464-00-DR-0400-D01

**Contact Officer:** Jivan Manku

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#### **RECOMMENDATION**

REFUSE Planning Permission

#### **CHECKLIST INFORMATION**

Is a screening opinion required	No
Is an Environmental Statement required	No
Press notice	No
Site notice	No
Design Review Panel consulted	No
Number of neighbours consulted	45
External consultations	None
Internal consultations	Waste Services, Transport Planner, Highways Officer, Conservation Officer
Controlled Parking Zone	Yes - W7

## **1. INTRODUCTION**

This application is being brought to the Planning Applications Committee for determination due to the likely interest from the Committee in the proposals impact on the character and appearance of the host building and surrounding area, and also in regard to the issue of building height.

## **2. SITE AND SURROUNDINGS**

- 2.1 The application relates to the Penthouse Flat of 3 Lansdowne Road, West Wimbledon. The building consists of 5 floors with a built loft level which is the penthouse. The penthouse has three bedrooms, one with en suite, a separate bathroom and kitchen/living/dining area.
- 2.2 The site is not within a Conservation Area, but the Wimbledon West Conservation Area is located to the west, opposite the site.
- 2.3 The surrounding area is mixed in terms of character, with a number of other flatted blocks in the local vicinity which range in height from three to five storeys and also two storey dwellings. There are existing rooftop penthouse flats at the application site and also at Warwick Court which is located to the South of the site. There are more traditional dwellings located further north and south in Lansdowne Road.
- 2.4 The site is located within Controlled Parking Zone W7 and has a PTAL rating of 1a indicating the transport links within the area are poor.

## **3. CURRENT PROPOSAL**

- 3.1 The application is seeking planning permission for an extension to the existing penthouse to enlarge the floor area and the erection of a roof extension above the existing penthouse flat.
- 3.2 The proposed extension to the penthouse would involve a reduction to the overall width by 0.4 metres and an increase to the depth by 2.8 metres.
- 3.3 The penthouse would still be set in from the main building by 1.5 metres to the front and rear and 1.1 metres to the side maintaining the terrace.
- 3.4 The proposed extension above would be an oval shape with a width of 11.5 metres, depth of 6.2 metres and would be finished in aluminium powder coated framing with double glazed windows.

- 3.5 The extended area would create an enlarged bedroom with en suite bathroom and walk in wardrobe for the occupants of the penthouse.

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

##### 3 Lansdowne Road (Application site)

20/P1050 - DEMOLITION OF EXISTING LEAN TO CONSERVATORY AND ERECTION OF SIDE EXTENSION - Grant Permission subject to Conditions - 08/06/2020

21/P3475 - ERECTION OF ROOF EXTENSION - Refuse Permission - 15/11/2021

##### Both 2 and 3 Lansdowne Road

17/P2349 - DEMOLITION OF EXISTING ROOFTOP FLAT AND ERECTION OF ADDITIONAL TWO STORIES TO PROVIDE 4 X 2 BED FLATS ALONG WITH ERECTION OF CYCLE STORE & BIN ENCLOSURE - Refuse Permission - 20/09/2017

20/P2839 - APPLICATION TO DETERMINE WHETHER PRIOR APPROVAL IS REQUIRED IN RESPECT OF THE PROPOSED ERECTION OF 2 x ADDITIONAL STOREYS TO 2 & 3 LANSDOWNE ROAD TO PROVIDE 8 x NEW SELF-CONTAINED FLATS - Prior Approval Refused - 02/12/2020

##### 2 Lansdowne Road

17/P3976 - ERECTION OF 2 x 2 BED FLATS AT ROOFTOP LEVEL - Grant Permission Subject to Section 106 Obligation or any other enabling agreement - 25/01/2018

18/P4336 - APPLICATION TO VARY CONDITION 2 (APPROVED PLANS) ATTACHED TO LBM PLANNING PERMISSION 17/P3976 RELATING TO THE ERECTION OF 2 x 2 BED FLATS AT ROOFTOP LEVEL - Grant Variation of Condition - 06/03/2019

19/P0148 - APPLICATION TO DISCHARGE CONDITIONS 5 (SCREENING) 7 (WORKING METHOD STATEMENT) 8 (SURFACE WATER DRAINAGE) & 11 (ARBORICULTURAL METHOD STATEMENT) ATTACHED TO APPLICATION 17/P3976 RELATING TO THE ATERECTION OF 2 x 2 BED FLATS AT ROOFTOP LEVEL - Discharge of Conditions Approved in full - 20/05/2019

23/P0854 - APPLICATION FOR DISCHARGE OF CONDITIONS 10, 12 & 13 ATTACHED TO LBM PLANNING PERMISSION 17/P3976 RELATING TO

THE ERECTION OF 2 x 2 BED FLATS AT ROOFTOP LEVEL - Discharge of Conditions Approved in full - 12/07/2023

## 5. CONSULTATION

5.1 45 neighbouring properties along with the Waste Officer, Highways Officer, Transport Planning Officer and Conservation Officer were notified of the development as part of the consultation process on 03/05/2023.

5.2 14 objections were received, including a letter from The Wimbledon Society. The main issues are broadly summarised below:

- The proposed 6<sup>th</sup> floor would be very prominent and highly visible from some considerable distance as it would be higher than any other building in the local area;
- The development would result in an impact to parking;
- There is no reason for an increase to the penthouse;
- Cause a significant loss of light and overshadowing;
- Result in privacy concerns.

5.3 The Wimbledon Society commented:

*There is no objection to the extension of the 5th floor to match the proposed 5th floor of the adjoining building 2 Lansdowne Road, for which there is planning permission. However, the proposed 6th floor would be very prominent, highly visible from some considerable distance, rising higher than any other building in the area, and accentuated by being oval in shape and surrounded by glass, including parts of its roof.*

*The proposed development would adversely affect the streetscape and the surrounding area, and the application should be rejected.*

## 6. POLICY CONTEXT

### National Planning Policy Framework 2023

- Chapter 2 Achieving sustainable development
- Chapter 6 Building a strong, competitive economy
- Chapter 9 Promoting sustainable transport
- Chapter 11 Making effective use of land
- Chapter 12 Achieving well-designed places
- Chapter 15 Conserving and enhancing the natural environment

### London Plan 2021

- D4 Delivering good design



- D5 Inclusive design
- D6 Housing quality and standards
- D14 Noise
- H1 Increasing housing supply
- H10 Housing size mix
- HC1 Heritage
- G1 Green infrastructure
- G4 Open space
- SI 2 Minimising greenhouse gas emissions
- SI 3 Energy infrastructure
- SI 4 Managing heat risk
- 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 Core Strategy (July 2011)**

- CS6 - Wimbledon Sub Area
- CS11 - Infrastructure
- CS13 - Open space, nature conservation, leisure and culture
- CS14 - Design
- CS18 - Active Transport
- CS19 - Public Transport
- CS20 - Parking, Servicing and Delivery

#### **Merton Sites and Policies Plan (July 2014)**

- DM O2 - Nature conservation, trees, hedges and landscape features
- DM D1 - Urban Design and public realm
- DM D2 - Design considerations in all developments
- DM D3 - Extensions to existing buildings
- DM D4 - Managing Heritage Assets
- DM T1 - Support for sustainable transport and active travel
- DM T2 - Transport impacts of development
- DM T3 - Car parking and servicing standards

## **7. PLANNING CONSIDERATIONS**

### **7.1 Principle of development**

- 7.1.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 stated that when determining a planning application, the development plan must be regarded, and the determination shall be made in accordance with the development plan, unless material considerations indicate otherwise.

7.1.2 The site is a brownfield site within a residential area and as such the principle of development which forms an extension and alterations to an existing property/building in this location is acceptable in land use terms, subject to assessment against the relevant policies of the Development Plan.

## **7.2 Character and Appearance**

7.2.1 Core Strategy policy CS 14, London Plan Policy D4, Merton SPP Policies DMD2 and DM D3 seek to ensure a high quality of design in all development, which relates positively and appropriately to the siting, rhythm, scale, density, proportions, height, materials and massing of surrounding buildings and existing street patterns, historic context, urban layout and landscape features of the surrounding area. Policy DM D4 seeks to protect the Borough's heritage assets. In this case, the nearby Wimbledon West Conservation Area comprises a designated heritage asset.

7.2.2 Permission has already been granted for an additional floor to the building above the neighbouring property to the north (Nos 2 Lansdowne Road) to form x2 new self contained units. This addition is currently being implemented and will match the height of the existing penthouse at number 3 Lansdowne Road. The proposed extension to the penthouse would involve a reduction to the overall width by 0.4 metres and an increase to the depth by 2.8 metres. The penthouse would still be set in from the main building by 1.5 metres to the front and rear and 1.1 metres to the side maintaining the terrace. The extensions to the existing penthouse level would be similar in terms of resultant width and depth as per the new floor at number 2. Officers consider this aspect of the proposal would be acceptable as it would result in a similar appearance of the building as at number 2 and would therefore be in keeping with the prevailing building height and design.

7.2.3 The proposed extension above to form the 7<sup>th</sup> floor would be an oval shape with a width of 11.5 metres, depth of 6.2 metres and would be finished in aluminium powder coated framing with double glazed windows. It would be characterised by a flat roof with a height of 2.4 metres from the existing penthouse roof and 17.15 metres from ground floor level.

7.2.4 The area is varied in terms of building height, style and form. However, the application building is currently one of the tallest buildings in the immediate vicinity. A previous application (LBM Ref: 17/P2349) for two additional storeys to the existing building was refused and dismissed at appeal. The inspector noted although an application for one additional storey was approved, the Council concluded it would restore balance to the elevation. However, the impact of a two storey addition would be significantly greater.

7.2.5 Another application (LBM Ref: 21/P3475) for a roof extension to enlarge the floorspace of the penthouse flat to create a 7<sup>th</sup> floor was also refused due to the material harm it would cause to the character and appearance of the existing building, Wimbledon West Conservation Area and the wider street scene.

- 7.2.6 This current application would have a larger footprint and would be positioned centrally on the flat roof of the main building. As such, the addition would still be visually prominent in a way which would dominate the building to a further extent than the already approved sixth level. The proposal would be at odds with the existing building, creating a smaller taller section to the building upwards and with an oval shaped design and use of glazing throughout would create an addition to the building which would be visually out of keeping and thereby harmful.
- 7.2.7 Officers consider there would be wider views of the proposal from the surrounding roads, and from the Conservation Area opposite. The proposal would increase the height of the building and thus making it more prominent to the surrounding area. It is therefore considered the proposal would not be a visually minimalistic addition and would have a negative impact on the street scene and existing building, and cause harm to the setting of the adjacent Conservation Area.
- 7.2.8 The proposal is therefore considered to result in material harm to the character and appearance of the streetscene and Conservation Area and would fail to comply with Policies DM D2, DM D3 and DM D4 of the Sites and Policies Plan 2014, Policy CS14 of the Core strategy 2011 and Policies D4 and HC1 of the London Plan 2021 in terms of visual amenity.

### **7.3 Neighbour Amenity**

- 7.3.1 SPP policy DM D2 states that proposals must be designed to ensure that they would not have an undue negative impact upon the amenity of neighbouring properties in terms of loss of light, quality of living conditions, privacy, visual intrusion and noise.
- 7.3.2 Many of the issues raised in the objections from the neighbouring properties related to how the proposed additional floor would be unsightly as it would be out of character with other buildings in the local area, cause a stress to parking and result in a loss of light to the neighbouring properties.
- 7.3.3 The appeal inspector for the previously refused application (LBM Ref: 17/P2349) for two storeys to the building mentioned the comments were taken into account from the neighbouring properties. It was concluded that given the height of the existing building, the arrangements of the openings and balconies, the generally accepted levels of overlooking, as well as outlook and access to light in the built up area, no significantly adverse impacts to their living conditions could be identified.
- 7.3.4 As such, as the proposal is for an additional floor which is substantially set back from each elevation, in addition to the extension to the depth of the existing floor maintaining a setback from the wall, the impact would be less than the previously refused two storey proposal which was deemed acceptable to

neighbouring amenity. Officers note that the previous refused proposal for the part additional floor under 21/P3475 was also not refused on impact on neighbouring amenity. Although the current proposal would result in an increase in the amount of glazing and outlook from the proposed top floor addition, owing to the distance to surrounding neighbouring properties, officers do not consider this would be harmful. Officers therefore consider there would be no material harm caused to neighbouring amenity arising from the proposal.

7.3.5 The proposal is considered to be compliant with SPP Policy DM D2 in respect of neighbouring amenity.

#### **7.4 Highway, Traffic and Parking**

7.4.1 Core Strategy Policy CS 18 promotes active means of transport and the gardens of the houses provide sufficient space for the storage of cycles without the need to clutter up the front of the development with further cycles.

7.4.2 Core Strategy Policy CS 20 considers matters of pedestrian movement, safety, servicing and loading facilities for local businesses and manoeuvring for emergency vehicles as well as refuse storage and collection.

7.4.3 There are currently 28 parking spaces on site and 4 are currently available for the occupants of the sixth floor. The remaining 24 are available for the other flats within the building.

7.4.4 The proposed floorplans show the additional floor area would result in the relocation of bedroom 3 but would include an en suite bathroom and walk in wardrobe to the existing penthouse. As it is not proposed to be a separate unit, and in addition the number of bedrooms for the flat would remain at 3 bedrooms, additional parking would not need to be allocated and therefore the proposal would have no impact on the availability of parking and traffic around the site. Further, there is no requirement to consider the bin storage capacity as the proposal is an extension to an existing flat.

7.4.5 The proposal is therefore considered to be compliant with Policies CS 18 and CS 20 in respect of Highways, Traffic and Parking.

#### **8.0 Conclusion**

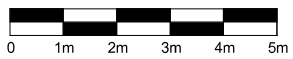
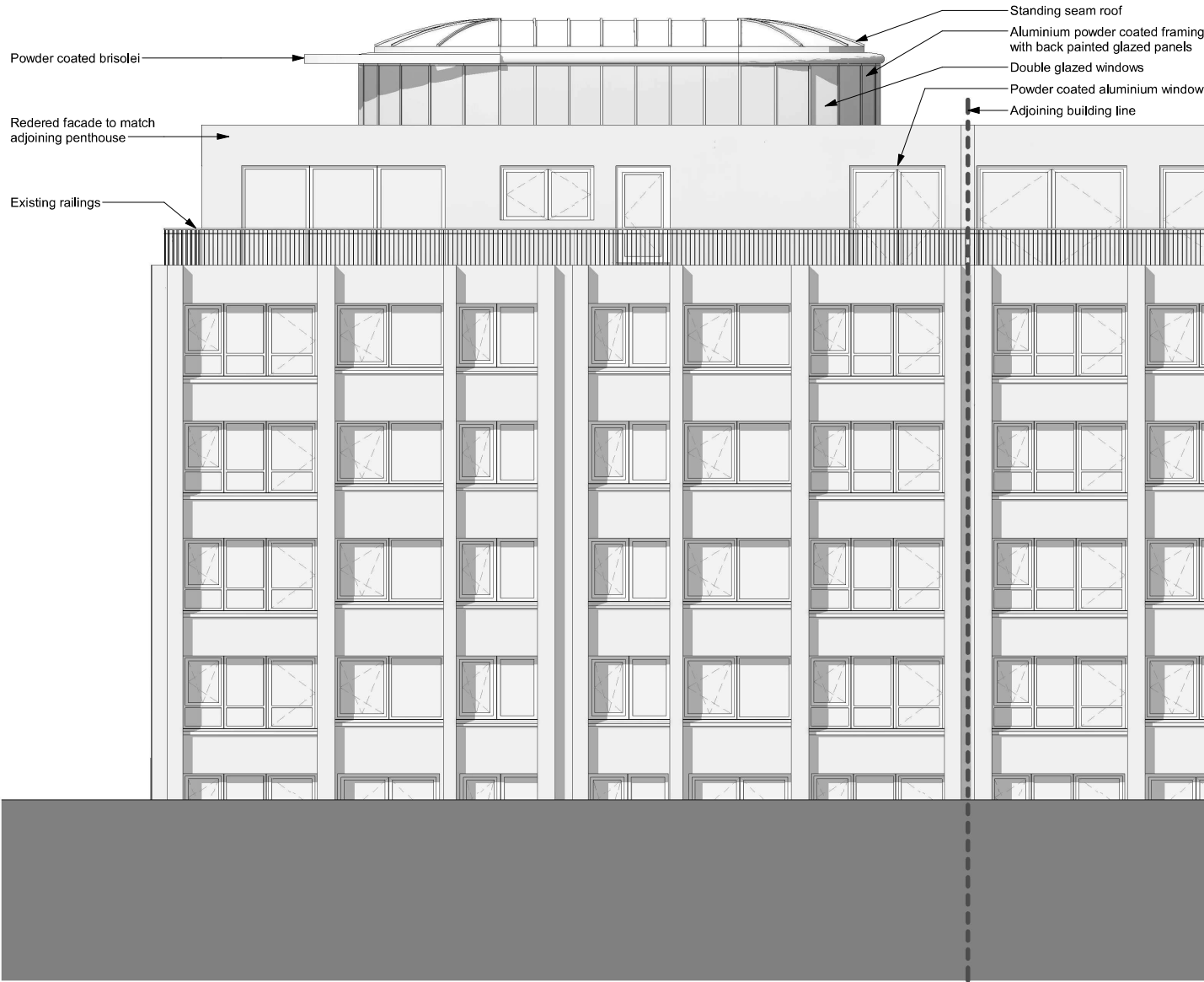
8.1.1 The proposed development, due to the visually prominent 7<sup>th</sup> floor addition proposed, is considered to dominate the building and would be out of keeping with the building's character. It would not be a minimal addition and as such would have a negative impact on the street scene, adjacent Conservation Area and existing building which would be non-compliant with the planning policies listed above.

#### **Recommendation:**

It is recommended to REFUSE planning permission for the following reason:

**Reason:**

1. The proposed development, by reason of its height, elevated position and form, would result in material harm to the character and appearance of the existing building, the adjacent Wimbledon West Conservation Area and the wider street scene contrary to policy CS 14 of the Council's adopted Core Planning Strategy 2011, Policies DM D2, DM D3, and DM D4 of the Site and Policies Plan 2014 and Policies D4 and HC1 of the London Plan 2021.



Rev:P02 Date:20/04/23 Draw:RB Chk:LB  
Notes added

Client:  
Stephen Sexton

Project:  
3 Lansdowne Road Penthouse

Title:  
East Elevation

Drawing status:  
Planning

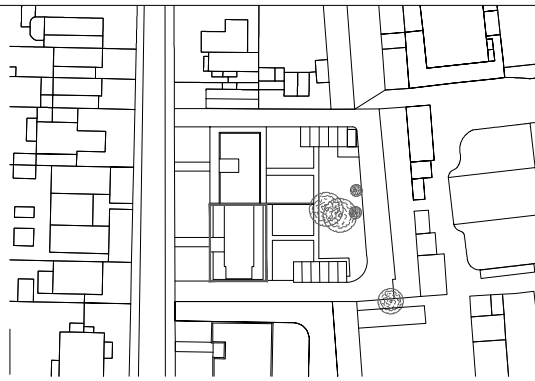
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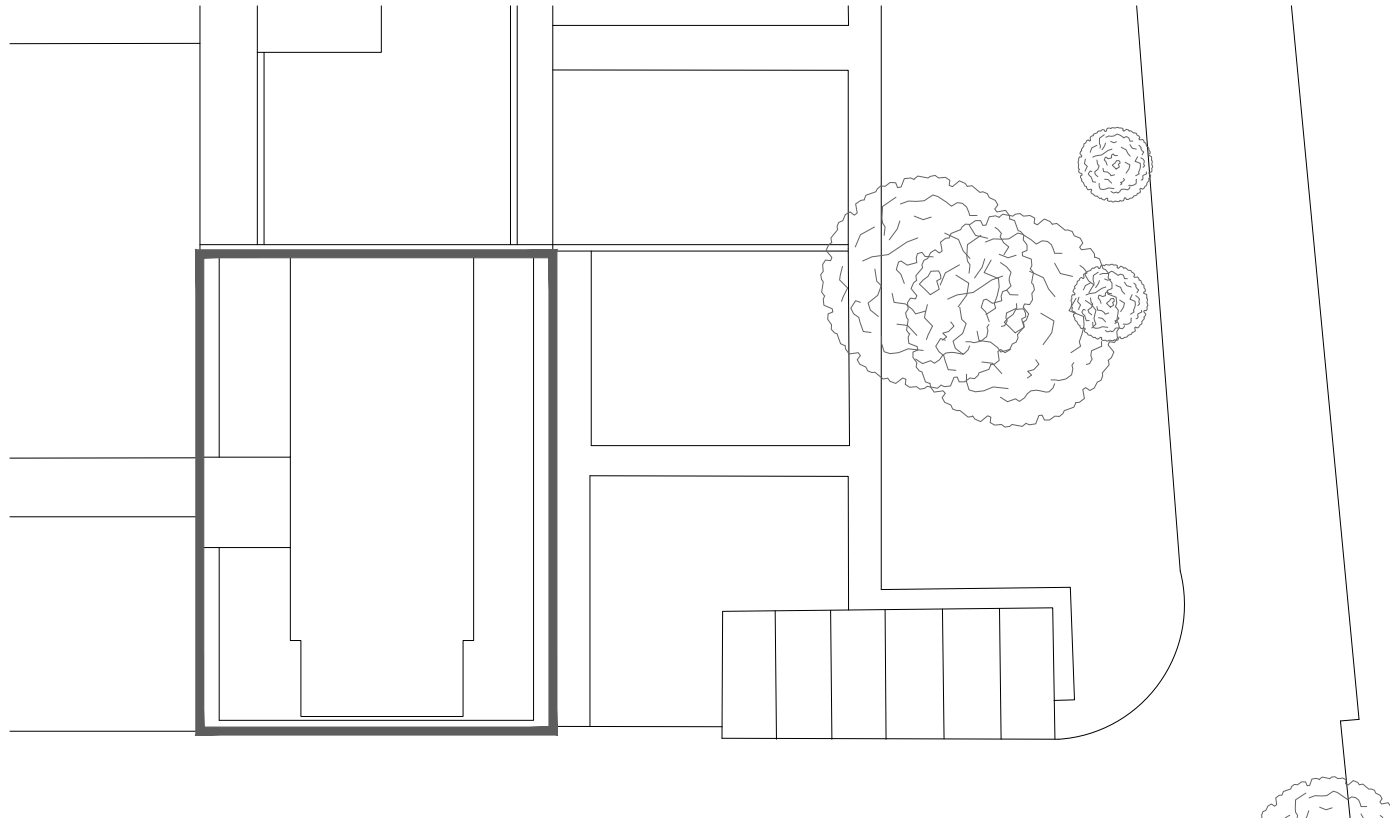
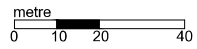
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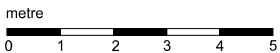
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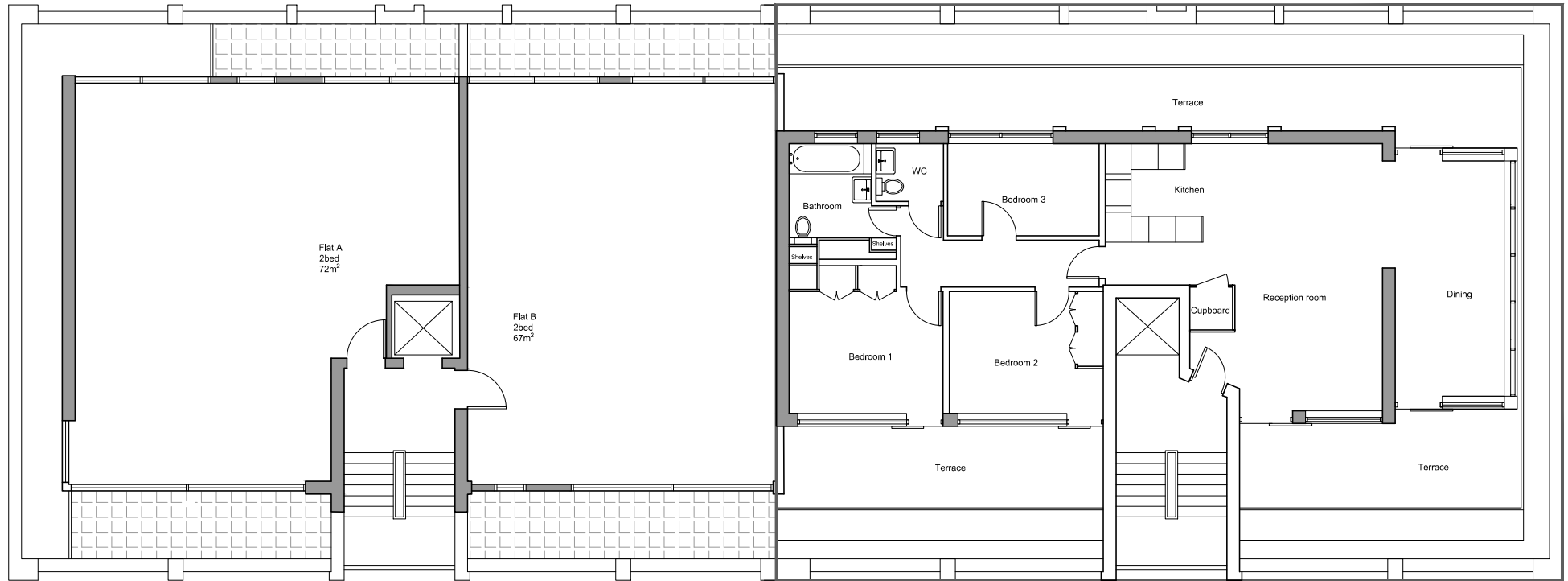
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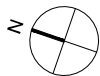
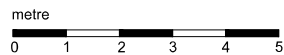
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Title: Existing Site Plan		
Client: Stephen Sexton		
Scale:	Rev: 0	Drawing No:
Date: 21.09.21	Drawn: CF	21016-A-02-00
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Existing Floor Plan - Level 05  
 Scale: 1:100 @ A3



Project: 3 Lansdowne Road Penthouse		
Title: Existing Plan		
Client: Stephen Sexton		
Scale: 1:100 @ A3	Rev: 0	Drawing No:
Date: 21.09.21	Drawn: CF	21016-A-03-00

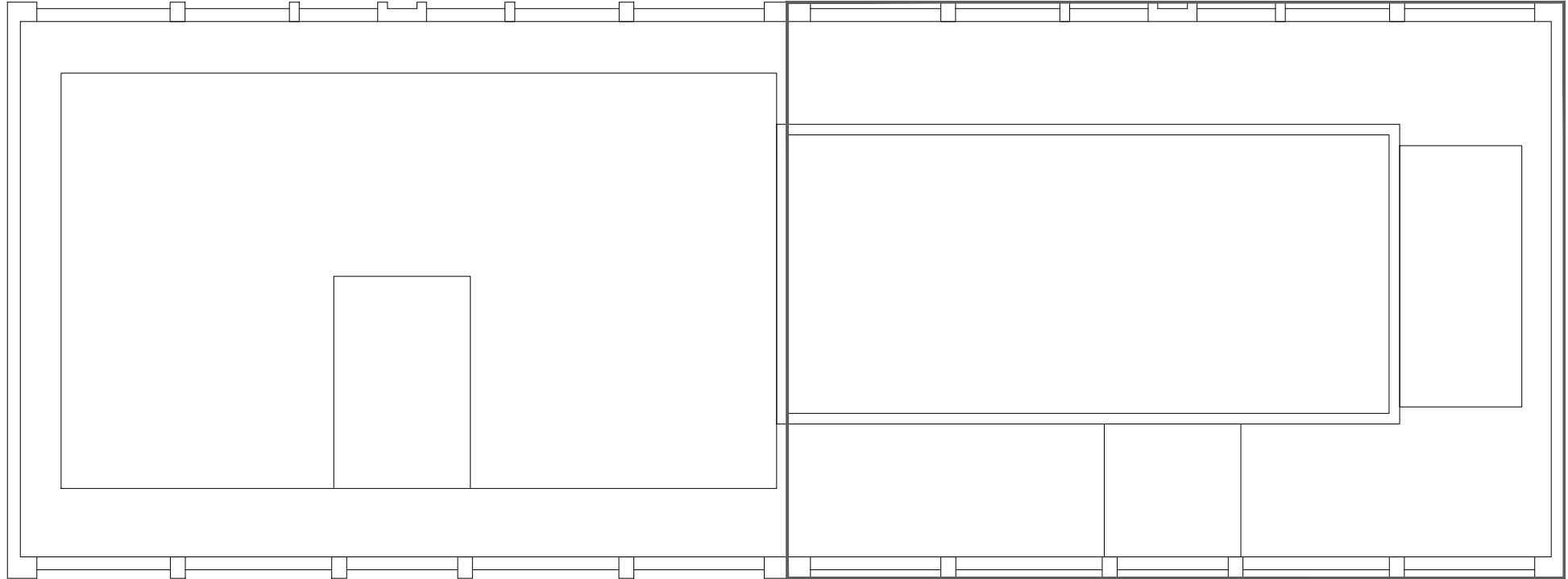
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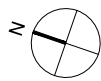
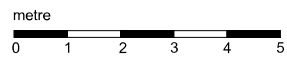
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Existing Roof Plan  
 Scale: 1:100 @ A3



Project: 3 Lansdowne Road Penthouse		
Title: Existing Plan		
Client: Stephen Sexton		
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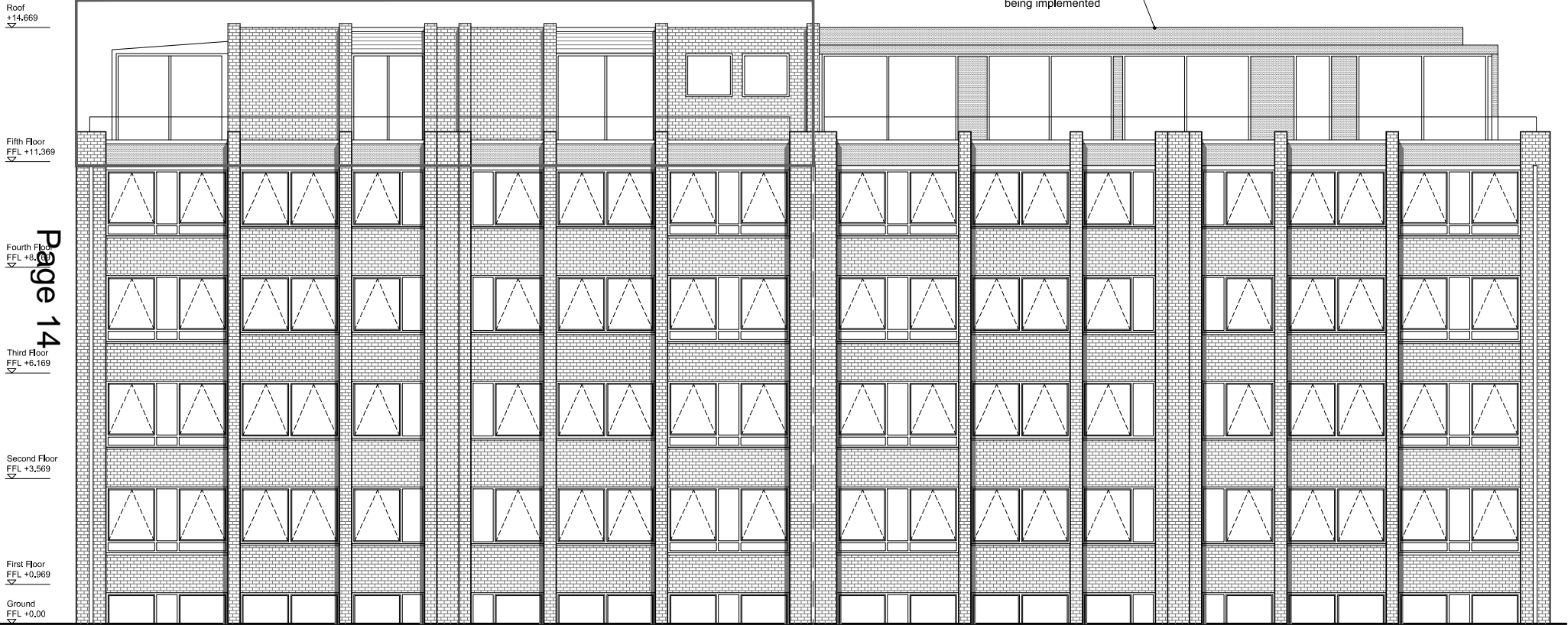
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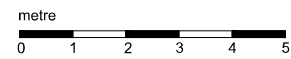
3 Lansdowne Road

2 Lansdowne Road



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Existing West Elevation



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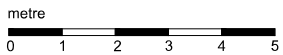
2 Lansdowne Road

3 Lansdowne Road

Consented scheme is being implemented



Existing East Elevation

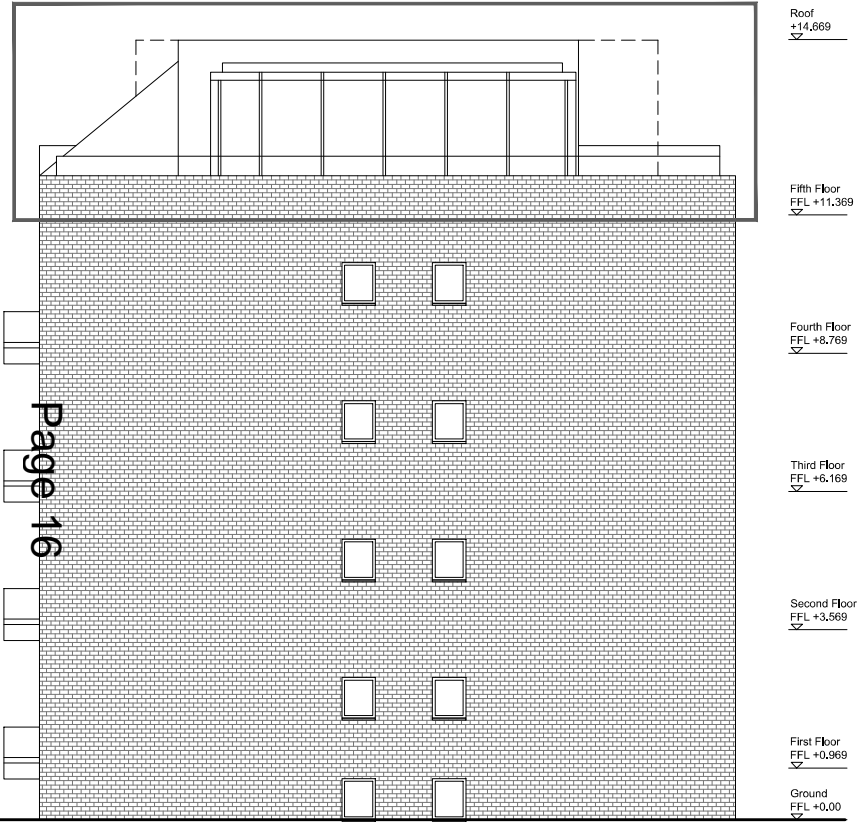


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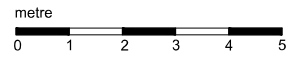
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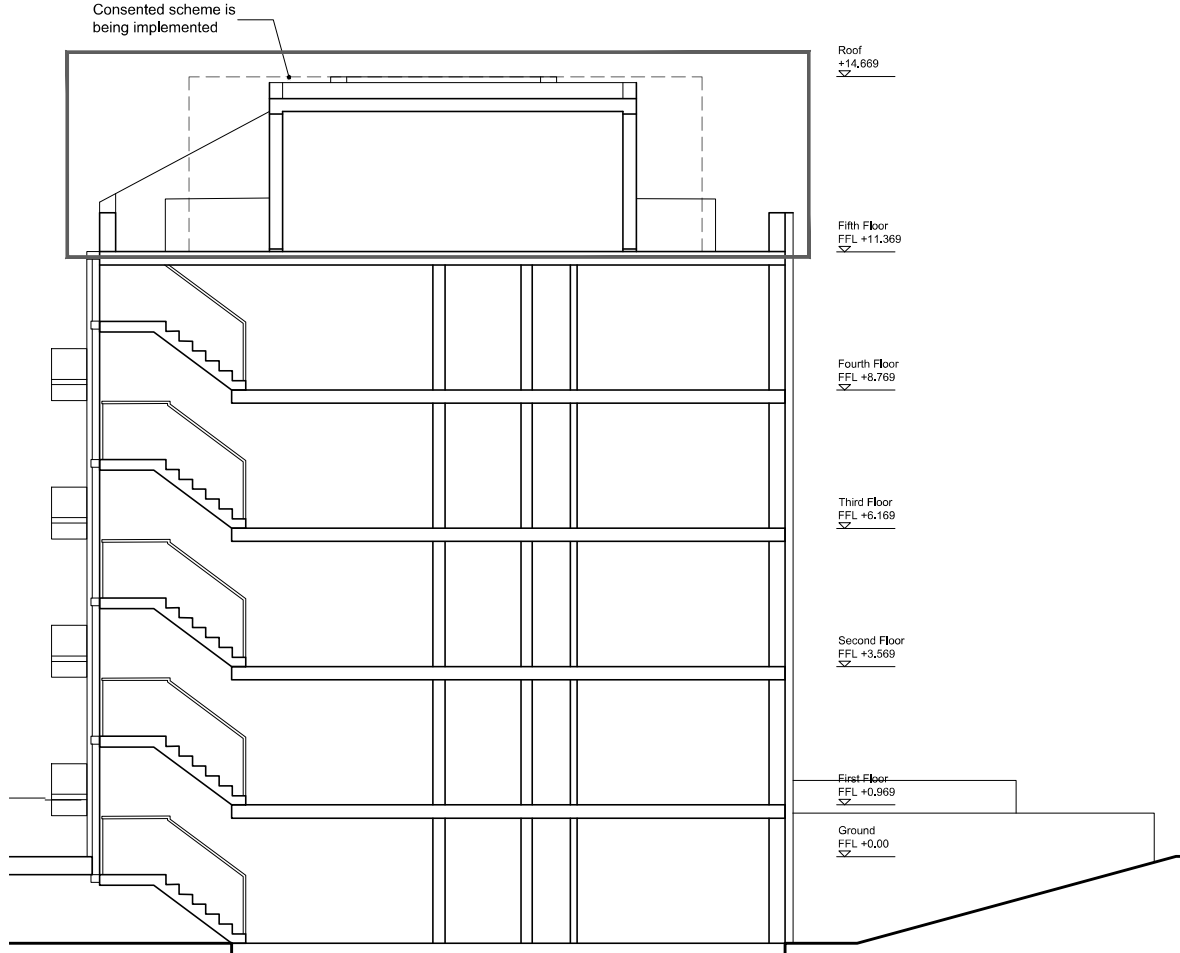
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Existing South Elevation



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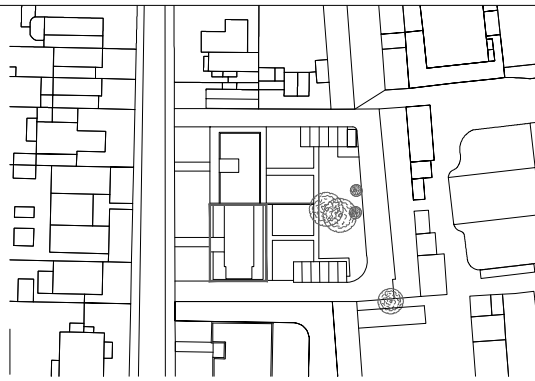
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Project: 3 Lansdowne Road Penthouse		
Title: Existing Elevation		
Client: Stephen Sexton		
Scale: 1:100 @ A3	Rev: 0	Drawing No: 21016-A-05-02
Date: 21.09.21	Drawn: CF	

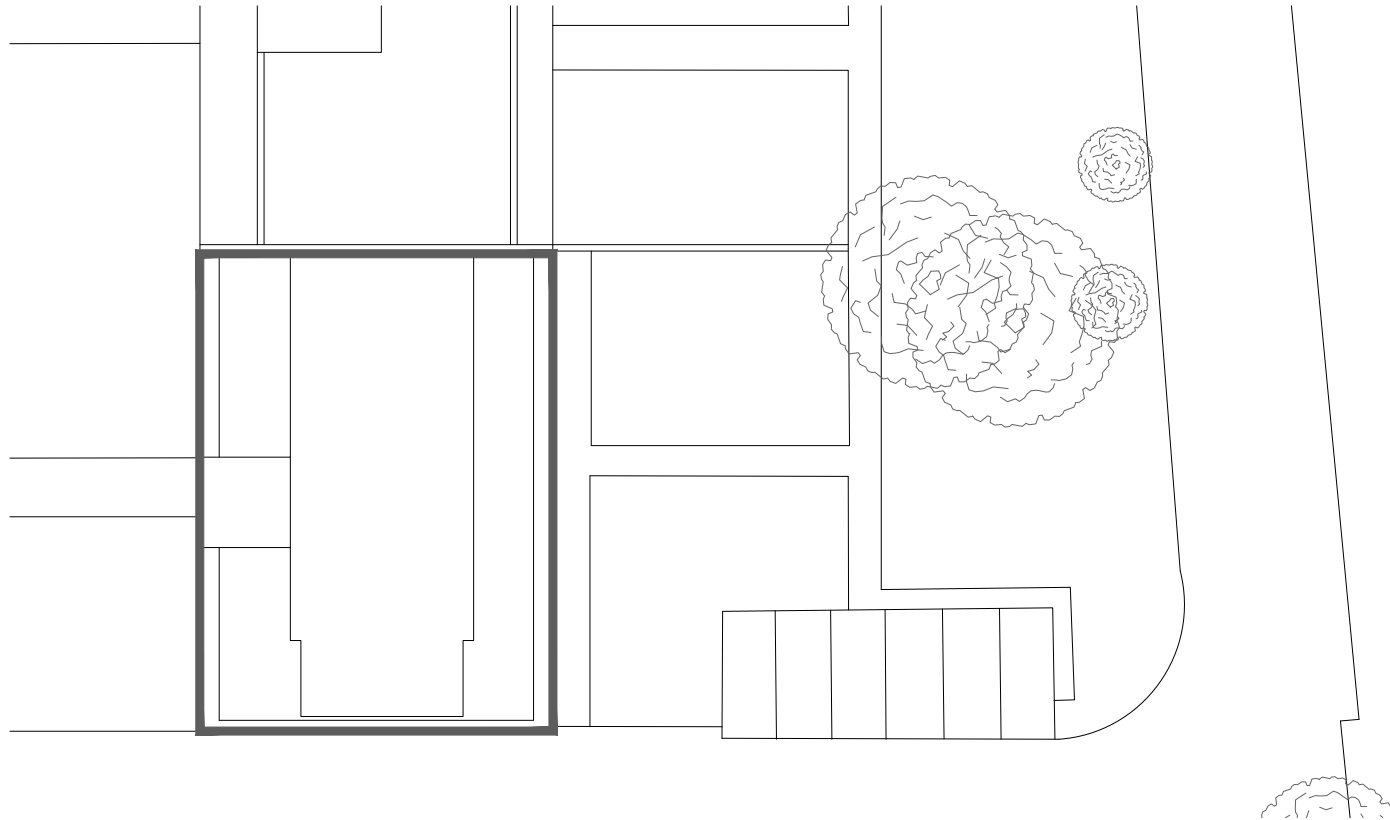
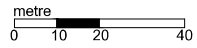
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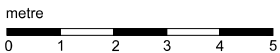
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0	Planning Application	21.09.21	CF	AJ	AJ



Site Location Plan  
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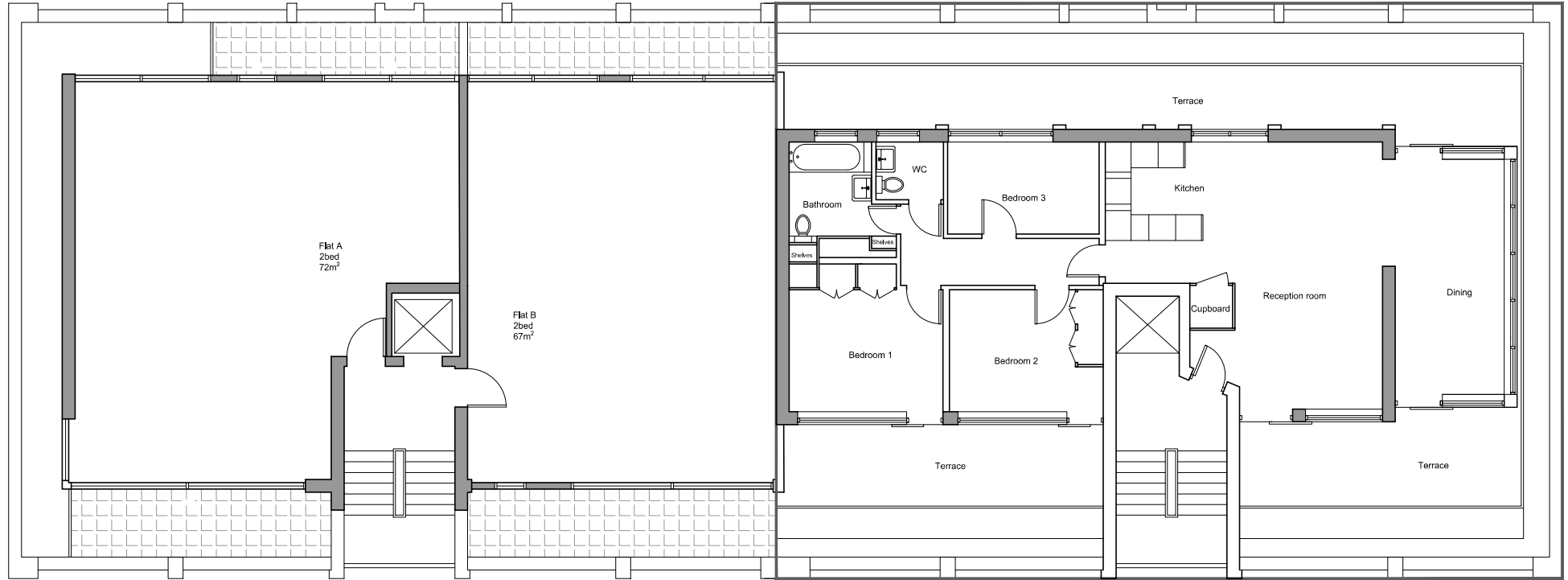
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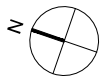
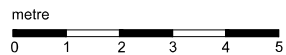
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Date: 21.09.21	Drawn: CF	21016-A-02-00
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0	Planning Application	21,09,21	CF	AJ	AJ



Existing Floor Plan - Level 05  
 Scale: 1:100 @ A3



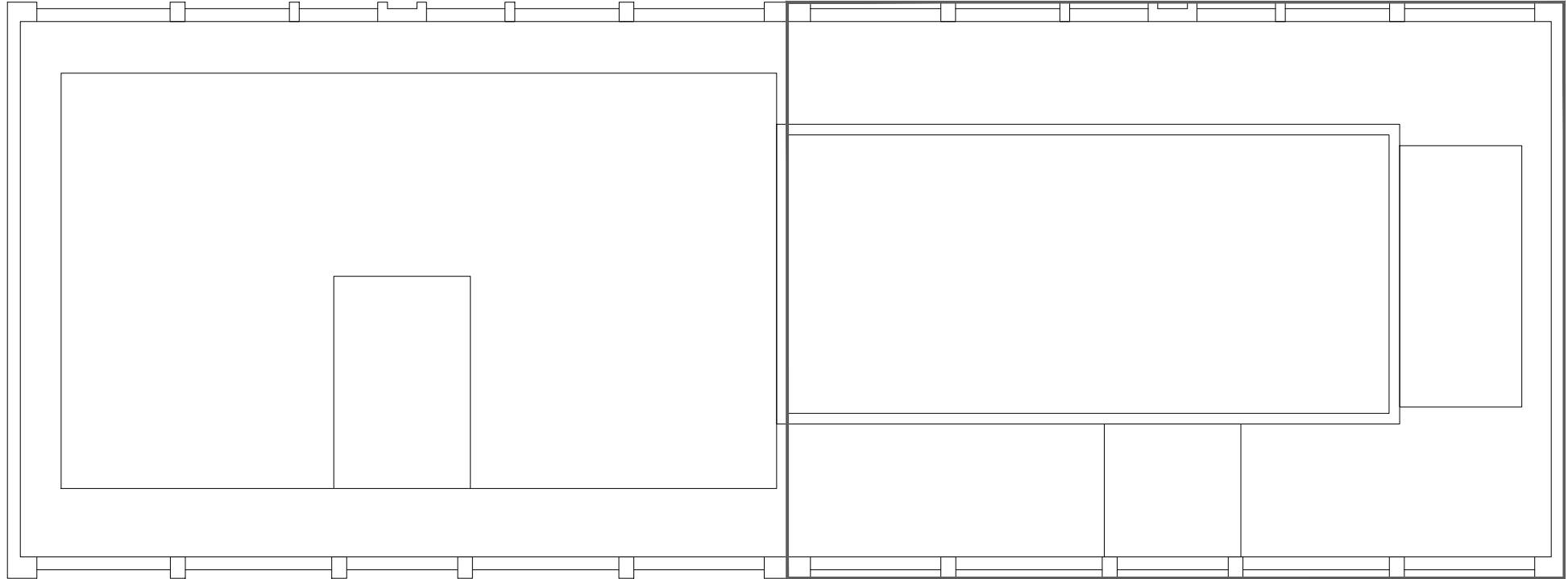
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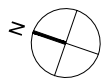
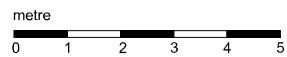
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Existing Roof Plan  
 Scale: 1:100 @ A3



Project: 3 Lansdowne Road Penthouse		
Title: Existing Plan		
Client: Stephen Sexton		
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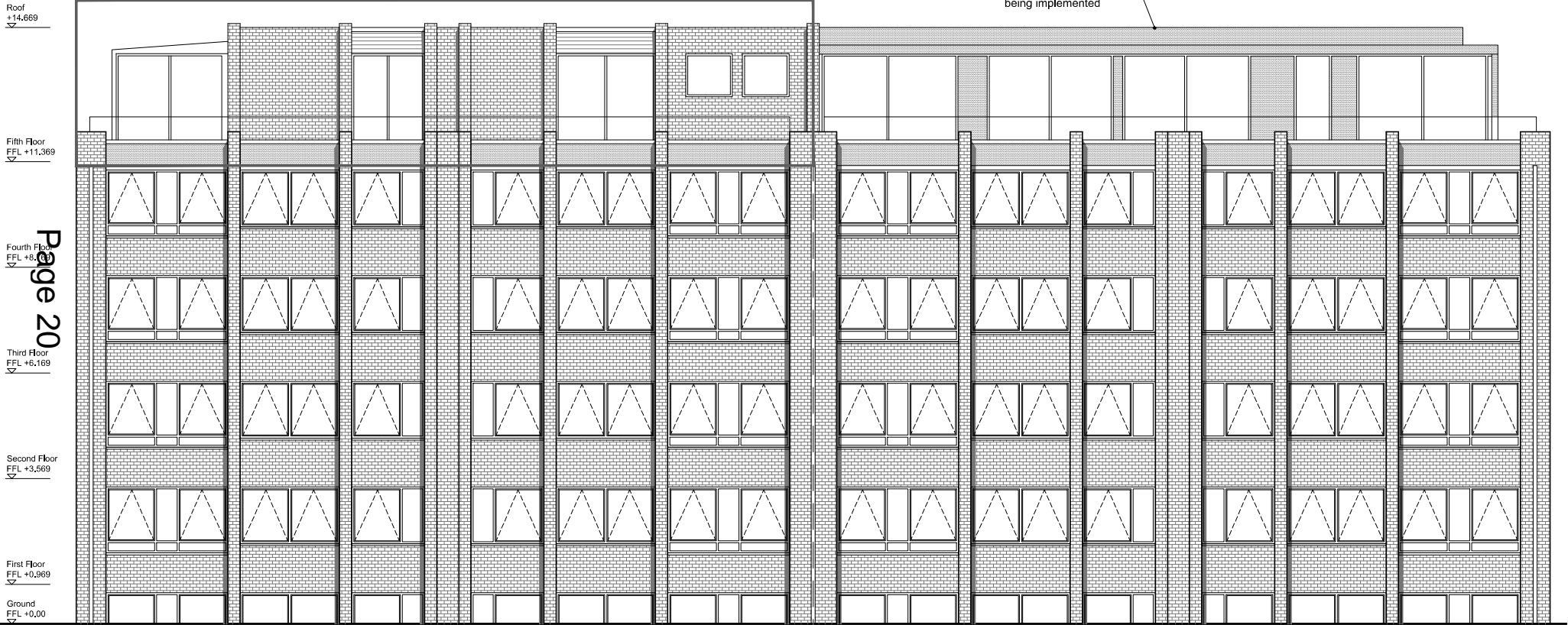
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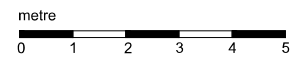
3 Lansdowne Road

2 Lansdowne Road



Page 20

Existing West Elevation



Project: 3 Lansdowne Road Penthouse		
Title: Existing Elevation		
Client: Stephen Sexton		
Scale: 1:100 @ A3	Rev: 0	Drawing No: 21016-A-05-00
Date: 21.09.21	Drawn: CF	

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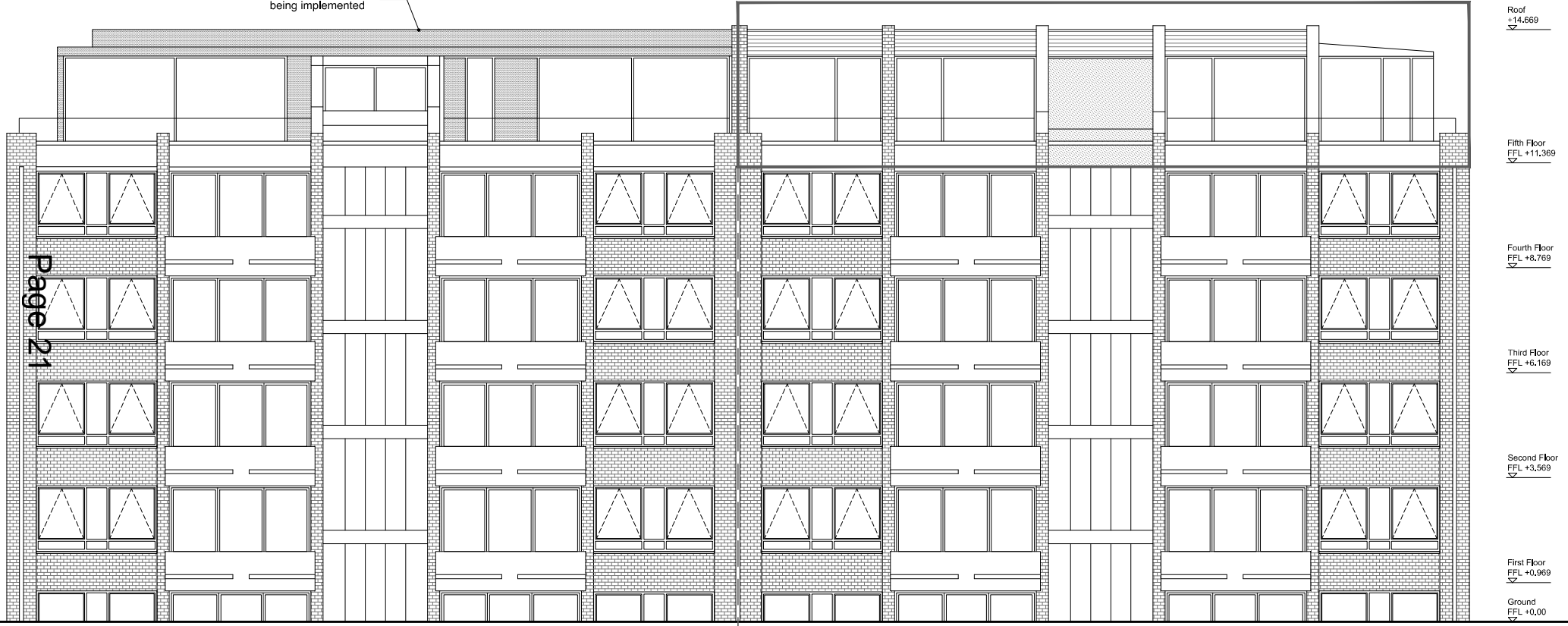
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0	Planning Application	21.09.21	CF	AJ	AJ

2 Lansdowne Road

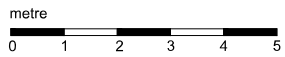
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Consented scheme is being implemented



Page 21

Existing East Elevation



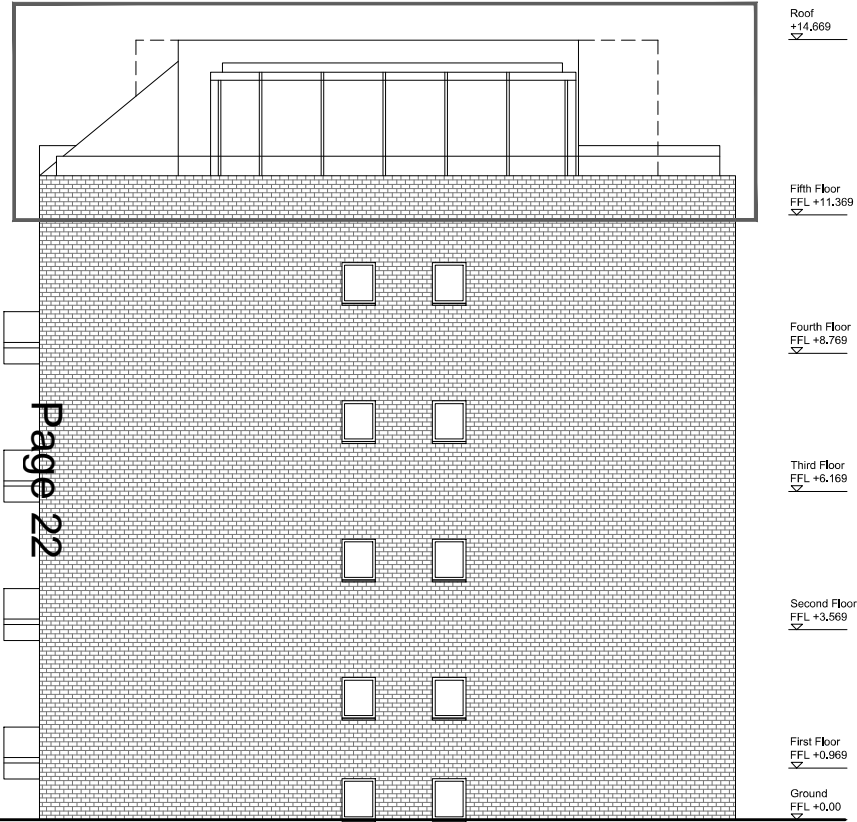
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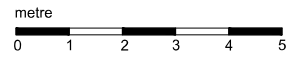
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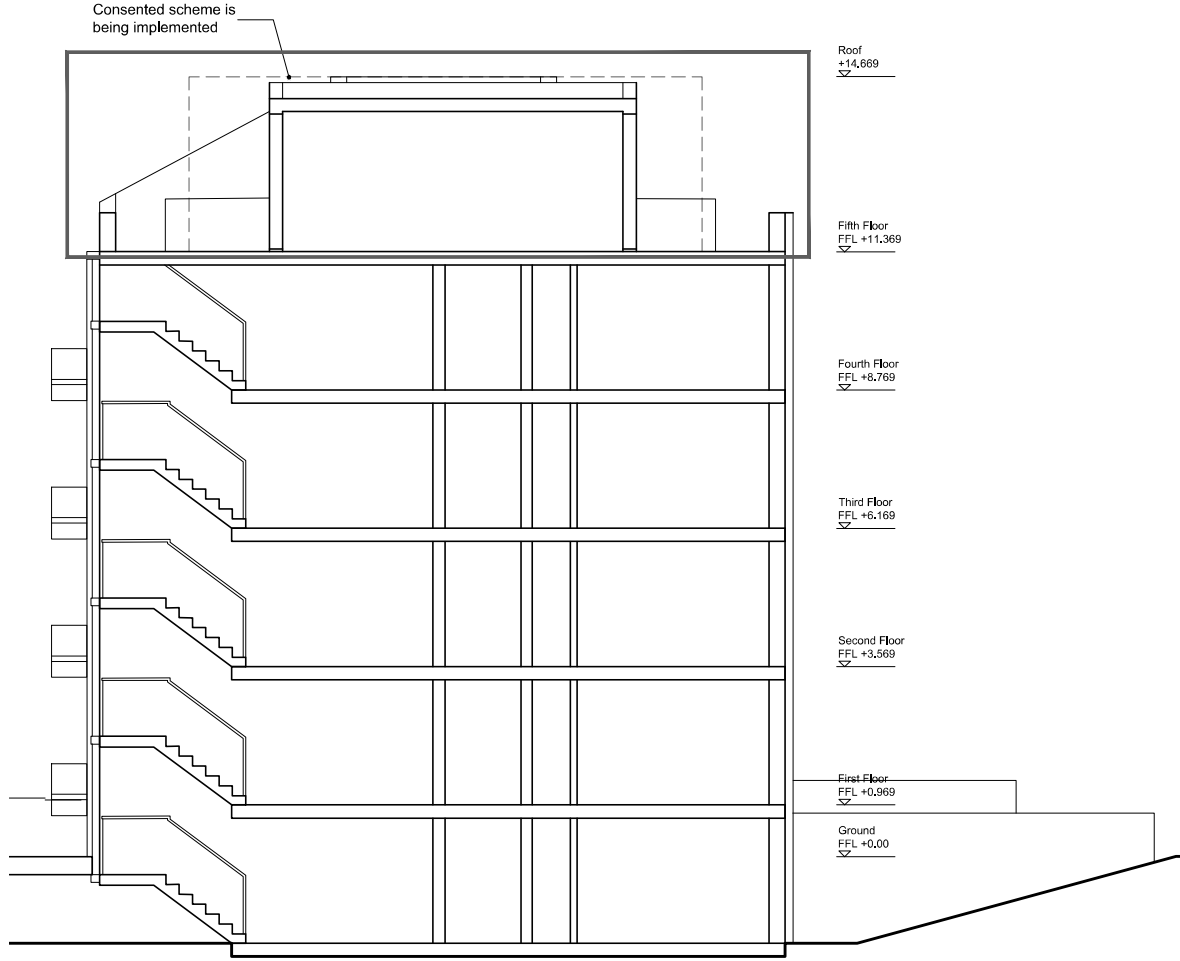
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Existing South Elevation

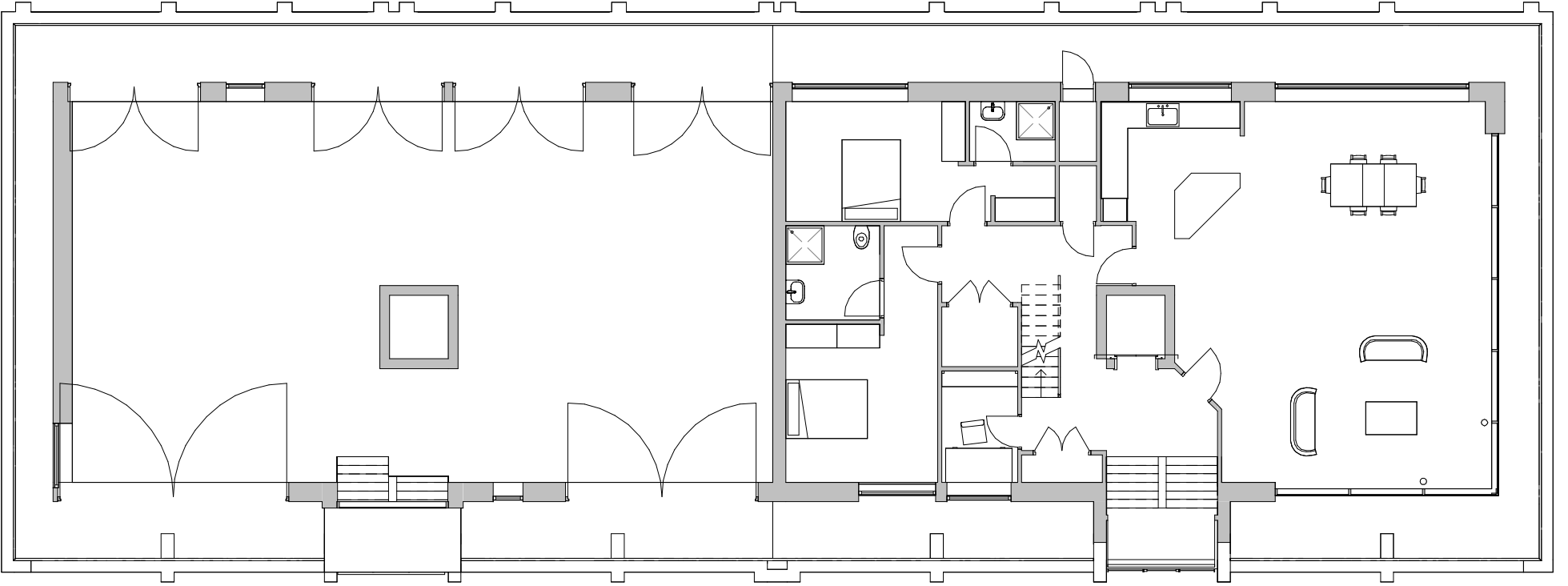


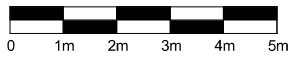
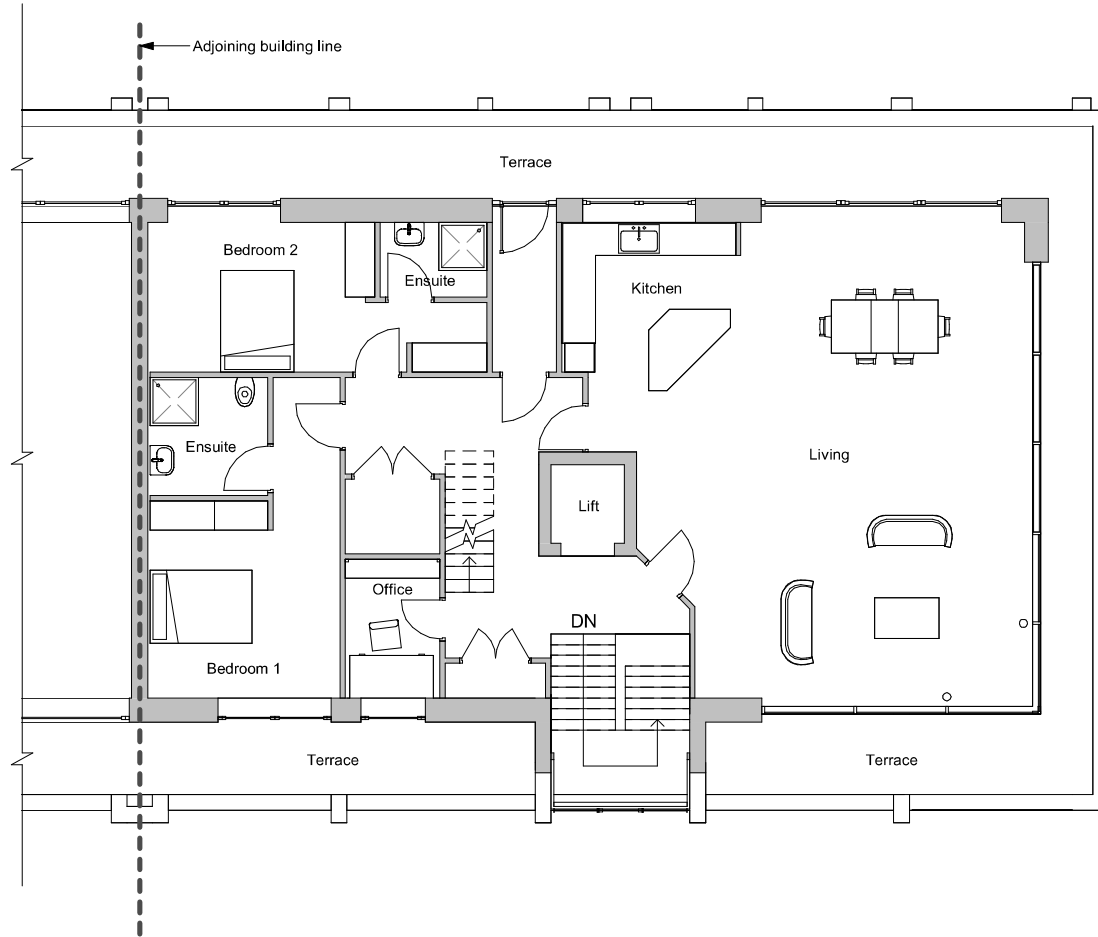
Page 22



Existing Section

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Date: 21.09.21	Drawn: CF	
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Rev:P02 Date:20/04/23 Draw:RB Chk:LB  
Notes added

Client:  
Stephen Sexton

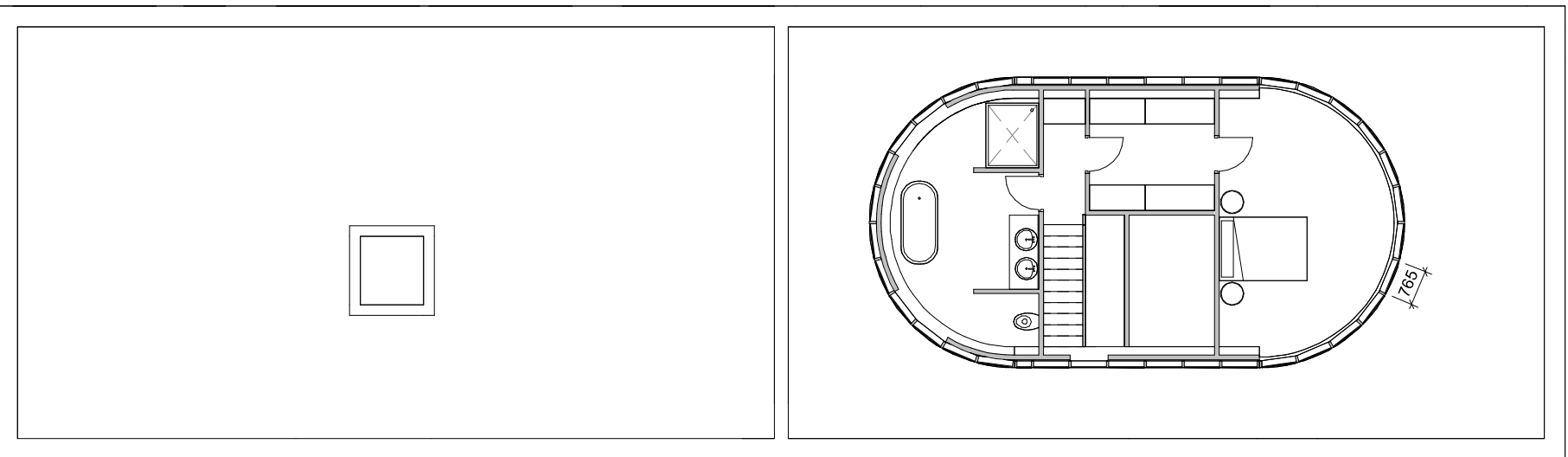
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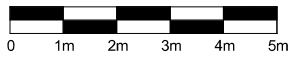
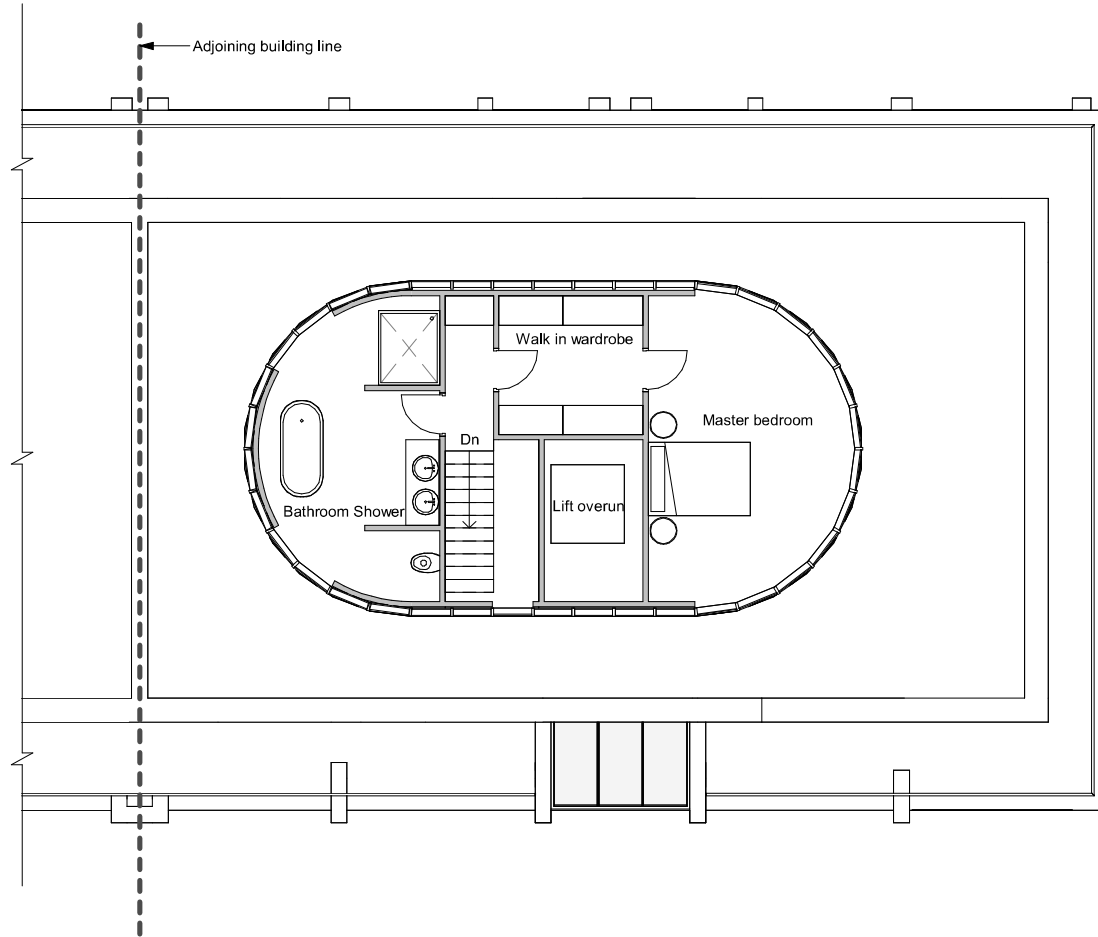
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Client:  
Stephen Sexton

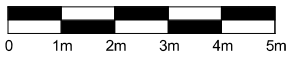
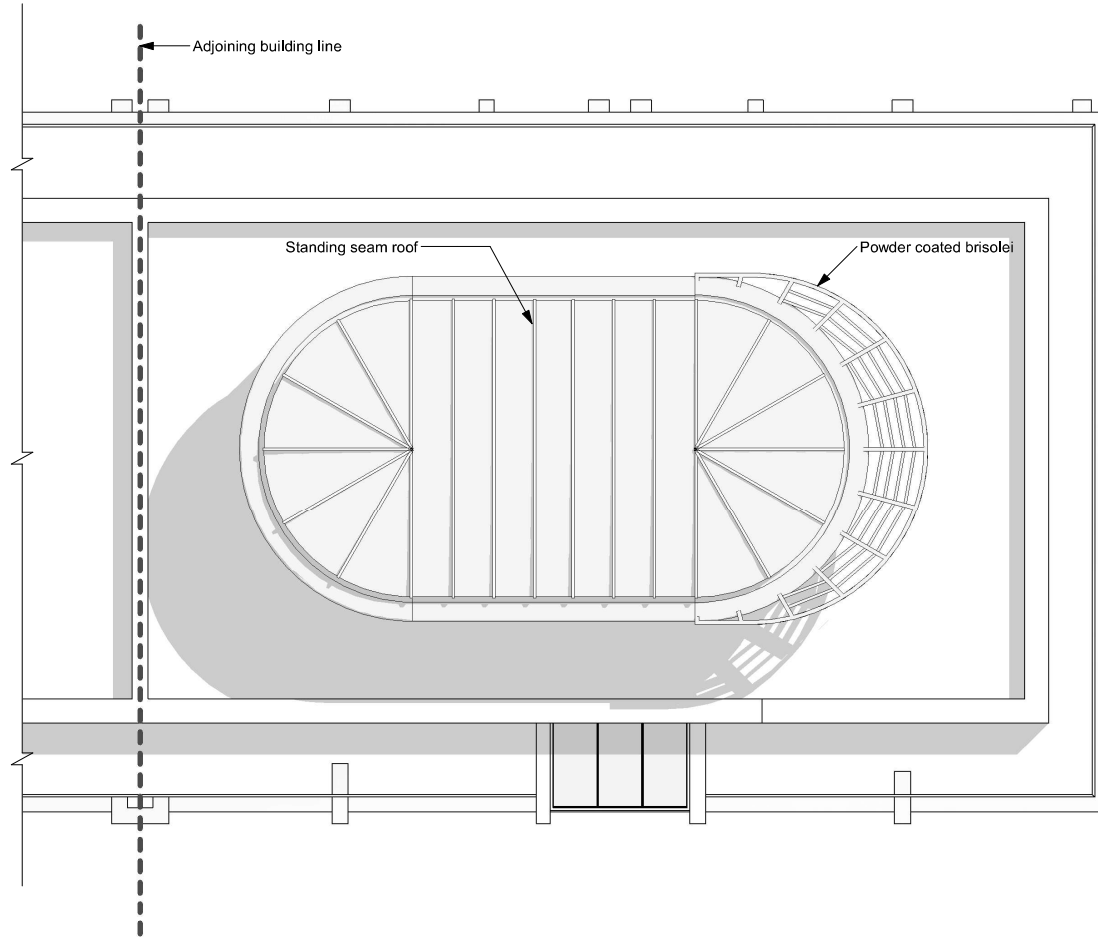
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Stephen Sexton

Project:  
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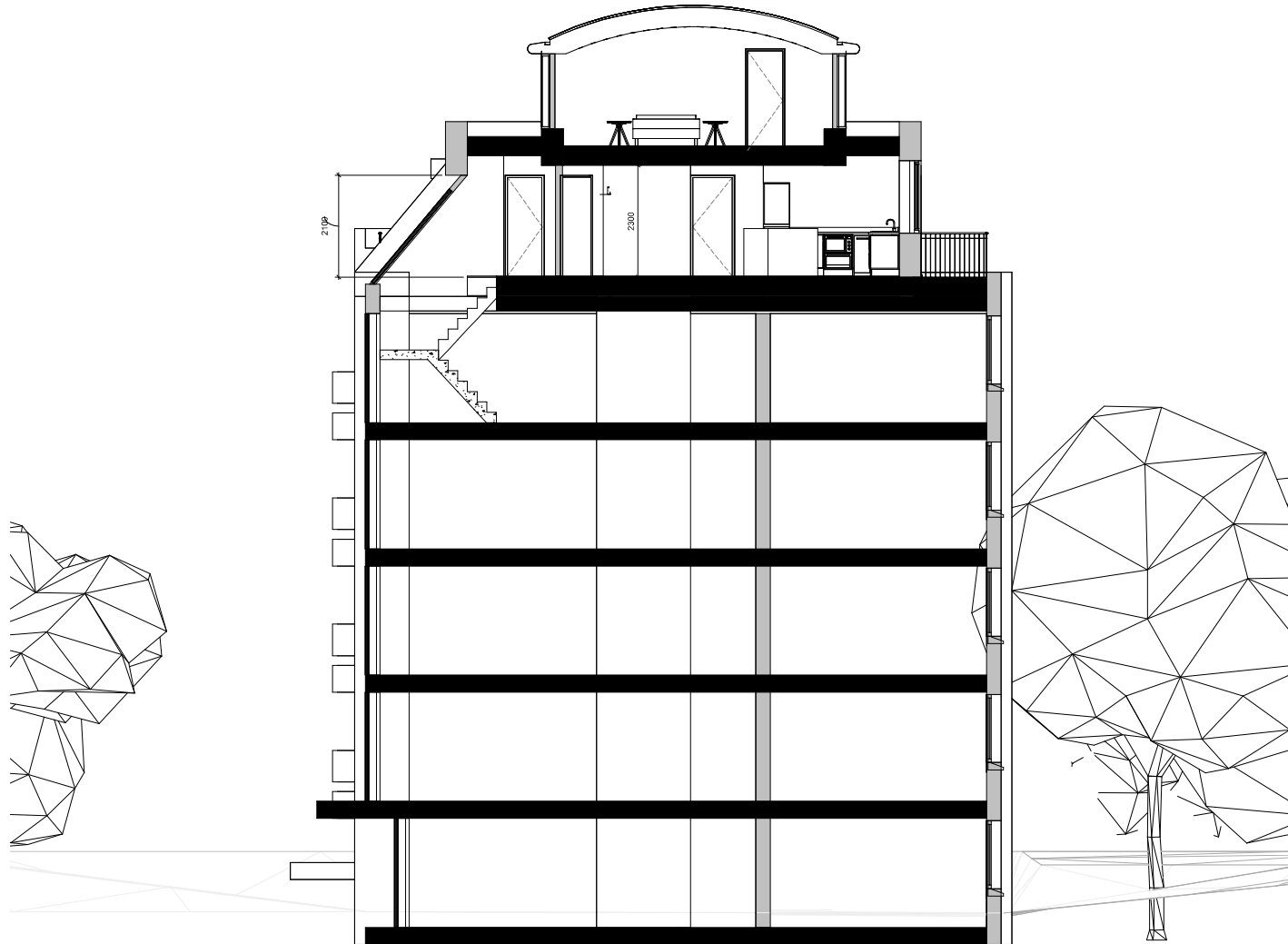
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Dimensions to be checked on site  
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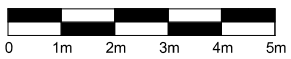
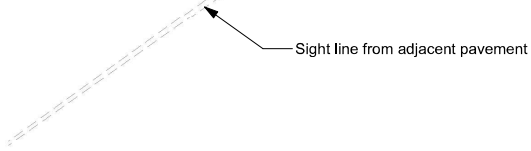
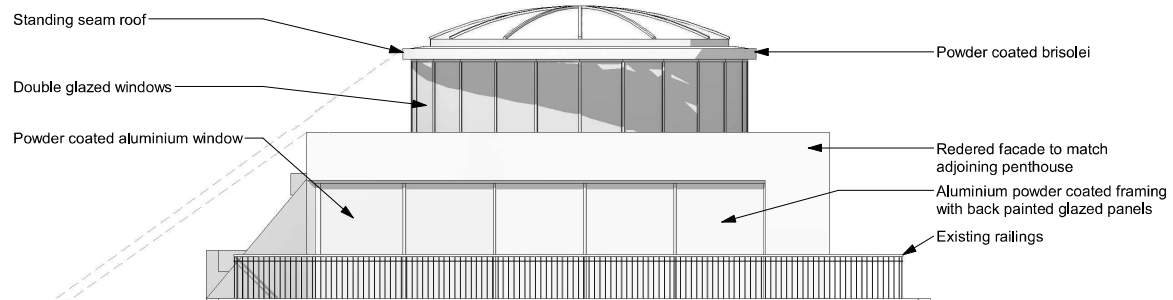
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Section 1

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Stephen Sexton

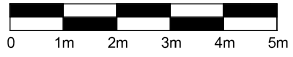
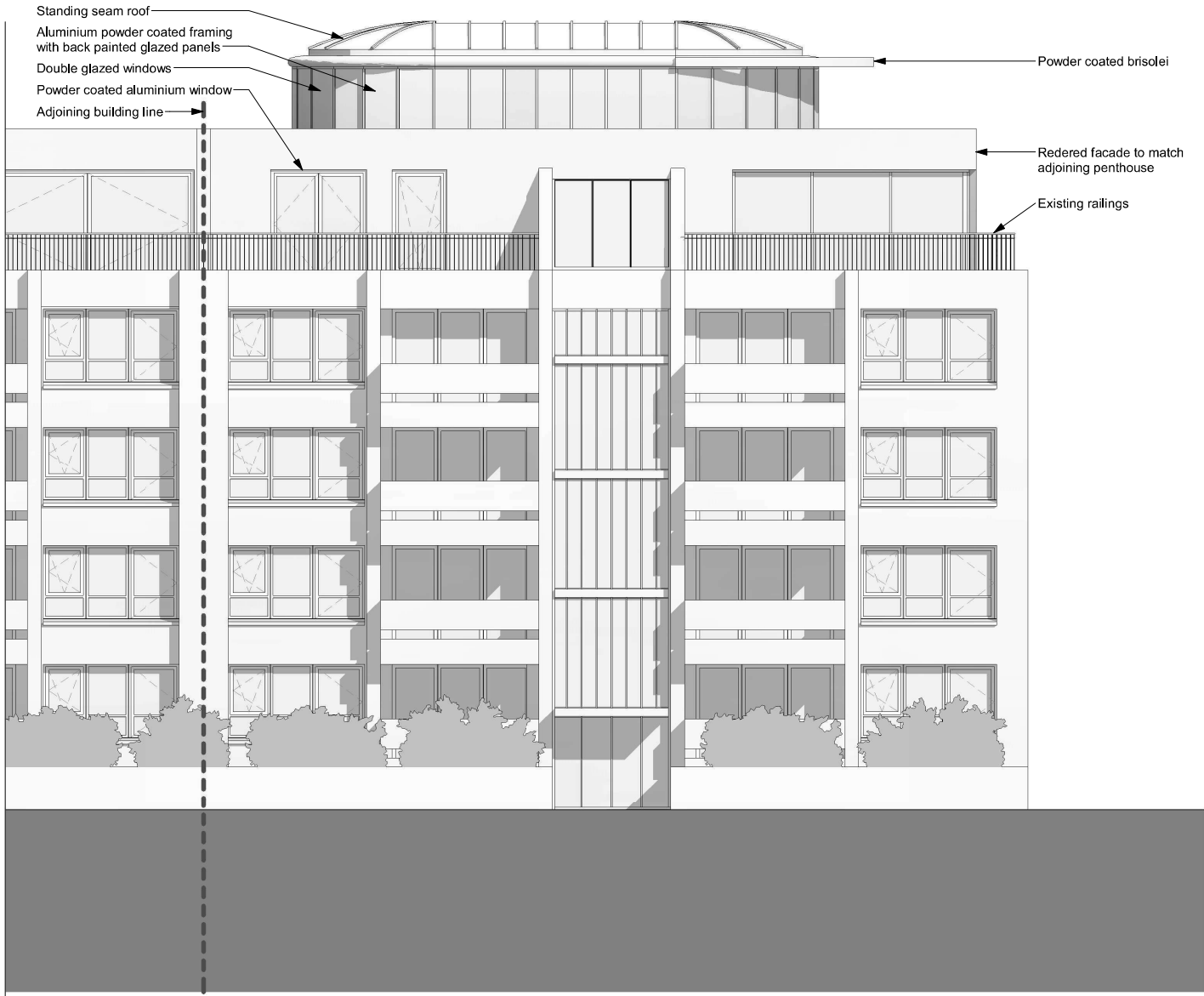
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Title:  
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Drawing status:  
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Sheet File Name:  
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Rev:P02 Date:20/04/23 Draw:RB Chk:LB  
Notes added

Client:  
Stephen Sexton

Project:  
3 Lansdowne Road Penthouse

Title:  
West Elevation

Drawing status:  
Planning

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Drawing No: 2464-00-DR-0600 P02 Rev:  
Sheet File Name:  
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## PLANNING APPLICATIONS COMMITTEE

7<sup>th</sup> December 2023

### CASE OFFICER REPORT

<u>APPLICATION NO.</u>	<u>DATE VALID</u>
23/P1621	15/06/2023
<b>Address/Site:</b>	310-356 Grand Drive, Raynes Park, SW20 9NQ
<b>Ward:</b>	Lower Morden
<b>Proposal:</b>	APPLICATION FOR PRIOR APPROVAL IN RESPECT OF THE PROPOSED ERECTION OF A TWO STOREY ROOF EXTENSION TO PROVIDE 12 NO. FLATS AND ASSOCIATED WORKS.
<b>Drawing Nos:</b>	HA22-182-P101, HA22-182-P102B, HA22-182-P106B, HA22-182-P107, HA22-182-P108, HA22-182-P109B
<b>Contact Officer:</b>	Wendy Wong Chang

---

### RECOMMENDATION

**GRANT PRIOR APPROVAL subject to conditions s106 agreement**

---

### CHECKLIST INFORMATION

Is a screening opinion required	No
Is an Environmental Statement required	No
Press notice	No
Site notice	No
Design Review Panel consulted	No
Number of neighbours consulted	65
External consultations	0
Internal consultations	4
Conservation Area	No
Listed Building	No
Public Transport Accessibility Rating	2
Tree Protection Orders	No
Controlled Parking Zone	No

## **1. INTRODUCTION**

- 1.1 This application is being brought to the Planning Applications Committee for determination due to the scale and nature of the development, number of objections and an earlier scheme being determined by Planning Applications Committee.

## **2. SITE AND SURROUNDINGS**

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

## **3. CURRENT PROPOSAL**

- 3.1 This is an application to determine whether prior approval is required in respect of the proposed erection of two additional storeys to the existing four storey mixed use block to create 12 x new self-contained flats (3 x 2B3P and 9x 1B2P).
- 3.2 This is an application submitted under Class AA of Part 20 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) for new dwellinghouses on detached buildings in commercial or mixed use.
- 3.3 Therefore, the only issues that can form material considerations are as follows:
- (a) transport and highways impacts of the development;
  - (b) air traffic and defence asset impacts of the development;
  - (c) contamination risks in relation to the building;
  - (d) flooding risks in relation to the building;
  - (e) the external appearance of the building;

(f) the provision of adequate natural light in all habitable rooms of the new dwellinghouses;

(g) impact on the amenity of the existing building and neighbouring premises including overlooking, privacy and the loss of light;

(h) impacts of noise from any commercial premises on the intended occupiers of the new dwellinghouses;

(i) impacts of the introduction of, or an increase in, a residential use of premises in the area on the carrying on of any trade, business or other use of land in the area;

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

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

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

- 3.4 The proposal involves the addition of two floors of accommodation. The additional fourth floor would be finished in materials to match existing whilst the additional fifth floor has been designed as a mansard roof with dormer windows. All windows would align with the windows on the floor below and have the same appearance as the existing windows.

#### Amended Plans

- 3.5 Materials and detailing of new floors altered to match floors below to improve the detail quality of the proposal and 12 onsite cycle parking spaces provided at rear of building.

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

- 4.1 22/P2855 - Application for prior approval in respect of the proposed erection of a single storey roof extension to provide 6 no. flats and associated works. – Granted by PAC 19 April 2023

- 4.2 Below sets out the planning history of the adjacent site at 358-372 Grand Drive.

- 4.3 22/P0440 - Demolition of the existing building and redevelopment of the site to provide a four storey building with a full basement 43 space car park, 3 retail units & supermarket to the ground floor and 33 x apartments to first, second and third floors – Pending Decision

### **5. CONSULTATION**

- 5.1 Public consultation was undertaken by major press notice procedure and individual letters to neighbouring properties.
- 5.2 7 letters of objection were received from 6 properties objecting to the proposal for the following reasons as summarised:

Comments	Officer Comments
<i>Transport</i>	
Put pressure on available parking provision	Further discussed and assessed in Section 6 of this report.
Object to the cycle parking spaces shown on the ground floor as these will block the entrance to the main electricity cupboard under the stairs.	Further discussed and assessed in Section 6 of this report.
A notification to the residents received from the management company in February 2019, states that having any bicycles in the communal areas will contravene Health & Safety regulations.	
Environmental health risk as existing refuse chutes frequently becomes blocked. Overspill rubbish onto the floor increases the risk of vermin.	Further discussed and assessed in Section 6 of this report. However, a condition requiring the submission of refuse management plan has been recommended to ensure the development provides satisfactory refuse disposal/collection arrangements.
The four proposed new flats per chute would increase the amount of rubbish ending up in the skips below the chutes. This increases the chances of the skips being overfilled and rubbish spilling onto the ground.	
No access to recycling facilities	
Incorrect information provided by the applicant as there is currently no dedicated storage space for dry recycling or food waste.	
Damage to existing property during construction works	Further discussed and assessed in Section 6 of this report. However, a condition requiring the submission of Construction Logistic and Management Plan has been recommended to ensure the development can be constructed with minimal disturbance to nearby occupants.
Noise, dust and debris during construction works causing health hazards	
Health and safety risks during the construction work both inside and on the building. There is the	

potential for trip hazards (possibly objects left on the floor, possibly water) and falling objects. The work might also cause temporary loss of lighting in the corridor.	
<i>Design</i>	
Inappropriate proposal	Further discussed and assessed in Section 6 of the Report.
At 6 storeys, the proposed structure would tower over the surrounding residential neighbourhood of Lower Morden	
No other building is of the same or greater height in Lower Morden or in any adjacent neighbourhood– Worcester Park, Cheam, Raynes Park, Stonecot, St. Helier, etc.	
Adverse visual impact	
Proposal would dominate the skyline across the other side of Grand Drive, as well as from Queen Mary Avenue	
These plans should be rejected as unsuitable for the neighbourhood.	
<i>Neighbour Amenity</i>	
Increases overlooking	Further discussed and assessed in Section 6 of the Report.
Loss of privacy	
Increase in noise	
Impact on light	
<i>Other</i>	
Loss of privacy during construction work	This is not a material planning consideration under this prior approval
Home security will be at risk	
No additional fire escape and no emergency lighting. No additional fire safety measures included.	This is not a material planning consideration under this prior approval
Temporary loss of utilities during construction	This is not a material planning consideration under this prior approval
No contact between the Landlords, Managing agents and	This is not a material planning consideration under this prior approval

the residents of the block 310/354 Grand Drive regarding this proposed work.	
Non-compliance of leasehold requirements on behalf of the landlord	This is not a material planning consideration under this prior approval
No addresses for Buttermere Close, Coniston Close or Queen Mary Avenue are included in the "Consultees Details".	The LPA has undertaken the statutory consultation as required under Clause B(12) of Part 20 Schedule 2 of the T&CP(GPD) Order 2015 (as amended) by the display of a site notice on 29 June 2023), notice within the 29/6/23 local newspaper and by serving a notice on any adjoining owner or occupier.

5.2 Planning officer's comments – Matters raised in the objections have been covered within the delegated report. In terms of dust, noise and disturbance created during the building work, these matters would be covered and monitored by the Council's Environment and Health team. Adherence to a Working Method Statement and Construction Logistics Plan have been conditioned. The applicant would need to ensure that they have all necessary permits and approvals for the works which sit outside planning.

5.3 LBM Transport Planner:

Original Comments

The proposed two storey development where there are no car parking and cycle parking facilities would be likely to give rise to on street parking of additional cars attracted to the premises and thereby interrupt the free flow of traffic to the danger of road users in an area which is already congested with on – street parking.

Updated Comments

Observations:

Site Location

The site is located on Grand Drive (B279), a two-way single carriageway which continues from Raynes Park Station to the B279 roundabout near Lower Morden.

CPZ

The site and surrounding roads are not located within a Controlled Parking Zone. there are however some waiting and loading restrictions in place.

PTAL



The site lies within an area PTAL 2 which is considered to be poor suggesting the site has relatively low accessibility to public transport nodes.

The closest bus stop is Queen Mary Avenue on routes 163 and 413, directly outside the site. These routes provide direct access to Wimbledon, Sutton, and Morden London Underground stations.

#### Proposal:

The proposed development is for the upwards extension of two storeys at the site to provide an additional twelve apartments at the upper levels of the site (six on each storey).

#### Existing

The existing site comprises retail units at ground floor with six residential units at the upper floors.

#### Car parking

No on-site car parking is provided.

In order to assess the current demand for residential parking on the streets surrounding the proposed development, parking beat surveys were undertaken on the 2nd and 3rd November 2021. These surveys were carried out between the hours of 00:30-05:30 and covered the area within a 200 metre walk distance of the site. The surveys were carried out in accordance with the methodology produced by Lambeth Borough Council, which is commonly accepted throughout London as an appropriate way of assessing peak demand for on street parking in residential areas.

On the 3rd November, it was observed that 40 vehicles were parked suggesting that spaces remained available for on street parking.

Considering the car generation from the proposal is within 11-12 cars, the parking survey indicates there is sufficient spaces available for any overspill parking within 200m of the site.

#### Cycle Parking

The development site cannot accommodate the full quota of cycles in accordance with the London Plan Standards.

The applicant to enter into an obligation to provide a financial contribution to provide two on-street cycle hangers that will be placed on the public highway and the applicant to cover the membership fee for each of the first 3 years of occupation of the development for each new resident. This should be arranged directly with one of the Council's formal provider and in accordance with details to be submitted to and approved by the Local Planning Authority before the development is first occupied.

## Cycle hire

Cycle hire schemes improve sustainable transport options by offering residents the option of hiring a e-bike or e-scooter and this could help reduce demand for car trips generated by the proposed development. Merton Council has already introduced allocated parking areas for our partner cycle hire scheme operators on-street in close proximity to the development and at trip end destinations around the borough including Raynes Park, Wimbledon and Morden Town Centres/ Stations. To promote sustainable travel patterns to new residents, the developer should implement a scheme to provide credit for free use of the cycle hire scheme to the value of £100 per unit for each of the first 3 years of occupation of the development. This should be arranged directly with one of the Council's formal cycle hire scheme partners (see latest details on Merton's webpage) and in accordance with details to be submitted to and approved by the Local Planning Authority before the development is first occupied.

## Demolition/Construction Logistic Plan

Demolition/Construction Logistic Plan (including a Construction Management plan in accordance with TfL guidance) should be submitted to LPA for approval before commencement of work.

Recommendation: The proposal is unlikely to have a significant impact on the adjoining highway network.

Raise no objection subject to:

- The applicant to pay for the costs for 2 cycle shelters to be secured under s106 agreement.
- The applicant to pay for the membership fee for 3 years to be secured under s106 agreement.
- The applicant to provide credit for free use of the cycle hire scheme to the value of £100 per unit for each of the first 3 years of occupation of the development to be secured under s106 agreement.

### 5.4 LBM Waste Officer

No objections subject to condition requiring the submission of a refuse management plan.

### 5.5 LBM Highways (cycling)

#### Original Comments

We are increasingly getting competing demands on highway space to accommodate schemes like cycle hire so irrespective of previous agreement, applicant should look to provide required cycle parking spaces on-site.

#### Updated Comments from Transport Manager

Given shortfall of cycle parking and demand for cycle hangars in the locality, 2 x cycle hangars to be provided.

The cost with installation will be approx. £5k per hangar including a contribution towards the residents annual membership fee for an initial period of 2 years.

5.6 Highways

Recommended conditions and informatives

5.7 Councils Environmental Health Officer

No objections

**6. POLICY CONTEXT**

6.1 The application as submitted is for prior approval and will be assessed against Schedule 2, Part 20 'Construction of New Dwellinghouses', Class AA 'New dwellinghouses on detached buildings in commercial or mixed-use' of the Town and Country (General Permitted Development) (England) Order 2015 (as amended). These rights have not been removed or restricted by any previous planning conditions.

6.2 Officer note: Article C of Part 20 defines 'Detached' as a building that does not share a party wall with a neighbouring building. In this instance, Officer has reviewed planning history of the adjoining building, 300 Grand Drive (Co-op building) and as illustrated on historic plans submitted under application MER215/79, the application building and the adjoining Co-op building do not share a party wall. The simplistic way to define a party wall is defined as two buildings that share only one wall (normally a flank wall). In this instance, the host building has its own flank wall, and the Co-op has its own flank wall. Despite these walls adjoining, they are separate from each other, and for the purpose of assessment under Part 20 this is considered as detached (as they don't share a party wall). This view only relates to consideration under Part 20 and does not alter how officers would normally define a detached building. In any event, even if the building were to be considered as a terrace, then under Part 20, Class AB (new dwellinghouses on terrace buildings in commercial or mixed use) the prior approval criteria is exactly the same as that under Class AA as set out below.


6.3 Class AA – The proposed erection of an additional storey at 310-356 Grand Drive is considered to be permitted development under Class AA. It has been assessed against the following criteria accordingly:

<b>Permitted development</b>	<b>Officer comments</b>
AA. (1) Development consisting of works for the construction of up to two additional storeys of	

new dwellinghouses immediately above the topmost storey on a detached building to which subparagraph (2) applies, together with any or all—	
(a) engineering operations reasonably necessary to construct the additional storeys and new dwellinghouses;	Complies
(b) works for the replacement of existing plant or installation of additional plant on the roof of the extended building reasonably necessary to service the new dwellinghouses;	Complies
(c) works for the construction of appropriate and safe access to and egress from the new dwellinghouses and existing premises in the building, including means of escape from fire, via additional external doors or external staircases;	Complies
(d) works for the construction of storage, waste or other ancillary facilities reasonably necessary to support the new dwellinghouses.	Complies
AA (2) This sub-paragraph applies to a building which is—	
(a) used for any purpose within Class A1 (shops), Class A2 (financial and professional services), Class A3 (restaurants and cafes) or Class B1(a) (offices) of the Schedule to the 1987 Order, or as a betting office, pay day loan shop or launderette;	N/A. AA(2)(b) applies as the building is in a mixed use with commercial uses on the ground floor and residential use on the upper floors.
(b) in a mixed use combining—	Complies
(i) two or more uses within paragraph (a); or (ii) a use falling within Class C3 (dwellinghouses) of the Schedule to the 1987 Order, together with one or more uses within paragraph (a).	Complies
AA.(3) In relation to Class AA, “the 1987 Order” means the Use Classes Order as in force on 5 <sup>th</sup> March 2018.	Complies

<b>Development not permitted</b>	<b>Officer comments</b>
AA.1. Development is not permitted by Class AA if—	

(za) the permission to use the building as a dwellinghouse has been granted only by virtue of Class MA of Part 3 of this Schedule;	Complies
(a) above ground level, the building is less than three storeys in height;	Complies. The building is 4 storeys in height.
(b) the building was constructed before 1st July 1948 or after 5th March 2018;	Complies. It has been submitted that the building was originally constructed circa 1963.
(c) on 5th March 2018 the building was in a use other than— (i) a use or mixed use within paragraph AA(2)(a) or (b); or (ii) a use falling within Class C3 of the Schedule to the Use Classes Order;	Complies. Google streetview of the site dating between 2008 to present shows the building to have been in continued mixed use with commercial uses on the ground floor and residential uses above.
(d) the additional storeys are constructed other than on the principal part of the building;	Complies. The additional storeys are constructed above the flat roof of the principal part of the building.
(e) the floor to ceiling height of any additional storey, measured internally, would exceed the lower of— (i) 3 metres; or (ii) the floor to ceiling height, measured internally, of any storey of the principal part of the existing building;	Complies. The floor to ceiling height measures 2.4m which is the same as existing.
(f) the new dwellinghouses are not flats;	Complies. The new units are flats.
(g) the height of the highest part of the roof of the extended building would exceed the height of the highest part of the roof of the existing building by more than 7 metres (not including plant, in each case);	Complies. See screenshot below. The height of the highest part of the extended building would extend approx. 5.75m therefore <7m.

	
<p>(h) the height of the highest part of the roof of the extended building (not including plant) would be greater than 30 metres;</p>	<p>Complies. See screenshot above. The proposed elevation shows the height of the extended building (excluding plant) to be approx. 16.93m. (Total height is approx. 17.85m including plant.)</p>
<p>(i) development under Class AA(1)(a) would include the provision of visible support structures on or attached to the exterior of the building upon completion of the development;</p>	<p>Complies. None proposed.</p>
<p>(j) development under Class AA(1)(a) would consist of engineering operations other than works within the existing curtilage of the building to—  (i) strengthen existing walls;  (ii) strengthen existing foundations; or  (iii) install or replace water, drainage, electricity, gas or other services;</p>	<p>Complies. All associated works are sited within the curtilage of the building.</p>
<p>(k) in the case of Class AA(1)(b) development there is no existing plant on the building;</p>	<p>Complies. There is plant at roof level.</p>
<p>(l) in the case of Class AA(1)(b) development the height of any replaced or additional plant as measured from the lowest surface of the new roof on the principal part of the extended building would exceed the height of any existing plant as measured from the lowest surface of the existing roof on the principal part of the existing building;</p>	<p>Complies. The height of the replacement plant is the same as the existing.</p>
<p>(m) development under Class AA(1)(c)</p>	<p>Complies. The proposed</p>

would extend beyond the curtilage of the existing building;	additional storeys are sited within the curtilage of the existing building.
(n) development under Class AA(1)(d) would— (i) extend beyond the curtilage of the existing building; (ii) be situated on land forward of a wall forming the principal elevation of the existing building; or (iii) be situated on land forward of a wall fronting a highway and forming a side elevation of the existing building; or	Complies. The proposed additional storeys are sited within the curtilage of the existing building.
(o) the land or site on which the building is located, is or forms part of— (i) article 2(3) land; (ii) a site of special scientific interest; (iii) a listed building or land within its curtilage; (iv) a scheduled monument or land within its curtilage; (v) a safety hazard area; (vi) a military explosives storage area; or (vii) land within 3 kilometres of the perimeter of an aerodrome.	Complies. The application site do not form part of areas listed under (i)-(vii).

<b>Conditions</b>	<b>Officer comments</b>
AA.2.—(1)Where any development under Class AA is proposed, development is permitted subject to the condition that before beginning the development, the developer must apply to the local planning authority for prior approval of the authority as to—	
(a) transport and highways impacts of the development;	Complies. This is discussed in further detail in the report below.
(b) air traffic and defence asset impacts of the development;	Complies. The site is not within 3 km of any identified aerodrome. The application is not considered to impact on air traffic and defence assets.
(c) contamination risks in relation to the building;	Complies. There are no land contamination designations, no excavation is proposed and the new flats would be on upper floors.
(d) flooding risks in relation to the building;	Complies. The site is not situated in an area at high risk of flooding.
(e) the external appearance of the building, including—	Complies. This is discussed in further detail in the report below.

(i) the design and architectural features of— (aa) the principal elevation; and (bb) any side elevation that fronts a highway; and (ii) the impact of any works under subparagraph (1)(c) or (d) of Class AA;	
f) the provision of adequate natural light in all habitable rooms of the new dwellinghouses;	Complies. All new habitable rooms in the new dwellings would be served by adequately sized and sited windows.
(g) impact on the amenity of the existing building and neighbouring premises including overlooking, privacy and the loss of light;	Complies. The amenities of occupiers of the existing building are not considered to be unacceptably compromised by the development. This is discussed in further detail in the report below.
(h) impacts of noise from any commercial premises on the intended occupiers of the new dwellinghouses;	Complies. The commercial premises are sited at ground floor and the proposed new units are sited on the 5 <sup>th</sup> and 6 <sup>th</sup> floors. No impact identified.
(i) impacts of the introduction of, or an increase in, a residential use of premises in the area on the carrying on of any trade, business or other use of land in the area;	Complies. Impact is considered beneficial with potential increase in footfall and thus the viability and vitality of the existing commercial units.
j) whether, because of the siting of the building, the development will impact on a protected view identified in the Directions Relating to Protected Vistas dated 15th March 2012 issued by the Secretary of State	Complies. There are no protected views to consider.
(k) where the existing building is 18 metres or more in height, the fire safety of the external wall construction of the existing building; and	Complies. Existing building does not exceed 18m in height.
(l) where the development meets the fire risk condition (see paragraph C(3) of this Part), the fire safety impacts on the intended occupants of the building,	Complies. The development does not meet the fire risk condition for reasons set out under (k).

#### **Transport and Highways - Condition 1(a)**

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



routes, and ensure that any impacts on London's transport networks and supporting infrastructure are mitigated.

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

### Car Parking

- 6.7 The current application provides no onsite car parking. This is due to land availability within the application site and other land/facilities outside the ownership of the applicant. London Plan policy T6 (Car parking) states that 'Car-free development should be the starting point for all development proposals in places that are (or are planned to be) well-connected by public transport, with developments elsewhere designed to provide the minimum necessary parking ('car-lite')'. The application site has a Public Transport Accessibility Level of 2 which is considered to be poor and is not located within a Controlled Parking Zone. In this instance the development would be a car free development, however officers are unable to prevent future occupiers from parking a vehicle on the surrounding highway network (as the site is not located in a CPZ). Planning policy T6.1 (Residential parking) of the London Plan states that 'New residential development should not exceed the maximum parking standards set out in Table 10.3'. As no car parking is proposed in this instance and the London Plan sets maximum parking standards, officers raise no principle objection to the car free approach. However, officers need to consider if the lack of onsite car parking and impact of potential car ownership created by the proposed development would have an adverse impact on the local highway network.
- 6.8 Impact on parking pressure, did form part of concerns raised by neighbouring occupiers, which officers have carefully considered. The applicant has provided a Transport Note with the application, which included results of two parking surveys. Parking surveys following the Lambeth methodology were undertaken overnight in November 2021 as well as in September 2023. The results of the November 2021 Parking Surveys demonstrate overnight unrestricted car parking is around 22-26% of capacity (with circa 75 parking spaces remaining available). The results of the September 2023 Parking Surveys demonstrate overnight unrestricted car parking is around 18-19% of capacity (with circa 100 parking spaces remaining available).
- 6.9 It has been submitted that due to the parking restrictions in the area indicated by the single yellow lines, it is acknowledged that the ability for residents to park on street is so inconvenient as to mean that the majority would not

consider parking on the single yellow lines as a feasible option. At the request of the Transport Officer, a parking survey discounting single yellow lines has also been undertaken and the results of this survey demonstrates car parking would be around 29-31% of capacity (with circa 54 parking spaces remaining available).

- 6.10 Within the applicants Transport Note the current car ownership in the area can be determined by way of an analysis of the 2011 Census data. For flatted units in the Merton 025 output area, the results demonstrate (from a sample of 12 flatted units) that 30% of properties are occupied by non-car owners, 52% are occupied by those owning 1 car or van, and 17% of properties are occupied by those owning 2 or more cars or vans. This equates to a car ownership of 0.92 cars per flat in the local area.
- 6.11 Using the above information, the proposed development could generate between 11-12 additional cars. Taking account of the Parking Surveys, even when considering this scenario (discounting single yellow lines), with the development in situ, the parking stress will increase from approx 30% to 49% which would still leave around 42 parking spaces available in the locality
- 6.12 The above satisfactorily demonstrates that there is capacity in the locality to accommodate the maximum parking that are likely to generate from the proposed development without detriment to the free flow of traffic in the locality. The Councils Transport Planner has confirmed that he has no objection subject to conditions.
- 6.13 Turning to the provision of disabled parking bays. London Plan Policy T6.1 requires the provision of disabled parking bays for 3% of dwellings within residential development proposals delivering ten or more units. This would result in the provision of approx. 0.36 disabled parking bay. Therefore, with rounding, this would suggest the provision of 0 disabled spaces.

#### Cycling Parking

- 6.14 Core Strategy Policy CS18 seeks to promote active transport by requiring new development to provide cycle parking, it encourages design that provides, attractive, safe, covered cycle storage, cycle parking and other facilities (such as showers, bike cages and lockers).
- 6.15 London Plan Policy T5 requires developments to provide appropriate levels of cycle parking which should be fit for purpose, secure and well-located. Developments should provide cycle parking at least in accordance with the minimum standards set out in Table 10.2 which requires 1.5 spaces per 1B2P units and 2 spaces for all other unit types. The proposal comprises 3 x 2 bed flats and 9 x 1 bed (1B2P) flats as such 19.5 no. cycle parking spaces is required. This is to be rounded up to 20 cycle parking spaces.
- 6.16 The proposal will also include a two tier cycle rack sited to the rear of the property. This provides for 12 cycle parking spaces. The applicant has explored the provision of cycle parking within the curtilage of the site however

there are no alternative locations to provide any further cycle parking spaces as all the hardstanding spaces to the rear of the development are leased to the existing commercial occupiers.

- 6.17 The earlier prior approval application (ref 22/P2855) secured a financial contribution of £10,000 to provide 2 x cycle hangars on the public highway together with 2 year membership for all new residents. Whilst the Councils Cycle Officer raised concern with providing on street hangars, the Councils Transport Manager has confirmed that this facility will continue to be secured under this application. This secures as a minimum 12 off-site cycle parking spaces. This may increase however is dependent on further details upon procurement by the Highways Team. The location of the street hangars has yet to be agreed, however this would be close to the application site and should amendments to parking spaces be required, then the applicant has agreed to a £5,000 contribution for amendments to Traffic Management Order and associated signing and lining should the cycle hangars be installed within parking spaces.
- 6.18 With the combination of on and off-site cycle parking provision, the proposal would provide 24 cycle spaces (12 on site and a minimum of 12 offsite) which will exceed the cycle parking provision required for the development which is commended. It is also noted that given there are currently no cycle parking spaces within the development, any excess cycle parking is considered a benefit to the existing property and the wider area in general.

#### Cycle Hire

- 6.19 The Councils Transport Planning has requested a financial contribution toward promoting cycle hire. Cycle hire schemes improve sustainable transport options by offering residents the option of hiring a e-bike or e-scooter and this could help reduce demand for car trips generated by the proposed development. Merton Council has already introduced allocated parking areas for our partner cycle hire scheme operators on-street in close proximity to the development and at trip end destinations around the borough including Raynes Park, Wimbledon and Morden Town Centres/ Stations. To promote sustainable travel patterns to new residents, the developer should implement a scheme to provide credit for free use of the cycle hire scheme to the value of £100 per unit for each of the first 3 years of occupation of the development. This should be arranged directly with one of the Council's formal cycle hire scheme partners (see latest details on Merton's webpage) and in accordance with details to be submitted to and approved by the Local Planning Authority before the development is first occupied. The applicant has agreed to with the cycle hire requirement. This can be secured within the legal agreement attached to the application. The inclusion of this cycle hire provision and cycle hangars should be considered as a planning benefit within the overall planning assessment.

#### Refuse/Recycling

- 6.20 Merton Core Strategy Policy CS17 requires new developments to demonstrate

integrated, well-designed waste storage facilities that will include recycling facilities. London Plan Policies SI 7 and SI 8 identifies that in order to manage London's waste sustainably, the waste management capacity of existing sites should be optimised and developments should be designed with adequate, flexible, and easily accessible storage space and collection systems that support, as a minimum, the separate collection of dry recyclables (at least card, paper, mixed plastics, metals, glass), non- recyclables and food waste.

- 6.21 It is noted that the existing refuse arrangement provides for separate residential and commercial refuse stores/collection. The refuse arrangement will utilise existing refuse storage/collection arrangement. It has been submitted that there are 3 bin stores located at ground floor level and the residents use the chutes in the staircases and the refuse drops into waste wheel bins in the bins store areas at ground floor level. The same approach would apply to the residents of the new flats.
- 6.22 No objections have been raised by the Councils Waste Services Officer subject to securing details of Waste Management Strategy prior to commencement of development. A number of objections from existing residents raised concerns with the current waste arrangements with overflowing bins etc. There are currently no waste management conditions that the Council would be able to control and enforce against from a planning perspective in relation to the existing situation. Whilst new residential units are proposed, and naturally an increase in waste provision within the building, this can be seen as an opportunity to improve the refuse situation for all residents. Adding a planning condition requiring details of Waste Management Strategy can ensure that the waste management is brought up to better standards and failure to comply with the approved details can enable the Council to take more proactive control in planning terms in maintaining standards if the approved details are being breached.

### Construction Impacts

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

and disruption to neighbouring properties is kept to a minimum.

**External Appearance - Condition 1(e)**

- 6.25 Policies DM D2 and DM D3 seek to ensure a high quality of design in all development, which relates positively and appropriately to the siting, rhythm, scale, density, proportions, height, materials and massing of surrounding buildings and existing street patterns, historic context, urban layout and landscape features of the surrounding area. Core Planning Policy CS14 supports these SPP Policies.
- 6.26 The proposal comprises the erection of two additional storeys to provide 12 flats (3 x 2B3P and 9 x 1B2P) flats on top of the existing building. Materials will be in keeping with existing and the fenestration arrangement aligns with existing on the floors below.
- 6.27 To the south is a three storey building with a pitched roof where the highest point is similar in height to the application site. Adjoining the site to the north is a single storey building. Further to the north is a three storey building with a pitched roof. Opposite the site is a three storey residential building block. Whilst the site, standing at 4 storeys, is currently one of the taller buildings in the locality however, given the design of the nearby buildings, it is considered that the additional height could be reasonably accommodated without causing material harm to the character of the area. It should also be noted that the site fronts onto Grand Drive, which itself is a busy neighbourhood parade and as set out below already includes larger buildings. Within this context, buildings of a greater height can sit more comfortably within the surroundings and are generally seen as the natural place for growth. This in turn takes away pressure (with increased housing targets) to build at greater height/bulk in more low-rise settings found within the local area.
- 6.28 The principle of the 5<sup>th</sup> storey has already been accepted under the earlier prior approval for an additional storey (ref: 22/P2855). Therefore, officers would direct members of the planning committee to consider the merit of the 6<sup>th</sup> storey, as approval 22/P2855 is a material consideration which offers an approved view of the Council. This additional floor has been designed as a mansard roof, pitched on the side. In addition, the use of zinc to differentiate from the lower floors is considered to break up the massing.
- 6.29 Of note is the adjacent building, which benefit from a pitched roof therefore allowing a suitable visual transition along Grand Drive.
- 6.30 The impact on the external appearance of the building and the locality is therefore considered acceptable.

**Neighbouring amenities - Condition 1(f)**

- 6.31 Policy DM D2 seeks to ensure that development does not adversely impact on the amenity of nearby residential properties.

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

## **7. LOCAL FINANCE CONSIDERATIONS**

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

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

- 8.1 In line with London Plan Policy T5 which requires the provision of adequate cycle parking provision commensurate to the scale of the development, a financial contribution is being sought to enable the Council to provide 2 x cycle hangars in the vicinity of the application site.
- 8.3 Further information in respect of the above, including details of supplementary research carried out in justification of the S106 requirements, can be viewed here:

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

## **9. Conclusion**

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

## **10. RECOMMENDATION**

10.1 GRANT PRIOR APPROVAL subject to conditions and the completion of a S106 agreement covering the following heads of terms:

1. £10,000 to provide 2 x cycle hangars including a contribution towards the new residents annual membership fee for an initial period of 2 years.
2. £5,000 for amendments to Traffic Management Order and associated signing and lining should the cycle hangars be installed within parking spaces
3. £3,600 for credit for free use of the cycle hire scheme to the value of £100 per unit for each of the first 3 years of occupation of the development.
4. Paying the Council's legal and professional costs in drafting, completing and monitoring the legal agreement.

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

1	A Non Standard Condition	The development to which this prior approval relates shall be completed not later than the expiration of 3 years from the date of this permission.
	1	Reason: To comply with The Town and Country Planning (Permitted Development and Miscellaneous Amendments) (England) (Coronavirus) Regulations 2020, Part 20, Class A.
2	A7 Approved Plans	The development hereby permitted shall be carried out in accordance with the following approved plans: HA22-182-P101, HA22-182-P102B, HA22-182-P106B, HA22-182-P107, HA22-182-P108, HA22-182-P109B
	1	Reason: For the avoidance of doubt and in the interests of proper planning
3	Materials	The facing materials to be used for the development hereby permitted shall match those found on the existing building unless otherwise agreed in writing by the Local Planning Authority. Reason: To ensure a satisfactory appearance of the development and to comply with the following Development Plan policies for Merton: policies 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.
4	Use of roof restricted	Access to the flat roof of the development hereby permitted shall be for maintenance or emergency purposes only, and the flat roof shall not be used as a roof garden, terrace, patio or similar amenity area. Reason: To safeguard the amenities and privacy of the occupiers of adjoining properties and to comply with the following Development Plan policies for Merton: policies D3 and D4 of the London Plan 2021, policy CS14 of Merton's Core Planning Strategy 2011 and policies DM D2 and D3 of Merton's Sites and Policies Plan 2014.

5	Refuse Storage	<p>No refuse or waste material of any description shall be left or stored anywhere on the site other than within a building or refuse enclosure.</p> <p>REASON: To safeguard the appearance of the property and the amenities of the area</p>
6	C06 Refuse & Recycling (Details to be Submitted)	<p>No development shall take place until a refuse management plan including details for the secure storage and collection of refuse and recycling for the new flats and details to ensure clear access to and from the refuse/recycling storage is maintained at all times has been submitted in writing for approval to the Local Planning Authority. No works which are the subject of this condition shall be carried out until the scheme has been approved, and the development shall not be occupied until the scheme has been approved and has been carried out in full. Those facilities and measures shall thereafter be retained for use at all times from the date of first occupation unless otherwise agreed in writing with the Local Planning Authority</p>
		<p>Reason: To ensure the provision of satisfactory facilities for the storage of refuse and recycling material and to comply with the following Development Plan policies for Merton: policies SI 7 and D6 of the London Plan 2016, policy CS17 of Merton's Core Planning Strategy 2011 and policy DM D2 of Merton's Sites and Policies Plan 2014.</p>
7	D11 Construction Times	<p>No demolition or construction work or ancillary activities such as deliveries shall take place before 8am or after 6pm Mondays - Fridays inclusive, before 8am or after 1pm on Saturdays or at any time on Sundays or Bank Holidays.</p>
		<p>Reason: To safeguard the amenities of the area and the occupiers of neighbouring properties and ensure compliance with the following Development Plan policies for Merton: policies D14 and T7 of the London Plan 2021 and policy DM EP2 of Merton's Sites and Polices Plan 2014.</p>
8	CLP	<p>Prior to the commencement of the development hereby permitted, a Construction Logistics Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall include details of the provision to accommodate all site workers', visitors' and construction vehicles and loading /unloading arrangements during the construction process have been submitted to and approved in writing by the Local Planning Authority. The approved details must be implemented and complied with for the duration of the construction process.</p> <p>Reason: To ensure the safety of pedestrians and vehicles and the amenities of the surrounding area and to comply with the following Development Plan policies for Merton: policies T4 and T7 of the London Plan 2021, policy CS20 of Merton's Core Planning Strategy 2011 and policy DM T2 of Merton's Sites and Policies Plan 2014.</p>



9	WMS	<p>Development shall not commence until a working method statement has been submitted to and approved in writing by the Local Planning Authority to accommodate:</p> <ul style="list-style-type: none"> <li>(i) Parking of vehicles of site workers and visitors;</li> <li>(ii) Loading and unloading of plant and materials;</li> <li>(iii) Storage of construction plant and materials;</li> <li>(iv) Wheel cleaning facilities;</li> <li>(v) Control of dust, smell and other effluvia (Air Quality measures);</li> <li>(vi) Control of surface water run-off;</li> <li>(vii) Noise mitigation measures;</li> <li>(viii) Delivery methods including timing, size and frequency of construction vehicles.</li> </ul> <p>No development shall be carried out except in full accordance with the approved method statement.</p> <p>Reason: To ensure the safety of pedestrians and vehicles and the amenities of the surrounding area and to comply with the following Development Plan policies for Merton: policies T4 and T7 of the London Plan 2021, policy CS20 of Merton's Core Planning Strategy 2011 and policy DM T2 of Merton's Sites and Policies Plan 2014.</p>
10	A Non Standard Condition	<p>All Non-road Mobile Machinery (NRMM) used during the course of the development that is within the scope of the Greater London Authority 'Control of Dust and Emissions during Construction and Demolition' Supplementary Planning Guidance (SPG) dated July 2014, or any subsequent amendment or guidance, shall comply with the emission requirements therein.</p> <p>Reason: To safeguard the amenities of the area and the occupiers of neighbouring properties and ensure compliance with the following Development Plan policies for Merton: policy D14 of the London Plan 2021 and policies DM D2, DM D3, DM EP2 and DM EP4 of Merton's Sites and Policies Plan 2014.</p>
11	Cycle Parking	<p>Cycle Parking to be implemented - The development hereby permitted shall not be occupied until the cycle parking shown on the plans hereby approved has been provided and made available for use. These facilities shall be retained for the occupants of and visitors to the development at all times.</p> <p>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 2023, policy CS18 of Merton's Core Planning Strategy 2011 and policy DM T1 of Merton's Sites and Policies Plan 2014.</p>
12	INF 20 Street naming and numbering	INFORMATIVE

		<p>This permission creates one or more new units which will require a correct postal address. Please contact the Street Naming &amp; Numbering Officer at the London Borough of Merton</p> <p>Street Naming and Numbering (Business Improvement Division) Corporate Services 7th Floor, Merton Civic Centre London Road Morden SM4 5DX Email: <a href="mailto:street.naming@merton.gov.uk">street.naming@merton.gov.uk</a></p>
13	INF 11 Drainage	<p>INFORMATIVE</p> <p>It is the responsibility of the developer to make proper provision for drainage to ground, watercourses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off-site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of ground water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required (contact no. 0845 850 2777).</p>
14	INF 01 Party Walls Act	<p>INFORMATIVE</p> <p>The applicant is advised to check the requirements of the Party Wall Act 1996 relating to work on an existing wall shared with another property, building on the boundary with a neighbouring property, or excavating near a neighbouring building. Further information is available at the following link: <a href="http://www.planningportal.gov.uk/buildingregulations/buildingpolic yandlegislation/current legislation/partywallact">http://www.planningportal.gov.uk/buildingregulations/buildingpolic yandlegislation/current legislation/partywallact</a></p>
15	INF 00 Non- Standard/ Blank Informative	<p>INFORMATIVE</p> <p>The applicant should be aware that the site may provide a useful habitat for swifts. Swifts are currently in decline in the UK and in order to encourage and improve the conservation of swifts the applicant is advised to consider the installation of a swift nesting box/bricks on the site.</p>
16	INF 00 Non- Standard/ Blank Informative	<p>INFORMATIVE</p> <p>CIL Liable</p> <p>The applicant is advised that this permission results in a chargeable scheme under the Borough's and the Mayor of London's Community Infrastructure Levy.</p> <p>Section 106 Agreement</p> <p>This planning permission has a Section 106 Agreement which must be read in conjunction with it.</p>

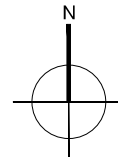
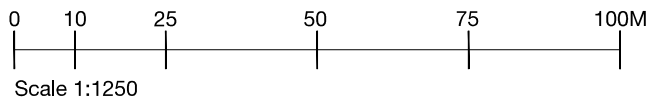
17	INF 00 Non-Standard/ Blank Informative	<p>INFORMATIVE</p> <p>Damage to the public highway: Care should be taken to ensure that no damage is caused to the public highway adjacent to the site during demolition and (or) construction. The Council will seek to recover any expenses incurred in repairing or making good such damage from the owner of the land in question or the person causing or responsible for the damage.</p> <p>BEFORE ANY WORK COMMENCES you MUST contact the London Borough of Merton, Telephone 020 8274 4901 to arrange a pre-commencement photographic survey of the public highways adjacent to and within the vicinity of the site. The precondition survey will ensure you are not charged for any damage which existed prior to commencement of your works.</p> <p>If you fail to contact us to arrange a pre commencement survey then it will be assumed that any damage to the highway was caused by your activities and you will be charged the full cost of repair.</p> <p>Once the site works are completed you need to contact us again to arrange for a post construction inspection to be carried out. If there is no further damage then the case will be closed. If damage or further damage is found to have occurred then you will be asked to pay for repairs to be carried out.</p> <p>Noise control - Building sites: The attention of the applicant is drawn to the requirements of section 60 of the Control of Pollution Act 1974 in respect of the minimisation of noise and vibration on construction and demolition sites. Application, under section 61 of the Act for prior consent to the works, can be made to the Environmental Health Department. Under the Act the Council has certain powers to control noise from construction sites. Typically the council will limit the times during which sites are permitted to make noise that their neighbours can hear. For general construction works the Council usually imposes (when necessary) the following limits on noisy works:- Monday to Friday 8am to 6pm Saturdays 8am to 1pm Sundays and Public Holidays- No noisy activities allowed Applicants should also be aware of the guidance contained in British Standard 5228:2009- Noise and vibration control on construction and open sites.</p>
18	INF 00 Non-Standard/ Blank Informative	<p>INFORMATIVE</p> <p>The applicant is informed to ensure services/utilities are retained for the existing residents during the construction of the development hereby approved.</p>



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Status **Planning Issue**

Client **Woodcock Brothers**

Project Title **Grand Drive  
 London SW20 9NQ**

Rev. Date Detail

Drawing Title **Location Plan**

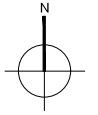
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Job No. **HA22-182** Drawing No. **P101** Rev. **-**

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Scale 1:500



Rev.	Date	Detail
0	04.09.2023	Bike storage on lift-pit
A	05.09.2023	Bike storage address

Planning Issue



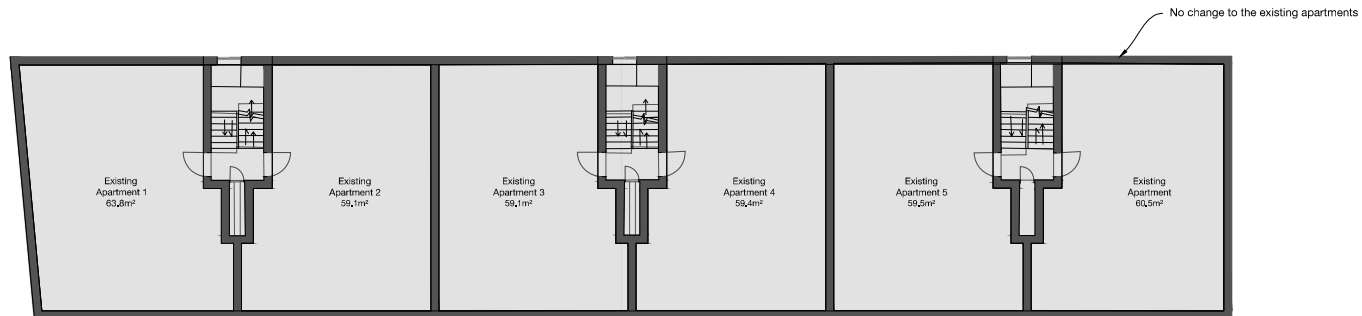
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Client: Woodcock Brothers

Project Title: Grand Drive  
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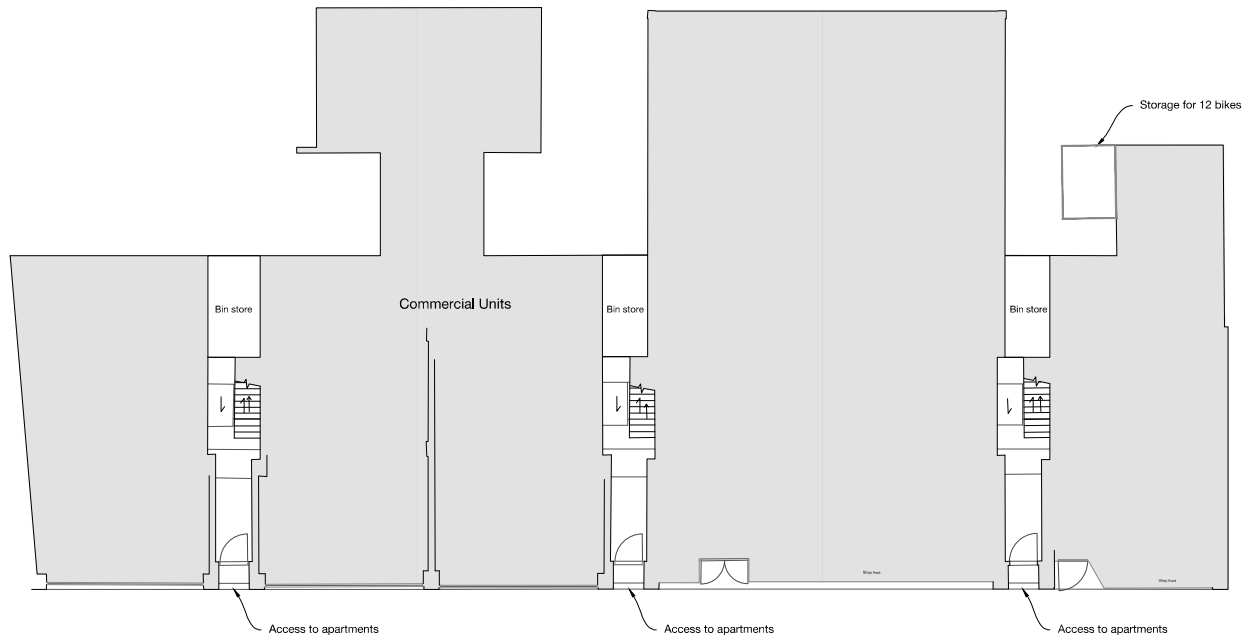
Drawing Title: Block Plan

Scale	Date	Drawn
1:500@A3	06.2023	KF
Job No.	Drawing No.	Rev.
HA22-182	P102	B



Total G.I.A. - 361.4m<sup>2</sup>  
 \*including the communal area - 390.8m<sup>2</sup>

2 First Floor Plan  
 Scale 1:100



1 Ground Floor Plan  
 Scale 1:100

0 1 2 3 4 5 6 8 10m  
 Scale 1:100

0 06/2020 06/2020  
 Rev. Date Issue  
 A 06/2020 06/2020  
 Rev. Date Issue

Project Title  
**Planning Issue**

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Client  
**Woodcock Brothers**

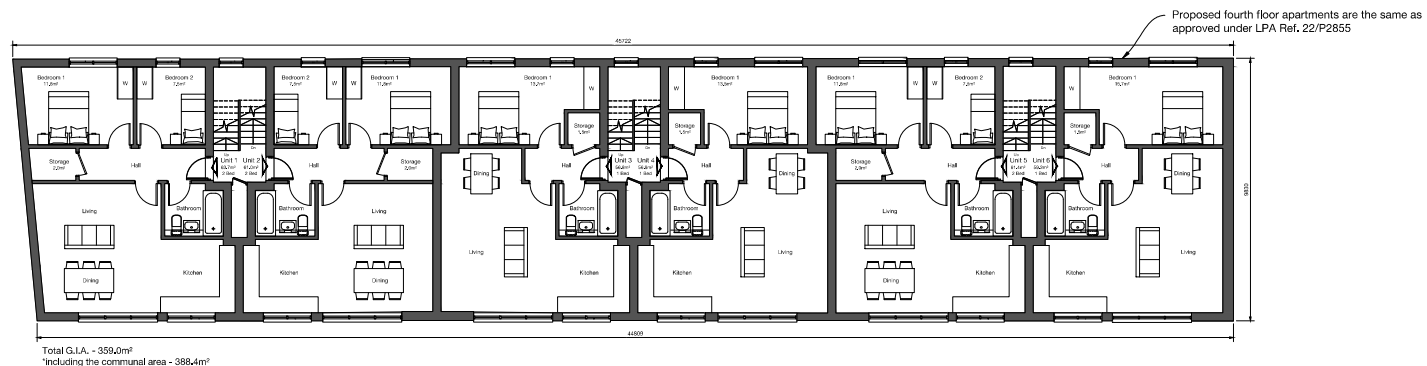
Project Title  
**Grand Drive  
 London SW20 9NQ**

Drawing Title  
**Proposed Ground Floor  
 & First Floor Plans**

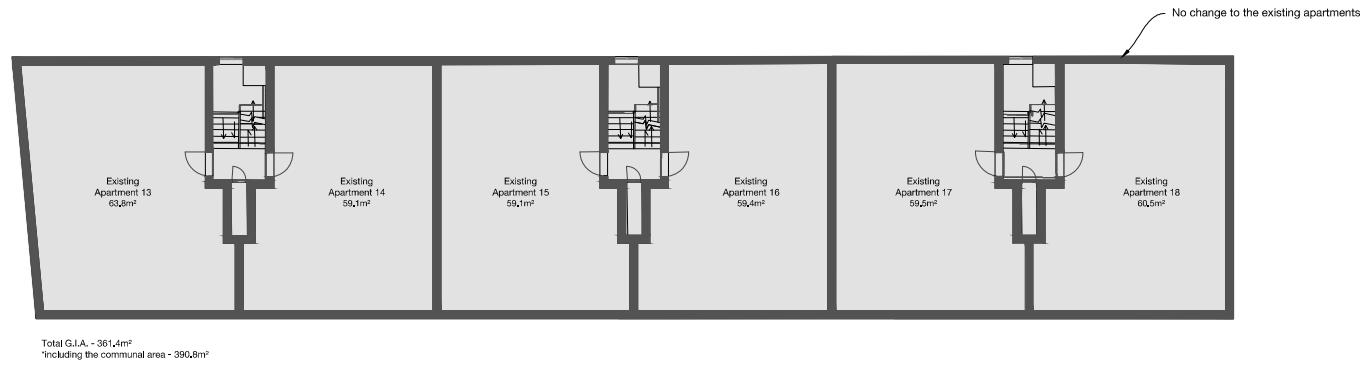
Scale Date Client  
 1:100@A1 06.2023 KF

Job No.	Drawing No.	Rev.
HA22-182	P106	B

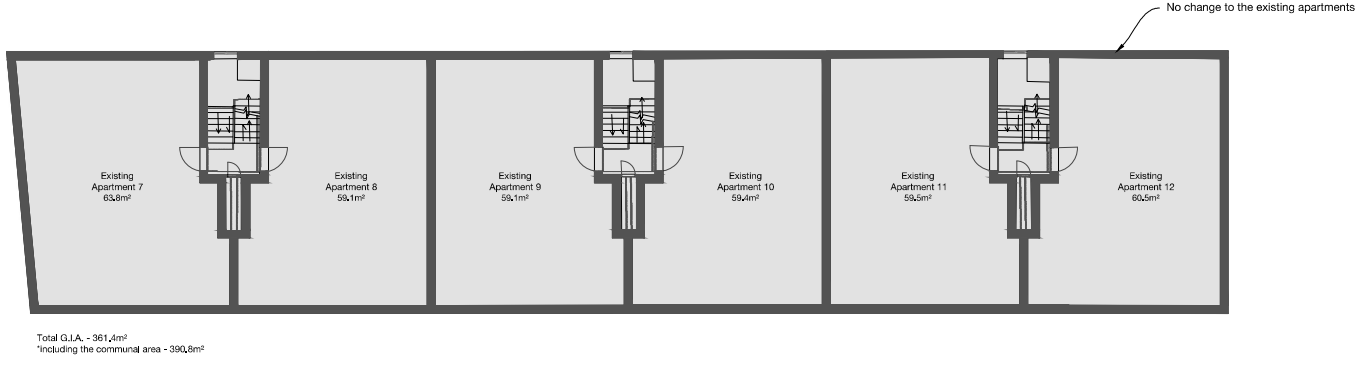
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3 Fourth Floor Plan Scale: 1:100



2 Third Floor Plan Scale: 1:100



1 Second Floor Plan Scale: 1:100

Page 60



Plan  
Date  
Level

Planning Issue

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Project Title: Grand Drive London SW20 9NQ

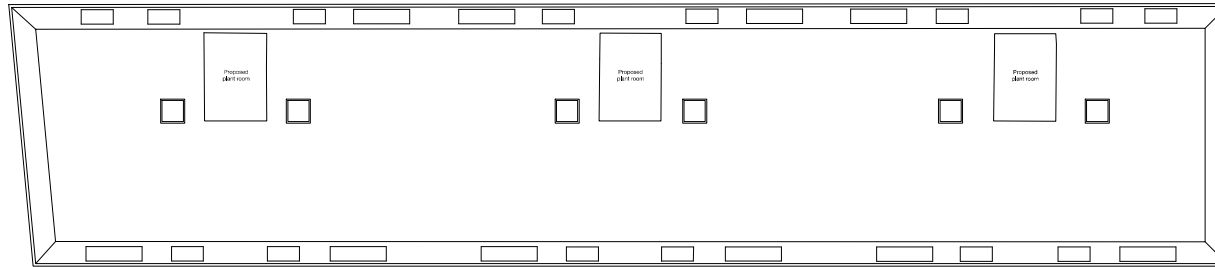
Drawing Title: Proposed Second, Third & Fourth Floor Plans

Scale: 1:100@A1 Date: 06.2023 Drawn: KF

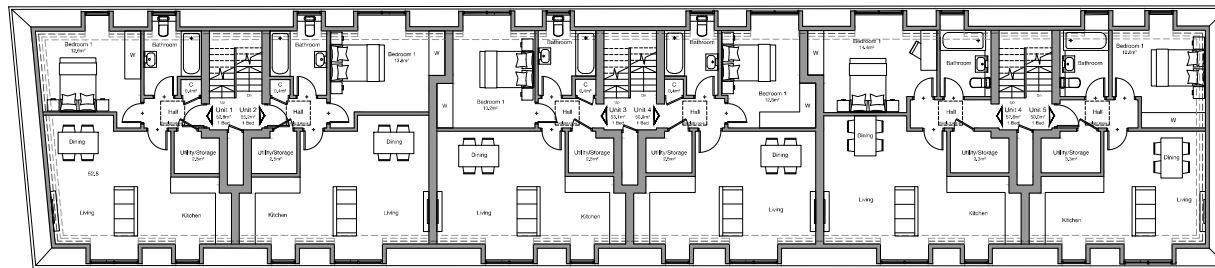
Job No.	Drawn/Rev.	Rev.
HA22-182	P107	-

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2 Roof Plan  
Scale: 1:100



----- Bedroom  
----- Living  
----- Kitchen  
----- Utility  
----- Hall

1 Fifth Floor Plan  
Scale: 1:100



Plan Date  
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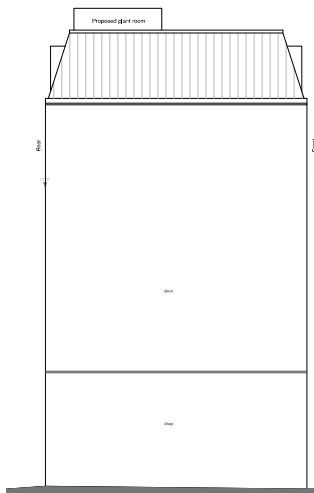
Client: **Woodcock Brothers**

Project Title:  
**Grand Drive  
London SW20 9NQ**

Drawn by: **Proposed Fifth Floor  
& Roof Plans**

Scale	Date	Drawn
1:100@A1	06.2023	KF
Job No.	Drawing No.	Rev.
HA22-182	P108	-

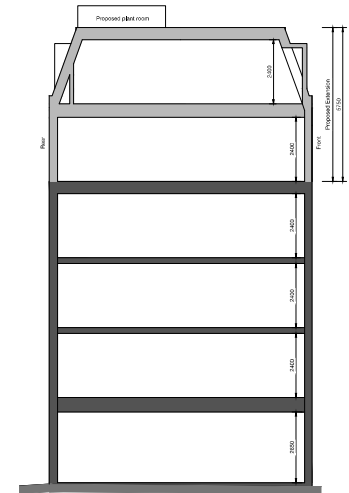
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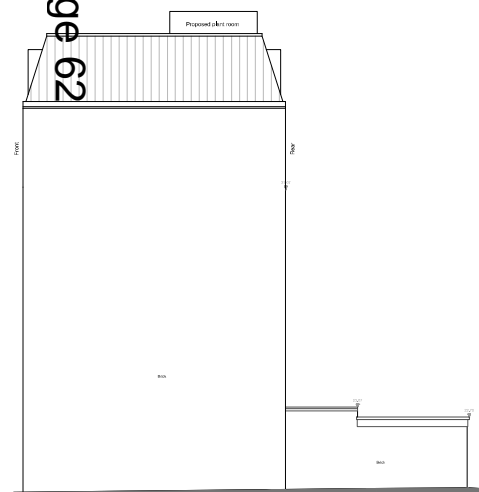
1 Elevation  
Scale: 1:100



2 Front Elevation  
Scale: 1:100



5 Section A-A  
Scale: 1:100



3 Side Elevation  
Scale: 1:100



4 Rear Elevation  
Scale: 1:100

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Rev: 01/12/2023  
 Date: 02/02/2023  
 Rev: Date: Issue

Client: Woodcock Brothers



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Client: Woodcock Brothers

Project No: Grand Drive  
 London SW20 9NQ

Drawing Title: Proposed Elevations

Scale: 1:100@A1 Date: 06.2023 Client: KF

Job No: HA22-182 Drawing No: P109 Rev: B

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**Planning Issue**

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Client  
**Woodcock Brothers**

Project Name  
**Grand Drive  
 London SW20 9NQ**

Drawing Title  
**Visualisation**

Scale	Date	Drawn
not to scale@A1	06.2023	KF
Job No.	Drawing No.	Rev.
HA22-182	P110	A

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**Committee:** Planning Applications

**Date:** 7<sup>th</sup> December 2023

## **Subject:** Planning Appeal Decisions

Lead officer: Head of Sustainable Communities

Lead member: Chair, Planning Applications Committee

### **Recommendation:**

**That Members note the contents of the report.**

### **1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY**

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

### **[LINK TO COMMITTEE PAGE](#)**

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<b>Application Number</b>	<b>22/P3085</b>
<b>Appeal number:</b>	APP/T5720/W/23/3318617
<b>Site:</b>	16 Seely Road, Tooting SW17 9QR
<b>Development:</b>	CONVERSION OF SINGLE DWELLINGHOUSE INTO 2 x SELF-CONTAINED FLATS AND ERECTION OF A SINGLE STOREY REAR EXTENSION AND A REAR STAIRCASE.
<b>LPA Decision:</b>	Refused (Delegated)
<b>Appeal Decision:</b>	<b>DISMISSED</b>
<b>Date of Appeal Decision:</b>	16 <sup>th</sup> November 2023

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

**Application Number**            **23/P0321**  
**Appeal number:**            APP/T5720/D/23/3322917  
**Site:**                            58 Abbotsbury Road, Morden SM4 5LB  
**Development:**                ERECTION OF A SINGLE STOREY REAR/SIDE EXTENSION WITH NEW FRONT DOOR  
**LPA Decision:**                Refused (Delegated)  
**Appeal Decision:**            **ALLOWED**  
**Date of Appeal Decision:**    24<sup>h</sup> November 2023

[click LINK TO DECISION NOTICE](#)

---

**Application Number**            **23/P0582**  
**Appeal number:**            APP/T5720/D/23/3329911  
**Site:**                            7 Watery Lane, Wimbledon Chase SW20 9AA  
**Development:**                REMOVAL OF THE BOUNDARY FENCE, WIDENING OF GATE, REPLACEMENT HARD SURFACING AND NEW HOUSING FOR ELECTRIC METER BOX -GAS METER  
**LPA Decision:**                Refused (Delegated)  
**Appeal Decision:**            **DISMISSED**  
**Date of Appeal Decision:**    23<sup>rd</sup> November 2023

[click LINK TO DECISION NOTICE](#)

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**Application Number**            **23/P0807**  
**Appeal number:**            APP/T5720/D/23/3327160  
**Site:**                            33 Durham Road, West Wimbledon SW20 0QL  
**Development:**                ERECTION OF TWO STOREY SIDE AND REAR EXTENSIONS ,A NEW BOUNDARY WALL, FENCE AND ALTERED DRIVEWAY ACCESS.  
**LPA Decision:**                Refused (Delegated)  
**Appeal Decision:**            **ALLOWED**  
**Date of Appeal Decision:**    16<sup>h</sup> November 2023

[click LINK TO DECISION NOTICE](#)

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**Application Number**            **23/P0837**  
**Appeal number:**                APP/T5720/D/23/3327409  
**Site:**                                187 Lower Morden Lane, Morden SM4 4SP  
**Development:**                    ERECTION OF A TWO STOREY FRONT EXTENSION AND  
FRONT TILED ROOF TO FORM PORCH  
**LPA Decision:**                    Refused (Delegated)  
**Appeal Decision:**                **DISMISSED**  
**Date of Appeal Decision:**      16<sup>h</sup> November 2023

[click LINK TO DECISION NOTICE](#)

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### **Alternative options**

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

## **1 CONSULTATION UNDERTAKEN OR PROPOSED**

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

## **2 TIMETABLE**

- 2.1. N/A

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

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

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

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

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

5.1. None for the purposes of this report.

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

6.1. None for the purposes of this report.

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

7.1. See 6.1 above.

### **8 BACKGROUND PAPERS**

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



**Date:** 7th December 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.

<b>Current Enforcement Cases:</b>	<b>375</b>	<b>New Appeals:</b>	<b>0</b>
<b>New Complaints</b>	<b>10</b>	<b>Existing Appeals</b>	<b>17</b>
<b>Cases Closed</b>	<b>3</b>	<i>There is a high volume of backlog at the Planning Inspectorates to determine appeals, the waiting time with them is several months, the existing appeals have not progressed with the inspectors.</i>	
<b>New Enforcement Notices Issued</b>			
Breach of Condition Notices	0	Prosecutions: (instructed)	1
Enforcement Notices	0	<b>New Instructions to Legal</b>	<b>21</b>
S.215:	0	<b>Existing instructions to Legal</b>	<b>1</b>
Others (PCN, TSN)	1	<hr/>	
Total	1	<b>TREE ISSUES</b>	
		<b>Tree Applications Received</b>	<b>98</b>
		<b>% Determined within time limits:</b>	<b>96%</b>
		<b>High Hedges Complaint</b>	<b>0</b>
		<b>New Tree Preservation Orders (TPO)</b>	<b>0</b>
		<b>Tree Replacement Notice</b>	<b>0</b>
		<b>Tree/High Hedge Appeal</b>	<b>0</b>
		<b>5-Day notice</b>	<b>6</b>

Note (*figures are for the period from (from 13<sup>th</sup> November 2023 to 24<sup>th</sup> 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**

### **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, or take action for non-compliance for the breach of condition notices that were served, legal opinion is awaiting.

### **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.

### **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

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

				would bring
Ward Councillors	Three	Two minutes each. Max six minutes collectively.	<ul style="list-style-type: none"> <li>• Councillor in the ward of the development</li> </ul>	<ul style="list-style-type: none"> <li>• Where an application borders two wards or more at the discretion of the Chair ward speakers can be drawn from more than one ward</li> </ul>
Members of Parliament	1	Two minutes	<ul style="list-style-type: none"> <li>• Elected Member of Parliament for the constituency the application is in.</li> </ul>	Ibid...
Cabinet member	1	Two minutes	<ul style="list-style-type: none"> <li>• Cabinet member for an area of material consideration for the purposes of identifying factual information within a planning application</li> </ul>	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"> <li>• Part of the team bringing the application to council for approval</li> <li>• Arranged between speakers as to how this time is split.</li> </ul>	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](mailto: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 maybe 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 Chairs 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](mailto:John.Scarborough@merton.gov.uk)) or deputy ([Fabiola.hickson@merton.gov.uk](mailto: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](mailto: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



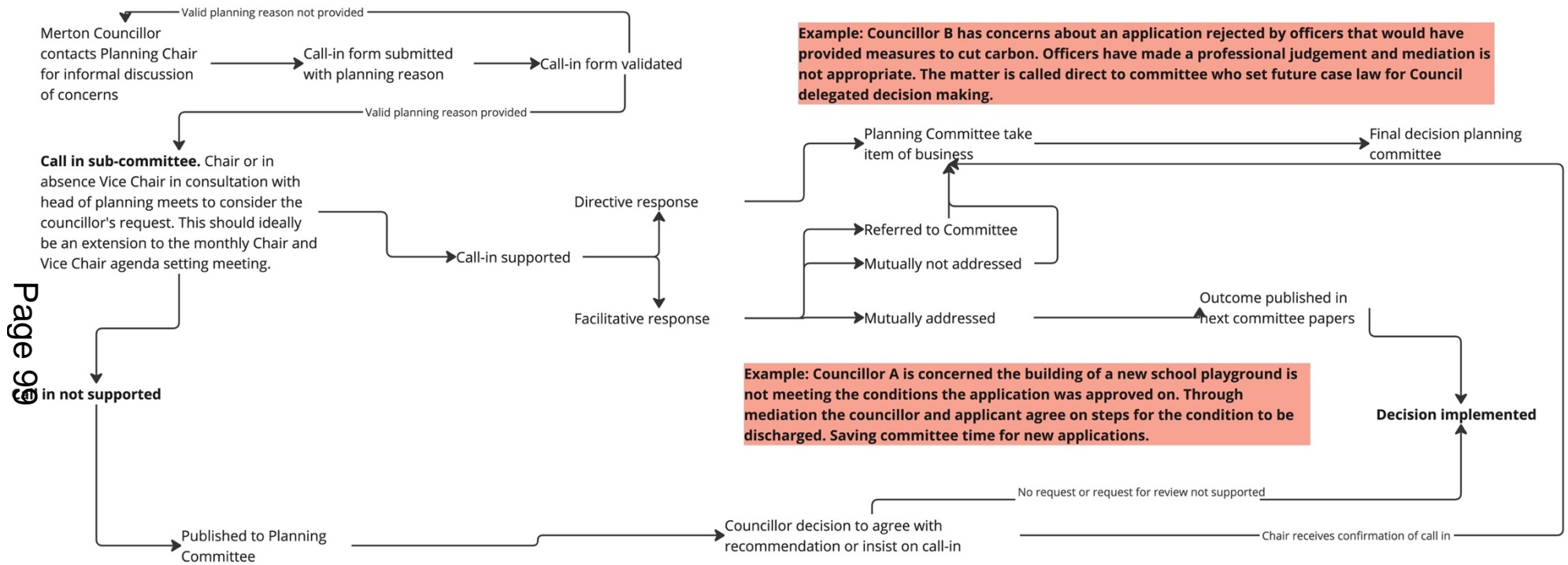
## **Appendix 1: Standard order of business**

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



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