

# 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 15 February 2024

**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:  
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# Development and Planning Applications Committee Agenda

## 15 February 2024

- 1 Apologies for absence
- 2 Declarations of Pecuniary Interest
- 3 Minutes of the previous meeting 1 - 2
- 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 1 Lambourne Avenue, Wimbledon Park, London, SW19 7DW 3 - 44  
Application number: 23/P1053  
Ward: Wimbledon Park  
Recommendation: Grant permission subject to conditions.
- 6 Flat 18, Sovereign House, 1 Draxmont, Wimbledon, SW19 7PG 45 - 70  
Application number: 23/P3164  
Ward: Hillside  
Recommendation: GRANT Planning permission subject to conditions
- 7 153 Links Road, Tooting, SW17 9EW 71 - 94  
Application number: 23/P3138  
Ward: Graveney  
Recommendation: GRANT Planning permission subject to conditions and a s106 agreement
- 8 Planning Appeal Decisions 95 - 98  
Officer Recommendation:  
That Members note the contents of the report.
- 9 Planning Enforcement - Summary of Current Cases 99 - 108  
Officer Recommendation:  
That Members note the contents of the report.

10	Glossary of Terms	109 - 114
11	Chairs Procedure Guide	115 - 140

**Note on declarations of interest**

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

# Agenda Item 3

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

## DEVELOPMENT AND PLANNING APPLICATIONS COMMITTEE

11 JANUARY 2024  
(7.15 pm - 10.15 pm)

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

ALSO PRESENT Councillor Susie Hicks, Councillor Stephen Mercer, Tara Butler  
(Programme Manager), Eben Van De Westhuizen (Planner), Jon  
Berry (Head of Development Management and Building Control),  
Richard Seedhouse (Democratic Service Officer)

PRESENT ONLINE Lucy Owens (Executive Director), Peter Ford

### 1 APOLOGIES FOR ABSENCE (Agenda Item 1)

Apologies for absence were received from Cllr Bhim with Cllr Charles in attendance as substitute.

### 2 DECLARATIONS OF PECUNIARY INTEREST (Agenda Item 2)

There were no declarations of interest.

### 3 MINUTES OF THE PREVIOUS MEETING (Agenda Item 3)

RESOLVED: That the minutes of the meetings held on 23 November 2023 and 7 December 2023 were agreed as an accurate record.

### 4 UPDATED CHAIR PROCEDURE (PRIVATE SESSION) (Agenda Item 4)

### 5 PAS REVIEW (PRIVATE SESSION) (Agenda Item 5)

### 6 CONDITIONS (PRIVATE SESSION) (Agenda Item 6)

### 7 BOROUGH PLAN SITES TRAINING (PRIVATE SESSION) (Agenda Item 7)

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## PLANNING APPLICATIONS COMMITTEE

### CASE OFFICER REPORT

15 February 2024

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<u>APPLICATION NO.</u>	<u>DATE VALID</u>
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23/P1053	18/05/2023
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**Site Address:** 1 Lambourne Avenue, Wimbledon Park, London, SW19 7DW

**Ward:** Wimbledon Park

**Proposal:** DEMOLITION OF THE EXISTING DILAPIDATED HOUSE AND ERECTION OF A NEW HOUSE INCLUDING LANDSCAPING AT THE FRONT AND THE REAR GARDEN

**Drawing Nos:** See Condition 2.

**Case Officer:** Charlotte Gilhooly

### RECOMMENDATION

Grant permission subject to conditions.

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### CHECKLIST INFORMATION

Character	Residential
Is a screening opinion required	No
Is an Environmental Statement required	No
Press notice	Yes
Site notice	Yes
Design Review Panel consulted	No
Number of neighbours consulted	24
External consultations	10
Internal consultations	5
Controlled Parking Zone	Yes (P2s)

Public Transport Accessibility Rating (PTAL)	2
Tree Protection Order	Yes (1 x Sweet Gum Tree at the rear)
Flood Zone	Flood zone 1 but the site is located in an area know for surface water flooding
Statutory Listed Building	No
Locally Listed Building	No
Conservation Area	Yes - Wimbledon North Conservation Area
Archaeological Priority Zone	Yes (Tier 2)

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## INTRODUCTION

The application has been brought to the Development and Planning Applications Committee due to the number of objections received.

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## **1. SITE AND SURROUNDINGS**

- 1.1 The application site consists of a 2 x storey detached house which is located on the north east side of Lambourne Avenue in Wimbledon Park. The houses in the immediate area are traditional in style with red bricks and clay roof tiles. It is noted 3 Lambourne Avenue has been extended at the rear at the 2 storey level and replacement dwellings have recently been built at 5 and 7 Lambourne Avenue.
- 1.2 The existing building is in a very poor state of repair but sits well within its context due to its simple roof form and how it relates to the streetscene.
- 1.3 The site benefits from a long rear garden and there is a mature sweet gum tree to the rear of the site which has protected by a tree preservation order during the application process. Other mature trees are present towards the rear boundary of the garden and overall the garden and front garden is largely overgrown. The site is not statutorily or locally listed but is located within a Conservation Area and Archaeological Priority Area Tier 2.

## **2. HISTORICAL BACKGROUND**

- 2.1 The Wimbledon North Character Appraisal (2008) describes Lambourne Avenue as the following:
- 2.2 13.1.4 : Lambourne Avenue and the backland development to the north and east of it are now included primarily because the buildings and their treed gardens form part of the historic, wooded backdrop to Wimbledon Park, and the road also facilitates a long view over the Park from within Arthur Road.
- 2.3 13.10.26: By 1965 the Ordnance Survey map shows the former grounds of Wimbledon Park House to be playing fields, with a central pavilion. Many of the Ricards Lodge School buildings are shown, together with Currie Hill Close. The road at Lambourne Avenue is partly laid out, and the houses at Nos. 1 – 5 built. The only building on the east side of Leopold Road erected between the publication of the 1913 map and the present day, (No.68a), is now shown.
- 2.4 Lambourne Avenue: The development of six large, detached houses at the northern end of this cul-de-sac is of an irregular layout, with the houses sited on various shaped plots and accessed from quite long drives off the turning head. These houses relate well with the natural contours of the ground, and are predominantly at a lower level than the road, set in landscaped grounds.
- 2.5 The houses on the north east side have a regular set back from the road and only narrow spaces between them, while those on the south west side have a more staggered building line and wider gaps between which allow views through to mature planting in rear gardens. Most are on rectangular plots. The highway and the arrangement of buildings combine to form a long, wide gap when viewed from within Arthur Road. This allows an extensive view across the wooded gardens to Wimbledon Park and beyond.

2.6 Most of the houses are two storeys high, detached, and of red brick with clay or concrete tile hipped or gabled roofs.

### 3. PROPOSED DEVELOPMENT

3.1 The proposed dwelling would involve the demolition of the existing detached dwelling and the erection of a 3 x storey, detached dwelling, with a crown roof. The dwelling would be loosely designed in a traditional style but with some modern elements. It would comprise of 5 x bedrooms with ensuite bathrooms, a kitchen/living/dining area, a back of house kitchen, plant room, garage, drawing room, cloak room and an office area.

3.2 The proposed new dwelling would follow the same front building line as per existing.

3.3 The proposed new dwelling would be 10.75m-13.79m wide, 16.26m deep at single storey level, 14.73m deep at 1<sup>st</sup> and 2<sup>nd</sup> floor level and would have an eaves height of 5.73m an overall ridge height of 8.7m.

3.4 Proposed materials include: Brick and tiles similar to existing and powder coated aluminium windows.

3.5 AMENDED PLANS: Plans have been amended several times during the application process following officer advice to remove the proposed outbuilding at the rear of the site, reduce the width of the external roof terrace, reduce the depth of the proposal at all floor levels and to retain the sweet gum tree at the rear as well as rear mature trees at the rear boundary. Amendments also include setting the garage area back slightly from the front elevation so it remains subservient in the streetscene. The arboricultural report was also amended to take account of amendments.

The scheme would provide the following housing mix and schedule of accommodation:

	Type	GIA	External Private amenity space (not including roof terrace)	Is there sufficient space for cycle parking?	Car parking
1 Lambourne Avenue	5b	406.37sq.m	107.57 sq m	Yes	2/3 spaces

### 4. PLANNING HISTORY

1 Lambourne Avenue

- 22/T0216: 1A LAMBOURNE AVENUE: REAR GARDEN: LARGE BLUE CEDAR TREE - REDUCE CROWN BY 1-2 METRES. TREE WORKS APPROVED.
- MER41/65: ERECTION OF A TWO STOREY ADDITION AT REAR TO FORM STUDY PLAYAREA, ADDITIONAL BEDROOM AND BATHROOM. REFUSE PERMISSION. 22/04/1965.

### 3 Lambourne Avenue

15/P1527: ERECTION OF A PART SINGLE PART TWO STOREY REAR EXTENSION, ROOF EXTENSION INVOLVING RAISING THE ROOF HEIGHT AND 2 X DORMER ROOF EXTENSIONS TO FRONT ROOF SLOPE ANND ONE LARGER DORMER IN THE REAR ROOF SLOPE. GRANT PERMISSION SUBJECT TO CONDITIONS. 08/07/2015.

### 5 Lambourne Avenue

14/P0043: DEMOLITION OF EXISTING HOUSE AND CONSTRUCTION OF A NEW DETACHED FAMILY HOUSE WITH BASEMENT (MODIFICATION OF PLANNING APPROVAL 13/P3185 TO INCLUDE CHANGES TO REAR BAY WINDOW, NEW FRONT DORMER AND NEW PERGOLA TO REAR PATIO). GRANT PERMISSION SUBJECT TO CONDITIONS 17/02/2014.

### 7 Lambourne Avenue

16/P4672: DEMOLITION OF EXISTING BUILDING AND ERECTION OF 2 X TWO STOREY DETACHED HOUSES INCLUDING ACCOMMODATION AT BASEMENT AND ROOF LEVELS. GRANT PERMISSION SUBJECT TO SECTION 106 OBLIGATION OR ANY OTHER ENABLING AGREEMENT. 05/09/2017.

## **5. CONSULTATION**

Consultation letters were sent to neighbouring properties and a site and press notice was published. 1 x comment and 10 x representations have been received raising objection which are summarised below.

After plans were amended and a re-consultation was issued with neighbouring properties, no further representations or comments have been received.

### 5.1 EXTERNAL COMMENTS RECEIVED

- Swift birds are endangered in the UK and at risk of extinction.
- The proposal is a good opportunity to integrate swift bricks and bird boxes into the scheme.

### 5.2 EXTERNAL REPRESENTATIONS

#### Wimbledon Society

- The proposed large, nearly square front and rear dormers are too large and need to be reduced so they are more in keeping with the surrounding streetscene.
- It is to be regretted that the external elevations lack any features of decoration or interest and we suggest that the opportunity be taken to require the addition of such features.
- The energy report recommends the installation of solar cells and an air source heat pump and this is to be applauded. However, neither of these features appears in any of the drawings and we suggest that the installation of these facilities be made a condition of the permission.
- We would also suggest that a further condition be imposed requiring that the screen around the first-floor balcony be at least 1.8m high and made of opaque material to avoid overlooking concerns.
- The proposed outbuilding at the bottom of the garden would be inherently suitable for independent occupation but it is our belief that this would not be permissible. It is requested that a condition be imposed preventing occupation independent of the main building and prohibiting letting separately from the main building.
- It is therefore requested that the application be refused or that the applicant be required to modify the proposal to deal with the points raised above.

### 5.3 Historic England (GLAAS)

- Having considered the proposals with reference to information held in the Greater London Historic Environment Record and/or made available in connection with this application, I conclude that the proposal is unlikely to have a significant effect on heritage assets of archaeological interest.
- The planning application lies in an area of archaeological interest (Archaeological Priority Area) identified in the Local Plan: [77002] Wimbledon Village.
- No further assessment or conditions are therefore necessary.

### 5.4 OTHER EXTERNAL REPRESENTATIONS RECEIVED:

- The proposed outbuilding would result in overdevelopment of the site and potentially more noise.
- No biodiversity assessment has been undertaken
- The proposed removal of such a large number of trees would be harmful to the character of the site and the surrounding conservation area.
- The trees can be seen from a large area and help to mitigate against noise and soften the landscape.
- The proposed outbuilding would harm the trees at the rear of the site.

- 4 x mature trees are incorrectly shown in Arb report and proposed plans.
- The scale of the outbuilding is unacceptable in its current form.
- Trees T009, T0010, T011, T012, T013 are wrongly identified as trees located in Burnwood Lodge when in fact they are in the curtilage of 1 Lambourne Avenue.
- The proposed new dwelling would be much closer to our rear fence and could result in a loss of light, create a sense of enclosure, result in a loss of privacy and could cause more noise.
- We are concerned the proposed windows in the first floor side elevation and the proposed balcony would result in overlooking.
- The proposed dwelling would be overbearing.
- I am concerned the proposed garage has asbestos in it and will need to be removed safely. Please can conditions be attached to any permission to ensure it can be safely removed.
- The proposal would be overwhelming and look directly into our back garden. (77 Arthur Road).
- The scale of the outbuilding is unacceptable in its current form.
- The proposal will have a harmful impact on property prices and the proposed balcony will result in a loss of privacy.
- The removal of trees will have a harmful impact on flooding and the green surroundings in the immediate area.
- The proposed dwelling would result in unacceptable construction noise and not enough consideration has gone into drainage.
- The proposal would result in overdevelopment and needs to be scaled down to reduce the sense of enclosure for 3 Lambourne Avenue.
- The house needs to have obscure glazed windows which face 3 Lambourne Avenue

## 5.5 INTERNAL COMMENTS

### 5.6 Conservation Officer

I know the building. I've seen it when I have been doing other site visits in Lambourne Road. There is no issue about it being demolished. But it would like to see a more interesting replacement house which will have a real positive impact on the conservation area. This road is becoming very mundane. Another thing, a space on the north side of the house between the garage and the boundary. This would be an enhancement. I'm a bit concerned about the independent living unit in the back garden. Not the building, the building is ok, but the use.

5.7 Flood Risk Officer:

Recommend the following condition:

Condition: Prior to the commencement of development, a detailed scheme for the provision of surface and foul water drainage shall be submitted to and approved in writing by the local planning authority for (both phases of) the development. The drainage scheme will dispose of surface water by means of a sustainable drainage system (SuDS) at the agreed runoff rate (no more than 1.0l/s, with no less than 14.25m<sup>3</sup> of attenuation volume), in accordance with drainage hierarchy contained within the London Plan Policy (SI 13 and SPG) and the advice contained within the National SuDS Standards. The drainage plans shall include pipe sizes and direction of flow.

Reason: To reduce the risk of surface and foul water flooding to the proposed development and future users, and ensure surface water and foul flood risk does not increase offsite in accordance with Merton's policies CS16, DMF2 and the London Plan policy SI

Informative: No surface water runoff should discharge onto the public highway including the public footway or highway. When it is proposed to connect to a public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required (contact no. 0845 850 2777). No waste material, including concrete, mortar, grout, plaster, fats, oils and chemicals shall be washed down on the highway or disposed of into the highway drainage system.

5.8 Highways Officer:

H9 INF9, INF12 - Please note that it is not clear on the drawings but if the applicant wants the existing vehicle crossover widened then they must apply via the Councils "Dropped Kerbs (vehicle crossovers)".

5.9 Transport Planner:

Recommendation:

Raise no objection subject to:

Car parking maintained.

Cycle parking: 2 for the house and one for the outbuilding (secure & undercover).

5.10 Tree Officer:

Comments following review of amended Arb Report and Plans:

This is a good result with the amended proposal. Provided all the protective measures described in the tree report are followed through to completion, the development should have a minimal impact on the Sweet Gum tree. I would recommend the following planning conditions:

**Tree Protection:** The details and measures for the protection of the existing trees as specified in the hereby approved document 'Arboricultural Impact Assessment and Method Statement' reference 'Rev.4' and dated 'Monday, 11 December 2023' and drawing number shall be fully complied with. The methods for the protection of the existing trees shall fully accord with all of the measures specified in the report and shall be installed prior to the commencement of any site works and shall remain in place until the conclusion of all site works.

**Reason:** To protect and safeguard the existing trees in accordance with the following Development Plan policies for Merton: policy G7 of the London Plan 2021, policy CS13 of Merton's Core Planning Strategy 2011 and policies DM D2 and 02 of Merton's Sites and Policies Plan 2014;

**Site Supervision (Trees)** – The details of the approved 'Arboricultural Impact Assessment and Method Statement' shall include the retention of an arboricultural expert to monitor and report to the Local Planning Authority not less than monthly the status of all tree works and tree protection measures throughout the course of the demolition and site works. A final Certificate of Completion shall be submitted to the Local Planning Authority at the conclusion of all site works. The works shall be carried out in accordance with the approved Arboricultural Method Statement and Tree Protection Plan.

## **6. POLICY CONTEXT**

### **6.1 National Planning Policy Framework (2023)**

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

## 6.2 London Plan 2021

- D3 Optimising site capacity through the design-led approach
- D4 Delivering good design
- D8 Public Realm
- D6 Housing quality and standards
- G1 Green infrastructure
- SI 1 Improving air quality
- SI 4 Managing heat risk
- SI 5 Water infrastructure
- SI 2 Minimising greenhouse gas emissions
- SI 12 Flood risk management
- SI 13 Sustainable drainage
- GG1 Building strong and inclusive communities
- GG2 Making the best use of land
- GG3 Creating a healthy city
- G7 Trees and Woodlands
- H2 Small Sites
- HC1 Heritage conservation and growth
- T2 Healthy Streets
- T3 Transport capacity, connectivity and safeguarding
- T5 Cycling
- T6 Car parking

## 6.3 Merton Core Strategy (2011)

- CS8 Housing Choice
- CS9 Housing Provision
- CS14 Design
- CS15 Climate Change
- CS16 Flood Risk Management
- CS17 Waste Management
- CS18 Active Transport



- CS20 Parking, Servicing and Delivery

#### 6.4 Merton Sites and Policies Plan (2014)

- DM D2 Design considerations in all developments
- DM D3 Alterations and extensions to existing buildings
- DM D4 Managing Heritage Assets
- DM H2 Housing mix
- DM H4 Demolition and redevelopment of a single dwelling house
- DM F2 Sustainable urban drainage systems (SuDS) and; Wastewater and Water Infrastructure
- DM 02 Nature Conservation, Trees, hedges and landscape features
- DM T1 Support for sustainable transport and active travel
- DM T2 Transport impacts of development
- DM T3 Car parking and servicing standards
- DM EP2 Reducing and mitigating noise

### 7. PLANNING CONSIDERATIONS

The National Planning Policy Framework, London Plan H2 and the Council's Core Strategy Policy CS8 and CS9 all seek to increase sustainable housing provision and access to a mixture of dwelling types for the local community, providing that an acceptable standard of accommodation would be provided. Policy H2 of the London Plan 2021 also states that boroughs should seek to enable additional development capacity which includes intensification, developing at higher densities.

#### 7.1 The key planning considerations of the proposal are as follows:

- Principle of demolition
- Design and impact upon the character and appearance of the site and the surrounding Conservation Area
- Impact upon neighbouring amenity
- Impact on Trees
- Standard of accommodation
- Transport, parking and cycle storage
- Refuse
- Sustainability

- Drainage and flood risk

## 7.2 **PRINCIPLE OF DEMOLITION**

7.3 The existing building is considered to make a neutral contribution to the site and the surrounding Conservation Area. This is due to its overall height, scale and massing and how it relates to the streetscene and surrounding conservation area. However, the existing building is considered to be of limited historic value and is in a very poor state of repair especially at the rear where the ceiling of the 2 storey extension has collapsed and there has been water ingress.

7.4 The proposal to demolish the existing building is therefore considered acceptable in principle as there would be no net loss of a family unit and its loss would not be harmful to the significance of the Conservation Area. However, it is subject to the proposed new dwelling being sympathetic in design, scale and proportions to the existing character of the site, the streetscene and the surrounding Conservation Area. The proposals would also need to have to have an acceptable impact on trees, flooding, neighbouring amenity, provide a good standard of accommodation, meet sustainability requirements, with no harmful impacts on transport and the highway.

## 7.5 **CHARACTER AND APPEARANCE**

7.6 The NPPF states that developments should function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development. Developments should ensure that they are visually attractive and are sympathetic to local character and history, while not preventing or discouraging appropriate innovation or change (such as increased densities).

7.7 London Plan policies D3, D4, D8 and HC1, Core Strategy policy CS14 and SPP Policies DM D1, DM D2, DM D3 and DM D4 require well designed proposals that are of the highest architectural quality and incorporate a design that is appropriate to its context, so that development relates positively to the appearance, scale, bulk, form, proportions, materials and character of the original building and their surroundings, thus enhancing the character of the wider area.

7.8 The proposed dwelling has been amended during the application process following officer advice and is now considered to be of a scale, form and appearance which is in keeping with the site and the surrounding Conservation Area. The proposed dwelling would be pitched, would not go higher than the height of the existing house and would be set in at the side boundaries. It would also follow the same building line and the pitch of the roof would be similar to that of neighbouring properties. Officers note the Conservation Officers comments about the design of the proposed dwelling, however, the proposed dwelling would be reflective of the immediate neighbouring property. Further, officers note that the road contains a variety of dwellings, with more modern dwellings on the east side of the road. officers are therefore satisfied that the proposal would result in a new dwelling which would be in keeping with the road.

- 7.9 In terms of materials it is proposed that the new dwelling would be constructed from brick and tiles similar to match existing with powder coated metal windows. This is considered acceptable in principle subject to a condition on materials.
- 7.10 Under amended plans the proposed outbuilding has been removed from the proposals and the depth of the proposed dwelling has been reduced at all floor levels. As such, the proposal is now considered to sit comfortably within the site without resulting in an overdevelopment.

7.11 **TREES**

In response to the Tree Officers comments, plans were amended in part to protect the root protection area of the sweet gum tree and to also remove the proposed outbuilding which would have necessitated the removal of several trees at the rear. As such the impact on trees is now considered acceptable subject to the recommended tree conditions below.

7.12 **IMPACT ON NEIGHBOURING AMENITY**

The properties which could be affected by the proposal include 1A, 2 and 3 Lambourne Avenue, 73, 75, 77 and 77A Arthur Road and 83 Arthur Road.

7.13 2 Lambourne Avenue

There would be a separation distance of approximately 27m between the front elevation of 1 Lambourne Avenue and the front elevation of 2 Lambourne Avenue. As such, the additional overlooking which would result from the proposed dormers is not considered to result in a material increase in overlooking or a loss of privacy. Due to the separation distance and overall orientation of the site, the proposal is also not considered to be overbearing, visually intrusive or result in a loss of daylight sunlight to this neighbouring property.

7.14 3 Lambourne Avenue

The proposed dwelling would extend by a further 2.5m in depth at first floor level along this neighbour's shared boundary when compared to the existing dwelling. At single storey level the proposal would extend by a further 4.66m. However due to amendments during the application process the proposal has now been stepped in at single storey and 1st floor level, and as such there would now be a separation distance of approximately 4.9m at the side boundary at 1st floor level and the single storey outrigger would extend by approximately 1.6m beyond this neighbour's single storey outrigger but would also be stepped in by approximately 2.95m. In addition the balcony has been reduced in width and obscure glazing in the form of side panels would help prevent overlooking. Windows at 1st floor level in the side elevation facing this neighbour would also be obscured. As such, the amended proposals are now considered to have overcome the impact on amenity and are considered acceptable such to conditions below.

7.15 All units at 1A Lambourne Avenue and 73-77A Arthur Road  
There would be a 1m separation distance at the side boundary facing these properties. All windows at first floor level would also be obscure glazed and fixed shut and an obscure glazed screen is also proposed on both sides of the raised terrace. However It is noted due to the overall massing, the proposal would result in some increase in enclosure, primarily due to the increase in eaves height from 4.74m to 5.6m. Beyond the existing rear wall at single storey level, the proposal would extend by a further 4.62m, at 1<sup>st</sup> floor level the proposal would extend by a further 2.45m and at roof level the proposal would extend by 6m beyond the original rear wall of the existing house. However, it is noted the rear of the these adjoining properties are NW facing and there would be a reasonable separation distance of approximately 19-22m between the proposed side elevation and the rear elevations of 73-77 Arthur Road. As such the proposals are not considered to be overbearing, visually intrusive, result in a loss of daylight/sunlight or a loss of privacy to these neighbouring properties.

7.16 Flats at 83 Arthur Road  
There would be a separation distance of approximately 30m between the proposed rear elevation at 1<sup>st</sup> floor level and the existing rear boundary fence. As such the proposed dwelling is not considered to result in a loss of privacy, be visually intrusive, overbearing or result in a loss of daylight/sunlight.

Overall, the impact on neighbouring amenity for these adjoining properties is therefore considered acceptable.

#### 7.17 **STANDARD OF ACCOMMODATION**

7.18 Policy D6 of the London Plan states that housing developments should be of the highest quality internally and externally and should ensure that new development reflects the minimum internal space standards (specified as Gross Internal Areas GIA) as set out in Table 3.1 of the London Plan. Table 3.1 provides comprehensive detail of minimum space standards for new development; which the proposal would be expected to comply with. Policy DM D2 of the Adopted Sites and Policies Plan (2014) also states that developments should provide suitable levels of sunlight and daylight and quality of living conditions for future occupants.

7.19 The proposal would meet London and National Space Standards. The floor area and dimensions of all bedrooms would also meet national space standards.

7.20 In accordance with the London Plan 2021 and Policy DMD2 of the Council's Sites and Policies Plan, it states that there should be 5sqm of external space provided for private outdoor space for 1-2 person flats and an extra 1sqm provided for each additional occupant. For new houses, the Council would expect 50sq m of outdoor amenity space to be provided. The proposal would exceed this requirement and is therefore considered acceptable.

Flat No.	No. of beds	No. of persons	No. of storey's	Required GIA (sqm)	Proposed GIA (sqm)	Compliant
	5	8	3	138	406.37sq.m	Yes

### External

In accordance with the London Plan 2021 and Policy DM D2 of the Council's Sites and Policies Plan, it states that there should be 5sqm of external space provided for private outdoor space for 1-2 person flats and an extra 1sqm provided for each additional occupant. For new houses, the Council would expect 50sq m of outdoor amenity space to be provided. The proposal would exceed this requirement and is therefore considered acceptable.

#### 7.21 **PARKING/HIGHWAYS**

The site has a PTAL rating of 2 which means the site has poor access to public transport. The applicant has stated that 2 off street parking spaces would be provided. As this would not exceed the existing provision, this is considered acceptable.

#### 7.22 **BIKE AND BIN STORAGE**

Plans indicate there is sufficient space for bikes to be stored easily at the front or rear of the site. As such this element of the proposal is considered acceptable subject to conditions below.

#### 7.23 **SUSTAINABILITY**

7.24 All new developments comprising the creation of new dwellings should demonstrate how the development will comply with Merton's Core Planning Strategy (2011) Policy CS15 (Climate Change) (parts a-d) and the Policies in outlined in Chapter 9 of the London Plan 2021.

7.25 An Energy Strategy Report has been submitted as part of this application. The development will need to achieve internal water usage rates not exceeding 105 litres per person per day. CO2 emissions for the proposed development would be assessed under Approved Document Part L1A of Building Regulations. Part L of Building Regulations was updated (Part L 2021) and Part L 2021 is estimated to represent a 31% improvement against Part L 2013. As a result, the new Part L 2021 exceeds the 19% improvement against Part L 2013 target which Merton requires for minor schemes. Therefore, better improvements to building standards will now be controlled under building control regulations, however under planning, we will still need to see evidence of meeting Merton's internal water use rate of 105 Litres per person per day for minor residential schemes. In order to secure this requirement, a planning condition can be attached requiring evidence that the development has met this standard.

7.26 As such it is considered acceptable in principle subject to the sustainability conditions below.

7.27 AIR QUALITY

7.28 Planning Policy SI 1 (Improving air quality) of the London Plan 2021 seeks to tackle poor air quality and protect health. There are potential impacts to air quality affecting amenity and human health from construction activities, demolition, earthworks and construction traffic.

The London Plan Guidance on Air Quality sets out requirements for Minor Developments:

*3.11 Simplified procedure for the Building Emissions Benchmark (BEB)*

*Where minor developments (as set out within 2.3.1) include new heating systems, they can be assumed to meet the BEB in any of the following instances:*

*the new heating system is a heat pump or other zero-emission heat source*

*the new heating system includes one or more individual gas boilers with NOx emissions rated at less than 40 mg/kWh*

*the development is connecting to an existing heat network.*

*3.1.2 Where a development meets the criteria above, the rest of section 3 does not apply. If the criteria above is not met, a full AQN Assessment against the BEB is required, as per the procedure below.*

7.29 The applicant has confirmed the new development would have an Air Source Heat Pump. As such this element of the proposal is considered acceptable in principle subject to conditions below.

*4. Transport Emissions Benchmark (TEB)*

*4.1.1 Where minor developments (as set out in 2.3.1) include new parking, they can be assumed to meet the TEB if the maximum parking standards set out in policies T6 and T6.1 to T6.5 of the London Plan are not exceeded. For land uses where maximum parking standards are not defined, a full calculation against the benchmarks should be carried out.*

*4.1.2 Where a development meets the criteria above, the rest of section 4 does not apply. If the criteria above is not met, a full AQN Assessment is required against the TEB, as per the procedure below. Where major developments meet the definition of 'car-free', they can be assumed to meet the TEB and the rest of section 4 does not apply. This assumption does not exempt a development from considering building emissions (see section 3).*

7.30 The proposed site has a Ptal of 2 and 2 x parking spaces are proposed. This would not exceed the existing car parking provision and is therefore considered exempt from the requirements set out in Chapter 2.2 of the Air Quality Neutral London Plan Guidance as it would be an air quality neutral development. Further, a Construction Method Statement would capture measures as to how emissions and dust would be controlled during the construction process. This would be controlled via condition.

### 7.31 BIODIVERSITY

7.32 Policy G6 of the London Plan sets out that development proposals should manage impacts on biodiversity and aim to secure net biodiversity gain.

7.33 The site contains a residential dwelling in a largely overgrown plot. The scheme does not include any ecological enhancement measures. However, this matter can be addressed by way of condition to secure a plan for the implementation of ecological enhancement measures, which may include specific planting, bird boxes, bat boxes etc.

7.34 Subject to a condition to ensure that biodiversity on the site would be improved and there would be an overall biodiversity net gain, the proposal would be acceptable in this regard.

### 7.35 DEVELOPER CONTRIBUTIONS

The proposed development would be subject to payment of the Merton Community Infrastructure Levy and the Mayor of London's Community Infrastructure Levy (CIL).

## 8. CONCLUSION

The proposed new dwelling is considered to be an acceptable addition to the character of the site, the streetscene and the surrounding Conservation Area. It is also considered to provide a good standard of accommodation and it is also considered acceptable in terms of impacts on trees, neighbouring amenity and sustainability. Officers therefore recommend permission be granted, subject to conditions.

### CONDITIONS

1	A1 Commencement of development (full application)	Commencement of development (Full Permission) - The development to which this permission relates shall be commenced not later than the expiration of 3 years from the date of this permission.	
	1	Reason: To comply with Section 91 (as amended) of the Town & Country Planning Act 1990.	
2	A7 Approved Plans	Approved Plans - The development hereby permitted shall be carried out in accordance with the following approved plans: [Approved Plans - The development hereby permitted shall be carried out in accordance with the following approved plans: [210-P-GE02-P4, 210-P-GE01-P4, 210-P-GA01-P4, 210-P-GA00-P4, 210-P-GA03-P4, 210-P-GA02-P4, 210-P-GS01-P4, 210-X-Site-P1, 210-P-Site-P5, 210-P-GE03-P2]	
	1	Reason: For the avoidance of doubt and in the interests of proper planning	



3	B1 External Materials to be Approved	Materials to be Approved - No development shall take place until details of particulars and samples of the materials to be used on all external faces of the development hereby permitted, including window frames and doors (notwithstanding any materials specified in the application form and/or the approved drawings), have been submitted to the Local Planning Authority for approval. No works which are the subject of this condition shall be carried out until the details are approved, and the development shall be carried out in full accordance with the approved details.
	1	Reason: To ensure a satisfactory appearance of the development and to comply with the following Development Plan policies for Merton: policies D4 and D8 of the London Plan 2021, policy CS14 of Merton's Core Planning Strategy 2011 and policies DM D2 and D3 of Merton's Sites and Policies Plan 2014.
4	B5 Details of Walls/Fences	Boundary Treatment - Prior to above ground works no development shall take place until details of all boundary walls or fences are submitted in writing for approval to the Local Planning Authority. No works which are the subject of this condition shall be carried out until the details are approved, and the development shall not be occupied / the use of the development hereby approved shall not commence until the details are approved and works to which this condition relates have been carried out in accordance with the approved details. The walls and fencing shall be permanently retained thereafter.
	1	Reason: To ensure a satisfactory and safe development in accordance with the following Development Plan policies for Merton: policies D4 and D8 of the London Plan 2021, policy CS14 of Merton's Core Planning Strategy 2011 and policies DM D1 and D2 of Merton's Sites and Policies Plan 2014.
5	C01 No Permitted Development (Extensions)	Removal of PD (Extensions/Alterations) - Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no extension, enlargement or other alteration of the dwellinghouse other than that expressly authorised by this permission shall be carried out without planning permission first obtained from the Local Planning Authority.
	1	Reason: The Local Planning Authority considers that further development could cause detriment to the amenities of the occupiers of nearby properties or to the character of the area and for this reason

		would wish to control any future Development plan policies for Merton: policy D4 of the London Plan 2021, policy CS14 of Merton's Core Planning Strategy 2011 and policies DM D2 and D3 of Merton's Sites and Policies Plan 2014.
6	C03 Obscured Glazing (Fixed Windows)	Obscured Glazing (Fixed Shut) - Before the development hereby permitted is first occupied, the windows in the 1st floor side elevations shall be glazed with obscure glass, fixed shut and shall permanently maintained as such thereafter.
	1	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.
7	C06 Refuse & Recycling (Details to be Submitted)	Refuse & Recycling (Details to be Submitted) - Prior to above ground works taking place details of a scheme for the storage of refuse and recycling shall be 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.
	1	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.
9	C08 No Use of Flat Roof	No Use of Flat Roof - Access to the flat roof of the development hereby permitted (apart from designated roof terrace) 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.
	1	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.
10	C09 Balcony/Terrace (Screening)	Screening - The screening or enclosure to the balcony as shown on the approved plans shall be implemented before the development is first occupied and retained permanently thereafter.

	1	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.
11	D11 Construction Times	Construction Times - No demolition or construction work or ancillary activities such as deliveries shall take place before 8am or after 6pm Mondays - Fridays inclusive, before 8am or after 1pm on Saturdays or at any time on Sundays or Bank Holidays.
	1	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.
12	F01 Landscaping/Planting Scheme	Landscaping - Prior to above ground works taking place details of a landscaping and planting scheme shall be submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved before the commencement of the use or the occupation of any building hereby approved, unless otherwise agreed in writing by the Local Planning Authority. The details shall include on a plan, full details of the size, species, spacing, quantities and location of proposed plants, together with any hard surfacing, means of enclosure, and indications of all existing trees, hedges and any other features to be retained, and measures for their protection during the course of development.
	1	Reason: To enhance the appearance of the development in the interest of the amenities of the area, to ensure the provision sustainable drainage surfaces and to comply with the following Development Plan policies for Merton: policies G7 and D8 of the London Plan 2021, policies CS13 and CS16 of Merton's Core Planning Strategy 2011 and policies DM D2, DM F2 and DM O2 of Merton's Sites and Policies Plan 2014.
13	F02 Landscaping (Implementation)	Landscaping (Implementation) - All hard and soft landscape works shall be carried out in the first available planting season following the completion of the development or prior to the occupation of any part of the development, whichever is the sooner, and any trees which die within a period of 5 years from the completion of the development, are removed or become seriously damaged or diseased or are dying, shall be replaced in the next planting season with others of same approved specification,

		unless the Local Planning Authority gives written consent to any variation. All hard surfacing and means of enclosure shall be completed before the development is first occupied.
	1	Reason: To enhance the appearance of the development in the interest of the amenities of the area, to ensure the provision sustainable drainage surfaces and to comply with the following Development Plan policies for Merton: policy G7 of the London Plan 2021, policies CS13 and CS16 of Merton's Core Planning Strategy 2011 and policies DM D2, F2 and O2 of Merton's Sites and Policies Plan 2014.
14	F08 Site Supervision (Trees)	Site Supervision (Trees) ? The details of the approved `Arboricultural Impact Assessment and Method Statement' shall include the retention of an arboricultural expert to monitor and report to the Local Planning Authority not less than monthly the status of all tree works and tree protection measures throughout the course of the demolition and site works. A final Certificate of Completion shall be submitted to the Local Planning Authority at the conclusion of all site works. The works shall be carried out in accordance with the approved Arboricultural Method Statement and Tree Protection Plan.
	1	Reason: To protect and safeguard the existing retained trees in accordance with the following Development Plan policies for Merton: policy G7 of the London Plan 2021, policy CS13 of Merton's Core Planning Strategy 2011 and policy DMO2 of Merton's Sites and Policies Plan 2014.
15	F10 Tree Protection - Exclusion Zone	Tree Protection: The details and measures for the protection of the existing trees as specified in the hereby approved document `Arboricultural Impact Assessment and Method Statement' reference 'Rev.4' and dated 'Monday, 11 December 2023' and drawing number shall be fully complied with. The methods for the protection of the existing trees shall fully accord with all of the measures specified in the report and shall be installed prior to the commencement of any site works and shall remain in place until the conclusion of all site works.
	1	Reason: To protect and safeguard the existing retained trees in accordance with the following Development Plan policies for Merton: policy G7 of the London Plan 2021, policy CS13 of Merton's Core Planning Strategy 2011 and policy DMO2 of Merton's Sites and Policies Plan 2014.
16	H06 Cycle Parking - Details to be Submitted	Cycle Parking - Details to be Submitted - Prior to above ground works no development shall take place until details of secure cycle parking facilities

		for the occupants of, and visitors to, the development have been submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be fully implemented and made available for use prior to the first occupation of the development and thereafter retained for use at all times.
	1	Reason: To ensure satisfactory facilities for cycle parking are provided and to comply with the following Development Plan policies for Merton: policy T5 of the London Plan 2021, policy CS18 of Merton's Core Planning Strategy 2011 and policy DM T1 of Merton's Sites and Policies Plan 2014.
17	H07 Cycle Parking to be implemented	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.
	1	Reason: To ensure satisfactory facilities for cycle parking are provided and to comply with the following Development Plan policies for Merton: policy T5 of the London Plan 2021, policy CS18 of Merton's Core Planning Strategy 2011 and policy DM T1 of Merton's Sites and Policies Plan 2014.
18	Construction Working Method Statement	Working Method Statement & Demolition/Construction Logistics Plan - Development shall not commence until a working method statement and demolition/construction logistics plan has been submitted to and approved in writing by the Local Planning Authority to accommodate: (i) Hours of operation (ii) Parking of vehicles of site operatives and visitors; (iii) Loading and unloading of plant and materials; (iv) Storage of construction plant and materials; (v) Wheel cleaning facilities (vi) Control of dirt, dust, smell and other effluvia; (vii) Control of surface water run-off. (viii) Measures to control the emission of noise and vibration during construction/demolition. (viii)The erection and maintenance of any security hoarding including decorative displays. (ix) A scheme for recycling/disposing of waste resulting from demolition and construction works No development shall be carried out except in full accordance with the approved method statement.
	1	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.
19	L3 Sustainability Standard Pre-Occupation	Sustainability (Water Consumption) - No part of the development hereby approved shall be occupied until evidence has been submitted to, and approved in writing by, the Local Planning Authority confirming that the development has achieved internal water consumption rates of no greater than 105 litres per person per day
	1	Reason: To ensure that the development achieves a high standard of sustainability and makes efficient use of resources and to comply with the following Development Plan policies for Merton: Policy SI 2 and SI 3 of the London Plan 2021 and Policy CS15 of Merton's Core Planning Strategy 2011.
20	A Non Standard Condition	Condition: Prior to the commencement of development, a detailed scheme for the provision of surface and foul water drainage shall be submitted to and approved in writing by the local planning authority for (both phases of) the development. The drainage scheme will dispose of surface water by means of a sustainable drainage system (SuDS) at the agreed runoff rate (no more than 1.0l/s, with no less than 14.25m <sup>3</sup> of attenuation volume), in accordance with drainage hierarchy contained within the London Plan Policy (SI 13 and SPG) and the advice contained within the National SuDS Standards. The drainage plans shall include pipe sizes and direction of flow.
	1	Reason: To reduce the risk of surface and foul water flooding to the proposed development and future users, and ensure surface water and foul flood risk does not increase offsite in accordance with Merton's policies CS16, DMF2 and the London Plan policy SI 13.
21	A Non Standard Condition	Prior to commencement details of the Air Source Heat Pump together with a noise report have 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 details are approved, and the development shall not be occupied unless the measures have been approved and carried out in strict accordance with the approved details and those measures shall thereafter be retained for use at all times from the date of first occupation.
		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.
	Biodiversity	The development hereby approved shall not be occupied until a plan for ecological enhancements, to secure a biodiversity net gain, has been submitted to and approved in writing by the Local Planning Authority. The agreed enhancements shall be implemented prior to the first occupation of the development hereby permitted and maintained thereafter.
		Reason: Having regard to the biodiversity value of the site
22	INF 00 Non-Standard/ Blank Informative	<p>INFORMATIVE</p> <p>No surface water runoff should discharge onto the public highway including the public footway or highway. When it is proposed to connect to a public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required (contact no. 0845 850 2777). No waste material, including concrete, mortar, grout, plaster, fats, oils and chemicals shall be washed down on the highway or disposed of into the highway drainage system.</p>
23	INF 09 Works on the Public Highway	<p>INFORMATIVE</p> <p>You are advised to contact the Council's Highways team on 020 8545 3700 before undertaking any works within the Public Highway to obtain the necessary approvals and/or licences. Please be advised that there is a further charge for this work. If your application falls within a Controlled Parking Zone this has further costs involved and can delay the application by 6 to 12 months.</p>
24	INF 12 Works affecting the public highway	<p>INFORMATIVE</p> <p>Any works/events carried out either by, or at the behest of, the developer, whether they are located on, or affecting a prospectively maintainable highway, as defined under Section 87 of the New Roads and Street Works Act 1991, or on or affecting the public highway, shall be co-ordinated under the requirements of the New Roads and Street Works Act 1991 and the Traffic management Act 2004 and licensed accordingly in order to secure the expeditious movement of traffic by minimising disruption to users of the highway network in Merton. Any such works or events commissioned by the developer and particularly those involving the connection of any utility to the site, shall be co-</p>

		<p>ordinated by them in liaison with the London Borough of Merton, Network Coordinator, (telephone 020 8545 3976). This must take place at least one month in advance of the works and particularly to ensure that statutory undertaker connections/supplies to the site are co-ordinated to take place wherever possible at the same time.</p>
25	<p>Note To Applicant - Approved Schemes</p>	<p><b>INFORMATIVE</b></p> <p>In accordance with paragraph 38 of the NPPF, The London Borough of Merton (LBM) takes a positive and proactive approach to development proposals focused on solutions. LBM works with applicants/agents in a positive and proactive manner by:</p> <ul style="list-style-type: none"> <li>i) Offering a pre-application advice and duty desk service.</li> <li>ii) Where possible, suggesting solutions to secure a successful outcome.</li> <li>iii) As appropriate, updating applicants/agents of any issues that may arise in the processing of their application.</li> </ul> <p>In this instance:</p> <ul style="list-style-type: none"> <li>i) The applicant/agent was provided with pre-application advice.</li> <li>ii) The application was amended during the application process via amended plans.</li> </ul>



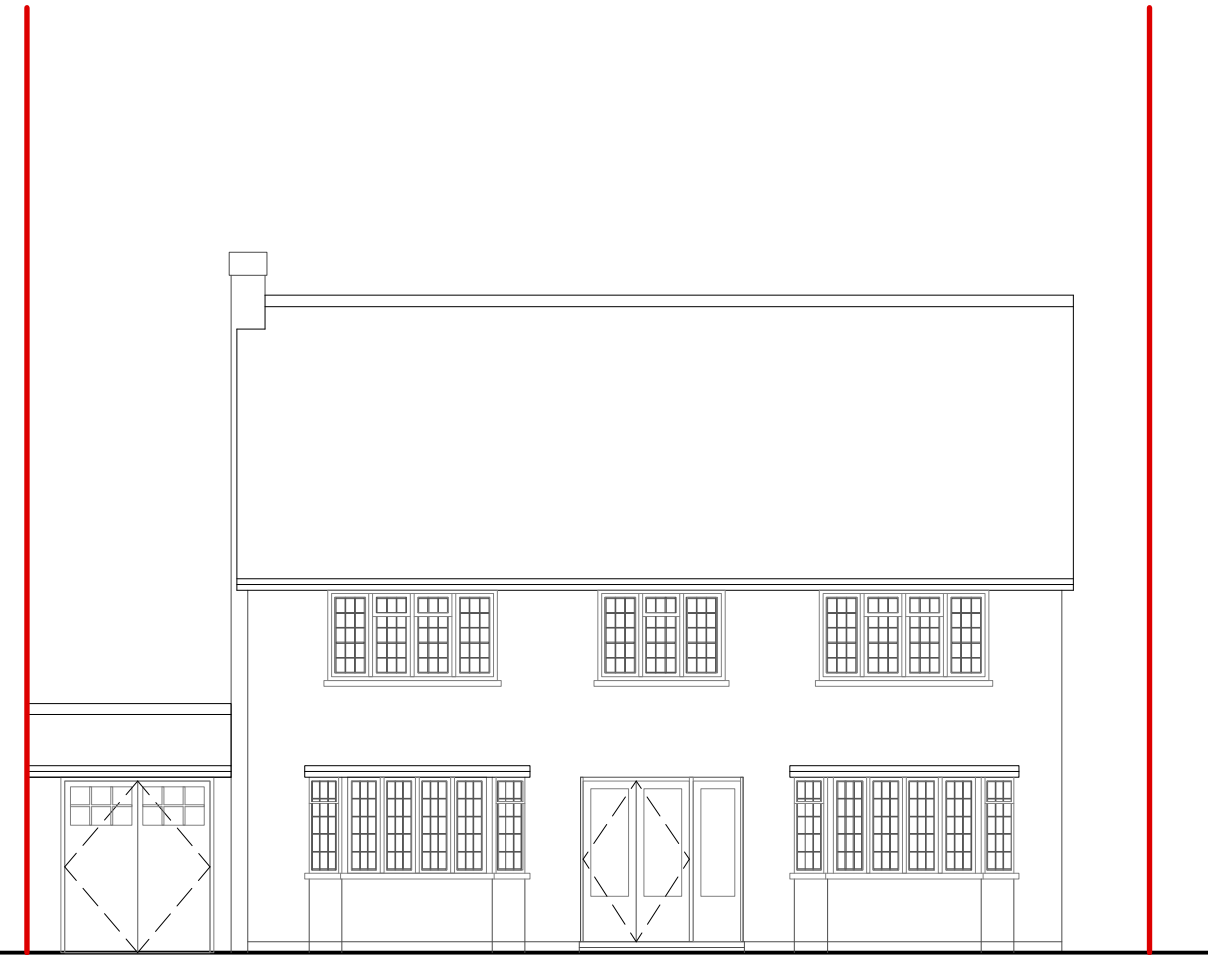
# NORTHGATE SE GIS Print Template



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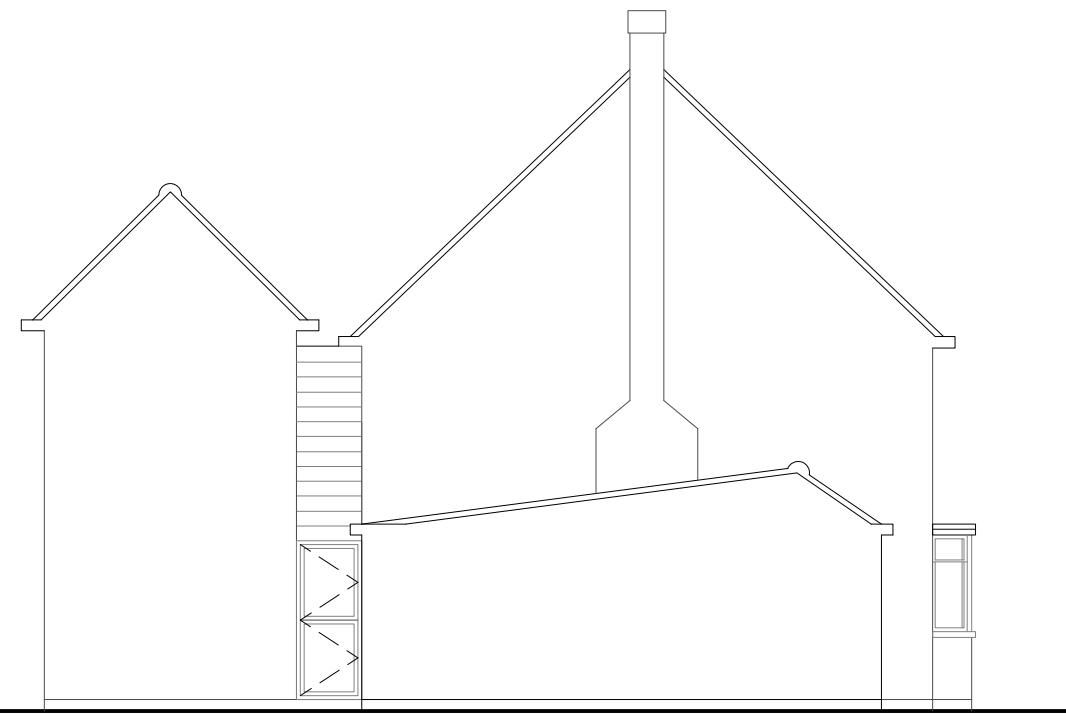
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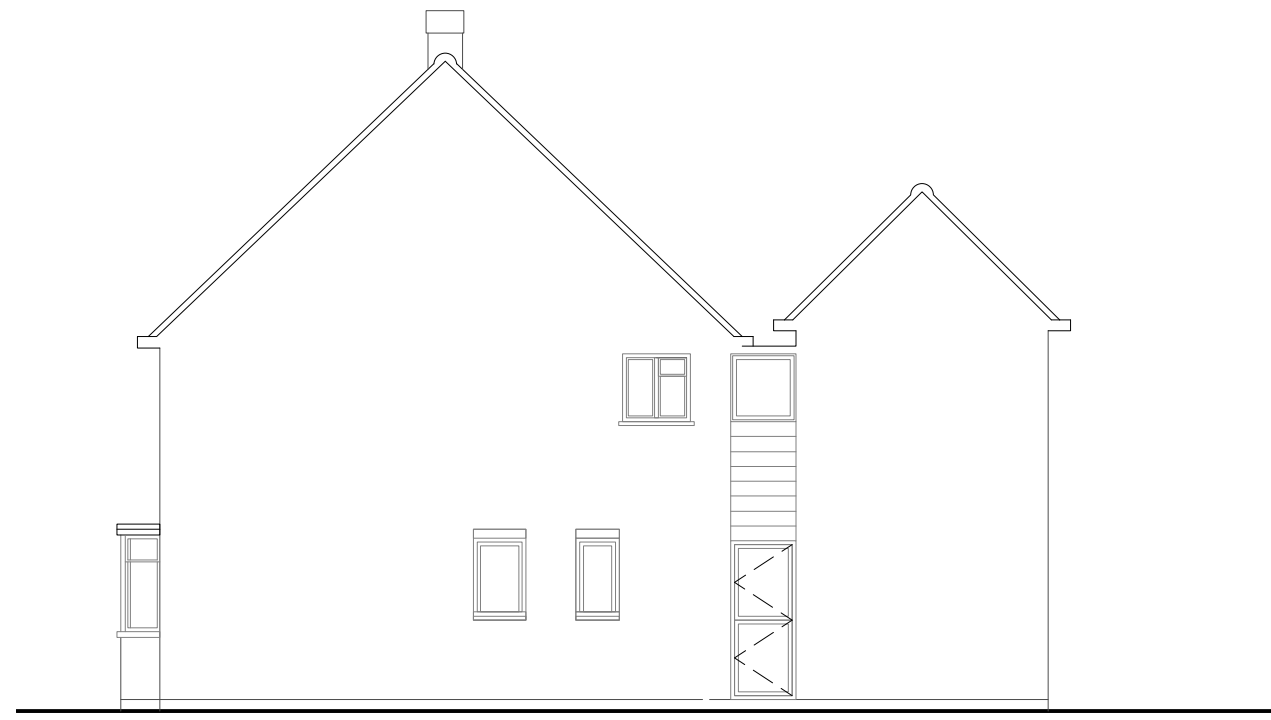
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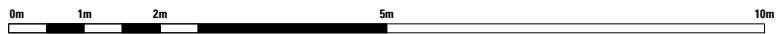
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03 ExistingSouthEastElevation  
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04 ExistingNorthWestElevation  
Scale 1:50@A1, 1:100@A3



Revisions  
P1 12/04/2023 Issued for Planning

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Client  
Total Real Estate Ltd

Project  
1 Lambourne Avenue,  
Wimbledon SW19 7DW

Drawing Title  
Existing Elevations

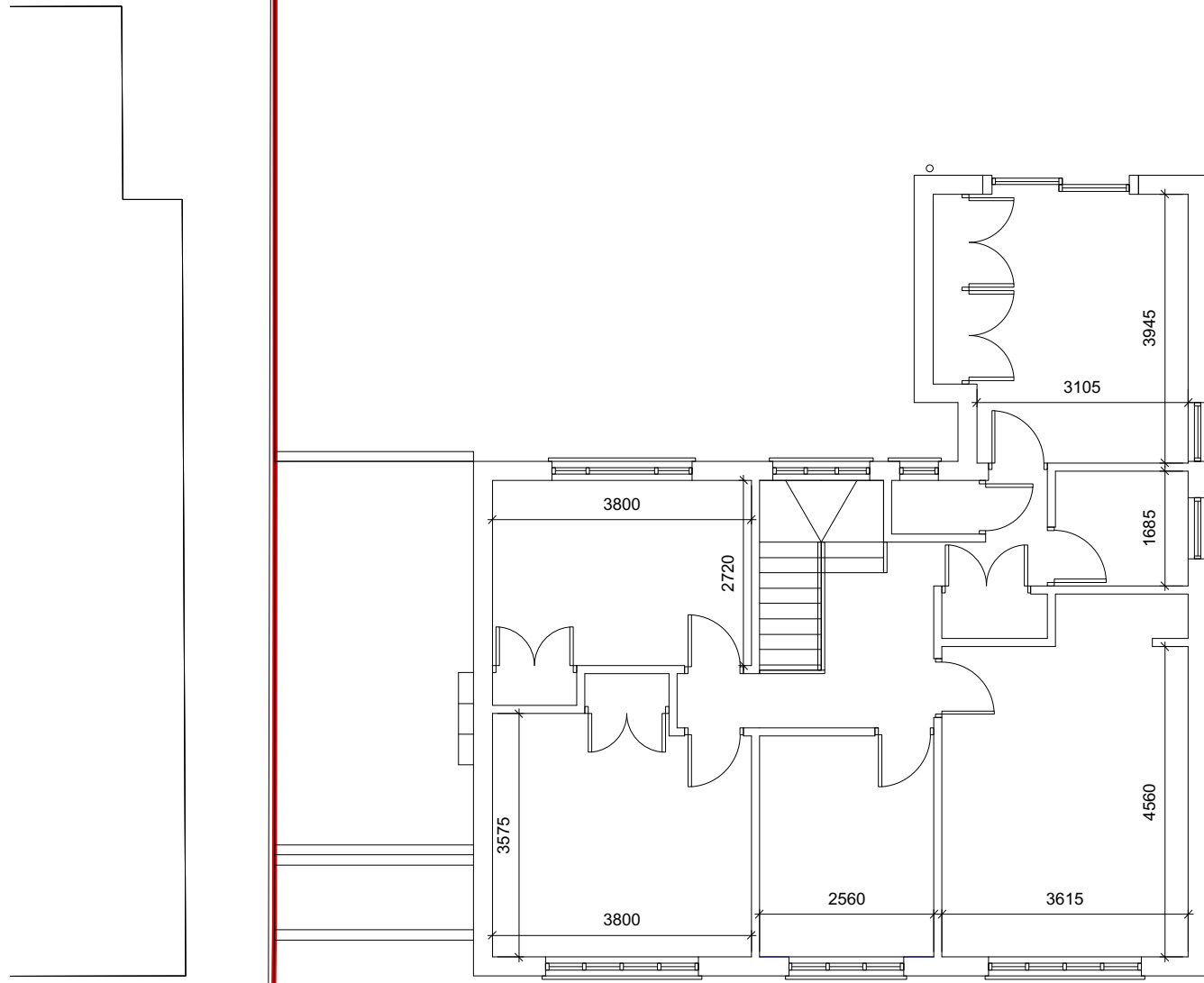
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Planning	PA	RP
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Drwg. No. & Revision  
**210-X-GE01-P1**

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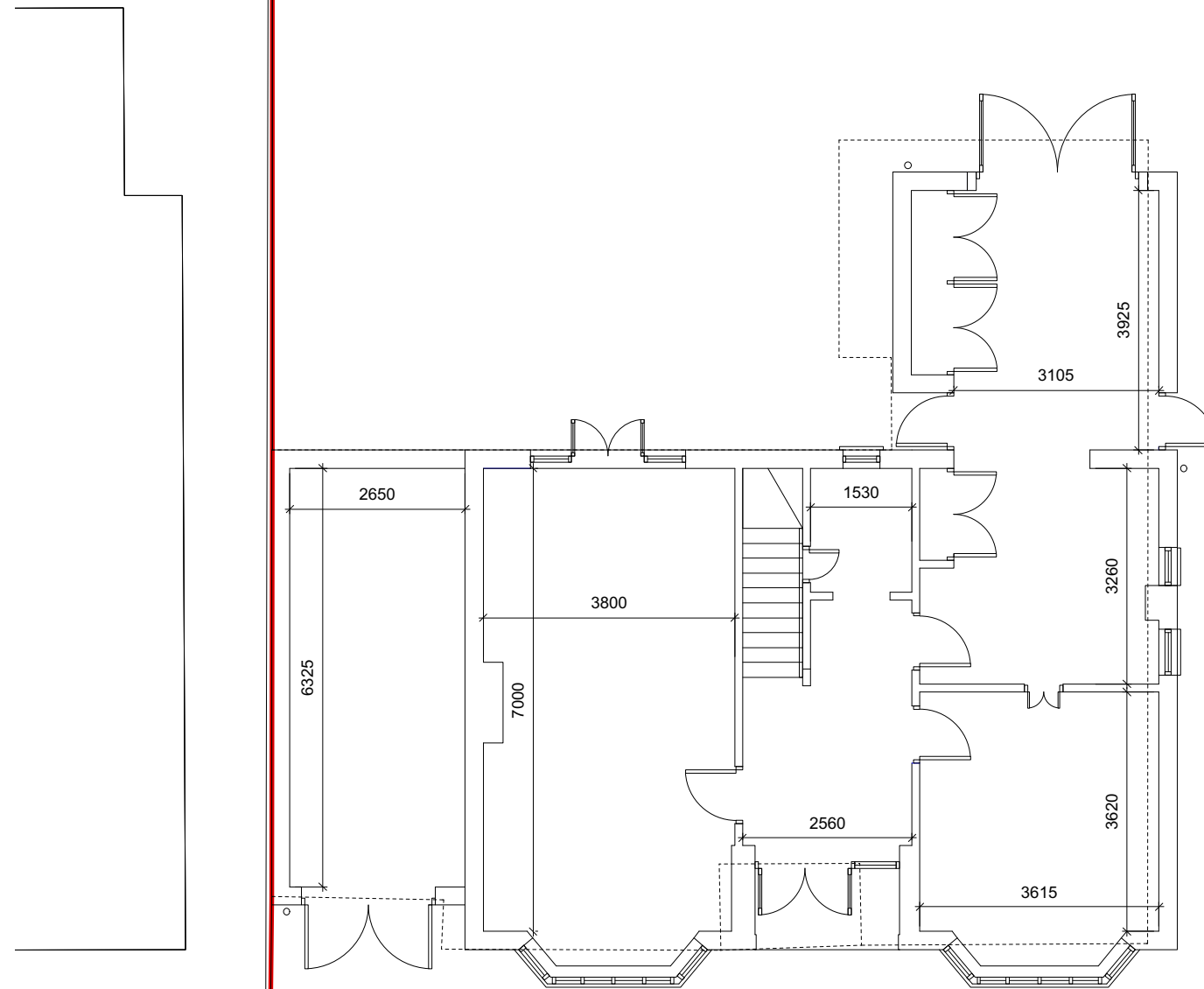
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Existing General Arrangement  
First Floor

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Planning	PA	RP
Scale	Date	
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Drwg. No. & Revision  
**210-X-GA01-P1**

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Drawing Title  
Existing General Arrangement  
Ground Floor

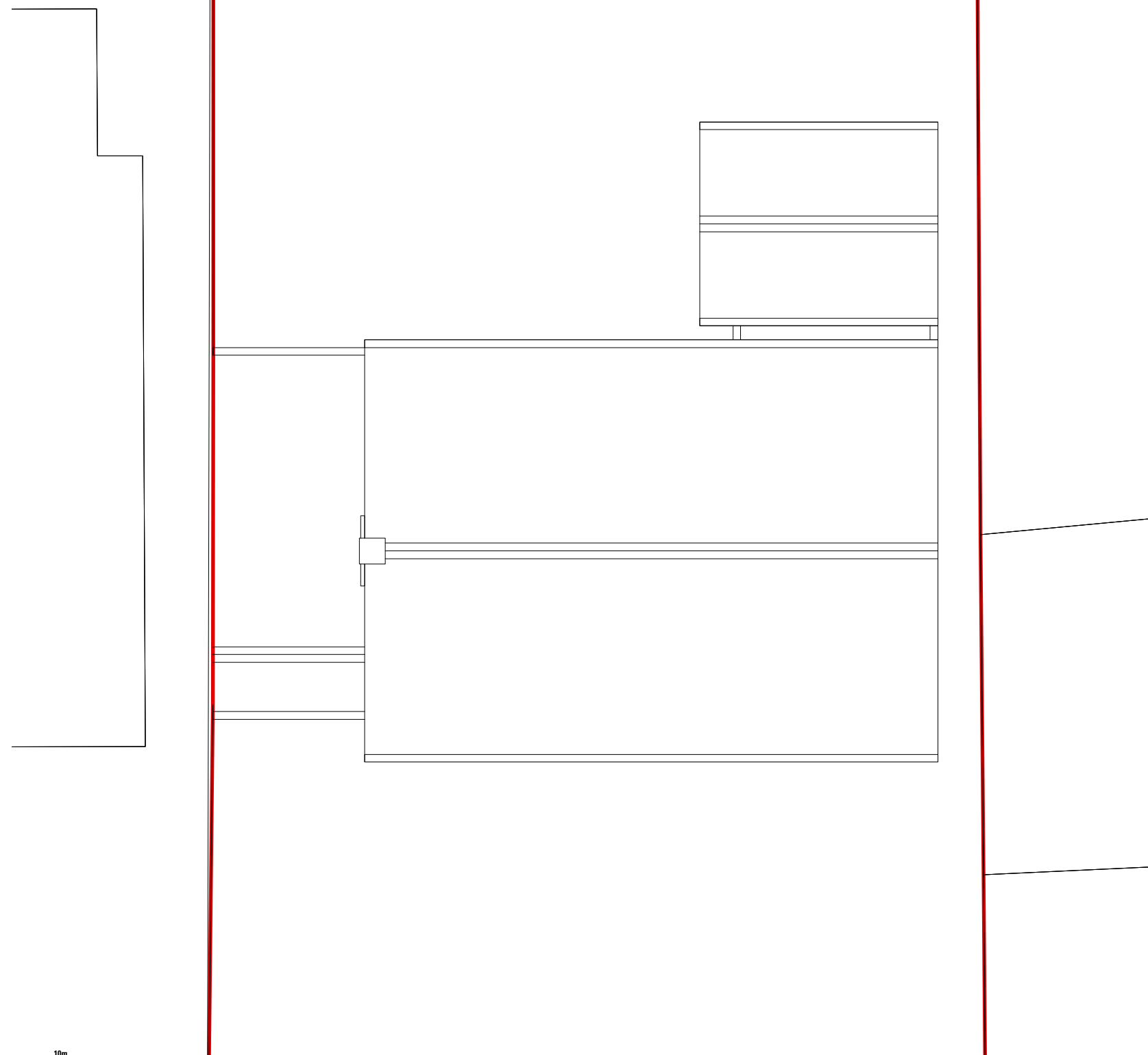
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Drwg. No. & Revision  
**210-X-GA00-P1**

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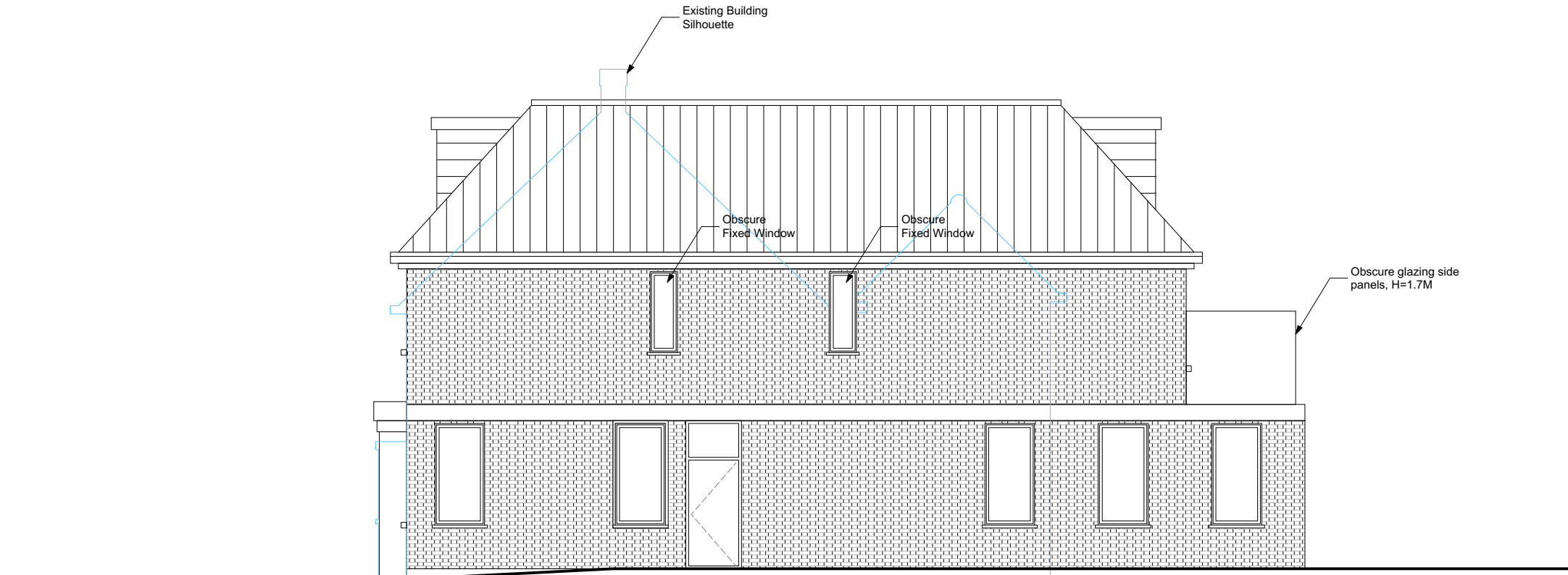
Drawing Title  
Existing General Arrangement  
Roof Plan

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Planning	PA	RP

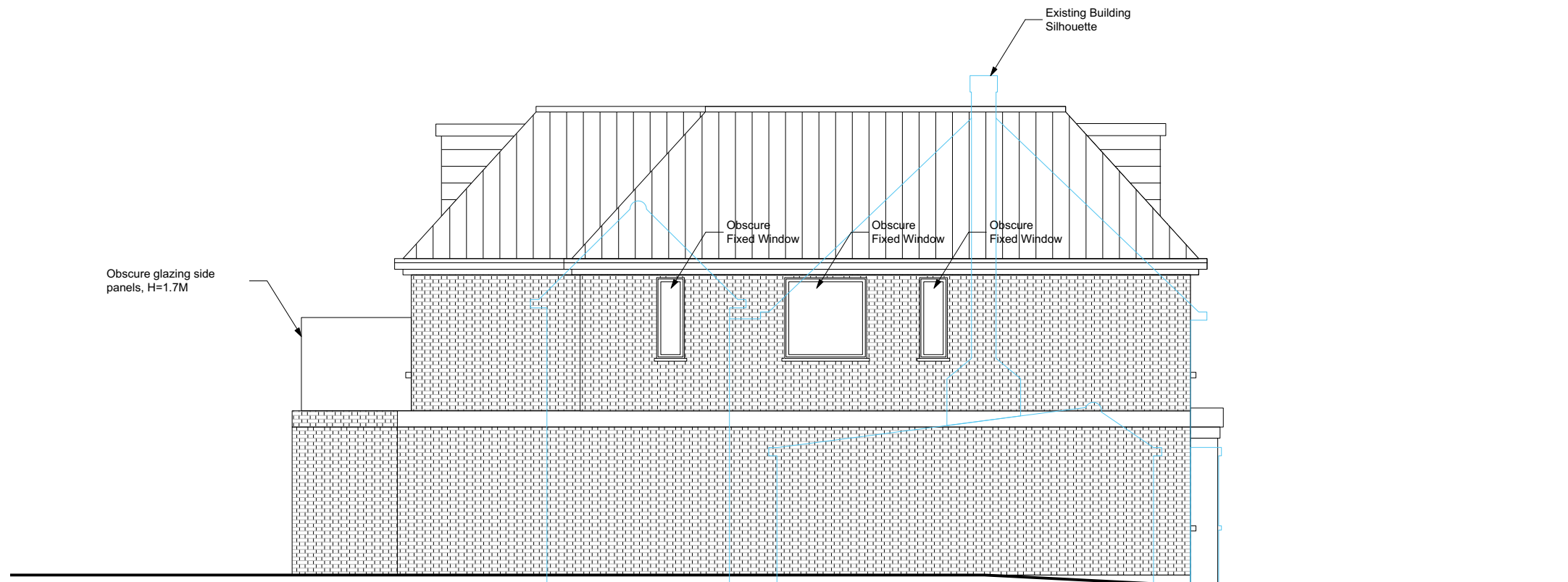
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Drwg. No. & Revision  
**210-X-GARP-P1**

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04 Proposed South Elevation  
Scale 1:50@A1, 1:100@A3



03 Proposed North Elevation  
Scale 1:50@A1, 1:100@A3



Revisions

P1	12/04/2023	Issued for Planning
P2	10/07/2023	Revision - Design Amended
P3	31/10/2023	Revision - Balcony Design Amended
P4	07/12/2023	Revision - Design Amended

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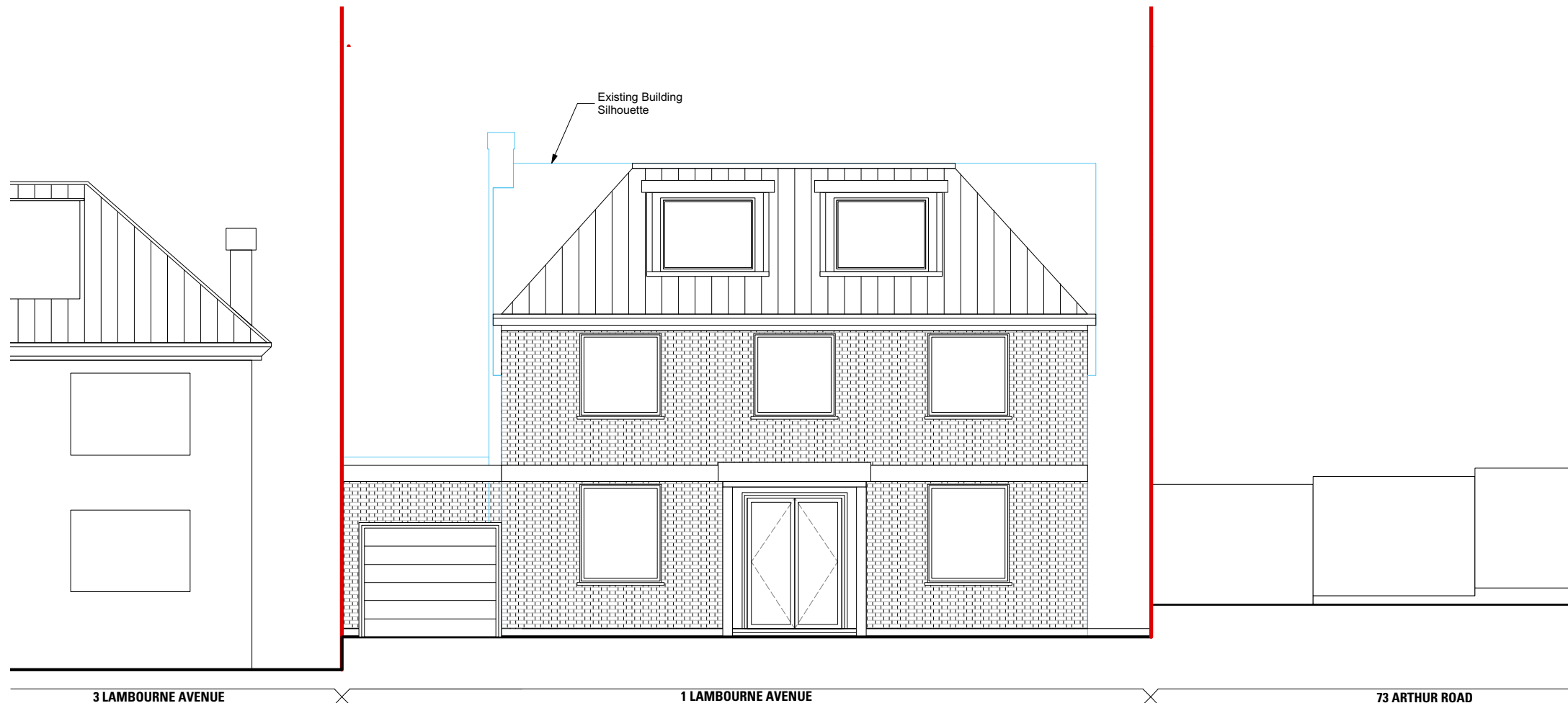
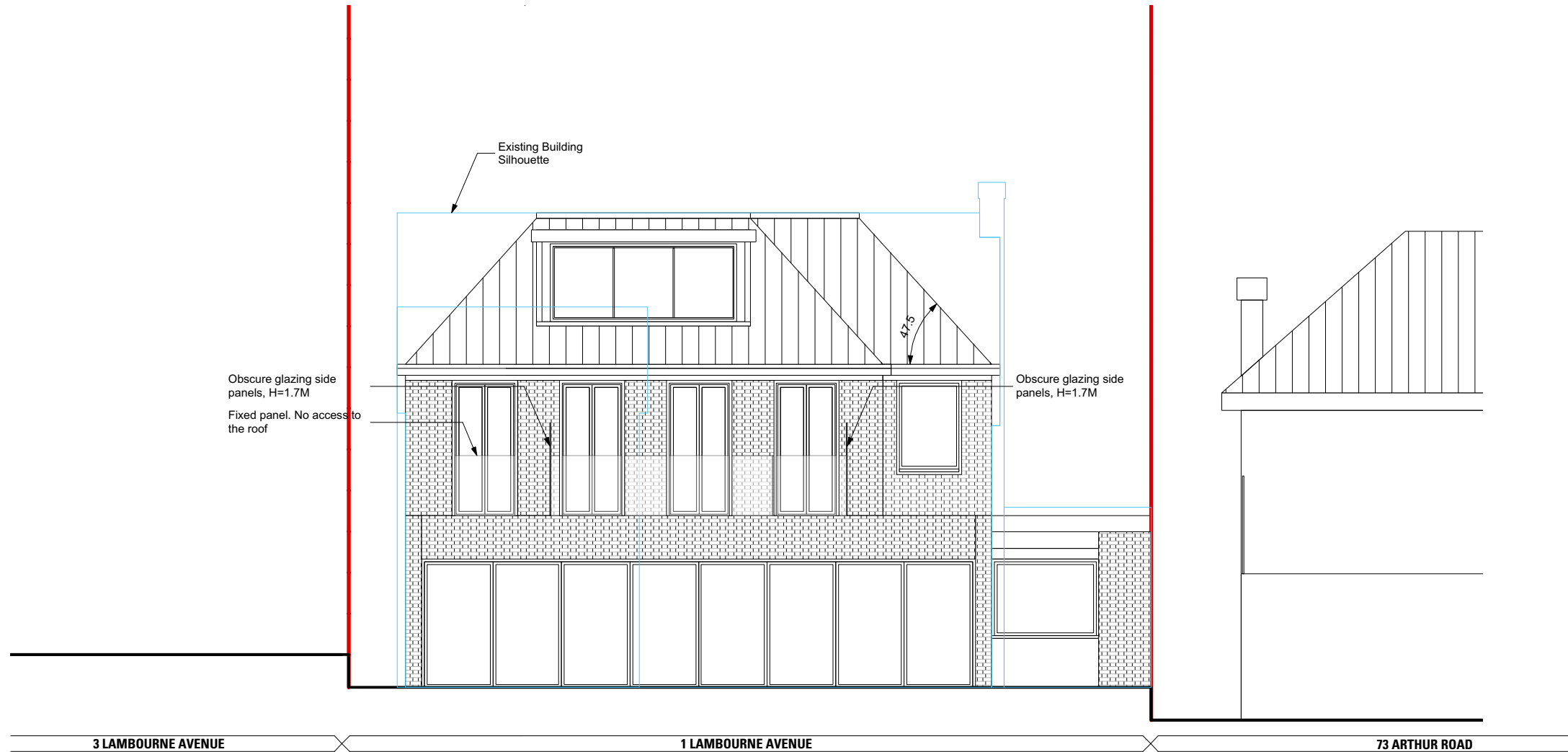
Project  
1 Lambourne Avenue,  
Wimbledon SW19 7DW

Drawing Title  
Proposed General Arrangement  
Elevations

Status	Planning	Drawn	YC	Checked	RP
Date					
Scale	1:50@A1	1:100@A3		December	2023

Drwg. No. & Revision  
**210-P-GE02-P4**

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Revisions

P1	12/04/2023	Issued for Planning
P2	10/07/2023	Revision - Design Amended
P3	31/10/2023	Revision - Balcony Design Amended
P4	07/12/2023	Revision - Design Amended

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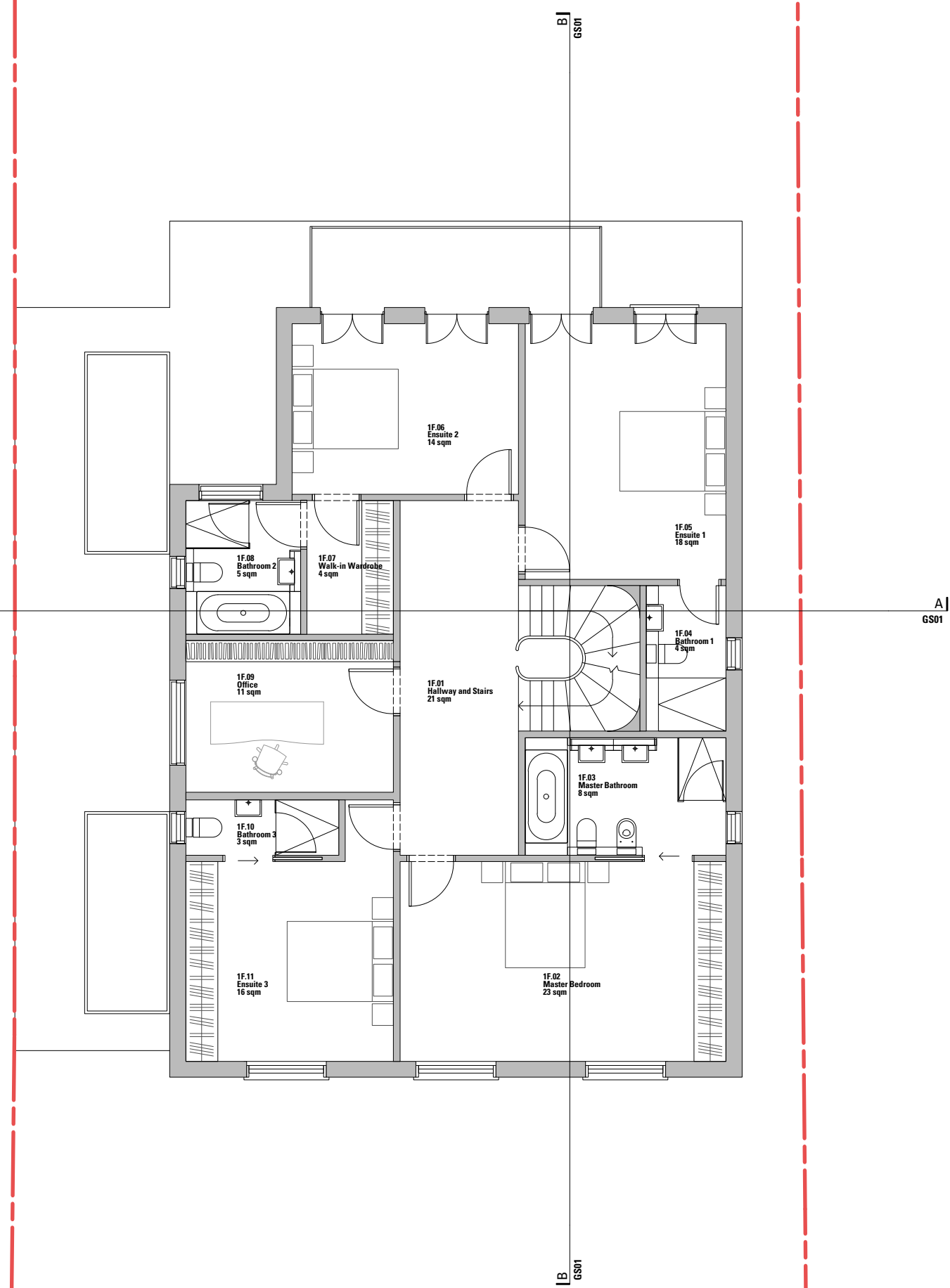
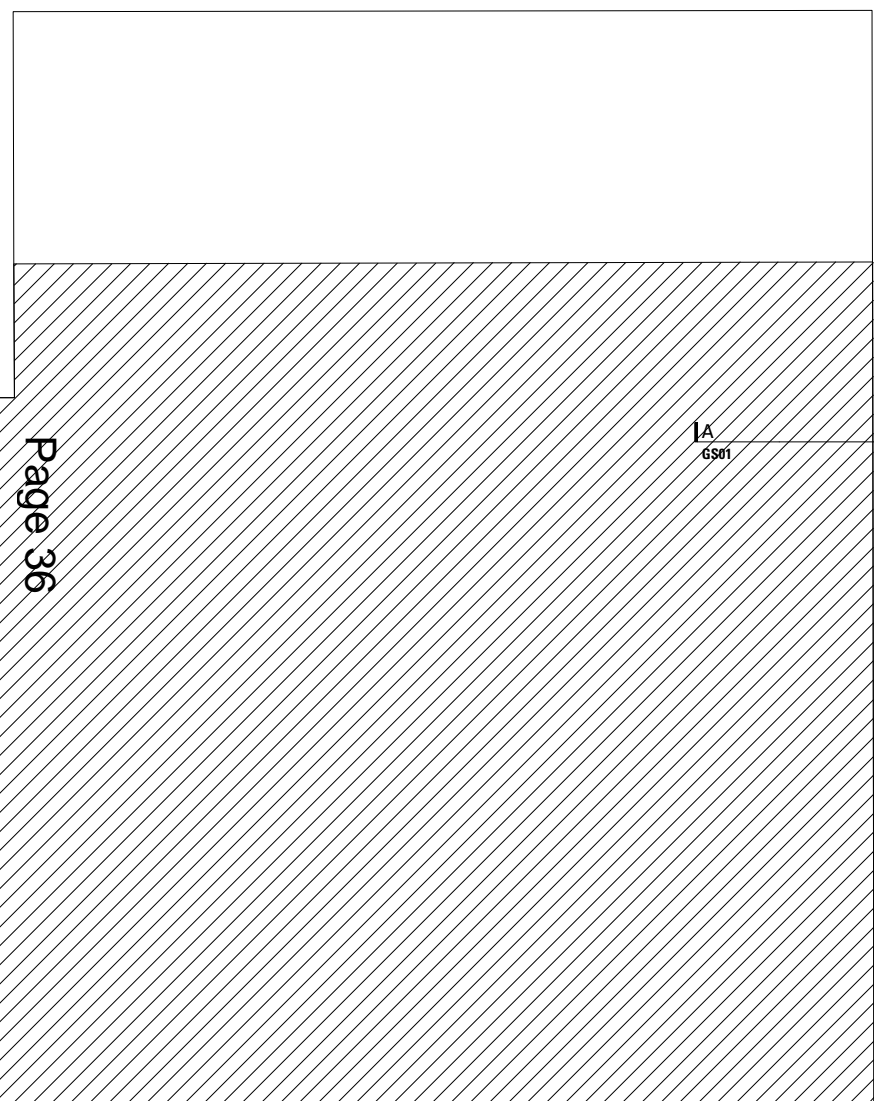
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London, E9 7PX  
E: studio@priceparizi.co.uk  
T: 02034897570

Client  
Total Real Estate Ltd  
Project  
1 Lambourne Avenue,  
Wimbledon SW19 7DW

Drawing Title  
Proposed General Arrangement  
Elevations

Status	Drawn	Checked
Planning	YC	RP
Scale	Date	
1:50@A1 1:100@A3	December 2023	

Drwg. No. & Revision  
**210-P-GE01-P4**  
PricePariziLive Projects\210\_Lambourne Avenue\Drawings



Revisions

P1	12/04/2023	Issued for Planning
P2	10/07/2023	Revision - Design Amended
P3	31/10/2023	Balcony Design Amended
P4	07/12/2023	Revision - Design Amended

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Project  
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Wimbledon SW19 7DW

Drawing Title  
Proposed General Arrangement  
First Floor

Status	Planning	Drawn	YC	Checked	RP
Scale	1:50@A1	1:100@A3	Date	December 2023	

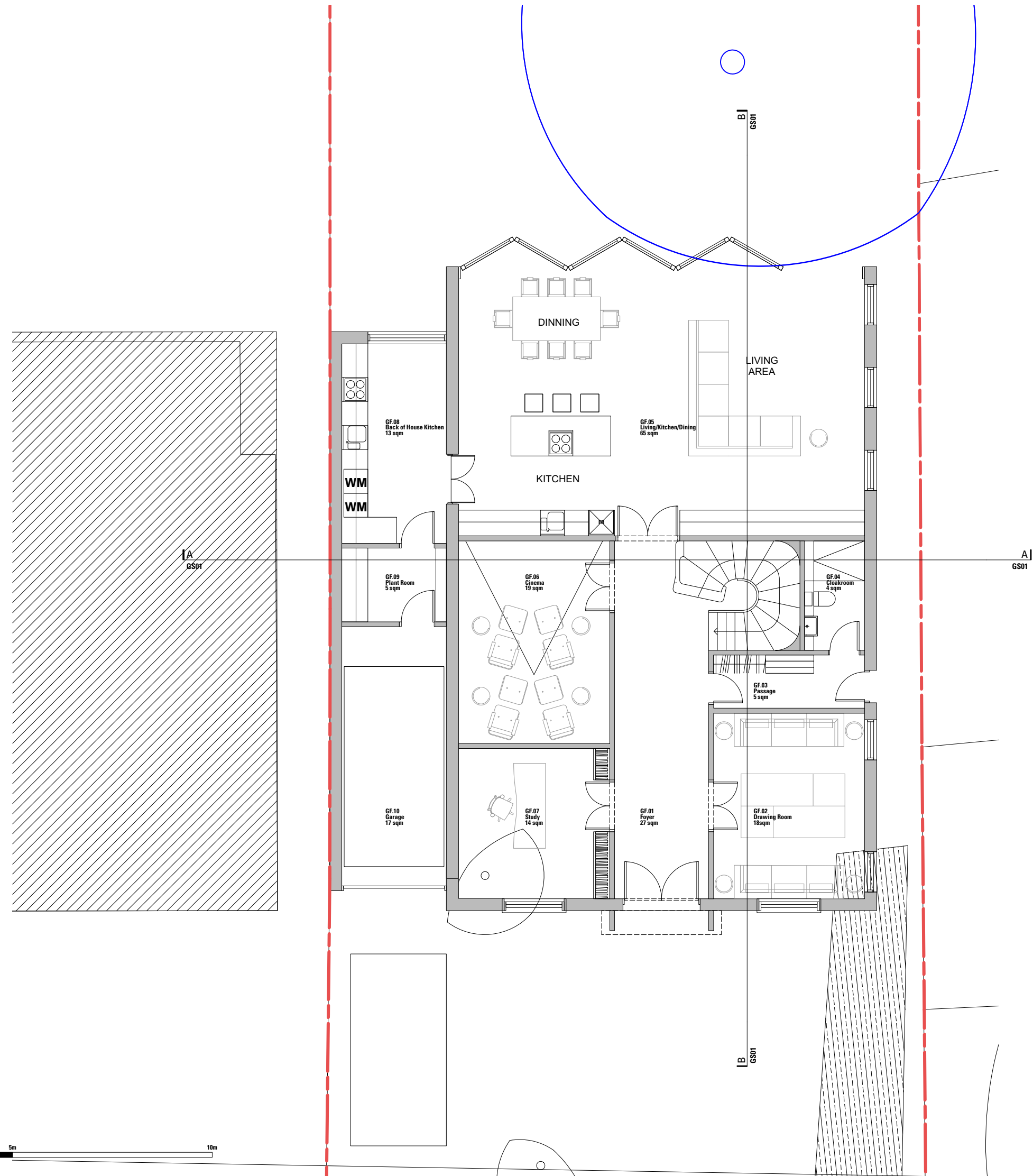
Drwg. No. & Revision  
**210-P-GA01-P4**





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Notes



Revisions

P1	12/04/2023	Issued for Planning
P2	06/07/2023	Revision - Design Amended
P3	31/10/2023	Revision - Balcony Design Amended
P4	07/12/2023	Revision - Design Amended

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Project  
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Wimbledon SW19 7DW

Drawing Title  
Proposed General Arrangement  
Ground Floor

Status	Planning	Drawn	YC	Checked	RP
Date	1:50@A1 1:100@A3		December 2023		

Drwg. No. & Revision  
**210-P-GA00-P4**

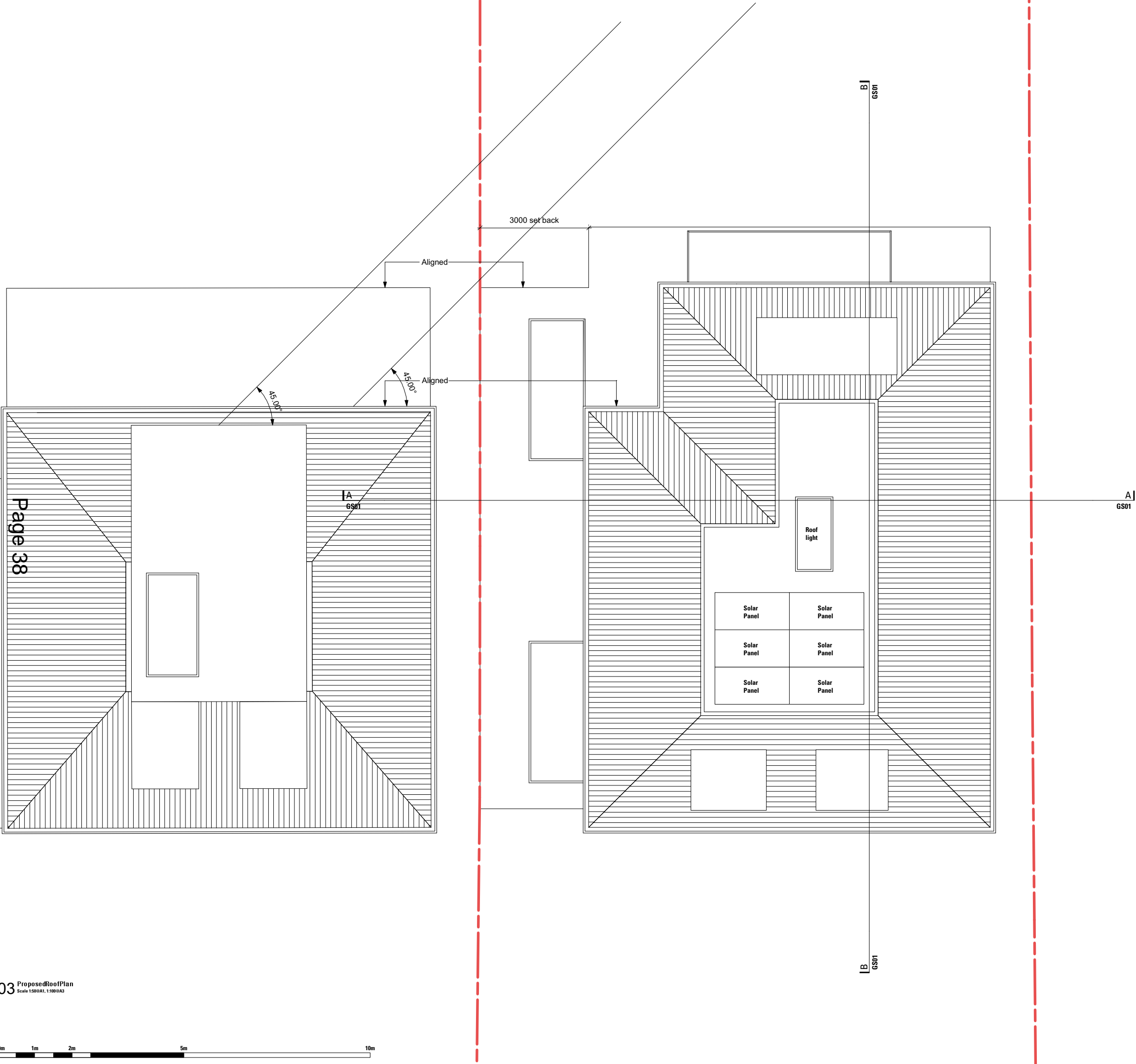
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00 Proposed Ground Floor  
Scale 1:50@A1, 1:100@A3



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03 Proposed Roof Plan  
Scale 1:50@A1, 1:100@A3



Revisions

P1	12/04/2023	Issued for Planning
P2	10/07/2023	Revision - Design Amended
P3	31/10/2023	Revision - Balcony Design Amended
P4	07/12/2023	Revision - Design Amended

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Project  
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Wimbledon SW19 7DW

Drawing Title  
Proposed General Arrangement  
Roof

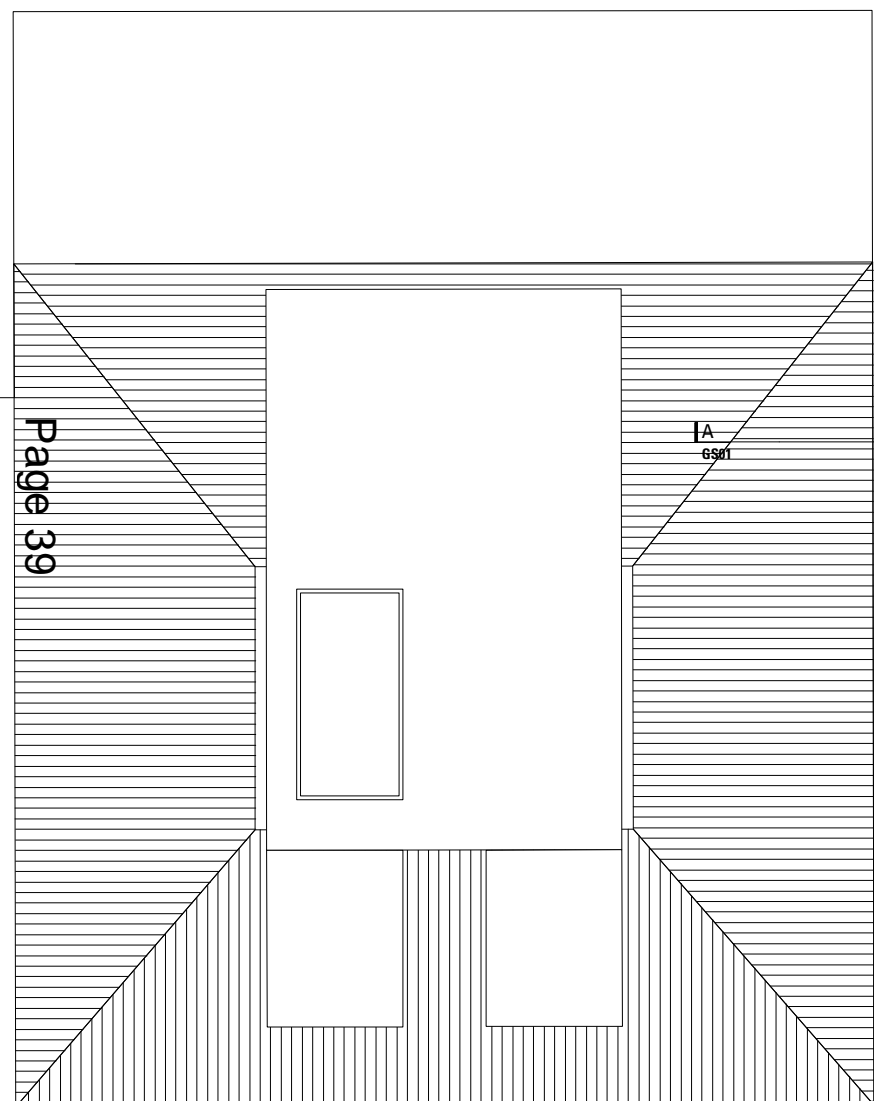
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Scale	1:50@A1	1:100@A3	Date	December 2023	

Drwg. No. & Revision  
**210-P-GA03-P4**

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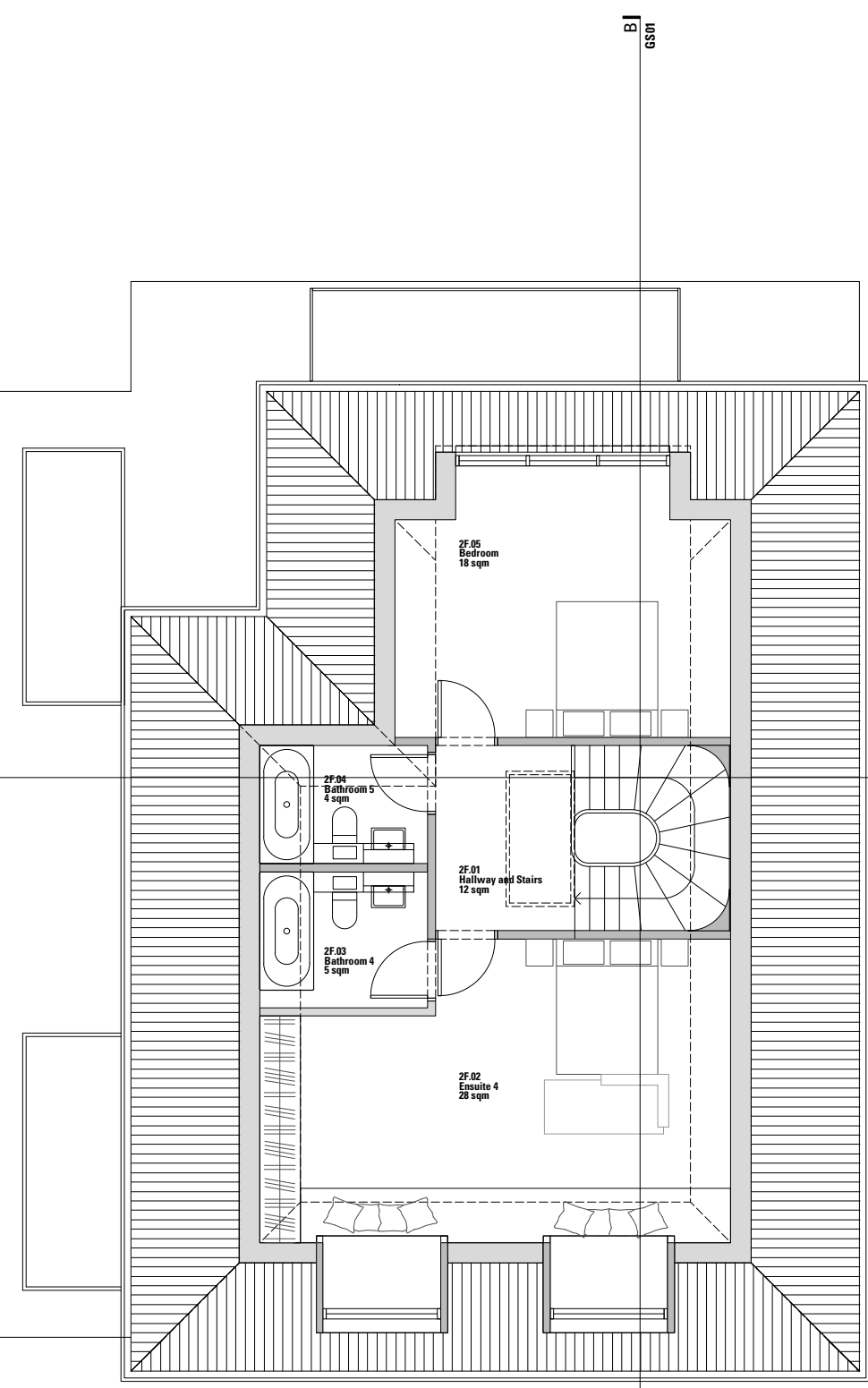
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Notes



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6501



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6501

A|  
6501

B|  
6501



Revisions

P1	12/04/2023	Issued for Planning
P2	10/07/2023	Revision - Design Amended
P3	31/10/2023	Revision - Balcony Design Amended
P4	07/12/2023	Revision - Design Amended

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Client  
Total Real Estate Ltd  
Project  
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Drawing Title  
Proposed General Arrangement  
Second Floor

Status	Planning	Drawn	YC	Checked	RP
Date	1:50@A1	1:100@A3		December	2023

Drwg. No. & Revision  
**210-P-GA02-P4**

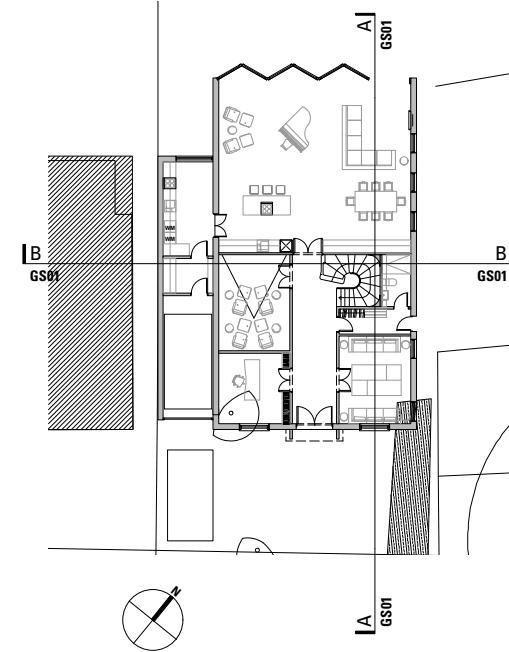
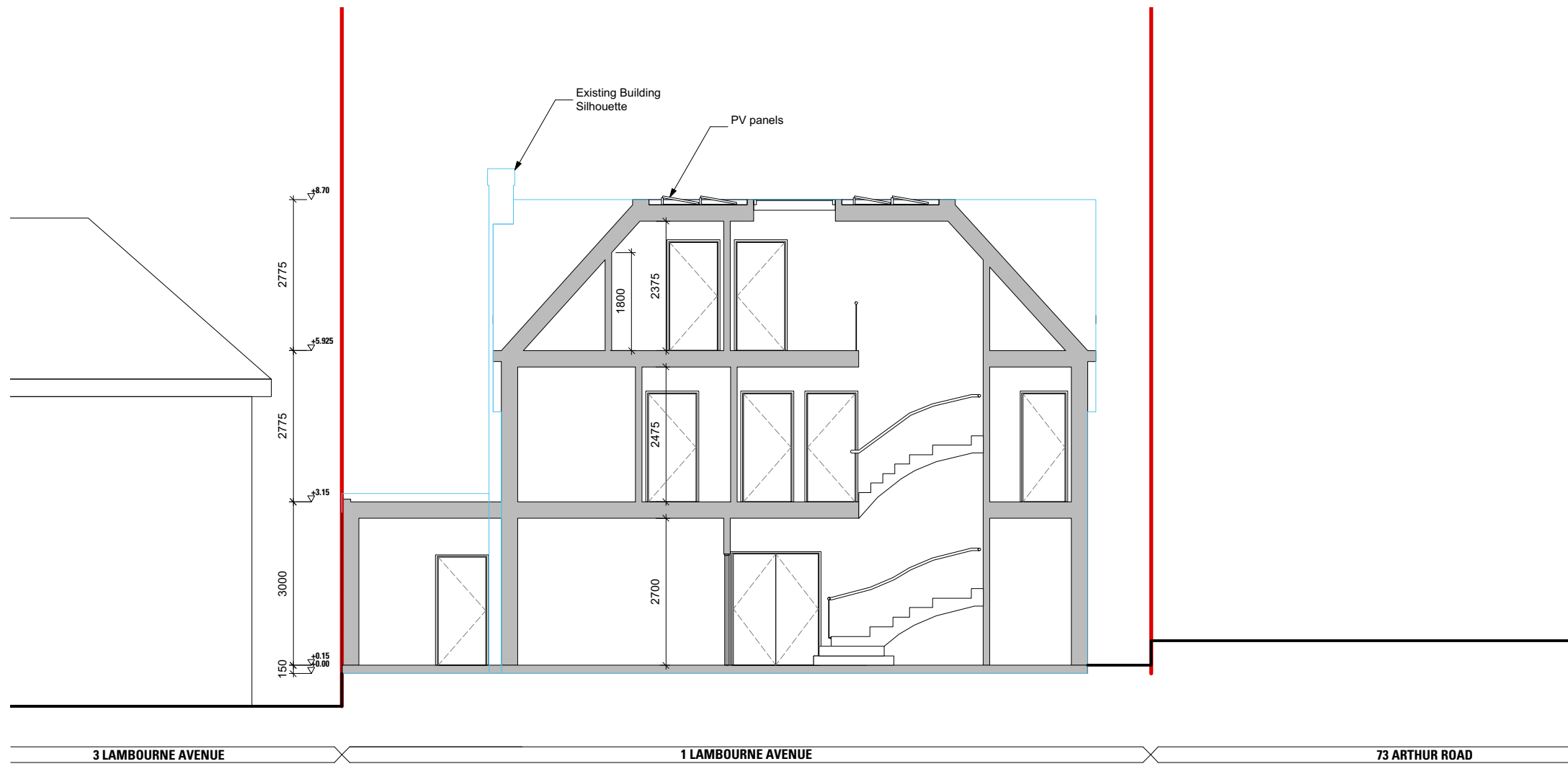
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02 ProposedSecondFloor  
Scale 1:50@A1, 1:100@A3



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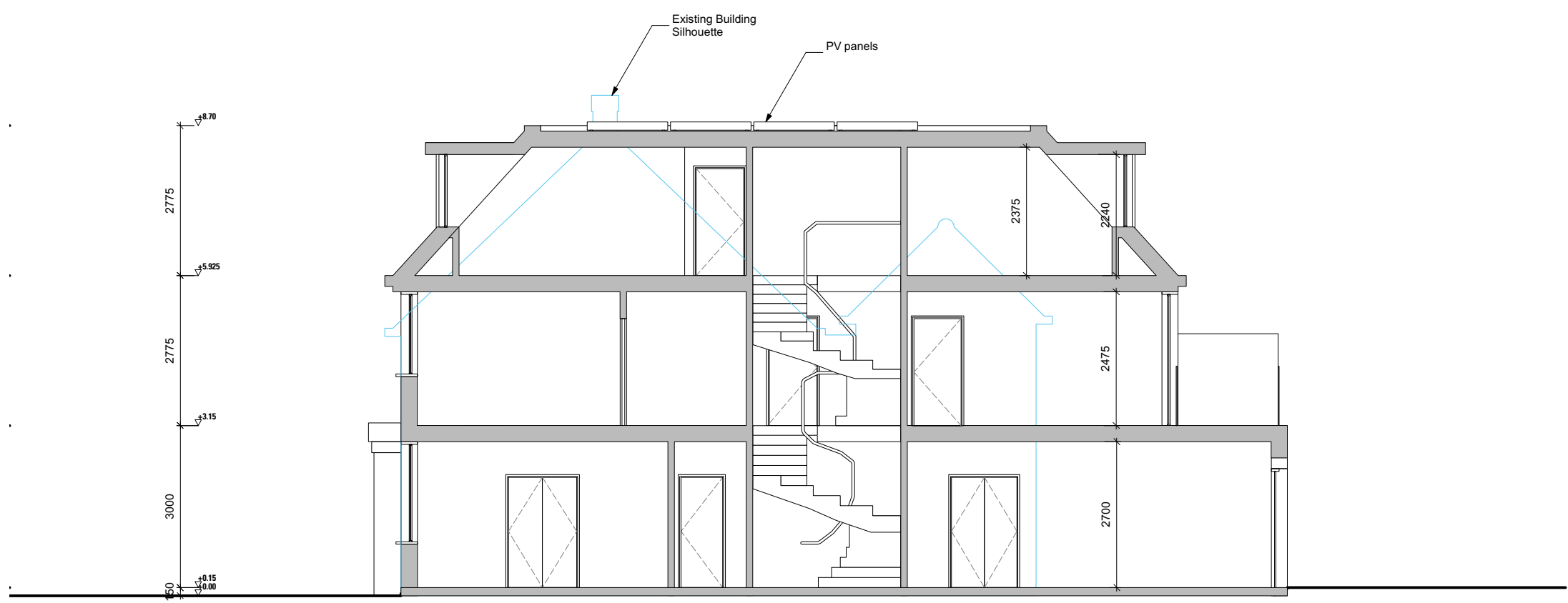
Notes



Revisions

P1	12/04/2023	Issued for Planning
P2	10/07/2023	Revision - Design Amended
P3	31/10/2023	Revision - Balcony Design Amended
P4	07/12/2023	Revision - Design Amended

BB' Proposed Short Section  
Scale 1:50@A1, 1:100@A3  
Page 40



AA' Proposed Long Section  
Scale 1:50@A1, 1:100@A3



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Project  
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Wimbledon SW19 7DW

Drawing Title  
Proposed General Arrangement  
Sections

Status	Planning	Drawn	YC	Checked	RP
Date	1:50@A1 1:100@A3	December 2023			

Drwg. No. & Revision  
**210-P-GS01-P4**

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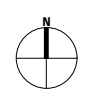
**01 Existing Site Plan**  
1:1250

0m 20m 50m 100m 200m



**02 Existing Block Plan**  
1:500

0m 10m 20m 50m 100m



Revisions

P1	12/04/2023	Issued for Planning
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Project  
1 Lambourne Avenue,  
Wimbledon SW19 7DW

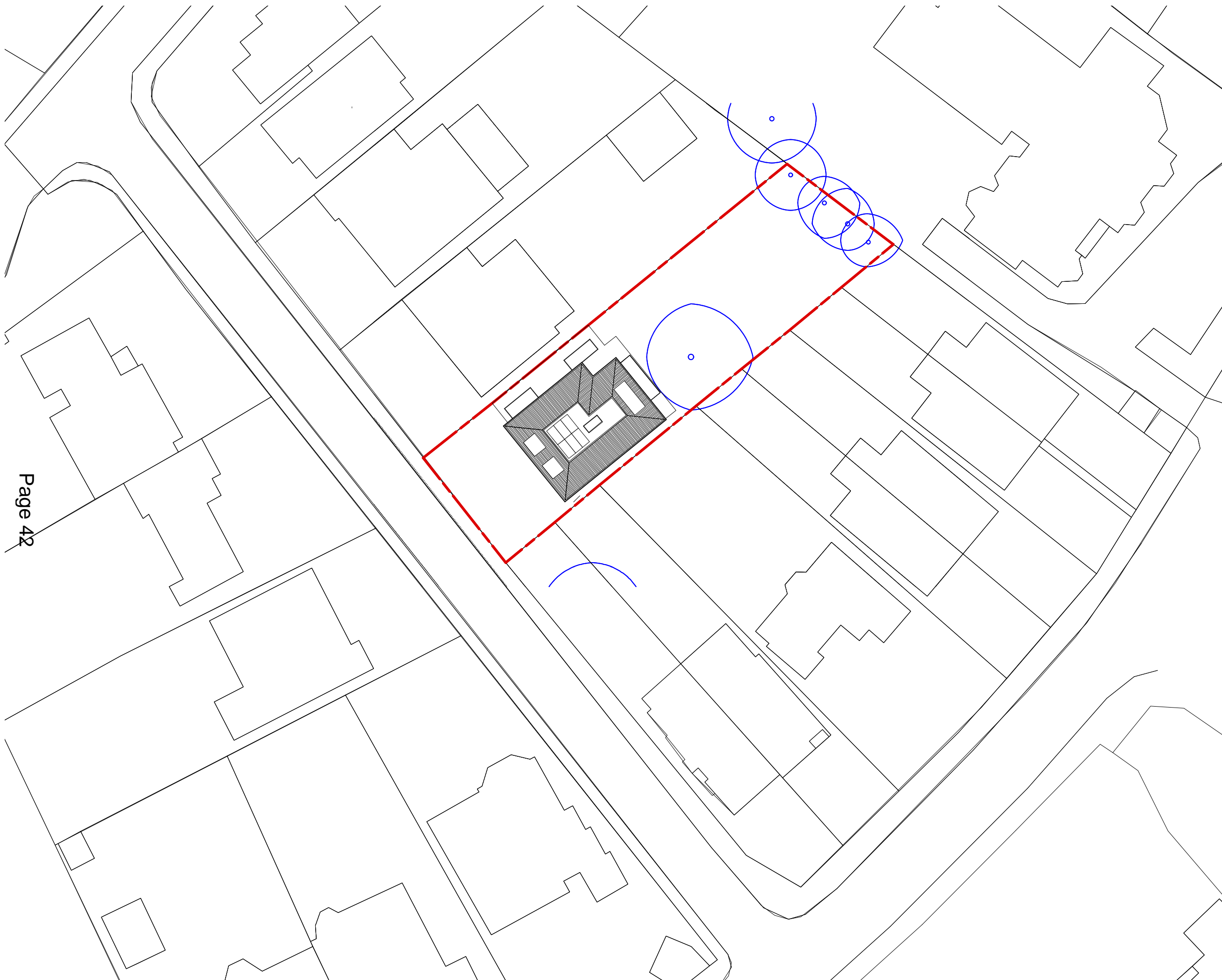
Drawing Title  
Existing Site & Block Plan

Status	Drawn	Checked
Planning	PA	RP
Scale	Date	
1:1250@A1 & 1:500@A1	April 2023	

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**210-X-Site-P1**  
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Revisions

P1	12/04/2023	Issued for Planning
P2	11/07/2023	Revision - Design Amended
P3	31/10/2023	Revision - Balcony Design Amended
P4	04/09/2023	Revision - Tree Survey & Protection Plan added
P5	07/12/2023	Revision - Design Amended

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Total Real Estate Ltd

Project  
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Wimbledon SW19 7DW

Drawing Title  
Proposed Site Plan

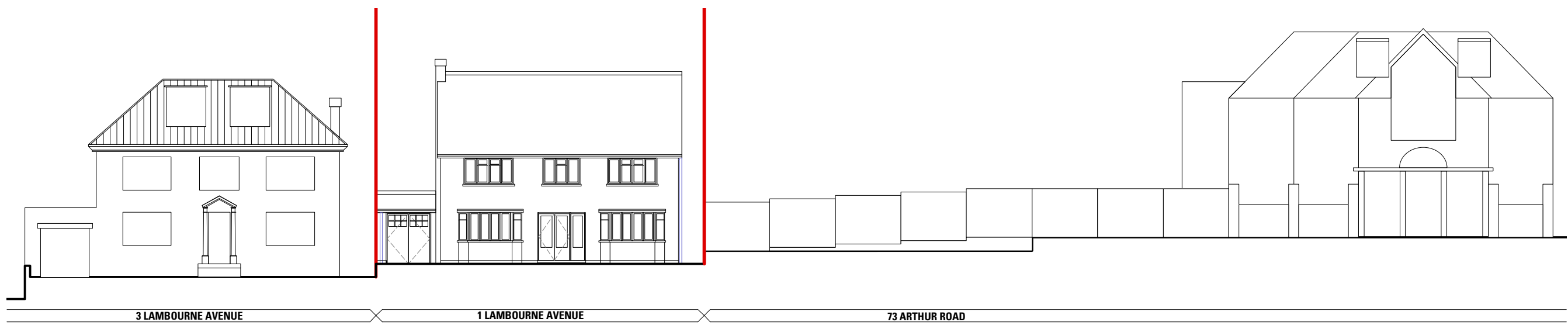
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Planning	PA	RP
Scale	Date	
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Drwg. No. & Revision  
**210-P-Site-P5**

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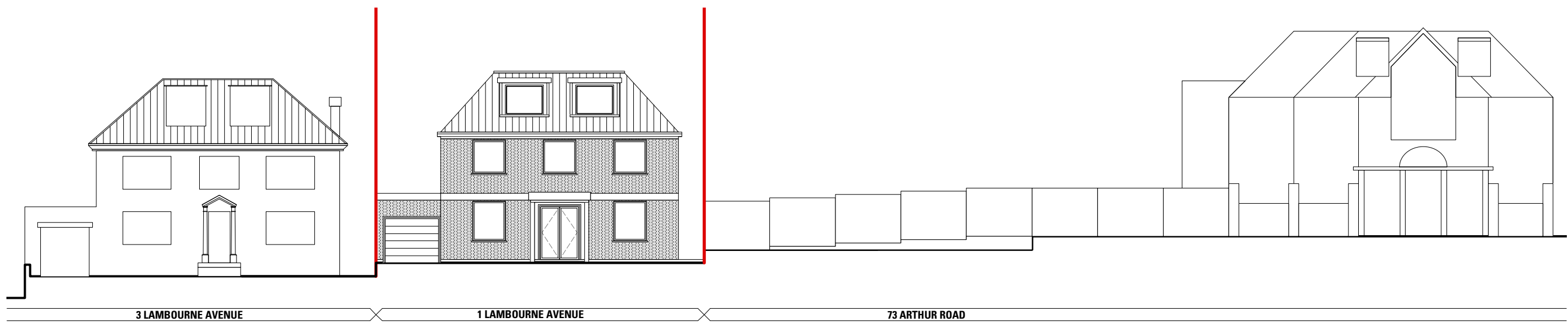
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02 Proposed Street Elevation  
 Page 43

Revisions

P1	12/04/2023	Issued for Planning
P2	06/07/2023	Revision - Design Amended



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Client  
 Total Real Estate Ltd  
 Project  
 1 Lambourne Avenue,  
 Wimbledon SW19 7DW

Drawing Title  
 Existing and Proposed Street Elevations

Status	Drawn	Checked
Planning	YC	RP
Scale	Date	
1:100@A1	1:200@A3	July 2023

Drwg. No. & Revision  
**210-P-GE03-P2**  
 PricePariziLive Projects\210\_Lambourne Avenue\Drawings

01 Proposed Street Elevation



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## PLANNING APPLICATIONS COMMITTEE

15 FEBRUARY 2024

### CASE OFFICER REPORT

<u>APPLICATION NO.</u>	<u>DATE VALID</u>
23/P3164	13/11/2023
<b>Site Address:</b>	Flat 18, Sovereign House, Wimbledon SW19 7PG
<b>Ward:</b>	Hillside
<b>Proposal:</b>	Front extension; rear extension and terrace; replacement of balustrade; installation of photovoltaic panels
<b>Drawing Nos:</b>	See condition 2
<b>Contact Officer:</b>	Stephen Hill

---

### RECOMMENDATION

GRANT Planning permission subject to conditions

### CHECKLIST INFORMATION

Is a screening opinion required	No
Is an Environmental Statement required	No
Press notice	Yes
Site notice	Yes
Design Review Panel consulted	No
Number of neighbours consulted	110
External consultations	By letter and site notice
Internal consultations	As described in report

### INTRODUCTION

The application has been brought to the Development and Planning Applications Committee due to the number of objections received.

#### 1. SITE AND SURROUNDINGS

- 1.1 The application site comprises Flat 18, a fourth (top) floor apartment within Sovereign House, a detached four storey block of flats situated on the east side of Draxmont in Wimbledon.
- 1.2 The application site is not within a conservation area and the building is not locally or nationally listed. The site is close to the boundary of the Wimbledon Hillside Conservation Area and Grade II Listed Building (100-102 Wimbledon Hill Road).

#### 2. CURRENT PROPOSAL

- 2.1 The current proposal involves two extensions to the flat at the front and rear respectively, utilising space on the flat roof of the block of flats. The front extension continues the building's architectural and will provide an enlarged kitchen area. The rear extension will incorporate an orangery and an extended master bedroom suite. The orangery will include glazed doors and windows to connect the indoor and outdoor elements.
- 2.2 A terrace; replacement of balustrade; and installation of photovoltaic panels are also included in the proposal.
- 2.3 Prior to the submission of this planning application, pre-application advice was provided in June 2023. Officers indicated that further extension of the roof as proposed in terms of mass, bulk, height, and materials, would be acceptable in principle. It was also acknowledged that other blocks of flats in the local area had undergone roof extensions and that the proposed extensions, although not identical to those of No. 17 Sovereign House, would enhance the symmetry of the building in terms of mass, bulk, height, and materials. This would contribute to a more balanced and visually pleasing appearance.

### 3. PLANNING HISTORY

#### **Neighbouring flat**

- 3.1 In July 1989, planning permission was granted for the erection of a conservatory to fourth floor level flat (LBM Ref .891P0764) now Flat 17
- 3.2 In January 1998 planning permission was granted for the erection of a conservatory to the fourth floor terrace (LBM Ref.97/P1 184) now Flat 17
- 3.3 In 2019, planning permission was granted for removal of existing conservatories and erection of front and rear extensions LBM ref: 19/P1593) now Flat 17.

#### **Subject property**

- 3.4 No relevant history except tree works for the building.

### 4. CONSULTATION

- 4.1 110 letters of notification to occupiers of neighbouring flats and houses, and 11 objections have been received covering the following issues:-
- 4.2 Summary of grounds for objection
  - Impact on daylight and sunlight to Flat 17 and sense of enclosure.
  - Out of character with the existing building and damaging visually
  - Concerns about building's structural problems due to load of new extension and its weight, and previous water ingress from this flat.
  - The flat is already big enough for two people
  - Works will be disruptive and take a long time
  - Works will cause disturbance for elderly residents
  - Flat owners 'troublesome'
  - No 'community benefit' as no new units constructed

- Insufficient details of materials

## 5. POLICY CONTEXT

### London Plan 2021

- D1 London's form, character and capacity for growth
- D4 Delivering good design
- D11 Safety, security and resilience to emergency
- HC1 Heritage conservation and growth

### Merton Sites and Policies Plan July 2014 policies:

- DM D1 - Urban Design and public realm
- DM D2 Design considerations in all developments
- DMD3 Alterations and extensions to existing buildings
- DMD4 Managing heritage assets

### Merton Core Strategy 2011 policy

### CS 14 Design

## 6. PLANNING CONSIDERATIONS

- 6.1 The main planning considerations are design and heritage, and neighbour amenity issues.

### **Design, heritage and visual impact**

- 6.2 The proposal involves a front extension; rear extension and terrace; replacement of balustrade; and installation of photovoltaic panels.
- 6.3 The building itself is unremarkable and makes a neutral contribution to the streetscape. The existing relationship with the other penthouse apartment, Flat 17, is unbalanced as this flat has benefited from extensions, and the balustrades at the subject property are simple iron railings which contrast negatively with the contemporary balustrades at Flat 17 (See Fig 1).



Fig 1 – the existing building with subject flat in foreground.



Fig 2 – The existing building from the rear.

- 6.4 The proposed extensions are of a contemporary character.
- 6.5 The proposed arrangement of the additional massing and the choice of glazing make an interesting contrast to the building which complements its current appearance. The choice of roof style works well with the existing extensions and visually enhances the fourth floor. The replacement of the

balustrade with glass is acceptable and is a complement to the contemporary extensions. See Fig 3.

- 6.6 The rear extension is in an 'orangery' style with glazing that will benefit the accommodation in terms of light and presents an interesting visual element to the building (see Fig 4)



Fig 3 – CGI of the proposed front extension.



Fig 4 – CGI of the proposed rear extension



Fig 5 CGI of proposed front of the property to illustrate the inset terrace and massing



Fig 6 CGI of the proposal at rear including inset terrace, pergola and massing either end of the terrace

6.7 Further, the master bedroom extension would be set back from the building edge and set in from the side boundary with rendered walls and large glazed panels. The height of this extension would match that of the orangery extension and would remain a visually suitable addition to the building.

- 6.8 The proposal would result in a visual change to the fourth floor of the building but the changes are not considered harmful and indeed would enhance the appearance of the building. The other flat on the top floor (Flat 17) has extensions and roof terrace with modern balustrades, and visually the proposal would balance and be consistent with these extensions and outdoor amenity areas that benefit Flat 17. Officers have considered the impact on the neighbouring Conservation Area and the proposal causes no harm to views in or out of the Conservation Area or its setting due to the neutral appearance of the building and the positive contemporary complement that the proposal would provide. Further, officers do not consider that the proposal would cause any harm to the setting of the neighbouring Grade II Listed Building on Wimbledon Hill Road (100-102 Wimbledon Hill Road) due to the distance between the site and this neighbouring building.
- 6.9 The design of the extensions are considered to be acceptable and complies with policies CS14 (Design) and DM D2 (Design Considerations in all Developments), DM D3 (Alterations and Extensions to Existing Buildings) and DM D4 (Managing heritage assets).
- 6.10 The solar panels have no negative visual impact and have an obvious benefit in terms of sustainable energy and climate change.
- 6.11 The brickwork would match existing and a condition would be attached to the permission requiring samples of all materials.

## **Neighbour Amenity**

### Overlooking

- 6.11 The proposals are on the fourth floor which already overlooks neighbouring buildings. The new outside space had potential to introduce opportunities for overlooking in a more intrusive way, but the orientation of the terrace is not towards any buildings which are high or close enough to be affected.

### Daylight and sunlight

- 6.12 The Applicant has produced a Daylight and Sunlight Assessment from Anstey Horne dated 2 June 2023 which concludes that the layout of the proposed extensions follows the BRE guidelines and is unlikely to result in a noticeable reduction in daylight or sunlight to surrounding properties. The report is of limited value insofar as the impact on light to windows is concerned as no data is attached or referred to and no impacts are discussed in numerical terms.
- 6.13 The only property which could suffer any significant impact is the neighbouring Flat 17, which has itself extended on this floor and benefits from a terrace.
- 6.14 The element of the proposal that would affect Flat 17 would be the rear extension and the additional massing to accommodate the master bedroom.

- 6.15 There are two relevant windows at the rear of Flat 17 which could be affected by the proposals in addition to a roof terrace.
- 6.16 There is already a wall separating the two terraces on the rear elevation and the proposed new massing would sit behind it, albeit it would be slightly higher than the wall. It is also not full depth and set back from the dividing wall. Therefore, on the basis of the drawings it is very difficult to see how the light to the neighbouring penthouse apartment would be obstructed by the proposals in any way that would render the experience of light within that property noticeably worse. The overall height from the terrace level of the extension would be 2.8m and a depth of 3.2m to indent section and then full depth of 4.0 m are akin to common single storey rear extensions carried out on the rear of houses. The flat inevitably benefits from good daylight and sunlight on the south side, given it is the penthouse and is not overshadowed. The proposed extension is therefore considered to be acceptable in terms of its relationship to the adjacent windows at Flat 17 and would not be harmful.

#### Sense of enclosure

- 6.17 Similarly, the only property which could suffer any sense of enclosure is the neighbouring Flat 17 due to the rear extension. Whilst the proposed extension would be visible it does not enclose the internal or the external areas of Flat 17 in any significant or unacceptable way. The extension will be located behind the wall which currently divides the two flats, and therefore any view of the extension itself will be limited. The rear extension will be a presence when enjoying the terrace of No.17 but it does not enclose or present an unacceptable built form to that terrace or the windows behind it. Arranging the massing in this way is sensible as it further divides the two terraces ensuring their privacy. This is considered a respectful relationship which enables the continued enjoyment of the terrace at Flat 17. The occupant has referred to 'loss of scenery' which is not a material planning consideration.
- 6.18 Overall, the proposals would not result in harm to neighbour amenity and is acceptable in terms of policy DM D2 (Design Considerations in all Developments).

#### 7. CONCLUSION

- 7.1 The design of the proposed extensions and alterations is considered to be acceptable and would enhance the appearance of the existing building.
- 7.2 The proposal would cause no appreciable harm to neighbours' amenity.
- 7.3 Accordingly, it is recommended that planning permission be granted.

GRANT Planning permission subject to conditions



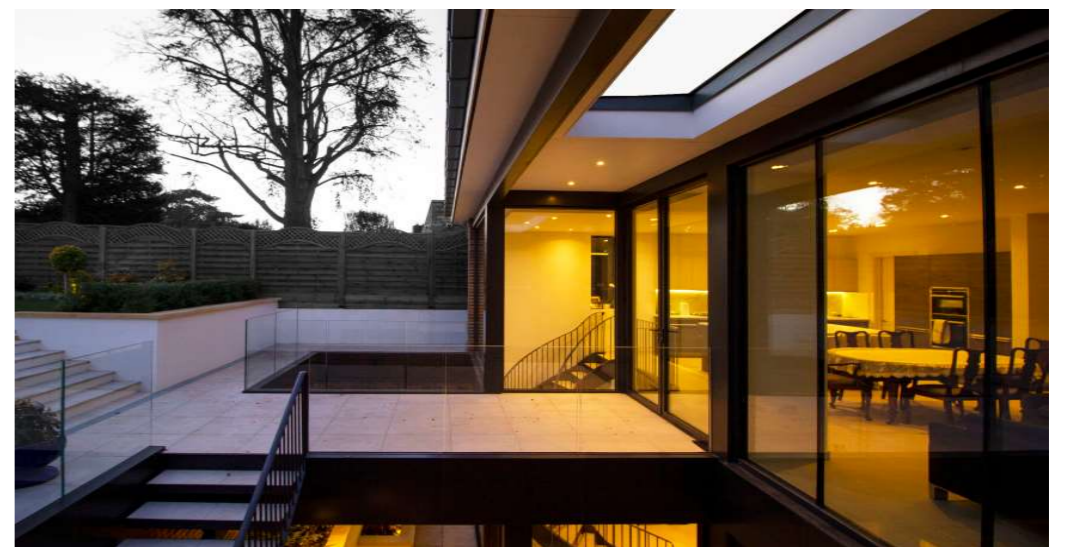
## Conditions

1	A1 Commencement of development (full application)	Commencement of development (Full Permission) - The development to which this permission relates shall be commenced not later than the expiration of 3 years from the date of this permission.
	1	Reason: To comply with Section 91 (as amended) of the Town & Country Planning Act 1990.
2	A7 Approved Plans	Approved Plans - The development hereby permitted shall be carried out in accordance with the following approved plans:  Site Location Plan  P04  P05
	1	Reason: For the avoidance of doubt and in the interests of proper planning
3	B3 External Materials to be approved	Materials to be Approved - No development shall take place until details of particulars and samples of the materials to be used on all external faces of the development hereby permitted, including window frames and doors (notwithstanding any materials specified in the application form and/or the approved drawings), have been submitted to the Local Planning Authority for approval. No works which are the subject of this condition shall be carried out until the details are approved, and the development shall be carried out in full accordance with the approved details.
	1	Reason: To ensure a satisfactory appearance of the development and to comply with the following Development Plan policies for Merton: policies D4 and D8 of the London Plan 2021, policy CS14 of Merton's Core Planning Strategy 2011 and policies DM D2 and D3 of Merton's Sites and Policies Plan 2014.
4	C08 No Use of Flat Roof	No Use of Flat Roof - Access to the flat roof of the development hereby permitted shall be for maintenance or emergency purposes only, and the flat roof shall not be used as a roof garden, terrace, patio or similar amenity area.
	1	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	C09 Balcony/Terrace (Screening)	Screening - The screening or enclosure to the balcony as shown on the approved plans shall be implemented before the development is first occupied and retained permanently thereafter.
	1	Reason: To safeguard the amenities and privacy of the occupiers of adjoining properties and to comply with the following Development Plan policies for Merton: policies D3 and D4 of the London Plan 2021, policy CS14 of Merton's Core Planning Strategy 2011 and policies DM D2 and D3 of Merton's Sites and Policies Plan 2014.
6	D11 Construction Times	Construction Times - No demolition or construction work or ancillary activities such as deliveries shall take place before 8am or after 6pm Mondays - Fridays inclusive, before 8am or after 1pm on Saturdays or at any time on Sundays or Bank Holidays.
	1	Reason: To safeguard the amenities of the area and the occupiers of neighbouring properties and ensure compliance with the following Development Plan policies for Merton: policies D14 and T7 of the London Plan 2021 and policy DM EP2 of Merton's Sites and Policies Plan 2014.
7	H09 Construction Vehicles	Construction Vehicles - The development shall not commence until details of the provision to accommodate all site workers', visitors' and construction vehicles and loading /unloading arrangements during the construction process have been submitted to and approved in writing by the Local Planning Authority. The approved details must be implemented and complied with for the duration of the construction process.
	1	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.
8	Note To Applicant - Approved Schemes	INFORMATIVE  In accordance with paragraph 38 of the NPPF, The London Borough of Merton (LBM) takes a positive and proactive approach to development proposals focused

		<p>on solutions. LBM works with applicants/agents in a positive and proactive manner by:</p> <ul style="list-style-type: none"><li>i) Offering a pre-application advice and duty desk service.</li><li>ii) Where possible, suggesting solutions to secure a successful outcome.</li><li>iii) As appropriate, updating applicants/agents of any issues that may arise in the processing of their application.</li></ul> <p>In this instance:</p> <ul style="list-style-type: none"><li>i) The applicant/agent was provided with pre-application advice.</li><li>ii) The application was acceptable as submitted and no further assistance was required.</li><li>iii) The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.</li></ul>
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**HARPER LATTER ARCHITECTS**  
18 SOVEREIGN HOUSE, DRAXMONT, SW19  
EXTERIOR COMPARISON IMAGES

# 18 SOVEREIGN HOUSE (EXISTING)

Page 58



IMAGE 1A: Reference Image

IMAGE 1: Existing street level view of 18 Sovereign House towards the near front corner of the property

# 18 SOVEREIGN HOUSE (PROPOSED)



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**IMAGE 2:** Proposed street level view of the proposed extension towards the near front corner of the property

# 18 SOVEREIGN HOUSE (EXISTING)

Page 60



**IMAGE 3:** Existing garden level view of 18 Sovereign House from the near rear corner of the property



# 18 SOVEREIGN HOUSE (PROPOSED)



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**IMAGE 4:** Proposed garden level view of the proposed extension towards the near rear corner of the property

# 18 SOVEREIGN HOUSE (PROPOSED)



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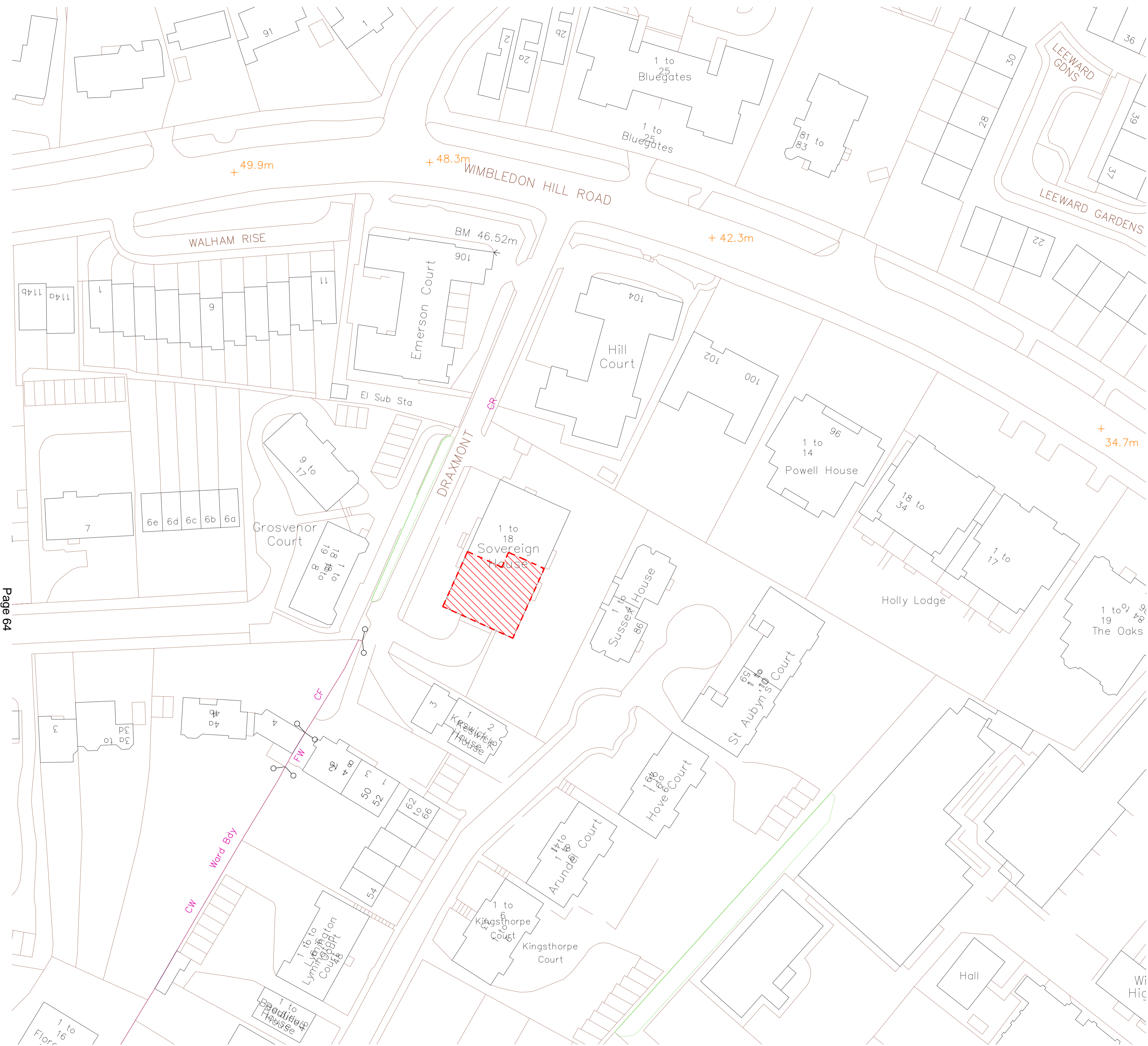
**IMAGE 5:** Proposed terrace level perspective to the rear of the property to illustrate the inset terrace, pergola and massing either end of the terrace

# 18 SOVEREIGN HOUSE (PROPOSED)



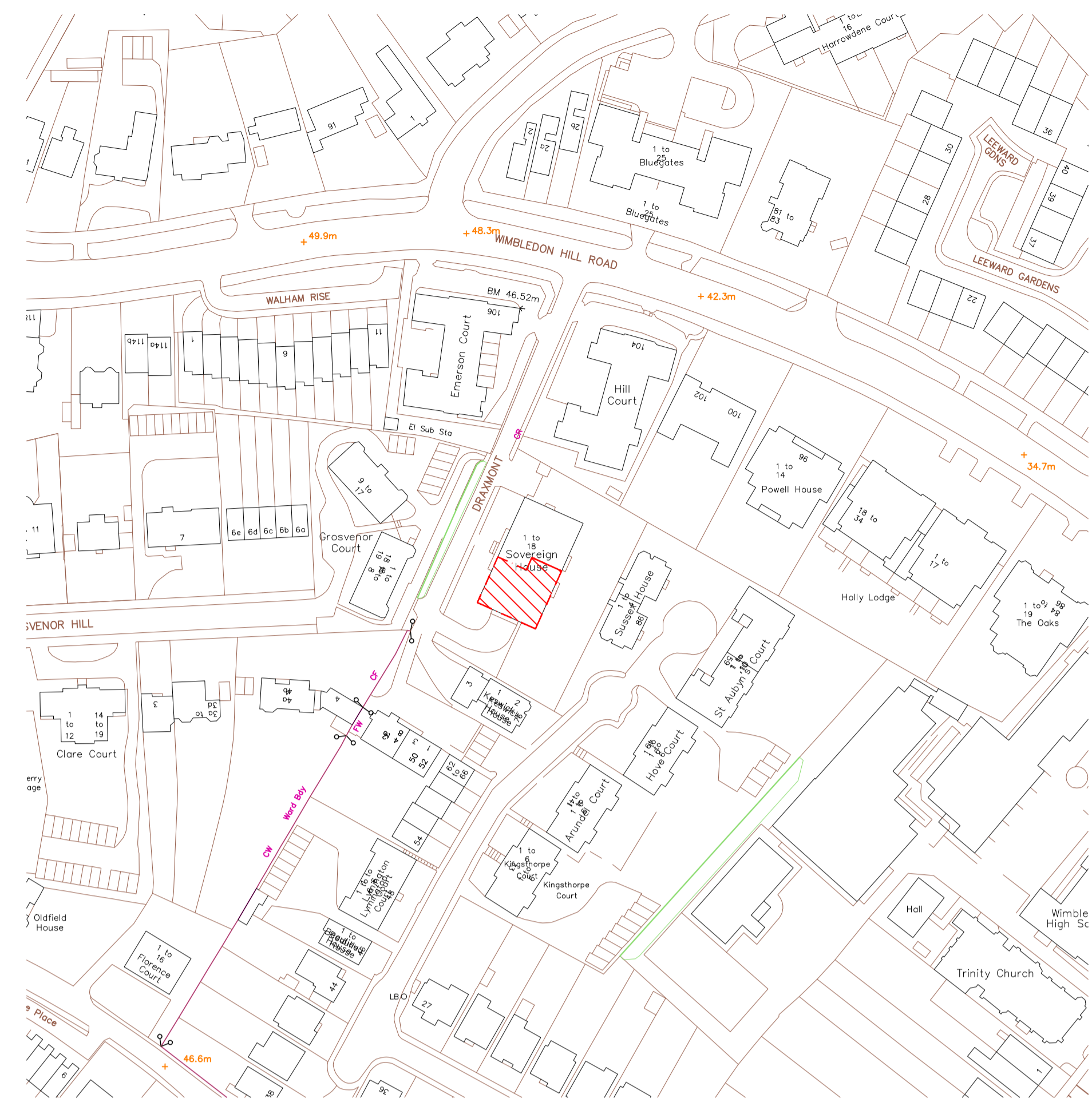
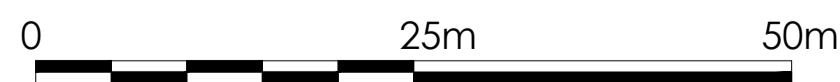
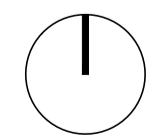
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**IMAGE 6:** Proposed terrace level perspective to the front of the property to illustrate the inset terrace and brickwork massing to be inkeeping with the existing property



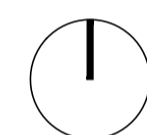
**EXISTING SITE PLAN**

1:500 @ A1



**LOCATION PLAN**

1:1250 @ A1



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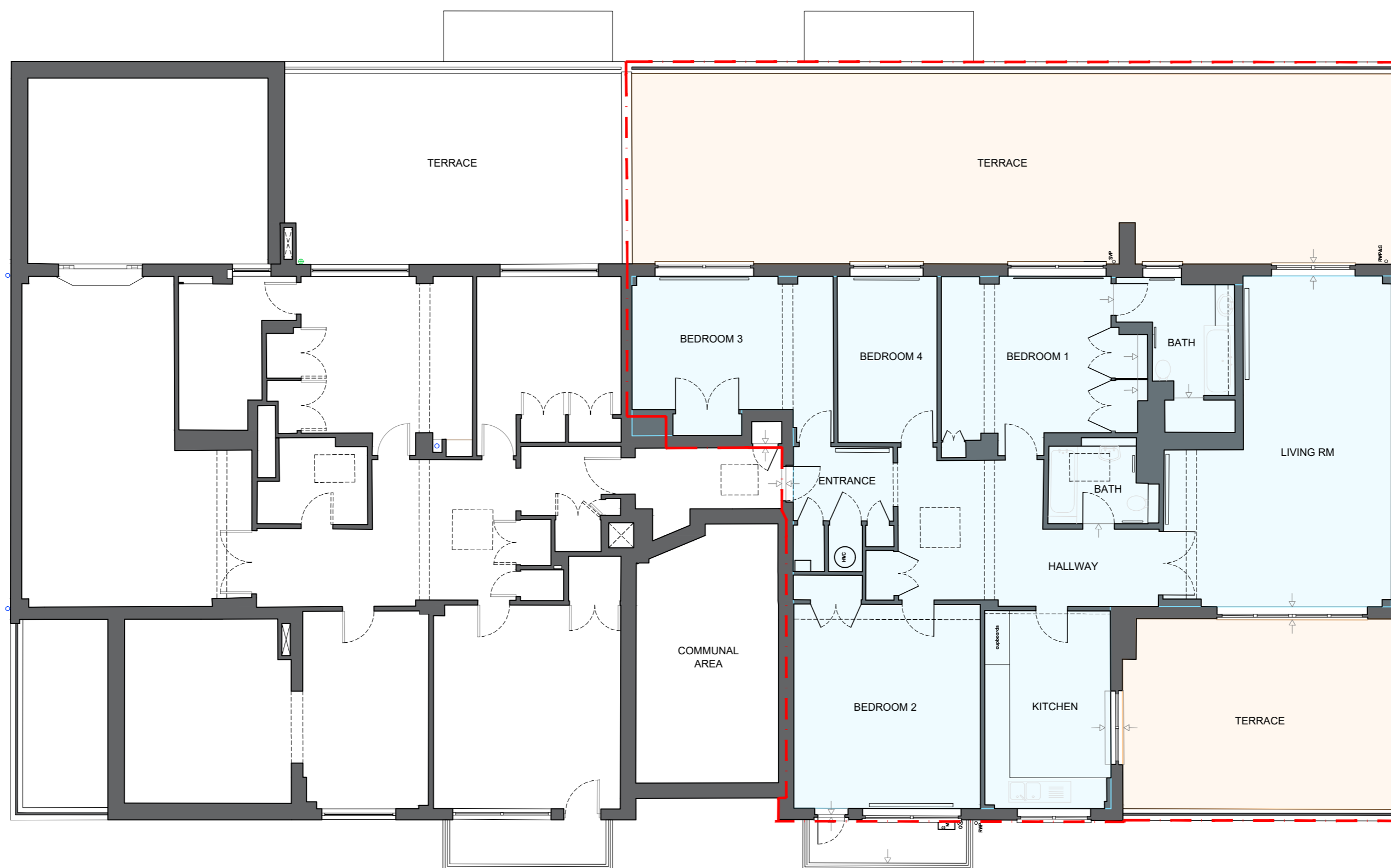
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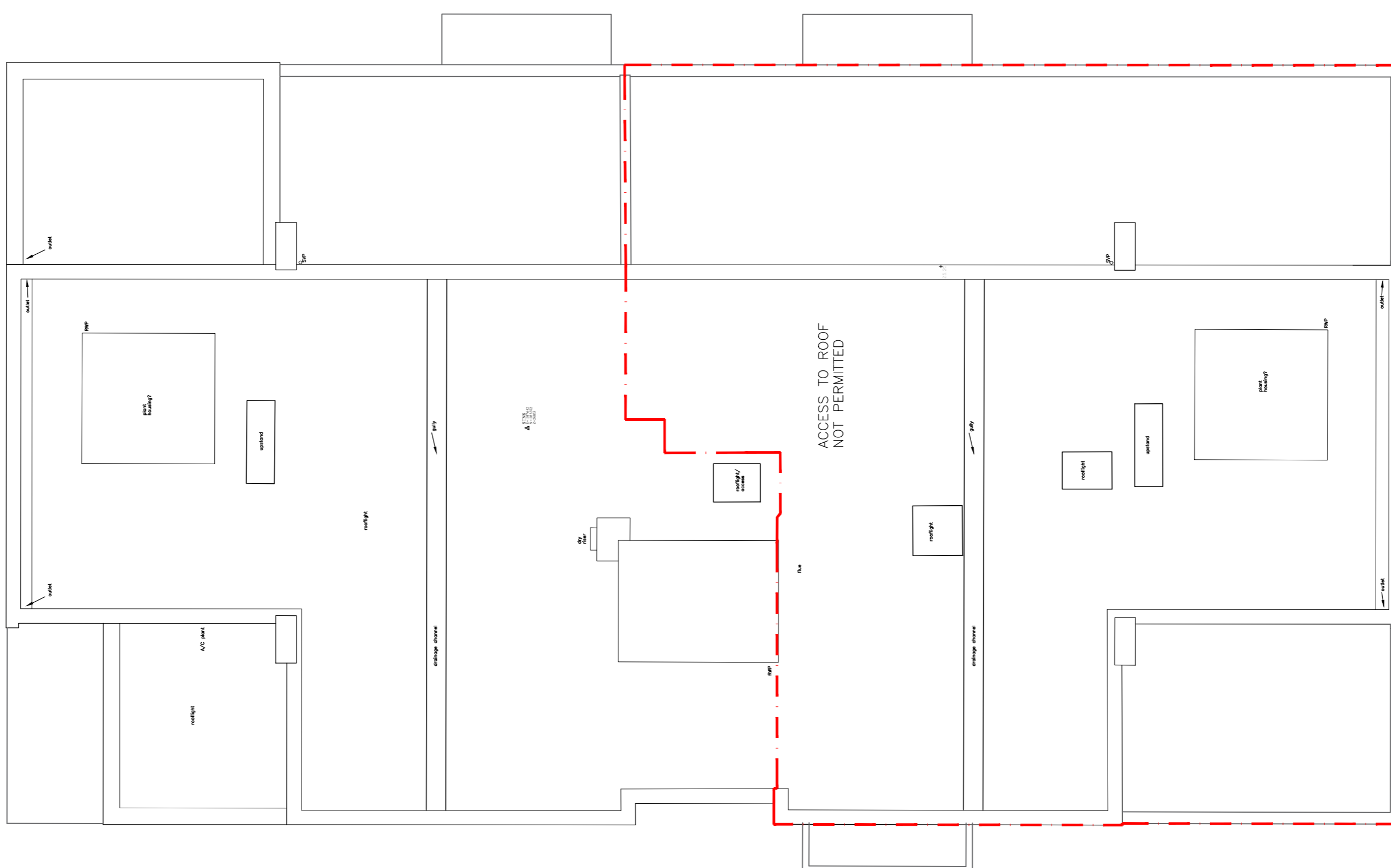
Project	Project No
18 SOVEREIGN HOUSE, DRAXMONT	315

Drawing Title	VARIES @ A1
PLAN	VARIES @ A3
EXISTING LOCATION & SITE	

Drawing No.	Revision
P01	00



**EXISTING APARTMENT FLOOR PLAN**   
 1:100 @ A1



**EXISTING APARTMENT ROOF PLAN**   
 1:100 @ A1



- No. 18 Sovereign House - Apartment internal floor area
- No. 18 Sovereign House - External terrace area
- No. 18 Sovereign House - Property extent

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**Status**  
**PLANNING**

Rev.	Drawn by	Comments	Date
00	JL	Planning	2023.06.15
-	-	-	-
-	-	-	-
-	-	-	-

Project	Project No
18 SOVEREIGN HOUSE, DRAXMONT	315

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PLAN	1:200 @ A3
EXISTING APARTMENT AND TERRACE	

Drawing No.	Revision
P02	00

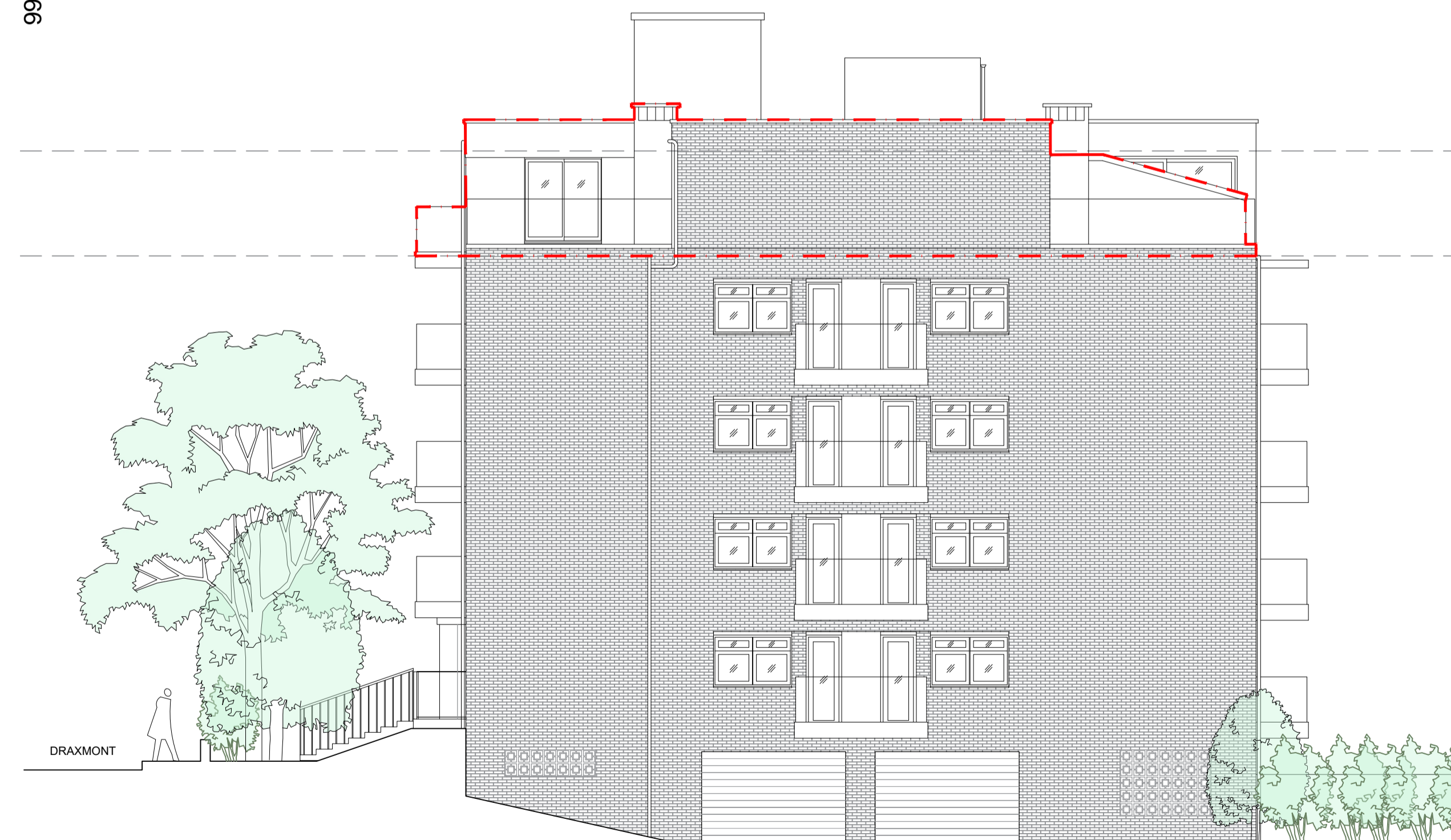


EXISTING APARTMENT FRONT (STREET) ELEVATION  
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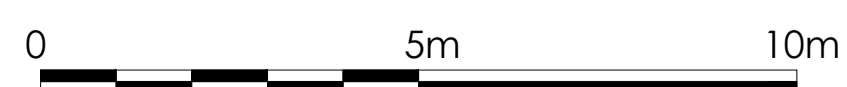


EXISTING APARTMENT REAR (GARDEN) ELEVATION  
1:100 @ A1

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EXISTING APARTMENT SIDE ELEVATION  
1:100 @ A1



EXISTING APARTMENT SIDE ELEVATION  
1:100 @ A1

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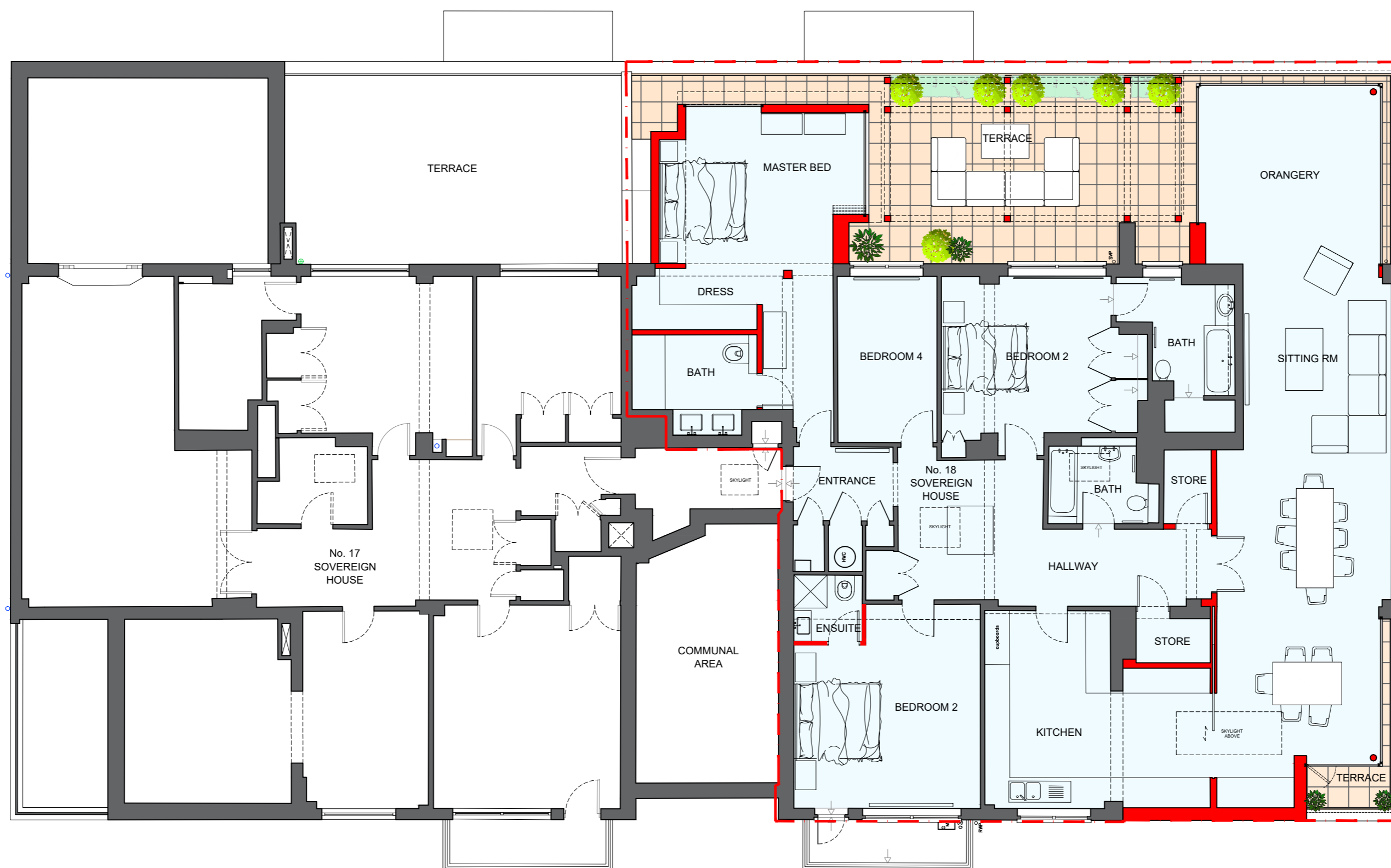
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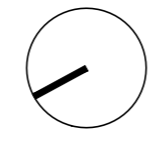
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18 SOVEREIGN HOUSE, DRAXMONT	315

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ELEVATION	1:200 @ A3
EXISTING APARTMENT AND TERRACE	

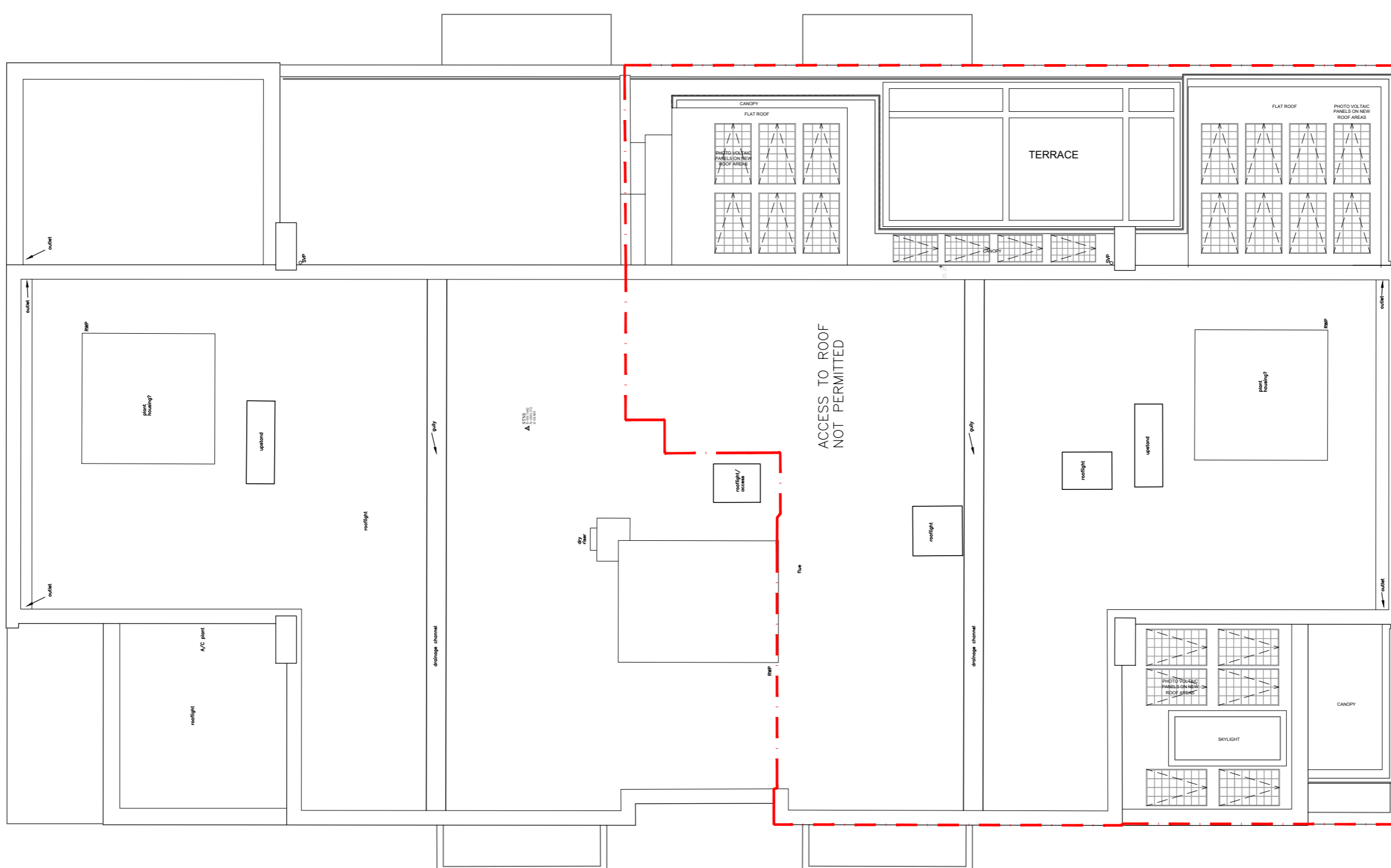
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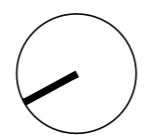
EXISTING APARTMENT FLOOR PLAN  
1:100 @ A1



0 5m 10m



EXISTING APARTMENT ROOF PLAN  
1:100 @ A1



0 5m 10m

- No. 18 Sovereign House - Apartment internal floor area
- No. 18 Sovereign House - External terrace area
- New walls
- No. 18 Sovereign House - Property extent

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### Status PLANNING

Rev.	Drawn by	Comments	Date
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Project	Project No
18 SOVEREIGN HOUSE, DRAXMONT	315

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PLAN	1:200 @ A3
PROPOSED APARTMENT AND TERRACE	

Drawing No.	Revision
P04	00

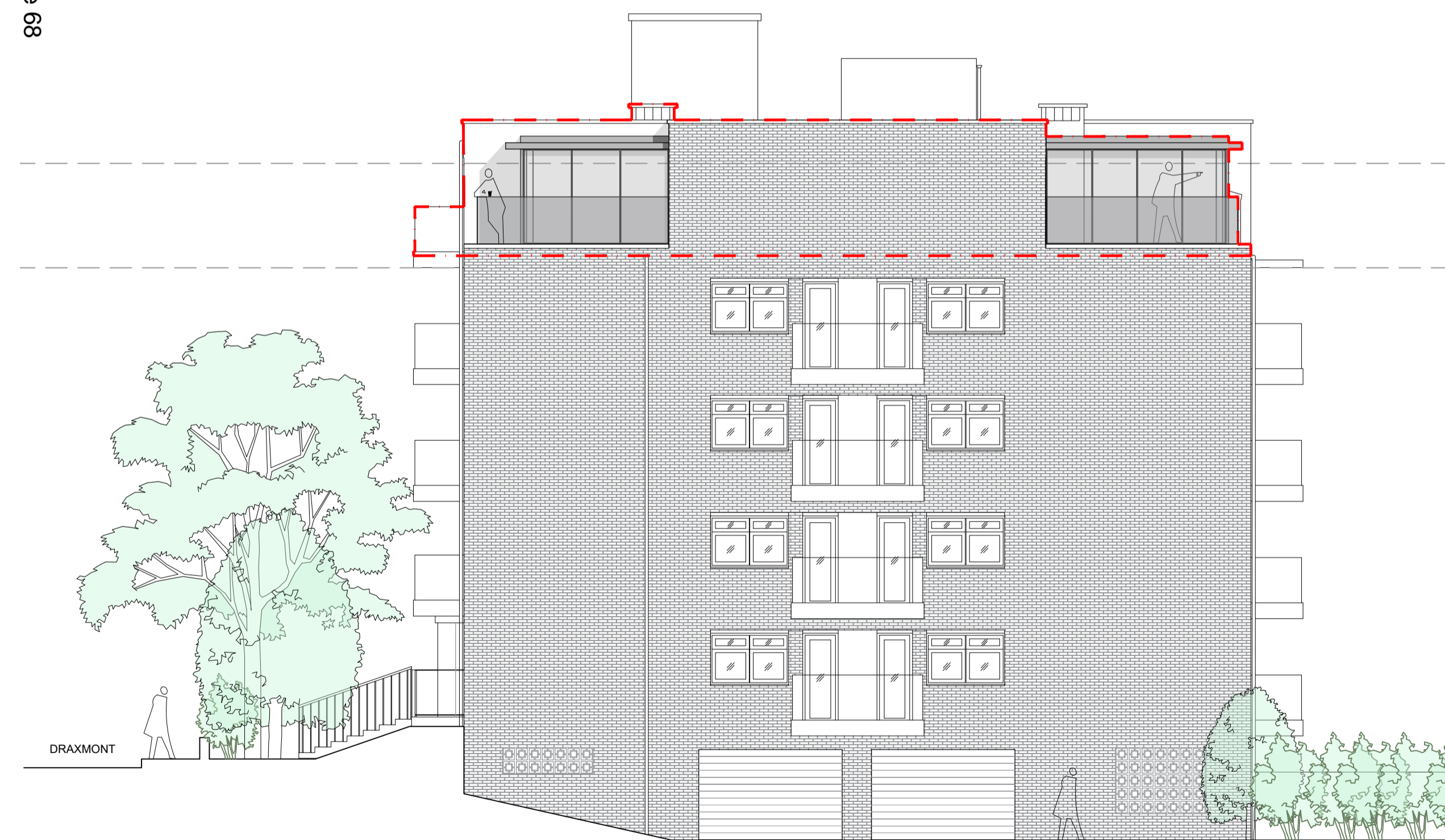


PROPOSED APARTMENT FRONT (STREET) ELEVATION  
1:100 @ A1



PROPOSED APARTMENT REAR (GARDEN) ELEVATION  
1:100 @ A1

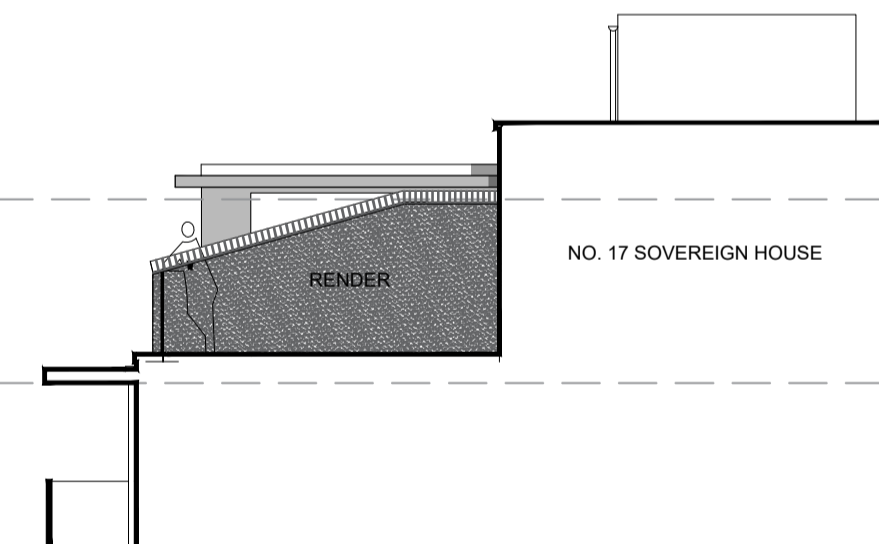
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PROPOSED APARTMENT SIDE ELEVATION  
1:100 @ A1



PROPOSED APARTMENT SIDE ELEVATION  
1:100 @ A1



PROPOSED SIDE ELEVATION  
1:100 @ A1

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Status  
**PLANNING**

Rev.	Drawn by	Comments	Date
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Project	Project No
18 SOVEREIGN HOUSE, DRAXMONT	315

Drawing Title	1:100 @ A1
ELEVATION	1:200 @ A3
PROPOSED APARTMENT AND TERRACE	

Drawing No.	Revision
P05	00



# Location Plan

Site Address: Flat 18, Sovereign House, 1, Draxmont, Wimbledon, SW19 7PG

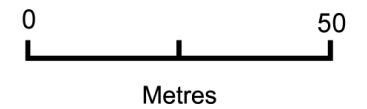
Date Produced: 13-Nov-2023

Scale: 1:1250 @A4

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Planning Portal Reference: PP-12542633v1



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## **PLANNING APPLICATIONS COMMITTEE** **15 FEBRUARY 2024**

### **CASE OFFICER REPORT**

**APPLICATION NO.**                      **DATE VALID**  
23/P3138                                      10/11/2023

**Site Address:**                              153 Links Road, Tooting, SW17 9EW

**Ward:**    Graveney

**Proposal:**                                      CHANGE OF USE OF 6 BED HOUSE IN MULTIPLE  
OCCUPATION (USE CLASS C4) TO A 7 BED HMO (SUI  
GENERIS).

**Drawing Nos:**                              See condition 2

**Contact Officer:**                              Leigh Harrington (020 8545 3836)

---

#### **RECOMMENDATION**

GRANT Planning permission subject to conditions and a s106 agreement

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#### **CHECKLIST INFORMATION**

Is a screening opinion required	No
Is an Environmental Statement required	No
Press notice	No
Site notice	Yes
Design Review Panel consulted	No
Number of neighbours consulted	26
External consultations	No
Internal consultations	Yes
Controlled Parking Zone	Yes CG
Conservation Area	No
Archaeological Priority Zone	No
Public Transport Accessibility Rating	2
Tree Protection Orders	No

## **1. INTRODUCTION**

- 1.1 The application has been brought before the Committee at the request of Councillor Mundy as a previous application for a 7 bedroom, 7 person HMO at this site (LBM Ref 22/P1990) was refused by members at the 20<sup>th</sup> October 2022 committee meeting. A subsequent application for a 6 bedroom, 6 person HMO was approved by members at the 16<sup>th</sup> March 2023 committee meeting (LBM Ref 23/P0237).
- 1.2 The planning application, which was refused by members for a 7 bedroom, 7 person HMO (22/P1990) was appealed (Appeal Ref: APP/T5720/W/23/3315683) and dismissed by the Planning Inspector on a solely technical matter, in so far as the appellant failed to provide a signed and completed legal agreement (Unilateral Undertaking (UU) with the appeal to cover the permit free requirement). In all other respects, the scheme was considered to be acceptable and policy compliant by the inspector (appeal decision attached as Appendix 1).
- 1.3 It must be noted that the application before members of the planning committee is identical to the scheme considered at appeal (22/P1990), other than the removal of the internal chimney breast and a slight change to the alignment/position of an internal wall to bedroom 1 (which increases the bedroom size and improves layout and is the same physical layout in terms of room sizes as the 6 bedroom scheme approved by members). As set out above, given the fact that the planning appeal was only dismissed on the technicality, members must treat the appeal decision as a very strong material planning consideration.

## **2. SITE AND SURROUNDINGS**

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

## **3. CURRENT PROPOSAL**

- 3.1 The proposals are for change of use of 6 bed house in multiple occupation (use Class C4) to a 7 bed HMO (Sui Generis).

- 3.2 On the ground floor there would be a single occupancy ensuite bedroom to the front with a communal kitchen/dining room and a living room to the rear with access out to the recently re-turfed communal garden, bike and bin stores.
- 3.3 The first floor would accommodate 4x single bedrooms, two of which would be ensuite. The room that was previously approved as a study room providing working from home space is again proposed as a single bedroom to the front.
- 3.4 The roof extensions would accommodate 2 single ensuite bedrooms and a bathroom for the two non-ensuite bedrooms on the first floor.
- 3.5 There are no new additions or physical exterior changes proposed to the building.

### History

(Comparison between 6 bedroom HMO (23/P0237) and 7 bedroom HMO)

- 3.6 As part of the approval (LBM Ref 23/P0237) by members of the Planning Applications Committee for the conversion of the property to a 6 bedroom, 6 person HMO one of the first floor rooms was proposed to be left as a work/study space to assist residents with a space to work from home without the need to work from the confines of their bedrooms. This was in response to a previous refusal by members (LBM Ref 22/P1990) for a 7 bedroom HMO.
- 3.7 The application before members seeks to now change the workspace into a bedroom, therefore taking the HMO from a 6 bedroom, 6 person to a 7 bedroom, 7 person HMO. This is the same arrangement as the refused scheme (LBM Ref 22/P1990) but is now accompanied by a completed s106 agreement for permit free development)

## **4. PLANNING HISTORY**

- 4.1 23/P0237 APPLICATION granted by PAC FOR CHANGE OF USE FROM C3 (DWELLINGHOUSE) TO C4 6 RESIDENT (House in Multiple Occupation)
- 4.2 22/P1990 APPLICATION refused by PAC FOR THE PROPOSED CHANGE OF USE OF A DWELLING HOUSE TO A 7-BED (7 PERSON) HOUSE IN MULTIPLE OCCUPATION. Reason for refusal;

The proposed House in Multiple Occupation by reason of design, layout and quantum of occupancy is considered to represent a poorly designed overdevelopment of the site resulting in unacceptable impacts in terms of poor quality living conditions & amenity for future occupiers and waste management arrangements contrary to London Plan 2021 Policy H9,

Merton Sites and Policies Plan 2014 policy DM D2 and Merton Core Strategy 2011 policy CS17.

Appeal Ref: **APP/T5720/W/23/3315683** dismissed at appeal solely on the grounds that no Permit free s106 agreement had been entered into.

- 4.3 22/P3238 APPLICATION withdrawn FOR A LAWFUL DEVELOPMENT CERTIFICATE IN RESPECT OF THE PROPOSED CHANGE OF USE FROM C3 (DWELLINGHOUSE) TO C4 6 RESIDENT (HMO)
- 4.4 22/P1537 APPLICATION refused FOR A LAWFUL DEVELOPMENT CERTIFICATE IN RESPECT OF THE PROPOSED CHANGE OF USE FROM C3 (DWELLINGHOUSE) TO C4 (HMO) AND THE ERECTION OF A SINGLE STOREY REAR EXTENSION. Reasons for refusal

The proposed level of occupation with 8 bedrooms would exceed the 3-6 occupier threshold as set out in Class C4 (Houses in multiple occupation) of The Town and Country Planning (Use Classes) Order 1987 (As amended). The proposed development would therefore be Sui Generis (Large Houses in multiple occupation) for which planning permission would be required.

And

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

- 4.5 22/P1279 LAWFUL DEVELOPMENT CERTIFICATE issued IN RESPECT OF THE PROPOSED ERECTION OF A SINGLE STOREY REAR EXTENSION
- 4.6 21/P1096 APPLICATION UNDER SECTION 191 Withdrawn by applicant THAT THE USE OF GARAGE AT LAND TO THE REAR OF 153 LINKS ROAD AS STORAGE (USE WITHIN CLASS B8) IS LAWFUL FOR PLANNING PURPOSES
- 4.7 20/P3802 Planning permission granted for the PROPOSED DEMOLITION OF OUTBUILDINGS AND ERECTION OF A REPLACEMENT GARAGE.
- 4.8 06/P0490 CERTIFICATE OF LAWFULNESS issued FOR A PROPOSED REAR ROOF EXTENSION.

## 5. **CONSULTATION**

5.1 Consultation letters sent to 26 neighbouring properties and site notice posted. No letters of objection were received.

### 5.2 **The Council's HMO Officer**

Note - Commented on the previous 7 bedroom scheme application;

'Based on the information provided below we have no objections as it would meet our requirements/standards'. The team has received (02/03/2023) a licensing application for 4-7 residents.

### 5.3 **The Council's Waste Services;**

They will need to complete an updated HMO certificate and presentation will be kerbside wheeled bins presented as per the policy and in line with the other properties on Links and Jersey Roads.

### 5.4 **The Council's Parking Permits**

Confirmed that the allocation of parking permits is considered in the same way for family homes as they are for HMOs in that this is no limit on the number that can be applied for but the cost increases for each subsequent permit that is issued.

## 6. **POLICY CONTEXT**

### Relevant policies in the London Plan 2021:

D3 Optimising site capacity through the design-led approach  
D6 Housing quality and standards  
D11 Safety and security  
D14 Noise  
H1 Increasing housing supply  
H6 Housing standards  
H9 Ensuring the best use of stock  
T5 Cycling  
T6.1 Residential parking  
T4 Assessing and mitigating transport impacts  
SI 7 Reducing waste and supporting the circular economy

Merton adopted Core Strategy (July 2011):

CS2 Mitcham Sub-Area  
CS8 Housing Choice  
CS9 Housing Provision  
CS14 Design  
CS15 Climate change  
CS17 Refuse  
CS18 Active transport  
CS20 Parking, servicing and delivery

Merton adopted Sites and Policies Plan (July 2014):

DM H5 Student housing, other housing with shared facilities and bedsits  
DM D2 Design considerations in all developments  
DM D3 Alterations and extensions to existing buildings  
DM EP2 Reducing and mitigating noise  
DM T1 Support for sustainable transport and active travel  
DM T2 Transport impacts of development  
DM T3 Car parking and servicing standards

Other guidance:

- London Housing SPG - 2023
- London Character and Context SPG - 2014
- Accessible London: Achieving an Inclusive Environment – 2014
- London Borough of Merton Houses in Multiple Occupation (HMO) Requirements (Revised July 2019)
- Waste and Recycling Storage Requirements, a Guidance note for Architects

**7. PLANNING CONSIDERATIONS**

**7.1 Appeal Decision**

7.1.1 As set out above, given the fact that the planning appeal relating to LBM ref 22/P1990 was only dismissed on the technicality (lack of UU being submitted with the appeal), members must treat the appeal decision as a very strong material planning consideration. Officers strongly advise members to fully take into consideration the appeal decision and should not deviate from that formal decision. The full appeal decision is attached as an appendix to this committee report for member information, however the relevant extracts below set out the Inspector's conclusions against the Council's refusal reasons:



### Living conditions

5. The appeal property is a previously extended two storey end terrace dwelling at the junction with Jersey Road in a predominantly residential area. It has an enclosed rear garden with a pedestrian access gate onto Jersey Road.

6. In the approved planning application for six residents the seventh bedroom was to be used as a shared study area. Bedroom 2A, the seventh bedroom, measures approximately 9.3 square metres which exceeds the minimum standards for a single occupancy room. In addition, the shared kitchen and living room meet the standards in terms of space and are of sufficient size to accommodate 7 occupiers. There is also sufficient space in the rear garden to accommodate a secure cycle store. Although the proposal would result in an increase in occupiers from 6 to 7, this would not result in an overcrowded property due to the size of the bedrooms and shared living space and would not harm the living conditions of future occupiers.

7. I conclude that the proposal would provide appropriate living conditions for future occupiers. It would therefore conform with policy H9 of the London Plan (2021) and policy DMD2 of the Merton Sites and Policies Plan (2014) which together, amongst other matters, seek to ensure that development meets local housing need and provides appropriate quality of living conditions.

- 7.1.2 Officer comment – Other than the removal of the internal chimney breast and a slight change to the alignment/position of an internal wall to bedroom 1 (which increases the bedroom size, improves layout and is the same as approved by members LBM Ref 23/P0237), the scheme still complies with the above conclusions of the planning inspector.

### Waste management arrangements

8. There is space in the rear garden for sufficient waste bins, including recycling facilities, for the proposed number of occupiers, as indicated on the submitted plans. There is also rear pedestrian access to the rear garden from Jersey Road to allow them to be made available for refuse collection. Although there are no details of proposals to make them less unsightly, due to the high fence surrounding the rear garden, they would not be visible from the street.

9. I conclude that the waste management arrangements are appropriate, and the proposal would conform to policy CS 17 of the Merton Core Strategy (2011) which, amongst other matters, seeks to ensure that new

development includes integrated and well-designed waste storage facilities.

- 7.1.3 Officer comment – The scheme before members still meets the above requirements.

#### Controlled Parking Zone

10. The proposed development makes no provision for on-site parking and there is the potential for it to generate demand for additional on street parking within the Controlled Parking Zone (CPZ). The appellant has indicated they would be willing to provide a UU as the mechanism to ensure occupiers would be prevented from obtaining a parking permit. However, even if I were to accept the details of such an obligation it is not a personal undertaking and therefore highly likely to be unlawful. A duly executed obligation is not before me. I do not consider that a condition would be sufficient to ensure that the development would be permit free as it would be unlikely to meet the tests of precision or enforceability.

11. In the absence of an appropriate and lawful mechanism to secure such, the proposal would not deliver a permit free development and would therefore compromise highway safety through increased parking pressure and potential additional vehicle movements to find parking spaces. It would therefore be contrary to Policy CS20 of the Core Planning Strategy (2011) which, amongst other things, requires developer to demonstrate that their development will not adversely affect on street parking and highway safety.

- 7.1.4 Officer comment – The applicant has provided a signed and completed legal agreement with the application to ensure that the property would be a permit free development. The current proposal has therefore overcome this element of the appealed scheme.

#### Conclusion

13. Whilst I have found that the proposal would provide appropriate living conditions for future occupiers and that the waste management arrangements are appropriate, there is no mechanism in place to ensure that the proposal would not increase parking pressure on the CPZ. Therefore, the proposal on balance conflicts with the development plan as a whole and there are no other considerations, including the provisions of the National Planning Policy Framework, which outweigh this finding. For the reasons given above I conclude that the appeal should be dismissed.

- 7.1.5 Officer Conclusion – The scheme before members is materially identical to the above appeal decision (other than a slight increase to bedroom 1). The applicant

has now provided a fully completed legal agreement to cover the permit free development and therefore the proposed development is fully supported by officers due the conclusions of the Planning Inspector's formal decision.

- 7.1.6 For members information, please see the original planning considerations (section 7 only) below relating to the planning committee report (22/P1990). These remain unaltered given the appeal decision (no requirement to be revisited):

## **7. PLANNING CONSIDERATIONS**

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

### **7.2 Principle**

- 7.2.1 Policy CS 8 states that the Council will seek the provision of a mix of housing types, sizes and tenures at a local level to meet the needs of all sectors of the community. This includes the provision of family sized and smaller housing units, provision for those unable to compete financially in the housing market sector and for those with special needs. Property managed and regulated Houses in Multiple Occupation can offer good quality affordable accommodation to people who cannot afford to buy their own homes and are not eligible for social housing.
- 7.2.2 Policy H9 of the London Plan notes that HMO accommodation is a strategically important element of London's housing offer although it does acknowledge that it's quality can give rise to concern. In terms of the standard of accommodation for the HMO, this is largely addressed under Licencing requirements as opposed to through the planning system. Members will note within the planning history section of this report that the applicant applied for an 8 bedroom HMO under a lawful development certificate but this was refused. The application before members of the planning committee has been assessed on 7 bedrooms which are single bedrooms in terms of size and therefore designed for 1 occupant per bedroom, so a total of 7 persons. The level of occupancy would be set out in the decision notice and controlled via a planning condition. Should the applicant wish to increase the number of persons within the HMO this would be subject of a separate application and assessed on its own merits.
- 7.2.3 As a matter of background for members, where HMO applications have been refused elsewhere in the borough this has often been due to the high numbers of occupiers and the impact of so many people living in one property. In this instance the proposed level of occupancy is 7 persons, which is only one greater than would be allowable under permitted development.

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

7.3.1 The proposals do not involve any additions to the existing building. The additional facilities that would be required, namely the cycle storage and refuse facilities, would be accommodated in the rear garden from where there is direct access out to Jersey Road. The changes to the first floor rear fenestration involve blocking up an existing window and replacing it with a window to match the existing such that both windows appear to match. Consequently it is considered that the impact on the appearance of the existing building would be minimal.

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

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

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

*Officer comment*

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

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

*Officer comment*

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

- iii. The proposal meets an identified local need;

*Officer comment*

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

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

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

Officer comment

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

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

It is noted that Councillor Kirby has raised concerns relating to the cumulative effect of high numbers of HMO premises in the borough and in particular in this ward. Members should note that there is currently a review of HMOs in the borough into whether an Article 4 Direction restricting them under permitted development (3-6 persons) can be justified. If the Article 4 Direction is adopted, this would not completely prevent HMO's, but would require all HMO's (regardless of the number of persons) within the affected areas to require full planning permission. The lead officer working of the Article 4 Direction confirmed that if adopted would not come in before next September and be restricted to certain wards within Merton.

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

- v. The proposal complies with all relevant standards;

*Officer comment*

The proposal complies with relevant standards including those set out in the London Borough of Merton Houses in Multiple Occupation (HMO) Requirements (Revised July 2021)

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

*Officer comment*

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

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

## 7.5 **The impact on neighbour amenity**

7.5.1 SPP Policies DM D2 and DM D3 and London Plan Policy D3 require proposals to ensure that development does not adversely impact on the amenity of nearby residential properties and that people feel comfortable with their surroundings.

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

7.5.2 With seven adults living on site there is the potential for greater levels of noise and activity including later at night than might be the case with a single-family dwelling. However, with 7 residents this would only be 1 more than was allowable under permitted development rights. It is therefore considered that this would not represent enough of a difference to robustly justify the proposals on the grounds of harm to the amenity of neighbours.

## 7.6 **Standard of accommodation**

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

7.6.2 The HMO Licensing requirements relate to the number and size of shared facilities, internal bedroom size etc. This would not override the requirement for the accommodation to be of a high and well-designed standard. The rooms all exceed the minimum space standards (some bedrooms have ensuite bathrooms), are all of a relatively regular shape which allows for a more efficient use of the space and benefit from acceptable levels of natural light (although room 3B in the roof has limited outlook). In addition, the shared living spaces would include a 21sqm kitchen/dinning area, 12sqm living space, rear conservatory and access to a good sized rear garden area.

7.6.3 Merton's HMO guidance document suggests that residents should not have to travel more than one floor to a kitchen, however this does not apply where a living room is provided on the same floor as the kitchen as would be the case with the proposed scheme.

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

## 7.7 **Parking and highway considerations**

7.7.1 Planning Policy T1 (Strategic approach to transport) of the London Plan 2021

states that the delivery of the Mayor's strategic target of 80 per cent of all trips in London to be made by foot, cycle or public transport by 2041. All development should make the most effective use of land, reflecting its connectivity and accessibility by existing and future public transport, walking and cycling routes, and ensure that any impacts on London's transport networks and supporting infrastructure are mitigated.

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

#### Car Parking

- 7.7.3 The application site has a low level of accessibility to public transport with a PTAL rating of 2 although the site is located a short distance from a number of bus routes and Tooting Railway Station. The application site is also located in a Controlled Parking Zone (Zone GC) and as such is located in an area of the borough subject to high parking stress.

- 7.7.3 At a local level Policy CS20 requires developers to demonstrate that their development will not adversely affect on-street parking or traffic management. Policies DMT1-T3 seek to ensure that developments do not result in congestion, have a minimal impact on existing transport infrastructure and provide suitable levels of parking. The site is within CPZ GC but does not provide any off-street parking spaces for future residents, either for cars or motorcycles/scooters. Given the proposal would likely accommodate a higher number of adult occupiers there will likely be an increase in on-street car parking demand. Consequently, in order to protect parking facilities in the area and to reinforce the Council's drive for reduced levels of car ownership it is recommended that a s106 agreement to make the property permit free is entered into. This can be controlled via a S106 agreement.

#### Cycle Parking

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

#### 7.8 **Refuse facilities**

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

- 7.8.1 The need for adequate levels of refuse facilities can often have a detrimental impact on the appearance of a building when the frontage becomes dominated



by large numbers of wheelie bins. In this instance there is scope to store these to the rear ready for kerbside presentation on collection day and waste services raise no objection to the proposed facilities.

## **8. ENVIRONMENTAL IMPACT ASSESSMENT**

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

## **9. CONCLUSION (TO CURRENT APPLICATION)**

- 9.1 It is considered that the proposed 7 bedroom HMO would still offer good quality accommodation, albeit without the work area, tailored to people who require an attractive living environment but are often priced out of the flat rental market and may not be eligible for social housing. Whilst there are other HMOs in the local area, the prevailing character of the area remains single family houses and flats and an additional bedroom would not materially alter that.

- 9.2 The proposal involves no additions to the existing building and the refuse and cycle facilities to serve the seven occupiers, which are considered acceptable, can be readily housed out of sight within the back garden and therefore there would be no harm to the appearance of the host building.

- 9.3 In their conclusion to the appeal the Inspector noted:

‘Whilst I have found that the proposal would provide appropriate living conditions for future occupiers and that the waste management arrangements are appropriate, there is no mechanism in place to ensure that the proposal would not increase parking pressure on the CPZ. Therefore, the proposal on balance conflicts with the development plan as a whole and there are no other considerations, including the provisions of the National Planning Policy Framework, which outweigh this finding’.

- 9.4 In view of these factors and in light of the Inspectors determination of the appeal it is considered that there would be no robust grounds upon which to refuse the proposal (applicant has now provided the required legal agreement) and therefore the application is recommended for approval subject to the following conditions and s106 agreement:

## **10. RECOMMENDATION**

GRANT Planning Permission subject to:

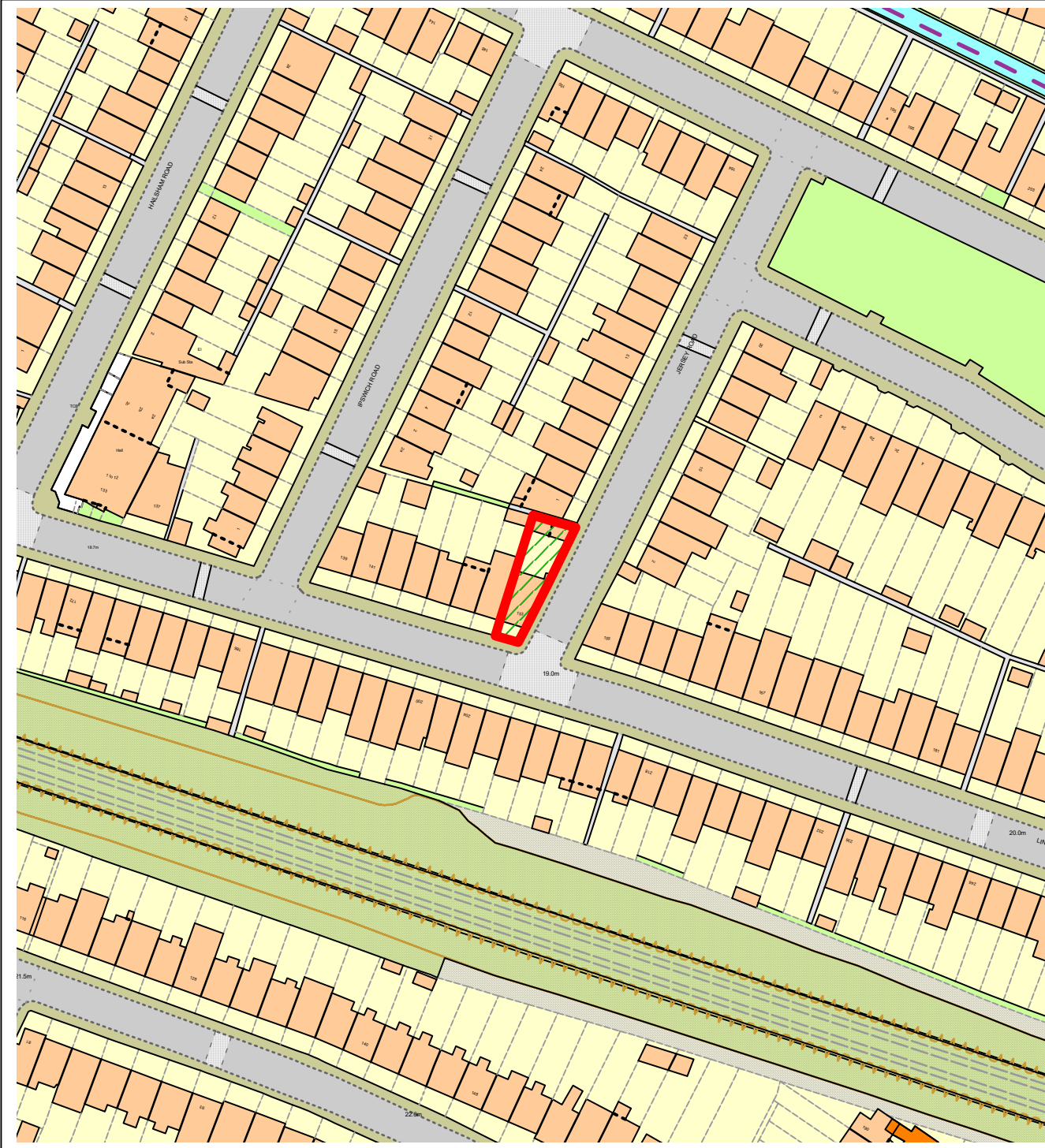
The completion of a Legal Agreement covering the following heads of terms:-

1. Permit free development
2. The developer agreeing to meet the Councils costs of preparing, drafting and monitoring the Section 106 Obligations.

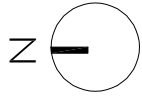
And Conditions

1. A1 Commencement of Development
2. A7 Approved Plans; Site location plan and drawings LIN-TA-XX-XX-DR-A-301002 P01 & LIN-TA-XX-XX-DR-A-520999 P11 and Document BDS Cycle Shelter - 6/8 Space Cycle Shelter & Bike Stands (Mini)
3. C07 Refuse & Recycling – The use shall not commence until the refuse facilities shown on the approved plans are available and operational.
4. D11 Construction Times – No demolition, construction or conversion 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.
5. H7 Cycle facilities - The use shall not commence until the refuse facilities shown on the approved plans are available and operational.
6. 7 Person HMO

# NORTHGATE SE GIS Print Template



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Covered cycle storage for 7no bicycles accessed from rear garden on Jersey Road

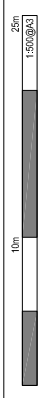
6no wheelle bins including mixed recycling accessed from rear garden on Jersey Road



REV	DATE	ISSUED BY	CHKD BY	DESCRIPTION
P01	22.06.22	ED	RM	FIRST ISSUE

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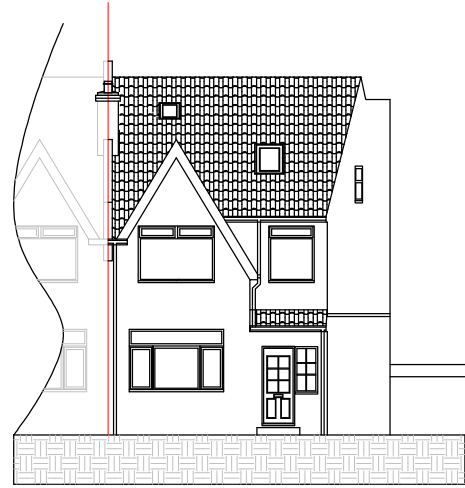


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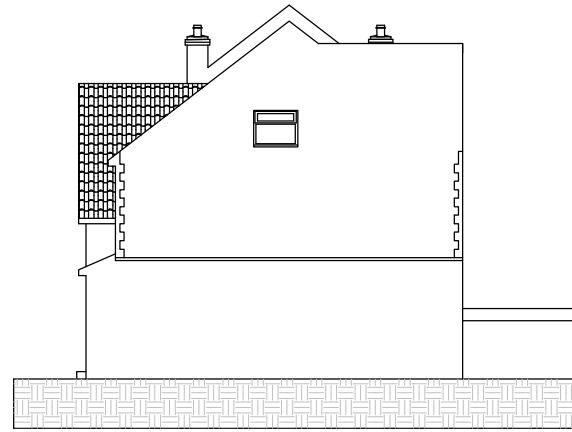
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 SW17 3EW  
 DATE: 06/22  
 DRAWING: Site Plan  
 SCALE (MM): 1 : 500

PROJECT STAGE: **Stage 3**

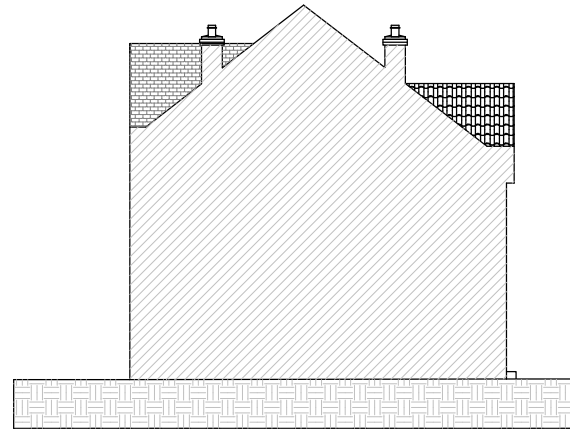
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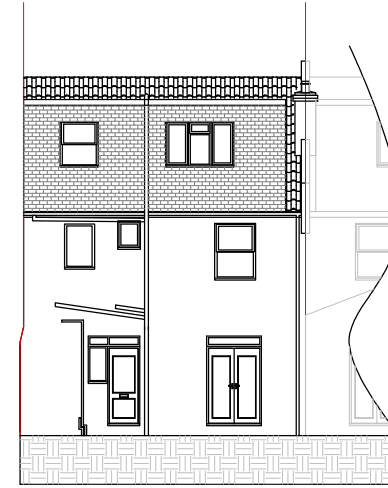
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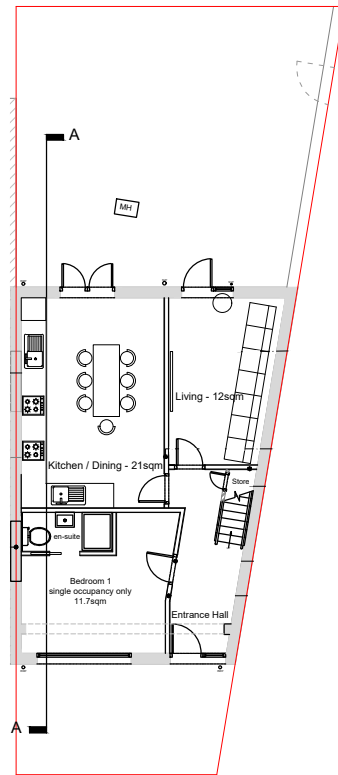
Side Elevation



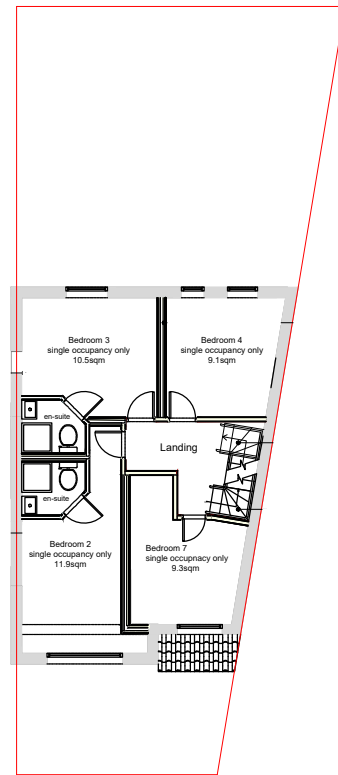
Side Elevation (from No. 151)



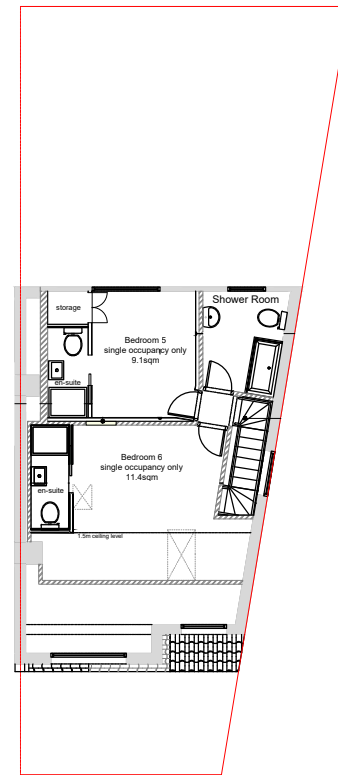
Rear Elevation



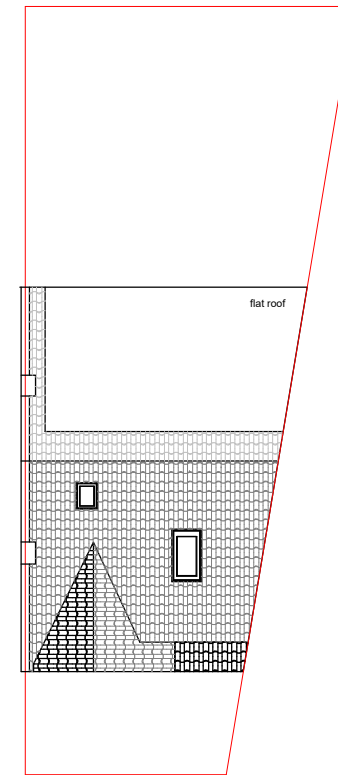
Ground Floor



First Floor



Loft

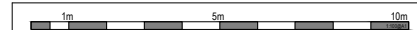


Roof

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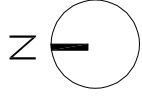
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PROJECT 153 LINKS ROAD RESIDENTIAL LONDON SW17 9EW	JOB NO. L2159
DOCUMENT NAME <b>PROPOSED GA PLANS</b>	DATE 09/11/23
PROJECT STAGE <b>Stage 2</b>	SCALE (B/A1) 1 : 100

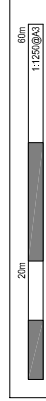
SUITABILITY CODE & DESCRIPTION <b>S2 Suitable for Information</b>	REVISION P11
DOCUMENT REFERENCE <b>LIN-TA-XX-XX-DR-A-520999</b>	



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PROJECT:  
153 Links Road  
SW17 3EW  
DATE:  
06/22  
SCALE (A3):  
1 : 1250

PROJECT STAGE:  
**Stage 3**

SUBFABU CODE DESCRIPTION:  
**S2 Suitable for Information**

DOCUMENT REFERENCE:  
**LIN-TA-XX-XX-DR-A-301001**

REVISION:  
**P01**



## Appeal Decision

Site visit made on 18 July 2023

**by H Senior BA (Hons) MCD MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 16 October 2023**

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### **Appeal Ref: APP/T5720/W/23/3315683**

### **153 Links Road, Tooting, Merton, London SW17 9EW**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr William Yardley WOMY Developments Ltd against the decision of the Council of the London Borough of Merton.
  - The application Ref 22/P1990, dated 27 June 2022, was refused by notice dated 8 December 2022.
  - The development proposed is change of use from a dwellinghouse (use class C3) to a 7 bed HMO (Sui Generis).
- 

### **Decision**

1. The appeal is dismissed.

### **Preliminary Matters**

2. Since the planning application the subject of this appeal was refused, a planning application for a 6 resident HMO has been granted (Ref 23/P0237). This was necessary as the area is covered by an Article 4 direction removing permitted development rights for the conversion of homes (Use Class C3) to small Houses in Multiple Occupation (Use Class C4).
3. I have a signed Unilateral Undertaking (UU) before me. However due to a change of circumstances both parties accept it is not duly executed. In any event, as currently worded the UU relates to a personal undertaking and not the use of land.

### **Main Issues**

4. The main issues are:
  - whether appropriate living conditions would be provided for future occupiers,
  - whether the waste management arrangements are appropriate, and
  - whether or not the proposal would increase pressure on the controlled parking zone (CPZ) and compromise highway safety.

### **Reasons**

#### *Living conditions*

5. The appeal property is a previously extended two storey end terrace dwelling at the junction with Jersey Road in a predominantly residential area. It has an enclosed rear garden with a pedestrian access gate onto Jersey Road.

6. In the approved planning application for six residents the seventh bedroom was to be used as a shared study area. Bedroom 2A, the seventh bedroom, measures approximately 9.3 square metres which exceeds the minimum standards for a single occupancy room. In addition, the shared kitchen and living room meet the standards in terms of space and are of sufficient size to accommodate 7 occupiers. There is also sufficient space in the rear garden to accommodate a secure cycle store. Although the proposal would result in an increase in occupiers from 6 to 7, this would not result in an overcrowded property due to the size of the bedrooms and shared living space and would not harm the living conditions of future occupiers.
7. I conclude that the proposal would provide appropriate living conditions for future occupiers. It would therefore conform with policy H9 of the London Plan (2021) and policy DMD2 of the Merton Sites and Policies Plan (2014) which together, amongst other matters, seek to ensure that development meets local housing need and provides appropriate quality of living conditions.

#### *Waste management arrangements*

8. There is space in the rear garden for sufficient waste bins, including recycling facilities, for the proposed number of occupiers, as indicated on the submitted plans. There is also rear pedestrian access to the rear garden from Jersey Road to allow them to be made available for refuse collection. Although there are no details of proposals to make them less unsightly, due to the high fence surrounding the rear garden, they would not be visible from the street.
9. I conclude that the waste management arrangements are appropriate, and the proposal would conform to policy CS 17 of the Merton Core Strategy (2011) which, amongst other matters, seeks to ensure that new development includes integrated and well-designed waste storage facilities.

#### *Controlled Parking Zone*

10. The proposed development makes no provision for on-site parking and there is the potential for it to generate demand for additional on street parking within the Controlled Parking Zone (CPZ). The appellant has indicated they would be willing to provide a UU as the mechanism to ensure occupiers would be prevented from obtaining a parking permit. However, even if I were to accept the details of such an obligation it is not a personal undertaking and therefore highly likely to be unlawful. A duly executed obligation is not before me. I do not consider that a condition would be sufficient to ensure that the development would be permit free as it would be unlikely to meet the tests of precision or enforceability.
11. In the absence of an appropriate and lawful mechanism to secure such, the proposal would not deliver a permit free development and would therefore compromise highway safety through increased parking pressure and potential additional vehicle movements to find parking spaces. It would therefore be contrary to Policy CS20 of the Core Planning Strategy (2011) which, amongst other things, requires developer to demonstrate that their development will not adversely affect on street parking and highway safety.

#### **Other matter**

12. I note the appellant's concerns regarding the Council's handling of the case. However, this is a matter that would need to be taken up with the Council in



the first instance. In determining this appeal, I am only able to have regard to the planning merits of the case.

### **Conclusion**

13. Whilst I have found that the proposal would provide appropriate living conditions for future occupiers and that the waste management arrangements are appropriate, there is no mechanism in place to ensure that the proposal would not increase parking pressure on the CPZ. Therefore, the proposal on balance conflicts with the development plan as a whole and there are no other considerations, including the provisions of the National Planning Policy Framework, which outweigh this finding. For the reasons given above I conclude that the appeal should be dismissed.

*H Senior*

INSPECTOR

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**Committee:** Planning Applications

**Date:** 15<sup>th</sup> February 2023

## **Subject:** Planning Appeal Decisions

Lead officer: Head of Sustainable Communities

Lead member: Chair, Planning Applications Committee

### **Recommendation:**

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

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

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

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

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<b>Application Number</b>	<b>22/P0812</b>
<b>Appeal number:</b>	APP/T5720/W/23/3322144
<b>Site:</b>	81-83 Wimbledon Hill Road, Wimbledon SW19 7QS
<b>Development:</b>	DEMOLITION OF BUILDINGS AND ERECTION OF A FIVE STOREY RESIDENTIAL BLOCK COMPRISING 17 x SELF-CONTAINED FLATS (1 x 3 BED, 15 X 2 BED & 2 X 1 BED) PLUS 1 x DETACHED 3 BED DWELLINGHOUSE ARRANGED OVER 2 FLOORS (GROUND FLOOR AND BASEMENT)..
<b>LPA Decision:</b>	Refused (Committee Decision)
<b>Appeal Decision:</b>	<b>DISMISSED</b>
<b>Date of Appeal Decision:</b>	25 <sup>th</sup> January 2024

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

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

**Application Number**            **23/P0218**  
**Appeal number:**                APP/T5720/D/23/3323248  
**Site:**                                37 Camberley Avenue, West Wimbledon SW20 0BG  
**Development:**                    ERECTION OF PART SINGLE STOREY AND PART TWO STOREY  
REAR EXTENSIONS, ENLARGEMENT OF EXISTING REAR  
DORMER EXTENSION AND INSERTION OF NEW SIDE DOOR.  
**LPA Decision:**                    Refused (Delegated Decision)  
**Appeal Decision:**                **ALLOWED**  
**Date of Appeal Decision:**      18<sup>th</sup> December 2023

[click LINK TO DECISION NOTICE](#)

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**Application Number**            **23/P0451**  
**Appeal number:**                APP/T5720/D/23/3321920  
**Site:**                                58 Pepys Road, Raynes Park SW20 8PF  
**Development:**                    ERECTION OF A FRONT ROOF EXTENSION.  
**LPA Decision:**                    Refused (Delegated Decision)  
**Appeal Decision:**                **ALLOWED**  
**Date of Appeal Decision:**      13<sup>th</sup> December 2023

[click LINK TO DECISION NOTICE](#)

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**Application Number**            **23/P1910**  
**Appeal number:**                APP/T5720/D/23/3330256  
**Site:**                                36 Biggin Avenue, Mitcham CR4 3HN  
**Development:**                    ERECTION OF A PART SINGLE PART TWO STOREY SIDE AND  
FRONT EXTENSION TO CREATE A NEW TWO STOREY GABLE.  
**LPA Decision:**                    Refused (Delegated Decision)  
**Appeal Decision:**                **ALLOWED**  
**Date of Appeal Decision:**      13<sup>th</sup> December 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:** 15th February 2024

**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:**

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That Members note the contents of the report.

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

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

<b>Current Enforcement Cases:</b>	<b>380</b>	<b>New Appeals:</b>	<b>0</b>
<b>New Complaints</b>	<b>10</b>	<b>Existing Appeals</b>	<b>20</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)	2
Enforcement Notices	0	<b>New Instructions to Legal</b>	<b>3</b>
S.215:	1	<b>Existing instructions to Legal</b>	<b>4</b>
Others (PCN, TSN)	1	<hr/>	
Total	2	<b>TREE ISSUES</b>	
		<b>Tree Applications Received</b>	<b>100</b>
		<b>% Determined within time limits:</b>	<b>95%</b>
		<b>High Hedges Complaint</b>	<b>1</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 24<sup>th</sup> November 2023 to 2<sup>nd</sup> February 2024).*)

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. Recent Enforcement Actions**

### **24 Castleton Road, Mitcham, Surrey CR4 1NY -S215 Notice**

The Council re-issued a S215 untidy land notice to clear all rubbish and debris from the front of the Land, including but not limited to: plastic bags of rubbish, abandoned bins, householder plastics, wooden boards, pieces of furniture and household plastic boxes. The council are discussing with council partners and contractors Veolia to clear the waste via direct action.

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

Another 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 evidence gathering a temporary stop notice, and take action for non-compliance for the breach of condition notices that were served, legal letters are being drafted for the consideration of serving them to the owner/developers.

### **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. Direction action is now being considered. The council are discussing with council partners and contractors Veolia to clear the waste via direct action.

### **Burn Bullock – 315 London Road -Enforcement Notice & Listed Building Repairs Notice**

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. 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.

A Listed building consent was submitted to comply with the listed building repairs notice, the council has yet to validate the application due lack of detailed heritage information.

The committee were updated in November of 2023 of the status of the land and considering options for the site.

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

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

### **205 London Road, Morden, SM4 5PT -Enforcement Notice-Appealed**

An enforcement has been served for the unauthorised erection of a rear roof extension and a single storey rear/side extension, an appeal has been submitted against the 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- Enforcement 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 –Enforcement 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-Enforcement 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 –Informal action- remedy**

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**

### **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**

### **Land at 129 Pelham Road Wimbledon London SW19 1NZ -Enforcement Notice - Appealed**

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.

## **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. Requested update from PAC**

None

**4. Consultation undertaken or proposed**

None required for the purposes of this report

**5. Timetable**

N/A

**6. Financial, resource and property implications**

N/A

**7. Legal and statutory implications**

N/A

**8. Human rights, equalities and community cohesion implications**

N/A

**9. Crime and disorder implications**

N/A

**10. Risk Management and Health and Safety implications.**

N/A

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

N/A



## 32 Glossary of terms

### Glossary of Terms:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**Spatial Development Strategy** - (see London Plan)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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## 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 would bring</li> </ul>



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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

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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

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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 the Planning Officer
2. Registered Speakers in the order listed above. If there are no speakers,

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- 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

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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

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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

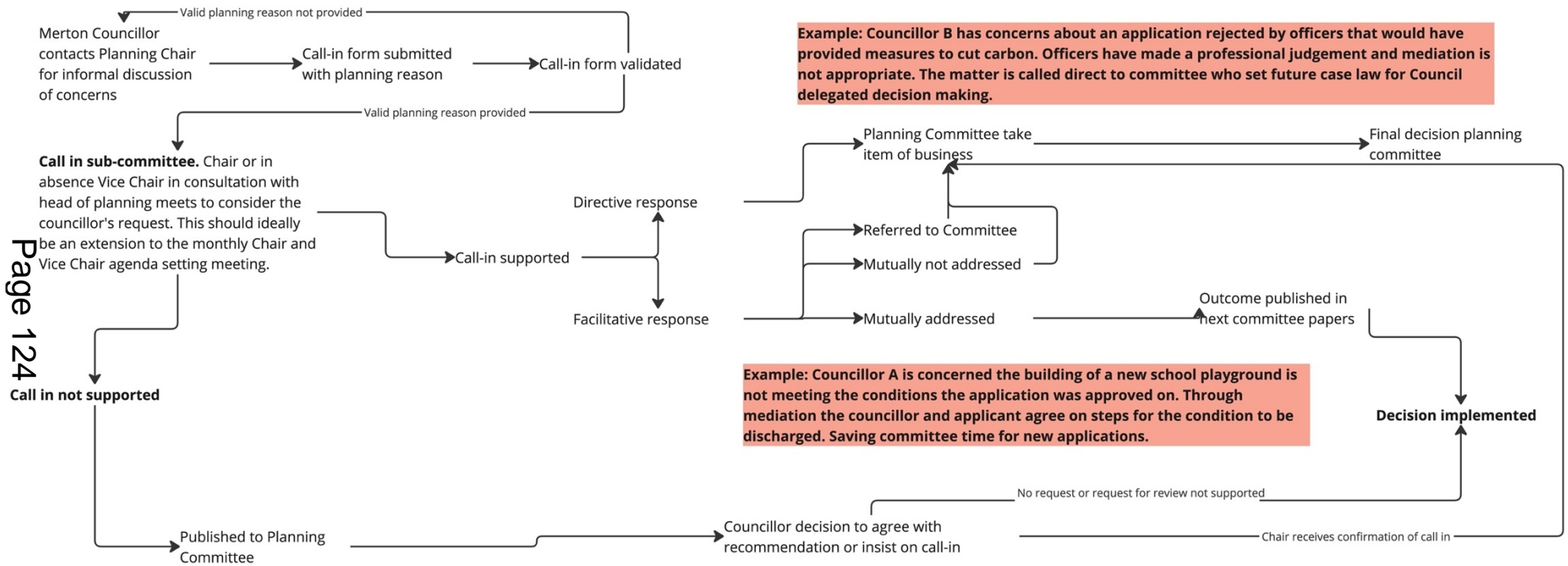
### **Appendix 1: Standard order of business**

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





PENDING REVIEW

**Development and Planning Applications Committee  
Chair's procedure for the preparation, discharge, and  
review of Committee meetings**

Last updated 11/01/24 Next review 11/07/24

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**Overview**

This document set out three phases:

- Preparing to meet: An approach for decision ready meetings;
- Delivery of committee meeting: structured and logically flow;
- Post committee meeting: review lessons and execute actions.

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

## Preparation

### The committee cycle

Appendix One outlines the key milestones within a 22-day cycle leading up to committee meetings, designed in accordance with the committee dates mapper provided to democratic services.

### Agenda setting

The Chair, in collaboration with the Vice Chair, Head of Planning and Development, Head of Development Policy, and relevant officers, will curate the agenda and forward plan for the committee. This collaborative approach ensures a comprehensive and relevant agenda is set for each meeting.

The committee is scheduled to convene monthly, with the year divided into sessions focused on planning applications (approximately eight meetings) and development policy advisory functions (around four meetings). Flexibility is maintained to combine meetings or adjust schedules to address planning applications promptly or contribute to policy document preparations for cabinet review.

Training forms a significant part of meeting preparation. At least four sessions annually dedicated to applying policy to planning applications, in addition to the mandatory annual training on probity for committee members.

### Agenda slots: Three applications rule

Each meeting allocates roughly 1 hour and 20 minutes for planning applications, taking into account speaking time, deliberation, and voting. This allows for up to three applications per meeting, with complex applications potentially occupying multiple slots.

### Agenda Publication

Agendas are published on Merton.gov.uk at least seven clear working days before the meeting, detailing agenda items, accompanying documents, and plans. For meetings including planning applications, committee members receive papers ten calendar days in advance; this is reduced to seven days for meetings without planning applications.

### Committee papers

Committee documents will include concise summaries highlighting contributions to strategic priorities such as ecology, carbon reduction, affordable housing, economic development, and the smart cities agenda.

### Speakers List

Once the agenda has been published, those who wish to speak can register their interest. 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 the considerations in Table 1.0.

Officers will notify residents and the Committee of the decision as to who may speak. This should be no later than 12pm on the day before the committee.

**Table 1.0: Qualifications for speaking on planning applications**

Type	Max number	Time to speak	Qualifications	Considerations for allocation of speaking slots
Resident supporters or objectors	Two	Three minutes each. Max six minutes collectively.	Reside in the London Borough of Merton Submitted a written representation to the planning application in question If selected, speaking slot is not transferable	Less than 6 residents apply but more than two will be decided on the following factors: <ul style="list-style-type: none"> <li>• 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> </ul> More than seven residents apply <ul style="list-style-type: none"> <li>• 7 selected by chance through computer programme</li> </ul>

Type	Max number	Time to speak	Qualifications	Considerations for allocation of speaking slots
				Two further reserves will be drawn using the same method
Statutory stakeholders	N/A	Max six minutes	A statutory stakeholder consultee on a planning application e.g. utilities	Can provide the committee with new insight into the impact development would bring
Ward Councillors	Three	If all ward councillors speak time is divided at their discretion to a maximum of six minutes. If only one Councillor speaks they can take no longer than three minutes.	Councillor in the ward of the development	Where an application borders two wards at the discretion of the Chair ward speakers can be drawn from more than one ward. If an application borders three or more wards additional time maybe allocated to enable a representative from all wards to speak, and or facilitate differing views.
Members of Parliament	1	Two minutes	Elected Member of Parliament for the constituency the application is in.	Ibid...
Cabinet member	1	Two minutes	Cabinet member for an area of material consideration for the purposes of identifying factual information within a planning application	Where pre-existing council policy exists or development is of strategic importance or pre-engagement with the committee at technical briefing and agenda setting meetings

Type	Max number	Time to speak	Qualifications	Considerations for allocation of speaking slots
				identify gaps in understanding to facilitate most appropriate cabinet member to support committees understanding
Agent and Applicant	N/A	Max six minutes	Part of the team bringing the application to council for approval. Speakers self-organise how their allotted time.	Agent and Applicant are expected to address questions raised by previous opposing speakers and make arguments using non- technical language.
Planning officer(s)	N/A	Max 25 minutes presentation setting out both benefits and risks of the scheme.	Subject matter experts for the application and planning policy	Planning officers are expected to answer questions relating the scheme in question.

### [Submission of additional information on planning applications before the meeting](#)

To ensure the timely review of any additional information related to agenda items, it must be submitted to the Planning Department via email ([planning@merton.gov.uk](mailto:planning@merton.gov.uk)) by noon, three days prior to the meeting. If this deadline falls on a weekend, the submission is due by the preceding Friday. Exceptionally, information sent directly to committee members may be considered, but this is reserved for extraordinary circumstances

### [Technical briefing for planning applications](#)

Prior to the committee meeting, members are offered a technical briefing by planning officers. This session is designed to address technical queries and determine any additional information necessary for informed decision-making. The questions and answers will form part of the modification sheet.

### [The modifications sheet for planning applications](#)

By 10am on the day of the committee meeting, a modifications sheet will be accessible on the Council's website and sent to committee members by email. This

document compiles responses to written inquiries, highlights from the technical briefing, and any amendments to applications. It serves as a reference during officer presentations, ensuring transparency and up-to-date information.

### Questions by email

Committee members can forward written questions regarding upcoming planning applications to area leads, with a copy to the Chair, until the day after technical briefing. Inclusions of these responses in the modifications sheet ensure comprehensive discussions. Questions received post-briefing may not be addressed in the modifications sheet to ensure its timely release. Absence of a technical briefing removes this deadline, allowing for continued inquiries.

### Site visits

Site visits are integral for appreciating the physical context of applications, offering insights that enhance the comprehension of officer reports. These visits, authorised by the Chair and arranged through democratic services, are exclusive to committee members, applicants, and agents, focusing strictly on factual observations without discussing the application's merits. The scheduling typically aligns with the evening of a technical briefing, with participant details and visited locations recorded for transparency.

### Call-in

Outlined in Appendix Three, the call-in process allows committee members to request further scrutiny of planning applications based on specific planning concerns not resolved through conditions or legal agreements. These requests, confined to the public consultation period and relevant to the current application, must be substantiated with planning rationale and 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

Councillors have the right to call in any planning application within the borough, initiating the process by completing an online form. This form requires detailed justification for the call-in and documentation of attempts to resolve issues prior to escalation. It's crucial that call-ins are made during the public consultation phase to reflect on the most current application status. Upon submission, the form is reviewed by Officers for validation and onward discussion by the Chair, Vice Chair, and Head of Development.

## CALL IN FORM

Upon validation, the call-in form undergoes a thorough review during the Chair and Vice Chair's agenda-setting meeting. The review process may invite the submitting Councillor to provide further clarifications. Inadequate submissions, lacking a valid planning rationale, are returned with explanations for rejection.

Decisions on the call-in submissions are communicated at the following committee meeting, with possible outcomes including committee hearing or mediation. Should mediation not resolve the issue, the application may be redirected back to the committee. Notably, committee members involved in a call-in process are precluded from presiding over the related application to maintain impartiality and transparency. Declarations of interest are essential to avoid conflicts.

The call-in records are pivotal for refining the procedure, ensuring its effectiveness and equitable application. This systematic approach ensures a balanced and fair review process, integrating feedback for continuous improvement.

## **Committee delivery**

### Minimum number of committee attendees

To ensure the validity of meetings, a quorum of five members, including the Chair, is mandatory for proceeding with any committee meeting.

### Presentations

Presentations by residents and applicants will strictly be oral, with no distribution of printed materials allowed. Entrance and exit protocols must be followed as directed. Both in-person and remote presentations are facilitated, with a traffic light and timer system for in-person presentations and verbal cues for remote speakers to manage their allotted time effectively. It's crucial that presentations are grounded in facts and well-reasoned opinions.

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

Committee members have the discretion to question speakers for clarifications or additional factual information, overseen by the Chair to ensure questions are concise and not an extension for further statements. When necessary, external expert insights may be sought to substantiate discussions, especially when information is not readily verifiable through public sources.

### Seating at the meeting and conduct

Observer seating is allocated on a first-come, first-served basis, with a potential ticketing system for high-profile applications. For applications affecting multiple local authorities, seating is equitably allocated among affected residents. Speakers are positioned prominently within the chamber for ease of interaction. Disruptive behavior, whether in-person or online, will prompt removal to maintain the meeting's integrity, with potential adjournment to safeguard all participants.

### Agenda item order

The Chair will determine the sequence of planning items, which will be announced at the meeting's commencement, adhering to the Chair's standing order outlined in Appendix 1. Precise timing for each item cannot be guaranteed. Efforts will be made to address all agenda items, with any unresolved matters prioritized for the subsequent meeting.

### Process for Consideration of Items

Items will be considered in the following order:

- Step one: Introduction to the Application by Planning Officer
- Step two: Registered Speakers in the following order: residents, ward councillors, MP, Applicant and cabinet member. If there are no speakers, proceed directly to step 4
- Step three: Points of clarification or response from Planning Officers following speeches
- Step four: Questions from the Committee to Planning Officers and at the discretion of the Chair to applicants, Councillors and residents.
- Step five: Comments or observations from Committee members on the application. This may include suggestions for conditions.
- Step six: Vote on the application in the following order: Voting against the recommendation, not voting on 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 and amendments to draft section 106 agreements

Prior to voting, the Committee may propose to add or remove conditions, or modify draft section 106 agreements to better serve community interests. These adjustments require a majority consensus and are incorporated into the final vote.

## 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. Vote are not by roll call.

All votes will need to be in person. Only committee members who have been in the chamber for the entirety of the item may cast a vote.

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.

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.

If the majority of members do not vote on the item the application will be deferred to the next meeting. Similarly, to a vote on the recommendation falling, a further vote will be required to agree why the majority of the committee decided not to vote on the application.

Approved applications will require a discharge of condition notice circulated to the Chair for sign off. This ensures the committee's intent 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

## Deferring a vote on an item of business

The Chair possesses the authority to defer a vote at any point, primarily when unforeseen information emerges or further analysis is required due to insufficient data. This ensures decisions are made with comprehensive understanding and due diligence.

## Supporting effective decision making

Recognising the cognitive demands of evaluating planning applications, the Chair will introduce breaks to maintain sharp decision-making capabilities. The protocol includes a pause after 1.5 to 2 hours and aims to conclude proceedings within 4 hours from the start. This approach balances thorough deliberation with efficiency,

ensuring that all decisions are informed and that the well-being of the committee members is considered.

### 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)).

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Phone – 020 8545 3356 e-mail – [democratic.services@merton.gov.uk](mailto:democratic.services@merton.gov.uk)

### Post Committee

#### Forward agenda

Annually, the committee will convene to strategise and recommend initiatives for commissioning. These proposals are forwarded to the Cabinet Member for Housing and Development and other relevant Cabinet members for endorsement. Supported initiatives will be integrated into the committee's forward agenda, ensuring a structured and strategic approach to future activities.

#### Actions and condition review

Actions arising from committee decisions will be communicated within 72 hours post-meeting, aiming for prompt dissemination. The Chair, with officer assistance, will engage with responsible parties to ensure actions are completed. The committee will be updated on any deviations from planned deliverables, ensuring transparency and accountability in the execution of committee resolutions.

### Appendix one

- 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

### **Appendix two: 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

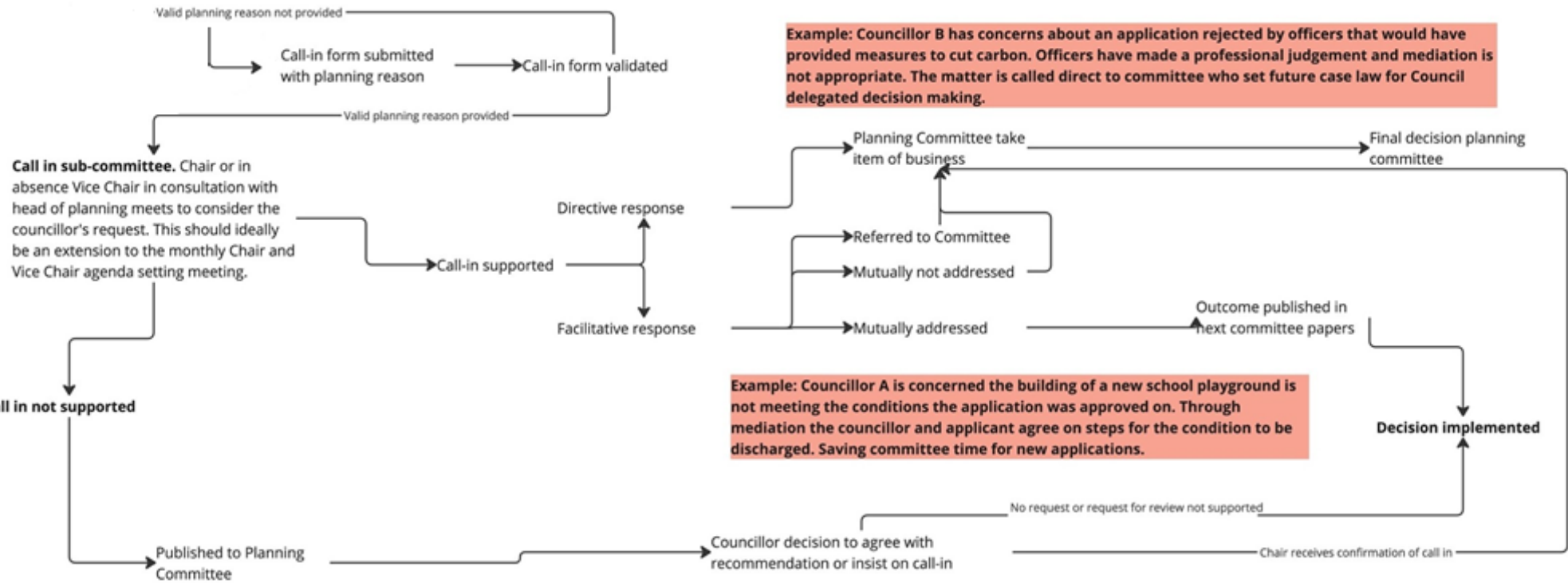
## PENDING REVIEW

- 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**

Call-in items will be taken in the priority listed above.

### Appendix three: Call in process

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