

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
Kirsten Galea
Nick McLean
Stephen Mercer
Stuart Neaverson
Usaama Kaweesa

Date: Thursday 14 March 2024

Time: 7.15 pm

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

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Development and Planning Applications Committee Agenda

14 March 2024

- 1 Apologies for absence
- 2 Declarations of Pecuniary Interest
- 3 Minutes of the previous meeting 1 - 8
- 4 Town Planning Applications
The Chair will announce the order of Items at the beginning of the Meeting.
A Supplementary Agenda with any modifications will be published on the day of the meeting.
Note: there is no written report for this item
- 5 Flat 18, Sovereign House, 1 Draxmont, Wimbledon, SW19 7PG 9 - 82
Application number: 23/P3164
Ward: Hillside
Recommendation: GRANT Planning permission subject to conditions
- 6 Local Plan 83 - 88
 - Appendix 1: [Merton's Local Plan - post hearings consultation on Main Modifications](#)
 - Appendix 2: [Schedule of Main Modifications](#)
 - Appendix 3: [link to interactive Policies Map](#)
 - Appendix 4: [sustainability appraisal](#) of Merton's Local Plan Main Modifications
- 7 Planning Appeal Decisions 89 - 92
Officer Recommendation:
That Members note the contents of the report.
- 8 Planning Enforcement - Summary of Current Cases 93 - 104
Officer Recommendation:
That Members note the contents of the report.
- 9 Glossary of Terms 105 - 110
- 10 Chairs Procedure Guide 111 - 136

Note on declarations of interest

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

Agenda Item 3

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

DEVELOPMENT AND PLANNING APPLICATIONS COMMITTEE

15 FEBRUARY 2024
(7.23 pm - 9.13 pm)

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

ALSO PRESENT Jon Berry (Head of Development Management and Building
Control), Tim Bryson (Development Management Area
Manager), Stuart Adams (Development Management Area
Manager), Leigh Harrington (Planner), James Felton (Legal),
Jayde Watts (Democratic Services Officer)

1 APOLOGIES FOR ABSENCE (Agenda Item 1)

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

2 DECLARATIONS OF PECUNIARY INTEREST (Agenda Item 2)

There were no declarations of interest.

3 MINUTES OF THE PREVIOUS MEETING (Agenda Item 3)

RESOLVED: That the minutes of the meeting held on 11 January 2024 were agreed as an accurate record.

4 TOWN PLANNING APPLICATIONS (Agenda Item 4)

The Committee noted the amendments and modifications to the officer's report. The Chair advised that the agenda would be taken in the published agenda order.

Please note that members of the public, including the applicant or anyone speaking on their behalf, are expressing their own opinions and the Council does not take any responsibility for the accuracy of statements made by them.

5 1 LAMBOURNE AVENUE, WIMBLEDON PARK, LONDON, SW19 7DW (Agenda Item 5)

The Planning Officer presented the report.

The committee received representation from one objector who raised points including:

- Unique site and the development was of concern to the whole community.
- Appreciated that the development was scaled back but there remained concerns with regards to ensuring the protection of the sweet gum tree and further concerns of the proposed balcony on the first floor which would likely result in significant detrimental impact to at least 6 adjoining properties.
- Given the unique location, the precedent set on Lambourne Avenue for balconies did not apply and they requested that the balcony was removed from the plans.

The committee received representation from the agent Reza Parizi who raised points including:

- The application underwent consultation with Merton's Planning Department and gained authority from various authorities including the Case Officer, Conservation Officer and Tree Officer.
- The current design received no objections from the public during the recent consultation.
- The existing property was structural unsound, the proposed design would positively contribute to the conservation area.
- The design aligned aesthetically with existing properties and complied with both the London Plan and Merton Planning Policies.
- There would be privacy screens on the first floor terrace and the Sweet Gum Tree would be protected.
- The client and design team collaborated with the Planning Case Officer to ensure compliance. Examples of this were the removal of an outbuilding at the rear of the property and a reduction in the width and depth of the proposal.
- The design offered a well configured living space and amenities with adequate parking.

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

- The Tree Officer was involved with the application and the Sweet Gum Tree had a TPO (Tree Protection Order). Page 11 of the officer's report outlined all protective measures and was dated 11 December 2023. The report highlighted minimal impact and officers were satisfied that the Sweet Gum Tree would be protected.
- The balcony was reduced in width during negotiations. At first floor level the balcony would be set slightly in and have 1.7metre high screens to its sides. It was acknowledged that it would have some cross views to neighbouring gardens, but this would be at an oblique angle. The Sweet Gum could have some effect on visual impact during the summer but not during the winter months.

- Obscured glass for first floor windows were fairly common. The officer felt that given the side on view to the property from the south and north, a fixed glazed window was appropriate. If members disagreed, it was possible to have high level high opening windows from 1.7metres from floor height.
- Condition 21 addressed concerns raised in regard to air source heat pumps. Officers would expect details related to sound to be submitted on discharge of condition which would then be consulted on with the Environmental Officer to ensure that the proposal was acceptable.
- If solar panels on the roof formed part of the plans, then it would also form part of the consent.
- Condition 17 was removed as cycle parking was addressed in condition 16.
- Concerns around asbestos would be raised on any planning decision notice. They would also draw this to the attention of the applicant and the role of the health and safety executive.
- Officers could not confirm if there was obscured fixed glass at the side of the property on the first floor.
- An informative related to the permeable materials on the drive was recommended on the modification sheet but as it was not clear, officers agreed to add one.
- Officers agreed that having an opening to the window above 1.7metres was acceptable.

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

The applicant informed the committee of the following:

- One of the windows to the side of the property was not obscured.
- There would not be a design issue to have non fixed windows in the bathroom, this was a planning issue. If there was not a fixed window below 1.7metres there would be concerns of overlooking. To avoid mould, the property would be fitted with an air source heat pump and dehumidifier. They could make the top section above 1.7metres openable if this was preferred.

The Chair moved to the vote on the Officers' recommendation with the following additional conditions and informatives: Votes For – 9 , Against – 0, Abstentions –1 .

INFORMATIVES:

- That the Health and Safety Executive was referred to regarding asbestos

CONDITIONS:

- Update to the plan to allow for windows above 1.7metres to be non-fixed.

RESOLVED: That the Committee GRANTED permission subject to conditions.

6 FLAT 18, SOVEREIGN HOUSE, 1 DRAXMONT, WIMBLEDON, SW19 7PG
(Agenda Item 6)

The Planning Officer presented the report and highlighted that they received late representation from the Conservation Officer who was not consulted on the application. The Planning Officer read out the representation that was received.

The committee received representation from two objectors who raised points including:

- 11 of the 17 residents objected to the application.
- Inappropriate design and material which gave visual unappealing symmetry, they did not agree with comments in the report related to visual enhancement.
- The applicant planned to build on the main wall of the building which was owned by the freeholder. The freeholder had not given consent and would not until terms were agreed.
- The rear terrace layout was inconsiderate and impractical. For 3 years the neighbour below had experienced leaks.
- The development would infringe on the light and privacy of neighbours.
- The lease clause confers their right to stop any detrimental impact to the character of the building.
- The property was left empty and unoccupied for 20 years.
- Application failed to respect the style and architecture of the building which should be preserved.

The chair invited the applicant to make representation, the following was raised:

- The applicant inherited the property and was an architect by profession. The applicant would downsize to live at this property and was committed to high quality construction.
- Pre-application advice was taken and the plans were discussed with the applicant's neighbour.
- A daylight study was completed without being requested. Feedback was that there would be no impact but taking on feedback from neighbours a further assessment was done which stated there would be minimal impact on the terrace and adjoining room.
- A structural engineer attended the property to assess the existing fabric.
- New additions to the rear were to be light weight glazed structures to further reduce any impact.
- There was a solar addition to improve sustainability.
- Overall quality of the proposal was acceptable based on studies and assessments.

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

- Matters which related to leases of the property were not material planning considerations. As set out in the report, matters for consideration were impact on the character of the building, impact on the area and neighbouring amenities and matters to help control the building process.
- In relation to the late comments received from the Conservation Officer, design and visual impact was a matter of judgement. Concerns were raised around design issues but there was no mention of harm to the conservation area or neighbouring listed buildings.
- The applicant completed a daylight sunlight assessment which concluded there was no breach to the BRE guidelines. The floor plans showed the development did step in away from the shared wall so officers were satisfied.
- The building itself did not sit within the conservation area.
- Solar panels would be placed on the flat roofs of the extensions. This was not conditioned as there was no requirement for such environmental benefits.

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

The applicant informed the committee of the following:

- The applicant had not yet looked at the mechanical elements but there was provision to offset the resident's requirements. The applicant had thought to extend the power to the block and this continued to be an open conversation.

Due to the late submission from the Conservation Officer, it was proposed that the item was deferred to allow time to consider the submission. The proposal was seconded.

The Chair moved to the vote on Deferral: Votes For – 10 , Against – 0, Abstentions – 0.

RESOLVED: That the Committee DEFFER to a future meeting.

7 153 LINKS ROAD, TOOTING, SW17 9EW (Agenda Item 7)

It was proposed and seconded to defer the item as the applicant was not in attendance to answer member queries.

Jon Berry informed the committee that it was not a requirement for the applicant to attend. The application was reviewed by an inspector and as such there was a risk to the Council of an appeal based on non-determination. Any appeal could be accompanied by an application for costs against the Council. A consideration would be whether or not members reasonably delayed making a decision, the applicant not attending the meeting would not be considered sufficient grounds. There would be possible financial and reputational risk for the Council.

A proposal was made for delegated decision, but this was not seconded.

Members of the committee agreed to proceed with the application.

The Planning Officer presented the report.

There were no registered speakers for this item.

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

- Each application would be taken on its individual merits, very few sites had material planning considerations applied to them in the way that this application did. There was a very strong steer from the planning inspectorate which members had to give great weight to and overall the development was judged to be a good quality development that provided a particular form of housing which met a housing need, that the inspectorate felt was right for the area.
- The spare room was an attractive addition to give more space for homeworking and did not take away from the shared amenities such as the lounge room and spacious kitchen. As such, the loss of the room would not be grounds for refusal.
- It was difficult to know what the inspector looked at when considering the volume of HMO's in the area. Graveney had a higher number of HMO complaints but in proportion to the number of complaints per HMO, Wimbledon Village and Hillside had more than Graveney.
- It was in the developer's best interest to maintain the standard of the property to ensure that they could charge the desired rent.
- The purpose of the 106 agreement was to make it permit free. The development was in a CPZ so there could not be any car ownership and as such would not add to parking issues.
- The development had permission for a 6 bedroom HMO, the question before members was around the impact of going to a 7 bedroom HMO.
- All registered HMO's were recorded by the HMO department, this would be the 7th HMO in a road of approximately 200 properties.
- You could not issue a condition for a person to keep the inside of a property as attractive as one would like for it to be.
- A condition was recommended which would limit this development to 7 persons in total. This would also be covered within the HMO license.
- The inspectorate's decision was based on 7 people.

The Chair moved to the vote on the Officers' recommendation: Votes For – 7, Against – 2, Abstentions –1.

RESOLVED: That the Committee GRANT Planning permission subject to conditions and a s106 agreement.

8 PLANNING APPEAL DECISIONS (Agenda Item 8)

The report was noted.

9 PLANNING ENFORCEMENT - SUMMARY OF CURRENT CASES (Agenda Item 9)

The report was noted.

10 GLOSSARY OF TERMS (Agenda Item 10)

11 CHAIRS PROCEDURE GUIDE (Agenda Item 11)

12 MODIFICATION SHEET (Agenda Item 12)

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PLANNING APPLICATIONS COMMITTEE

14 MARCH 2024

CASE OFFICER REPORT

<u>APPLICATION NO.</u>	<u>DATE VALID</u>
23/P3164	13/11/2023
Site Address:	Flat 18, Sovereign House, Wimbledon SW19 7PG
Ward:	Hillside
Proposal:	Front extension; rear extension and terrace; replacement of balustrade; installation of photovoltaic panels
Drawing Nos:	See condition 2
Contact Officer:	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 five storey block of flats situated on the east side of Draxmont in Wimbledon and constructed in the late 1970s.
- 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 West and Hillside Conservation Areas 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 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.

Amended Plans

- 2.4 Amended drawings were submitted on 28 February 2024 reflecting minor changes designed to respond to comments made by the Conservation Officer, and to clarify the proposed materials.
- 2.5 The changes include:-
 - the removal of a panel on the front elevation;
 - changed material finish to the flat roof and eaves to be more sympathetic to the rendered facades and provide a stronger reference to the balcony canopies on the existing property;
 - glazing bar to the bedroom window to provide better proportion to the adjacent windows;
 - lowered window heights to incorporate blinds over windows heads and to further align with the existing windows and datums on the existing property; and
 - illustration of the existing glass balustrade to Flat no. 17 to the front and side, (not previously illustrated) to highlight symmetry

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 were sent to occupiers of neighbouring flats and houses in the immediate area. Eleven objections were received from occupiers of flats in Sovereign House covering the following issues:-

- 4.2 Summary of grounds for objection from occupiers of Sovereign House:-

- 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
- Primary affected window serves a living room not a bedroom
- Proposal more extensive than extensions at Flat 17
- The wall between the flats tapers downwards towards the edge of the building

- 4.3 The Conservation Officer was not consulted but became aware of the application following an approach from a member of the public. Her initial comments on 15 February, emailed to the Case Officer shortly before the committee hearing, included the following:-

"This property is adjacent to the conservation area and being on the slope of Wimbledon Hill any changes will be prominent viewed both above and below, I think.

There are a couple of design issues on my part. It looks like they are putting in a blind window and I think it should be a proper window. The expanse of glazing on the orangery is incongruous and not sympathetic to the rest of the building. Maybe if it was set back, it might be better and less obvious or broken up. I have reservations about the projecting roofs."

- 4.4 On 27 February she acknowledged that her comments "relate more to good design and the impact on the building itself than the adjacent conservation areas".

4.5 Councillor Daniel Holden submitted comments on 25 February expressing his opinion that the proposal had a negative impact on Flat 17 Sovereign House.

4.6 Councillor Susie Hicks submitted comments on 26 February summarised as follows:-

- Negative impact of rear extension on enjoyment of neighbouring terrace at Flat 17
- Impact on overall style of block
- Flat will get too hot in summer and too cold in winter due to glazing
- Legal issues for the freeholder
- Risk of water ingress
- Difficult to maintain in the future without scaffolding

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 (a) design and heritage: and (b) neighbouring amenity.

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 late 1970s building itself is unremarkable and makes a neutral contribution to the streetscape. The building is not detrimental to the streetscene, but it is not regarded as a heritage asset and is not designated as such.

6.4 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.

- 6.5 The proposed extensions are of a contemporary character.
- 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)
- 6.7 The architectural approach seeks to complement the existing building through the introduction of a contrasting style. This is a very orthodox and commonly used design approach. Examples of contrasting extensions and additions are commonly seen in the borough and the wider London area, both within and outside Conservation Areas. It is an approach to extensions and additions which is commonly favoured because it (a) offers an opportunity to introduce contemporary architecture to the urban environment; (b) provides visual interest; and (c) distinguishing between old and new fabric. This proposal is considered to be a good example of a contemporary addition, providing an interesting and relatively lightweight complement to the existing building and exhibiting a high architectural standard.
- 6.8 The proposed arrangement of the additional massing and the choice of glazing make an interesting contrast to the building and complement 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 appropriate for the contemporary extensions. See Fig 3.
- 6.9 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.
- 6.10 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.
- 6.11 The solar panels have no negative visual impact and have an obvious benefit in terms of sustainable energy and climate change.
- 6.12 The brickwork would match existing and a condition would be attached to the permission requiring samples of all materials.
- 6.13 The front extension would be visible from the edge of the Wimbledon West Conservation Area and this small extension is not considered to cause any harm to the Character of Appearance of that Conservation Area. The blind window has been removed from the drawings since the February committee meeting, to match the approach at Flat 17.



Fig 3 – CGI of the proposed front extension (subject to minor amendments including removal of blind window)



Fig 4 – CGI of the proposed rear extension (subject to minor amendments)



Fig 5 CGI of proposed front of the property to illustrate the inset terrace and massing (subject to minor amendments including removal of blind window)



Fig 6 CGI of the proposal at rear including inset terrace, pergola and massing either end of the terrace (subject to minor amendments)

6.14 The rear extension and 'orangery' would be visible at an oblique angle from some of the rear first floor windows of 100-102 Wimbledon Hill Road which is a listed building housing a nursery on the edge of the Wimbledon Hill Conservation Area. It is not visible from the substantive part of the

Conservation Area which is on the other side of Wimbledon Hill Road. The rear extension would be outside the Conservation Area and barely visible from within it. It is in any event a contemporary extension of high architectural standard. It is therefore not considered by Officers, including the Conservation Officer, to affect the character or appearance of the Conservation Area and therefore does it no harm.

- 6.15 The proposal would not be visible from any other Conservation Areas and does not affect any heritage assets.

Summary

- 6.16 Officers, including the Conservation Officer, have considered the impact on the neighbouring Conservation Areas and the proposal causes no harm to views in or out of the Conservation Areas or to their setting. 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.

- 6.17 The design of the extensions is considered to be of a high architectural standard which complies with policies CSI4 (Design) and DM D2 (Design Considerations in all Developments), DM D3 (Alterations and Extensions to Existing Buildings) and DM D4 (Managing heritage assets).

Neighbour Amenity

Overlooking

- 6.18 The proposals are on the fourth floor which already overlooks neighbouring buildings. The new outside space has 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

- 6.19 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.
- 6.20 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.
- 6.21 The element of the proposal that would affect Flat 17 would be the rear extension and the additional massing to accommodate the master bedroom.
- 6.22 There are two relevant windows at the rear of Flat 17 which could be affected by the proposals in addition to a roof terrace.
- 6.23 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. The proposed extension is also not full depth and is set back

from the dividing wall. Therefore, 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 Applicant has submitted a letter from the Daylight and Sunlight consultants, Foot Anstey, dated 13 February 2024 which clarifies and expands on the impact to the neighbouring unit. In summary, 17 Sovereign House will experience some very small reductions in daylight and sunlight as a result of the proposed development, but reductions will be well within the BRE's guideline values. The reductions are considered marginal by officers and well within the bounds of acceptability.

- 6.24 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. These measurements are akin to common single storey rear extensions carried out on the rear of houses.
- 6.25 Flat 17 inevitably benefits from abundant daylight, and sunlight on the south side, given it is the penthouse and is not overshadowed.
- 6.26 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

- 6.27 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 from Flat 17, 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 is indented and set back from it, and therefore any view of the extension itself would be limited. 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.
- 6.28 Overall, the proposal 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 contemporary design of the proposed extensions and alterations is considered to be acceptable and would enhance the appearance of the existing building.
- 7.2 There is no impact on nearby Conservation Areas and this is confirmed by the Conservation Officer.
- 7.3 The proposal would cause no appreciable harm to neighbours' amenity with Flat 17 continuing to enjoy abundant daylight and sunlight and a considerable sense of openness.

7.4 Accordingly, it is recommended that planning permission be granted.

GRANT Planning permission subject to conditions

Conditions

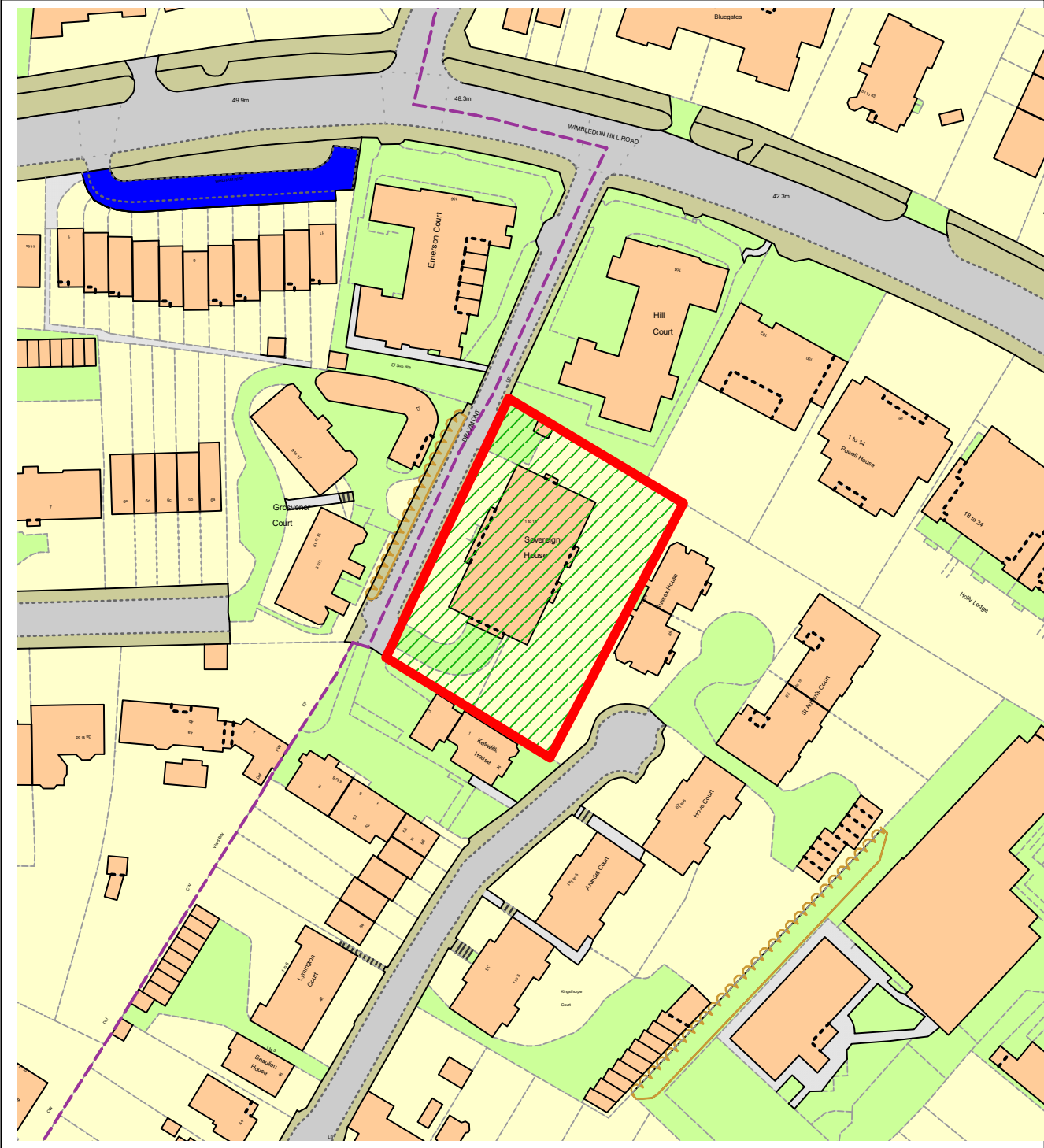
1	A1 Commencement of development (full application)	Commencement of development (Full Permission) - The development to which this permission relates shall be commenced not later than the expiration of 3 years from the date of this permission.
	1	Reason: To comply with Section 91 (as amended) of the Town & 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 R01
	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

	<p>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">i) Offering a pre-application advice and duty desk service.ii) Where possible, suggesting solutions to secure a successful outcome.iii) As appropriate, updating applicants/agents of any issues that may arise in the processing of their application. <p>In this instance:</p> <ul style="list-style-type: none">i) The applicant/agent was provided with pre-application advice.ii) The application was acceptable as submitted and no further assistance was required.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.
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NORTHGATE SE GIS Print Template



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**Development Control,
Planning,**

Merton Civic Centre, London Road, Morden, Surrey SM4 5DX
 Tel: 020 8545 3777, email: planning@merton.gov.uk
 Fax: 020 8545 6085. web: www.merton.gov.uk/planning



Householder Application for Planning Permission for works or extension to a dwelling

Town and Country Planning Act 1990 (as amended)

Publication of applications on planning authority websites

Please note that the information provided on this application form and in supporting documents may be published on the Authority's website. If you require any further clarification, please contact the Authority's planning department.

Site Location

Disclaimer: We can only make recommendations based on the answers given in the questions.

If you cannot provide a postcode, the description of site location must be completed. Please provide the most accurate site description you can, to help locate the site - for example "field to the North of the Post Office".

Number

Suffix

Property Name

Address Line 1

Address Line 2

Address Line 3

Town/city

Postcode

Description of site location must be completed if postcode is not known:

Easting (x)

Northing (y)

Description

Applicant Details

Name/Company

Title

Mr & Mrs

First name

Peter & Susan

Surname

Thompson

Company Name

Address

Address line 1

Forest Lodge,

Address line 2

70 Drax Avenue

Address line 3

Wimbledon

Town/City

London

County

Country

UK

Postcode

SW20 0EY

Are you an agent acting on behalf of the applicant?

Yes

No

Contact Details

Primary number

**** REDACTED ****

Secondary number

Fax number

Email address

Agent Details

Name/Company

Title

First name

Surname

Company Name

Address

Address line 1

Address line 2

Address line 3

Town/City

County

Country

Postcode

Contact Details

Primary number

**** REDACTED ****

Secondary number

Fax number

Email address

**** REDACTED ****

Description of Proposed Works

Please describe the proposed works

Proposed extension and refurbishment to a penthouse apartment

Has the work already been started without consent?

Yes

No

Site information

Please note: This question is specific to applications within the Greater London area.

The Mayor can request relevant information about spatial planning in Greater London under [Section 346 of the Greater London Authority Act 1999](#).

[View more information on the collection of this additional data and assistance with providing an accurate response.](#)

Title number(s)

Please add the title number(s) for the existing building(s) on the site. If the site has no title numbers, please enter "Unregistered".

Title Number:

SGL280649

Energy Performance Certificate

Do any of the buildings on the application site have an Energy Performance Certificate (EPC)?

Yes

No

Please enter the reference number from the most recent Energy Performance Certificate (e.g. 1234-1234-1234-1234-1234)

6000-3801-4122-2891-0573

Further information about the Proposed Development

Please note: This question is specific to applications within the Greater London area.

The Mayor can request relevant information about spatial planning in Greater London under [Section 346 of the Greater London Authority Act 1999](#).

[View more information on the collection of this additional data and assistance with providing an accurate response.](#)

What is the Gross Internal Area to be added to the development?

61.00	square metres
-------	---------------

Number of additional bedrooms proposed

0

Number of additional bathrooms proposed

2

Development Dates

Please note: This question is specific to applications within the Greater London area.


The Mayor can request relevant information about spatial planning in Greater London under [Section 346 of the Greater London Authority Act 1999](#).

[View more information on the collection of this additional data and assistance with providing an accurate response.](#)

When are the building works expected to commence?

05/2025	
---------	---

When are the building works expected to be complete?

01/2026	
---------	---

Materials

Does the proposed development require any materials to be used externally?

Yes

No

Please provide a description of existing and proposed materials and finishes to be used externally (including type, colour and name for each material)

Type:

Walls

Existing materials and finishes:

White Render & Facing Brickwork

Proposed materials and finishes:

Facing brickwork to match existing

Type:

Roof

Existing materials and finishes:

Flat felt roof

Proposed materials and finishes:

Single ply membrane (Sanrafil or similar)

Type:

Windows

Existing materials and finishes:

Aluminium

Proposed materials and finishes:

Metal Framed

Type:

Doors

Existing materials and finishes:

Glazed Aluminium

Proposed materials and finishes:

Glazed Metal framed

Are you supplying additional information on submitted plans, drawings or a design and access statement?

Yes

No

If Yes, please state references for the plans, drawings and/or design and access statement

Please refer to proposed application drawings and Design & Access Statement

Trees and Hedges

Are there any trees or hedges on the property or on adjoining properties which are within falling distance of the proposed development?

Yes

No

Will any trees or hedges need to be removed or pruned in order to carry out your proposal?

Yes

No

Pedestrian and Vehicle Access, Roads and Rights of Way

Is a new or altered vehicle access proposed to or from the public highway?

- Yes
 No

Is a new or altered pedestrian access proposed to or from the public highway?

- Yes
 No

Do the proposals require any diversions, extinguishment and/or creation of public rights of way?

- Yes
 No

Vehicle Parking

Please note: This question contains additional requirements specific to applications within Greater London.

The Mayor can request relevant information about spatial planning in Greater London under [Section 346 of the Greater London Authority Act 1999](#).

[View more information on the collection of this additional data and assistance with providing an accurate response.](#)

Does the site have any existing vehicle/cycle parking spaces or will the proposed development add/remove any parking spaces?

- Yes
 No

Site Visit

Can the site be seen from a public road, public footpath, bridleway or other public land?

- Yes
 No

If the planning authority needs to make an appointment to carry out a site visit, whom should they contact?

- The agent
 The applicant
 Other person

Pre-application Advice

Has assistance or prior advice been sought from the local authority about this application?

- Yes
 No

If Yes, please complete the following information about the advice you were given (this will help the authority to deal with this application more efficiently):

Officer name:

Title

**** REDACTED ****

First Name

**** REDACTED ****

Surname

***** REDACTED *****

Reference

Team meeting on 02/06/2023

Date (must be pre-application submission)

06/06/2023

Details of the pre-application advice received

During the pre-applicaton meeting, Ms. Brenda Louisy-Johnson expressed her concerns about the development being carried out in a piecemeal fashion due to the existing extension at No. 17 Sovereign House. However, she indicated that further extension of the roof, in line with specific consideratons such as mass, bulk, height, and materials, would be acceptable in principle. She also acknowledged that other blocks of flats in the local area had undergone roof extensions.

Authority Employee/Member

With respect to the Authority, is the applicant and/or agent one of the following:

- (a) a member of staff
- (b) an elected member
- (c) related to a member of staff
- (d) related to an elected member

It is an important principle of decision-making that the process is open and transparent.

For the purposes of this question, "related to" means related, by birth or otherwise, closely enough that a fair-minded and informed observer, having considered the facts, would conclude that there was bias on the part of the decision-maker in the Local Planning Authority.

Do any of the above statements apply?

- Yes
- No

Ownership Certificates and Agricultural Land Declaration

Certificates under Article 14 - Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended)

Please answer the following questions to determine which Certificate of Ownership you need to complete: A, B, C or D.

Is the applicant the sole owner of all the land to which this application relates; and has the applicant been the sole owner for more than 21 days?

- Yes
- No

Can you give appropriate notice to all the other owners/agricultural tenants? (Select 'Yes' if there are no other owners/agricultural tenants)

- Yes
- No

Certificate Of Ownership - Certificate B

I certify/ The applicant certifies that:

- I have/The applicant has given the requisite notice to everyone else (as listed below) who, on the day 21 days before the date of this application, was the owner* and/or agricultural tenant** of any part of the land or building to which this application relates; or
- The applicant is the sole owner of all the land or buildings to which this application relates and there are no other owners* and/or agricultural tenants**.

* "owner" is a person with a freehold interest or leasehold interest with at least 7 years left to run.

** "agricultural tenant" has the meaning given in section 65(8) of the Town and Country Planning Act 1990

Owner/Agricultural Tenant

Name of Owner/Agricultural Tenant:

***** REDACTED *****

House name:

Forest Lodge

Number:

70

Suffix:

Address line 1:

Drax Avenue

Address Line 2:

Town/City:

London

Postcode:

SW20 0EY

Date notice served (DD/MM/YYYY):

19/10/2023

Person Family Name:

Person Role

- The Applicant
- The Agent

Title

Mr

First Name

James

Surname

Latter

Declaration Date

19/10/2023

Declaration made

Declaration

I/We hereby apply for Householder planning permission as described in the questions answered, details provided, and the accompanying plans/drawings and additional information.

I/We confirm that, to the best of my/our knowledge, any facts stated are true and accurate and any opinions given are the genuine opinions of the person(s) giving them.

I/We also accept that, in accordance with the Planning Portal's terms and conditions:

- Once submitted, this information will be made available to the Local Planning Authority and, once validated by them, be published as part of a public register and on the authority's website;
- Our system will automatically generate and send you emails in regard to the submission of this application.

I / We agree to the outlined declaration

Signed

James Latter

Date

10/11/2023



HARPER LATTER ARCHITECTS
18 SOVEREIGN HOUSE, DRAXMONT, SW19
EXTERIOR COMPARISON IMAGES

18 SOVEREIGN HOUSE (EXISTING)

Page 36



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)



Page 37

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

18 SOVEREIGN HOUSE (EXISTING)

Page 38



IMAGE 3A: Reference Image

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

18 SOVEREIGN HOUSE (PROPOSED)

Page 39



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

18 SOVEREIGN HOUSE (PROPOSED)

Page 40



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)



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

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James Latter
Harper Latter Architects
Common Ground
Hill Place House
55A High Street
London SW19 5BA

02 June 2023

By email only: james@harperlatterarchitects.co.uk

Dear James,

Re: ROL01122 – Flat 18, Sovereign House, 1 Draxmont, London SW19 7PG – Daylight and Sunlight – Planning Statement

Anstey Horne have been instructed to consider the daylight and sunlight position associated with the proposed extension of Flat 18, Sovereign House, 1 Draxmont. We have considered the position in relation to the existing neighbouring properties in the vicinity of the site, and the immediately adjacent property at Flat 17 Sovereign House.

In the first instance, we reviewed the relevant planning policy and guidance and set out the relevant extracts below. We then considered the drawings of the proposed extension received from Harper Latter Architects on 24 May 2023 alongside site photos of the front and rear elevations and aerial imagery in order to form a view on the daylight and sunlight position.

Planning Policy and Guidance

National Planning Policy and Guidance

The Revised National Planning Policy Framework (revised July 2021, Department for Communities and Local Government) sets out the Government's planning policies and how these are expected to be applied. It provides a framework within which councils can produce their own local plans that reflect the needs and priorities of their communities.

In terms of daylight and sunlight, under section 11 'Making effective use of land', paragraph 123(c) states that:

“local planning authorities should refuse applications which they consider fail to make efficient use of land, taking into account the policies in this Framework. In this context, when considering applications for housing, authorities should take a flexible approach in applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site (as long as the resulting scheme would provide acceptable living standards).”

The Building Research Establishment, whose aims include achieving a higher quality built environment, publish BRE guidelines 209, Site Layout Planning for Daylight and Sunlight: A guide to good practice (third edition, 2022) by PJ Littlefair. This guide gives advice on site layout planning to retain good daylighting and sunlighting in existing surrounding buildings and achieve to it in new buildings. The guide is intended for use by designers, consultants and planning officials and notes that:

“The advice given here is not mandatory and this document should not be seen as an instrument of planning policy; its aim is to help rather than constrain the designer.”

The BRE guidelines also sets out the following in respect of existing buildings and the room uses which should be considered:

“The guidelines given here are intended for use for rooms in adjoining dwellings where daylight is required, including living rooms, kitchens, and bedrooms. Windows to bathrooms, toilets, storerooms, circulation areas, and garages need not be analysed. The guidelines may also be applied to any existing non-domestic building where the occupants have a reasonable expectation of daylight; this would normally include schools, hospitals, hotels and hostels, small workshops, and some offices.”

Regional Planning Policy and Guidance

London Plan March 2021

The Mayor of London’s London Plan March 2021 sets out the spatial development strategy for London. It forms part of the development plan for Greater London, along with local plans of the London boroughs.

Policy D6 Housing quality and standards states the following:

“D. The design of development should provide sufficient daylight and sunlight to new and surrounding housing that is appropriate for its context, whilst avoiding overheating, minimising overshadowing and maximising the usability of outside amenity space.”

Local Planning Policy and Guidance

The development site is located within the London Borough of Merton.

Merton Council is currently creating a New Local Plan which will replace the Merton’s adopted borough-wide Local Plan (the Core Planning Strategy 2021 and Sites and Policies Plan 2014) under the draft New Local Plan Stage 3: Whole Local Plan: Chapter 01A Introduction - states that daylight and sunlight should be protected to neighbouring properties:

Strategic Policy D12.1 - Delivering well designed and resilient neighbourhoods.

- d. Ensure that the site of the development is appropriate for its proposed function and use through the analysis of site constraints such as air quality, noise pollution, land contamination, flooding (from all sources) and daylight and sunlight.

The Proposed Scheme

The design information provided to us indicates that the proposed extension of 18 Sovereign House entails the addition of single storey massing to both the front and rear of the property which is located on the fourth floor of Sovereign House. The front extension will be an infill of the current terraced area to provide a breakfast room. The rear extensions are located mid-elevation and in the south-east corner of the building. The mid-elevation extension will provide a master bedroom which is slightly offset from the boundary with Flat 17 Sovereign House and the south-east extension will provide a conservatory separated from the master bedroom by a terraced area. The proposed massing changes are indicated in red at Figure 1 below:

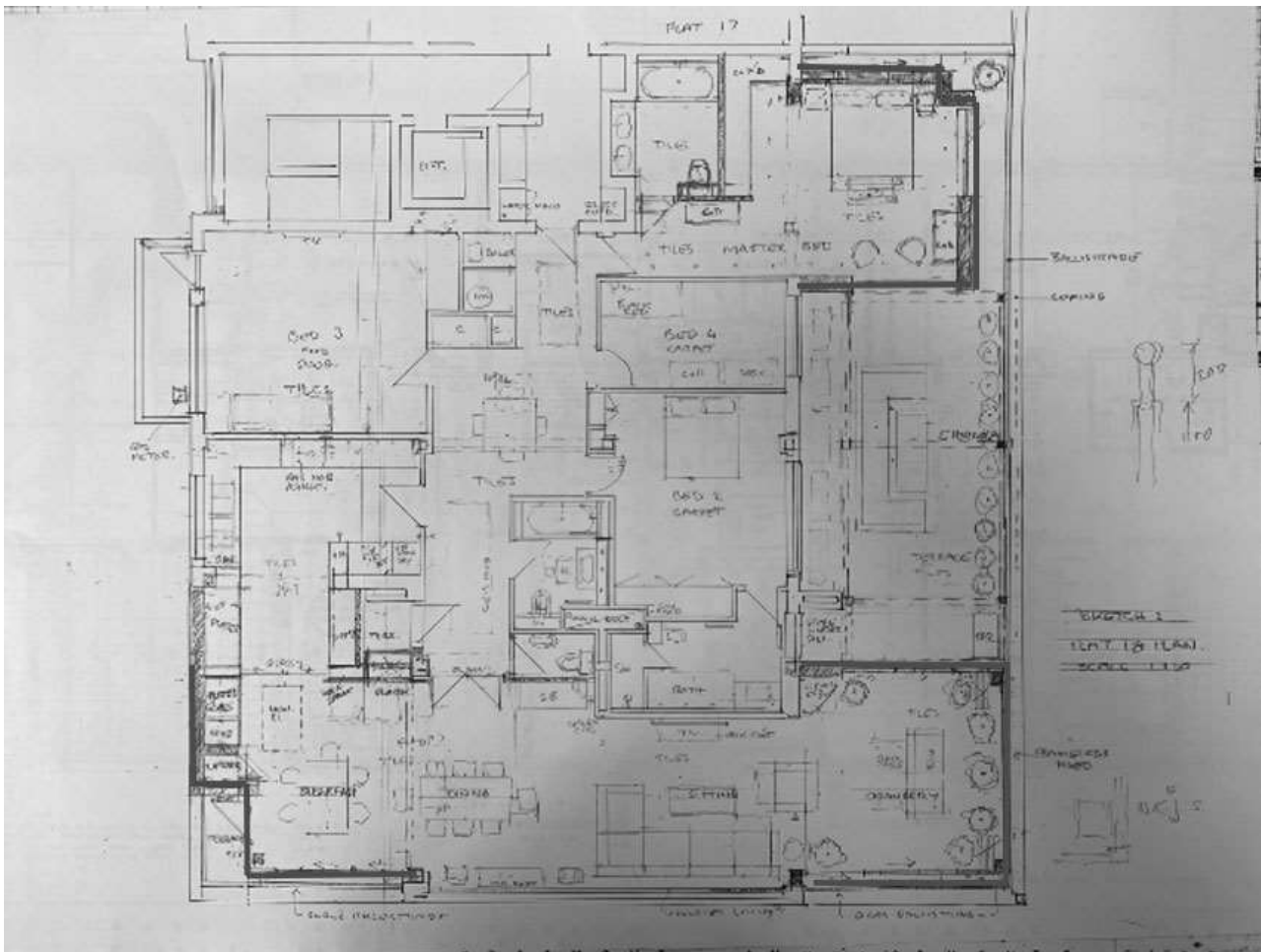


Figure 1: Proposed Site Plan – Rear and front extension outlined in red

Desktop review and findings

Having reviewed the site in the context of the proposed drawings, we have identified the neighbouring properties at Sussex House, Keswick House, Grosvenor Court and Flat 17 Sovereign House to contain residential content. The location of each of these properties is indicated at Figure 2 below:



Figure 2: Boundary of Flat 18, Sovereign House in red and orange arrows pointing to neighbouring properties

Desktop review

From our desktop review, we can confirm that the proposed extension is unlikely to result in any noticeable reduction to the daylight and sunlight availability to the adjoining neighbouring properties.

In respect of the neighbouring properties at Sussex House and Keswick House, the separation distance between these properties and the development site is generous (over 15m) and they are also positioned at a lower level. Furthermore, both properties appear to have a thick line of trees along the boundary with Sovereign House. On this basis, these properties will have a very limited view of any small changes to the massing at fourth floor level.

Turning to Grosvenor Court, again there is a material separation distance between the neighbouring property and the development site (over 20m). The position of Grosvenor Court is offset to the south of Sovereign House as opposed to directly opposite and therefore this property will continue to enjoy daylight and sunlight from the south-east.

In relation to Flat 17 Sovereign House, this property is located to the north-east of the development site and is also at fourth floor level. It should be noted that the property has a consented planning application (ref: 19/P1593) to re-configure the internal layouts and therefore we have considered the daylight and sunlight position in respect of both the existing and proposed layouts.

Firstly, it is worth noting that Flat 17 will not have a view of the proposed corner extensions at either the front or the rear of the property. In the existing condition, Flat 17 has one south facing window which faces the proposed mid-elevation extension serving a conservatory and another east facing window abutting the proposed mid-elevation extension serving a bedroom. These windows will remain in the same locations in the proposed condition, however the internal layouts will be reconfigured so that they will serve a living/dining room and a study. The living/dining area will continue to be tri aspect, with its primary window facing south-east. Therefore, this room will continue to receive high levels of daylight and sunlight with the proposed extension in place. The study window faces south-east and will therefore only have an oblique view of the proposed extension. It is worth noting that the mid-elevation extension will be located behind the wall which currently divides the two flats, and therefore any view of the extension itself will be limited. It is also worth bearing in mind that Flat 17 Sovereign House is a penthouse located on the top floor of the building where there is limited obstruction therefore it will inherently receive good levels of daylight and sunlight.

Conclusion

In conclusion, the layout of the proposed extension follows the BRE guidelines and is unlikely to result in a noticeable reduction in daylight or sunlight to the existing surrounding residential properties. In our opinion, the London Borough of Merton’s planning policy on daylight and sunlight to neighbouring properties will be satisfied.

We trust the above provides a useful summary of the position.

Yours sincerely

.....
Anstey Horne

02 June 2023

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James Latter
Harper Latter Architects
Common Ground
Hill Place House
55A High Street
London SW19 5BA

13 February 2023

By email only: james@harperlatterarchitects.co.uk

Dear James

Re: ROL01122 – 18 Sovereign House, 1 Draxmont, London –Daylight and Sunlight Assessment

Anstey Horne has been instructed by Sue Thompson to consider the daylight and sunlight position associated with the proposed development at Flat 18, Sovereign House, 1 Draxmont in respect of immediately adjacent property at Flat 17 Sovereign House.

We understand that the proposals for the development site include the addition of single storey massing to both the front and rear of the property which is located on the fourth floor of Sovereign House. The front extension will be an infill of the current terraced area to provide a breakfast room. The rear extensions are located mid-elevation and in the south-east corner of the building. The mid-elevation extension will provide a master bedroom which is slightly offset from the boundary with Flat 17 Sovereign House and the south-east extension will provide a conservatory separated from the master bedroom by a terraced area.

In the first instance, we have reviewed the relevant planning policy and guidance and set out the relevant extracts below. We then provide a summary of the BRE Methodology for considering the impacts on neighbouring properties, before discussing the results of the technical assessments.

Planning Policy and Guidance

National Planning Policy and Guidance

The Revised National Planning Policy Framework (revised December 2023, Department for Communities and Local Government) sets out the Government's planning policies and how these are expected to be applied. It provides a framework within which councils can produce their own local plans that reflect the needs and priorities of their communities.

In terms of daylight and sunlight, under section 11 'Making effective use of land', paragraph 129 (c) states that:

"local planning authorities should refuse applications which they consider fail to make efficient use of land, taking into account the policies in this Framework. In this context, when considering applications for housing, authorities should take a flexible approach in applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site (as long as the resulting scheme would provide acceptable living standards)."

The Building Research Establishment, whose aims include achieving a higher quality built environment, publish BRE guidelines 209, Site Layout Planning for Daylight and Sunlight: A guide to good practice (third edition, 2022) by PJ Littlefair. This guide gives advice on site layout planning to retain good daylighting and sunlighting in existing surrounding buildings and achieve to it in new buildings. The guide is intended for use by designers, consultants and planning officials and notes that:

"The advice given here is not mandatory and this document should not be seen as an instrument of planning policy; its aim is to help rather than constrain the designer."

The BRE guidelines also sets out the following in respect of existing buildings and the room uses which should be considered:

"The guidelines given here are intended for use for rooms in adjoining dwellings where daylight is required, including living rooms, kitchens, and bedrooms. Windows to bathrooms, toilets, storerooms, circulation areas, and garages need not be analysed. The guidelines may also be applied to any existing non-domestic building where the occupants have a reasonable expectation of daylight; this would normally include schools, hospitals, hotels and hostels, small workshops, and some offices."

Local Planning Policy and Guidance

The development site is located within London Borough of Merton.

Merton Council is currently creating a New Local Plan which will replace the Merton's adopted borough-wide Local Plan (the Core Planning Strategy 2021 and Sites and Policies Plan 2014) under the draft New Local Plan Stage 3: Whole Local Plan: Chapter 01A Introduction - states that daylight and sunlight should be protected to neighbouring properties:

Strategic Policy D12.1 - Delivering well designed and resilient neighbourhoods states that to achieve this, development should:

"...d. Ensure that the site of the development is appropriate for its proposed function and use through the analysis of site constraints such as air quality, noise pollution, land contamination, flooding (from all sources) and daylight and sunlight..."

Strategic Policy D12.3 - Ensuring high quality design for all developments states that proposals for all development should:

“... f. Provide appropriate levels of sunlight and daylight, quality of living conditions, amenity space and privacy, to both proposed and adjoining buildings and gardens...”

BRE methodology

Daylight

There are two tests which the BRE guidelines recommend for assessing daylight in neighbouring properties. Those are to be calculated in the existing condition i.e. before the development is in place, and the proposed condition i.e. with the development in place. This allows the difference in light levels between the two scenarios to be quantified. The two tests are vertical sky component (VSC) which assesses the daylight availability at the centre point of the window, and daylight distribution (DD) which assesses the distribution of the light within the room. For VSC, the guide recommends either a retained value of greater than 27%, or that any reduction in light should be no more than 20% i.e. 0.8 times its former value. For DD, the distribution of light should not be reduced to less than 0.8 times its former value. The BRE recommends that these two tests are considered in parallel.

Sunlight

The BRE guidelines recommend assessing the annual probable sunlight hours (APSH) and winter probable sunlight hours (WPSH) to determine whether the windows/rooms receive the guideline values for sunlight. The guidelines suggests that sunlight may be adversely affected if the centre of the window a) receives less than 25% APSH, including 5% during the winter months, b) sunlight in either period is less than 0.8 times former value and c) reduction in APSH is greater than 4%.

In respect of neighbouring amenity areas, the BRE guidelines recommend assessing the sunlight availability using the two hour sun on ground (SOG) test. The guidelines suggest that sunlight to an amenity space may be adversely affected if the area which receives two hours of sunlight on 21 March is a) reduced to less than 50% and b) reduced to less than 0.8 times former value.

Results of technical assessment

We have assessed the window and habitable rooms within the neighbouring property at 17 Sovereign House which face onto the proposed rear extension at 18 Sovereign House. We have therefore tested a total of 6 windows serving 3 rooms. We have assessed a single window serving the study (W1), a single window serving the bedroom (W2) and four windows serving the main living room (W3-W6). It is worth noting that only W1-W3 will have any view of the development proposals. The internal layouts have been based on plan information obtained under planning application number 19/P1593. The 3D views of the model in the existing and proposed condition for the assessment are included at Appendix A and the results of the assessments are included at Appendix B.

The assessment confirms that there are very small reductions in VSC to the 3 windows closest to the extension (W1-W3) however, all 6 of the windows assessed exceed the BRE's absolute guideline for VSC, achieving VSC values of between 28.99% and 36.49%. This therefore indicates that the windows will continue to enjoy excellent levels of daylight with the proposed development in place. In respect of daylight distribution, the results confirm that there will be no reduction in lit area to any of the rooms assessed as a result of the proposed development.

In terms of sunlight availability to the neighbouring rooms, the assessment confirms that there will be a very small reduction in sunlight availability to the study, and no reduction in sunlight availability to either the living room or the bedroom. All three of the rooms assessed are shown to exceed the guideline values in the proposed condition, achieving annual APSH values of between 57% and 84% against the guideline of 25%, and achieving winter values of between 14% and 21% against the guideline of 5%. These rooms will therefore continue to enjoy high levels of sunlight availability with the proposed development in place.

Finally, in respect of the sunlight availability to the terrace amenity space, the assessment confirms that this space receives 2 hours of sunlight to 79.13% of its area in the proposed condition (reduced from 79.35% in the existing condition). The amenity space therefore continues to enjoy sunlight to well in excess of 50% of its area, as recommended by the BRE guidelines.

Summary

In summary, the assessment demonstrates that the neighbouring property at 17 Sovereign House will experience some very small reductions in daylight and sunlight as a result of the proposed development, however, these reductions will be well within the BREs guideline values. Therefore, in our opinion London Borough of Merton's planning policy on daylight and sunlight to neighbouring properties will be satisfied.

We trust this provides a useful overview in respect of the daylight and sunlight levels associated with the proposed development at 18 Sovereign House.

If you have any immediate queries, please do let us know.

Yours sincerely



.....
Anstey Horne

13 February 2023

APPENDIX A

-

PLAN AND 3D VIEWS OF THE COMPUTER MODEL
ROL01122_R01_V01_3D-001 to 006



PROJECT INFORMATION
 © Copyright Anstey Horne & Co. Ltd
 This drawing is the property of Anstey Horne & Co. Ltd. All rights reserved.
 It is not to be used for any other purpose without permission.
 Do not scale from this drawing.

CLIENT: SUE THOMPSON

PROJECT: 18 SOVEREIGN HOUSE
 TITLE: DRAXMONT, SW19 7PG

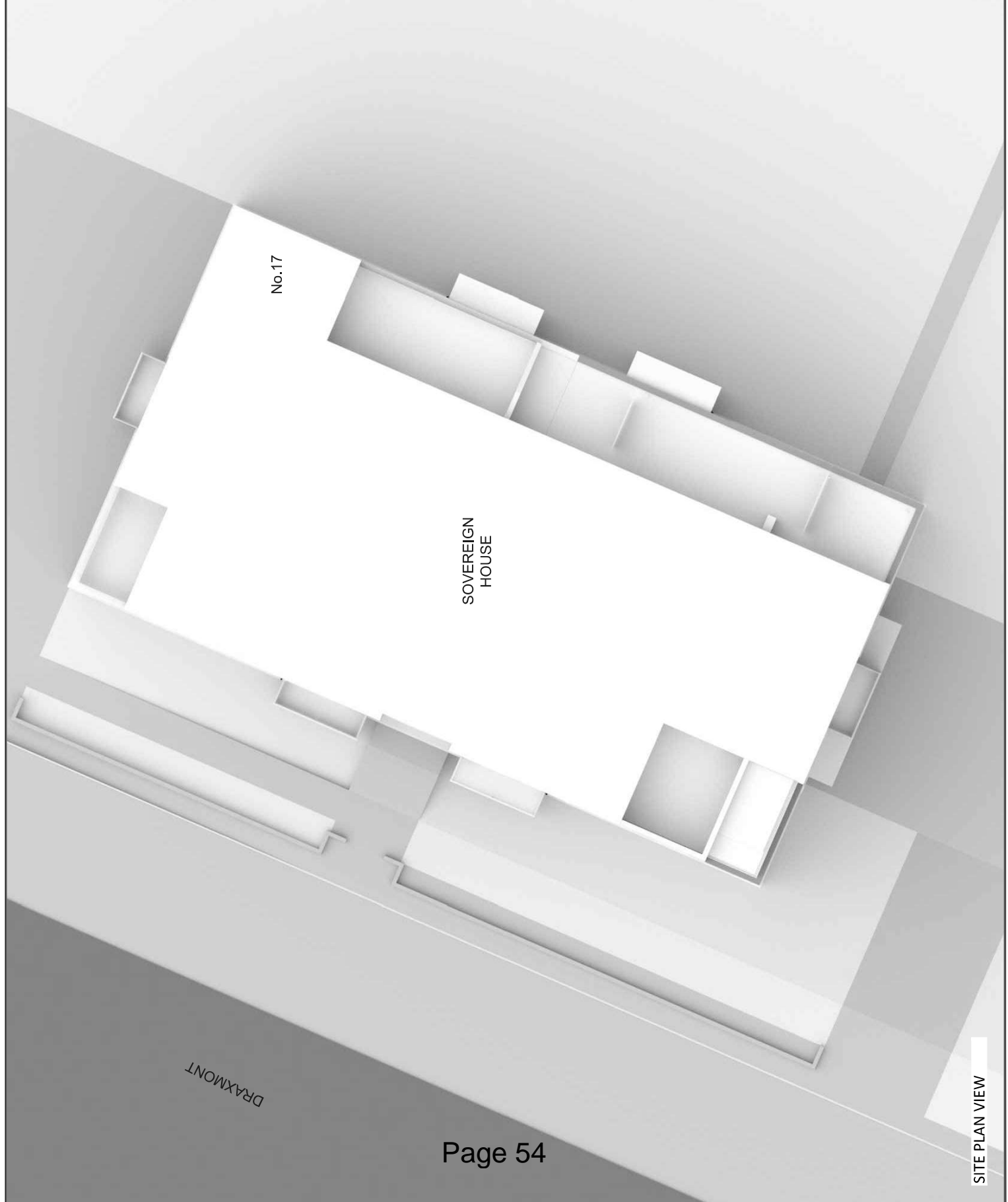
SCHEME REF: SCHEME RECEIVED: 06/02/24

DRAWING TITLE: 3D MASSING MODEL VIEW
 TITLE: EXISTING CONDITION

MODIFIED BY/DRAWN BY: DATE: SCALE: 1:200 A3
 BSAK 13/02/24

PROJECT No.: RELEASE No.: VERSION No.: DRAWING No.:
 ROL01122_R01_V01_001

3D Massing Model



DRAXMONT

LEGEND:

-  Existing
 -  Proposed
 -  Consented
 -  Cutback
- AOD Height (mm)

SOURCES OF INFORMATION:

EXISTING, SURROUNDING & ANALYSED BUILDINGS

LAND SURVEYOR
 Received on 18/02/24

Site and aerial photos.

PROPOSED BUILDINGS
HARPER LATTER ARCHITECTS
 Received on 18/02/24

PROJECT INFORMATION

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CLIENT: SUE THOMPSON

PROJECT: 18 SOVEREIGN HOUSE
TITLE: DRAXMONT, SW19 7PG

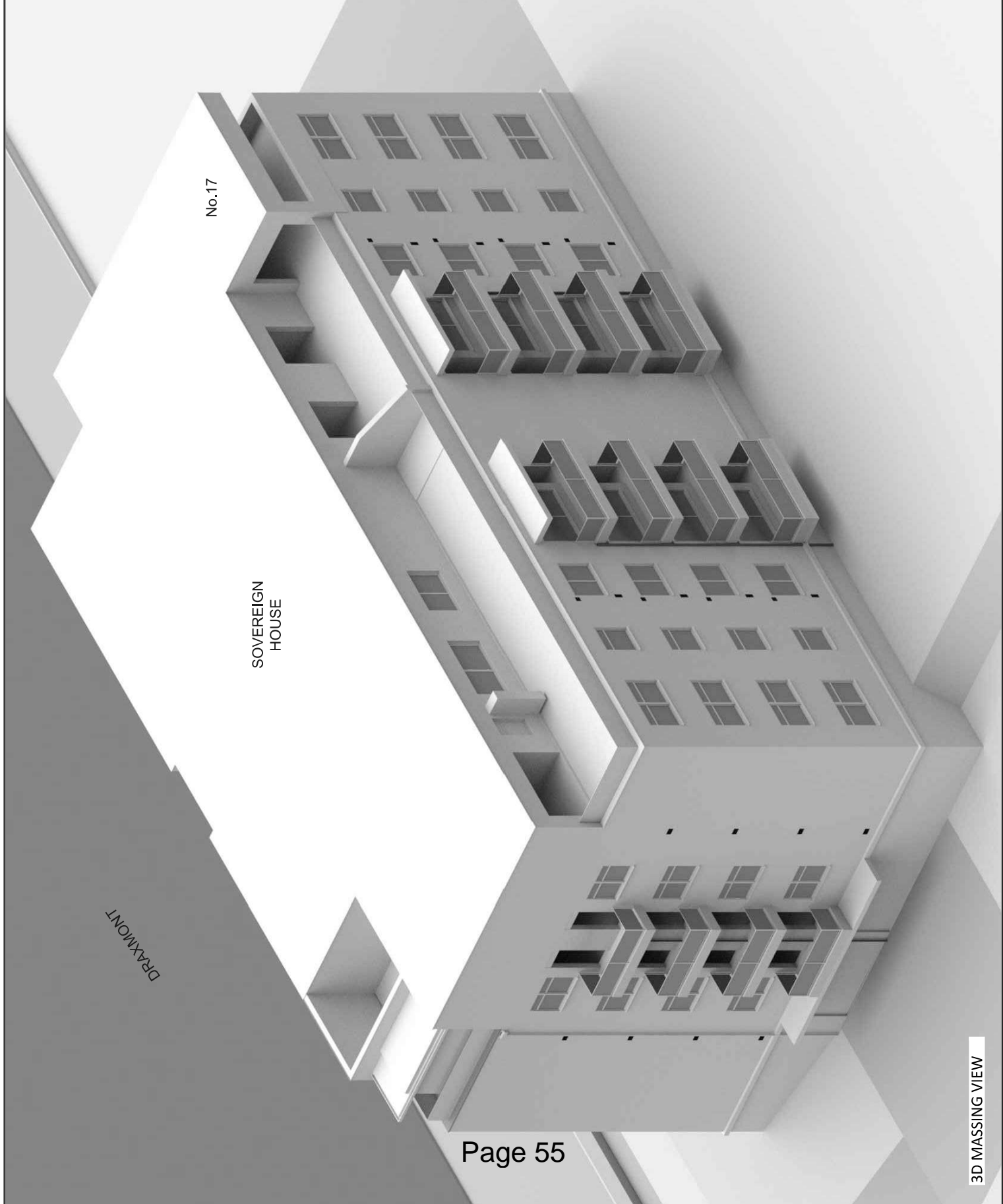
SCHEME REF: SCHEME RECEIVED: 06/02/24

DRAWING TITLE: 3D MASSING MODEL VIEW
 EXISTING CONDITION

MODELER BY/DRAWN BY: DATE: 13/02/24 SCALE: N.T.S. **A3**

PROJECT No.: RELEASE No.: VERSION No.: DRAWING No.:
ROL01122_R01_V01_002

3D Massing Model



DRAXMONT

No.17

SOVEREIGN HOUSE

SOURCES OF INFORMATION:

EXISTING, SURROUNDING & ANALYSED BUILDINGS
LAND SURVEYOR
 Received on 18/02/24
 Site and aerial photos.
PROPOSED BUILDINGS
HARPER LATTER ARCHITECTS
 Received on 18/02/24

PROJECT INFORMATION

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CLIENT: SUE THOMPSON

PROJECT: 18 SOVEREIGN HOUSE
TITLE: DRAXMONT, SW19 7PG

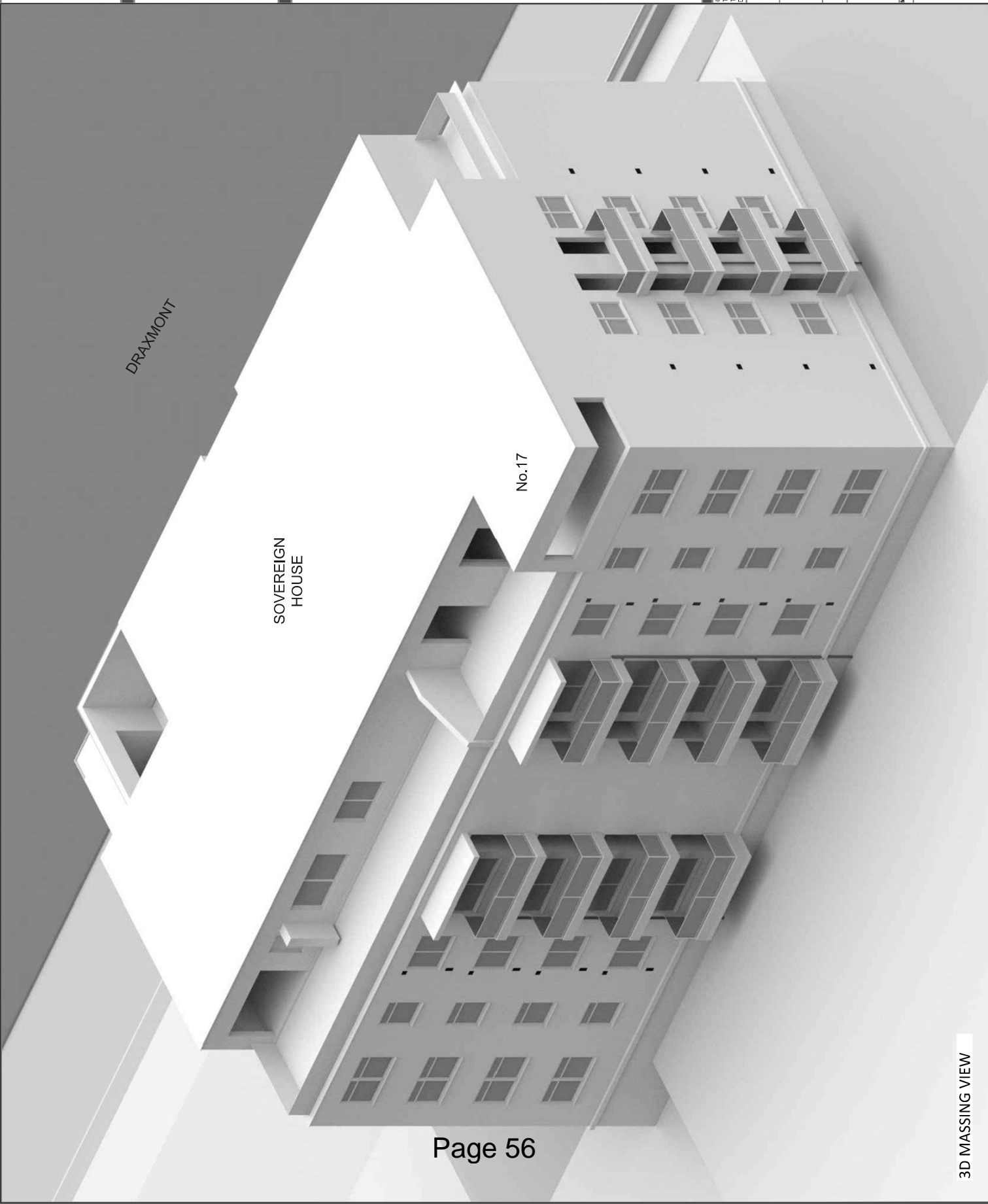
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DRAWING TITLE: 3D MASSING MODEL VIEW
EXISTING CONDITION

MODIFIED BY/DRAWN BY: BSJK
DATE: 03/02/24
SCALE: N.I.S.
A3

PROJECT No.: RELEASE No. VERSION No. DRAWING No.
 ROL01122_R01_V01_003

3D Massing Model



LEGEND:

-  Existing
 -  Proposed
 -  Consented
 -  Cutback
- ADD Height (mm)

SOURCES OF INFORMATION:

EXISTING, SURROUNDING & ANALYSED BUILDINGS

LAND SURVEYOR
 Received on 18/02/24

Site and aerial photos.

PROPOSED BUILDINGS

HARPER LATTER ARCHITECTS
 Received on 18/02/24



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CLIENT: SUE THOMPSON

PROJECT: 18 SOVEREIGN HOUSE

TITLE: DRAXMONT, SW19 7PG

SCHEME REF: SCHEME RECEIVED: 06/02/24

DRAWING TITLE: 3D MASSING MODEL VIEW

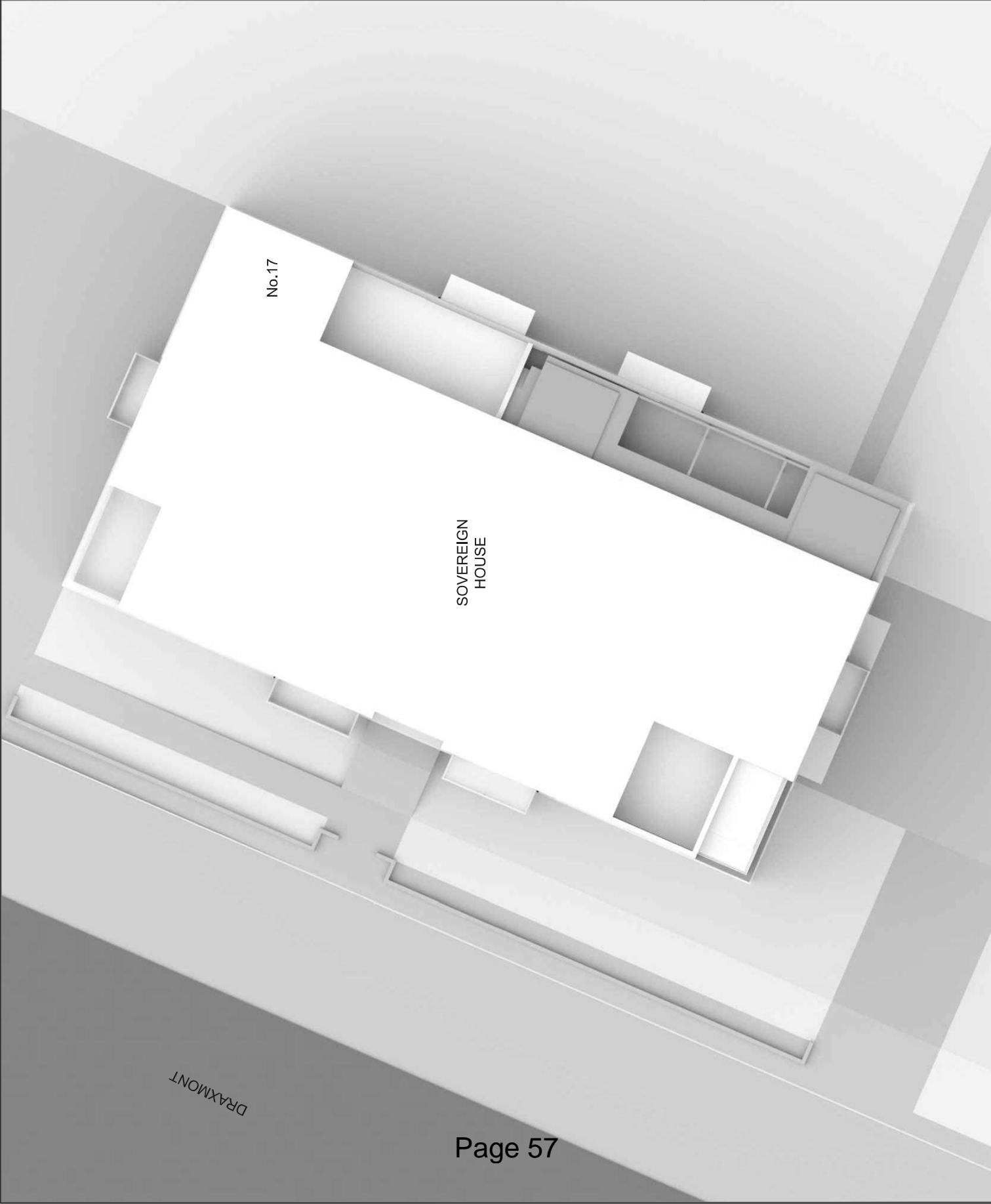
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MODIFIED BY/DRAWN BY: DATE: SCALE: 1:200 A3

PROJECT No. RELEASE No. VERSION No. DRAWING No.

ROL01122_R01_V01_004

3D Massing Model



DRAXMONT

LEGEND:

- Existing
- Proposed
- Consented
- Cutback

AOD Height (mm)

No.17

SOVEREIGN HOUSE

DRAXMONT

SOURCES OF INFORMATION:

EXISTING, SURROUNDING & ANALYSED BUILDINGS

LAND SURVEYOR
 Received on 18/02/24

Site and aerial photos.

PROPOSED BUILDINGS

HARPER LATTER ARCHITECTS
 Received on 18/02/24

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CLIENT: SUE THOMPSON

PROJECT: 18 SOVEREIGN HOUSE

TITLE: DRAXMONT, SW19 7PG

SCHEME REF: SCHEME RECEIVED: 06/02/24

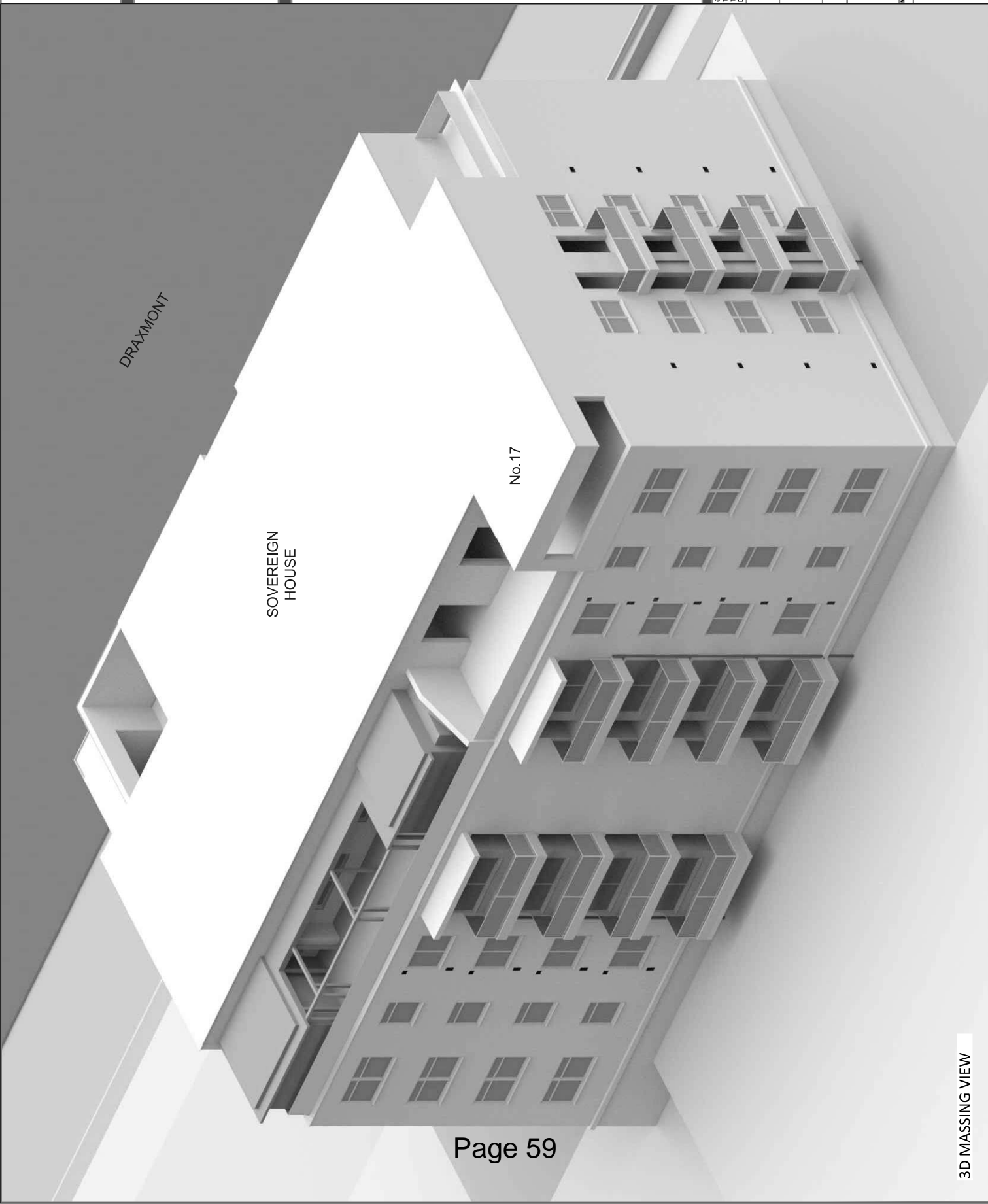
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TITLE: PROPOSED SCHEME

MODELER/DRAWN BY: BSJK DATE: 03/02/24 SCALE: 1:1.5 A3

PROJECT No.: RELEASE No.: VERSION No.: DRAWING No.:

ROL01122_R01_V01_005



APPENDIX B

-

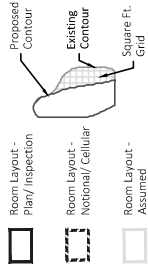
RESULTS OF TECHNICAL ASSESSMENTS – VSC, DD, AP SH & SOG

TABLE P1
 VERTICAL SKY COMPONENT (VSC)
 SURROUNDING BUILDINGS

Property/ room ref.	Property type	Flat no.	Room usage	Window ref.	Existing VSC(%)	Proposed VSC(%)	*Factor of former value
17 Sovereign House							
4th Floor							
R1	RESIDENTIAL		STUDY	W1	36.54	36.49	N/A
R2	RESIDENTIAL		BEDROOM	W2	35.03	34.95	N/A
R3	RESIDENTIAL		LIVING ROOM	W3	30.68	30.49	N/A
R3	RESIDENTIAL		LIVING ROOM	W4	39.50	39.50	N/A
R3	RESIDENTIAL		LIVING ROOM	W5	39.50	39.50	N/A
R3	RESIDENTIAL		LIVING ROOM	W6	28.99	28.99	N/A

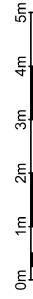
Property / room ref.	Property type	Flat no.	Room Usage	Room area (m ²)	Existing lit area (m ²)	Proposed lit area (m ²)	*Factor of former value
17 Sovereign House							
4th Floor							
R1	RESIDENTIAL		STUDY	20.97	20.81	20.81	1.00
R2	RESIDENTIAL		BEDROOM	28.00	26.62	26.62	1.00
R3	RESIDENTIAL		LIVING ROOM	111.14	111.14	111.14	1.00

LEGEND:



SOURCES OF INFORMATION:

EXISTING, SURROUNDING & ANALYSED BUILDINGS
 LAND SURVEYOR
 Received on 18/02/24
 Site and aerial photos.
PROPOSED BUILDINGS
 HARPER LATTER ARCHITECTS
 Received on 18/02/24



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CLIENT: SUE THOMPSON

PROJECT: 18 SOVEREIGN HOUSE
 TITLE: DRAXMOUNT, SW19 7PG

SCHEME REF: SCHEME RECEIVED: 06/02/24

DRAWING TITLE: DAYLIGHT DISTRIBUTION CONTOURS
 TITLE: 17 SOVEREIGN HOUSE

MODELLED BY/DRAWN BY: BSJK DATE: 13/02/24 SCALE: 1:100 A3

PROJECT No.: RELEASE No.: VERSION No.: DRAWING No.:
 ROL01122_R01_V01_101-01

Daylight & Sunlight

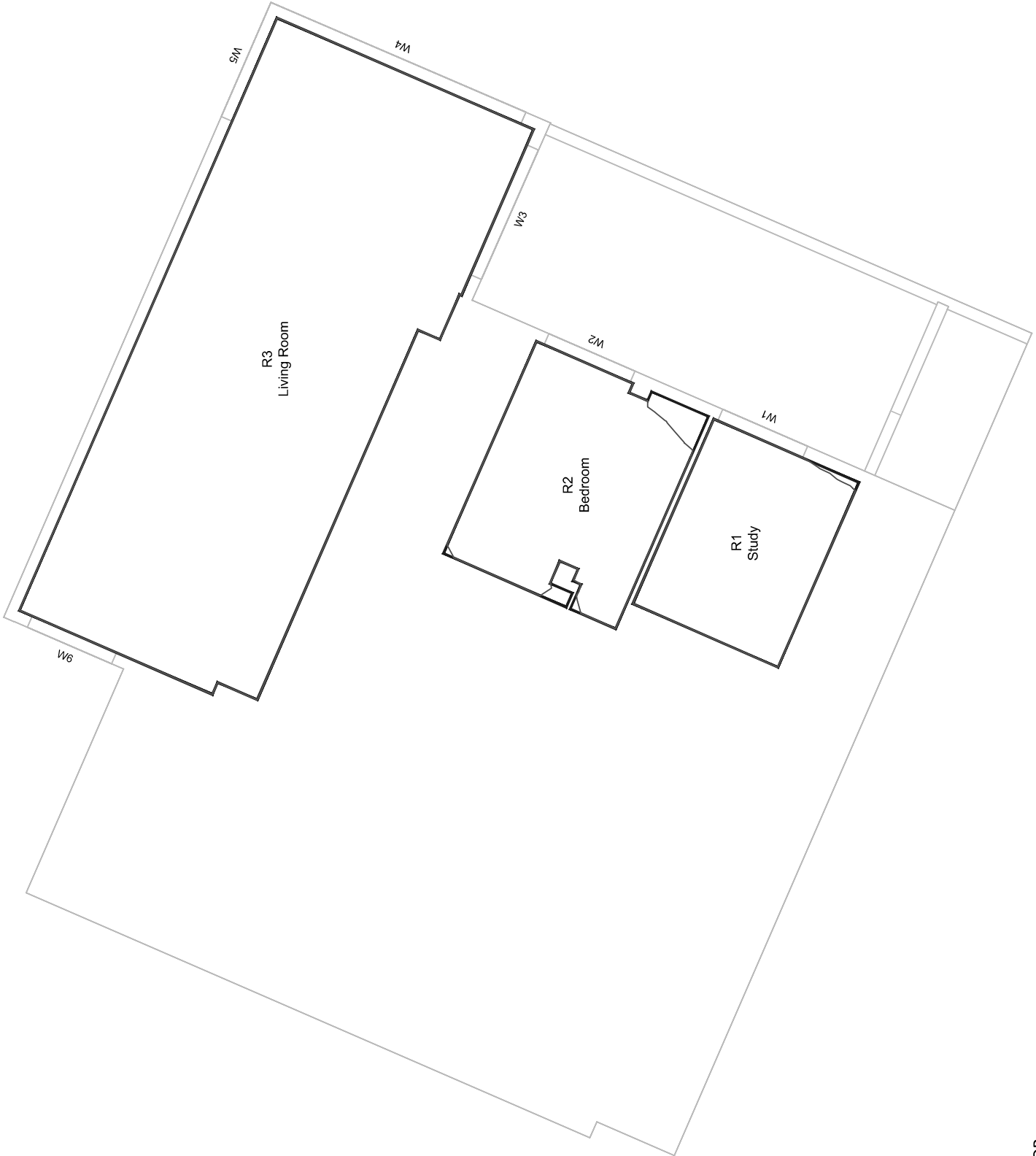


TABLE P3
ANNUAL PROBABLE SUNLIGHT HOURS (APSH)
SURROUNDING BUILDINGS

PROPERTY		WINDOW						ROOM					
		ANNUAL SUNLIGHT (%APSH)			WINTER SUNLIGHT (%APSH IN WINTER)			ANNUAL SUNLIGHT (%APSH)			WINTER SUNLIGHT (%APSH IN WINTER)		
Room ref.	Property type	Flat no.	Window ref.	Room use	Existing (%)	Proposed (%)	*Factor of former value	Existing (%)	Proposed (%)	*Factor of former value	Existing (%)	Proposed (%)	*Factor of former value
17 Sovereign House													
4th Floor													
R1	RESIDENTIAL		W1	STUDY	58	57	N/A	15	14	N/A	58	57	N/A
R2	RESIDENTIAL		W2	BEDROOM	61	61	N/A	21	21	N/A	61	61	N/A
R3	RESIDENTIAL		W3	LIVING ROOM	64	64	N/A	23	23	N/A	64	61	N/A
R3	RESIDENTIAL		W4	LIVING ROOM	64	64	N/A	21	21	N/A	64	61	N/A
R3	RESIDENTIAL		W5	LIVING ROOM	16	16	1.00	0	0	-	84	84	N/A
R3	RESIDENTIAL		W6	LIVING ROOM	3	3	1.00	0	0	-	84	84	N/A

LEGEND:

- Area receiving \geq 2hr Sunlight on 21st March
- Area receiving $<$ 2hr Sunlight on 21st March
- X%** - Percentage of Amenity Space receiving \geq 2hr Sunlight on 21st March

SOURCES OF INFORMATION:

EXISTING, SURROUNDING & ANALYSED BUILDINGS
LAND SURVEYOR
 Received on 18/02/24
 Site and aerial photos.
PROPOSED BUILDINGS
HARPER LATTER ARCHITECTS
 Received on 18/02/24



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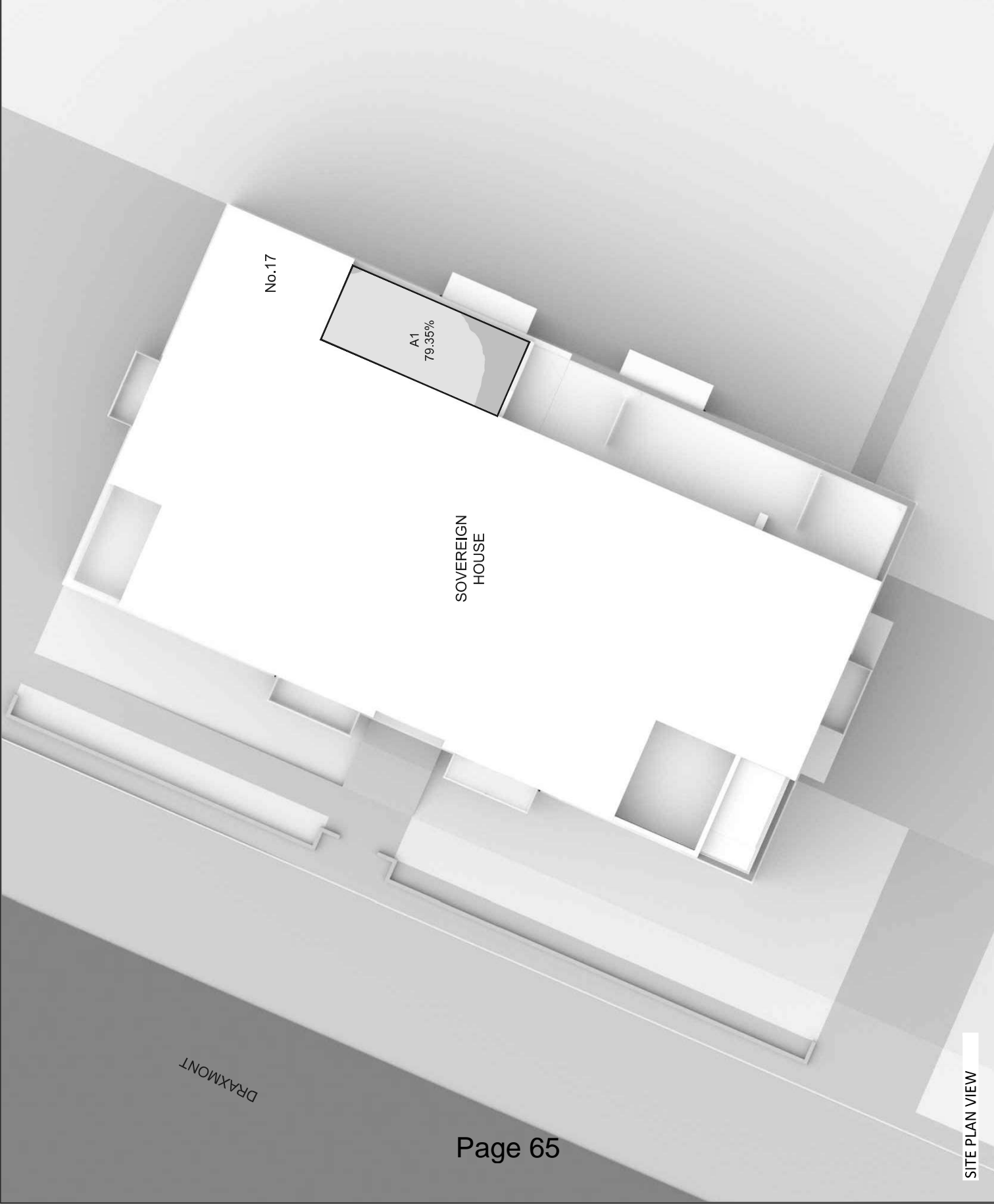
PROJECT: 18 SOVEREIGN HOUSE
TITLE: DRAXMONT, SW19 7PG

SCHEME REF: SCHEME RECEIVED: 06/02/24
DRAWING TITLE: TWO-HOUR SUNLIGHT TEST
EXISTING CONDITION
 MARCH 21ST (GMT)

MODIFIED BY/DRAWN BY: DATE: 13/02/24 SCALE: 1:200 **A3**

PROJECT No. / RELEASE No. / VERSION No. / DRAWING No.:
 ROL01122_R01_V01_301-01

2Hr Sun-On-Ground



- Area receiving \geq 2hr Sunlight on 21st March
- Area receiving $<$ 2hr Sunlight on 21st March
- X%** - Percentage of Amenity Space receiving \geq 2hr Sunlight on 21st March

SOURCES OF INFORMATION:

EXISTING, SURROUNDING & ANALYSED BUILDINGS
LAND SURVEYOR
 Received on 18/02/24
 Site and aerial photos.
PROPOSED BUILDINGS
HARPER LATTER ARCHITECTS
 Received on 18/02/24



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CLIENT: SUE THOMPSON

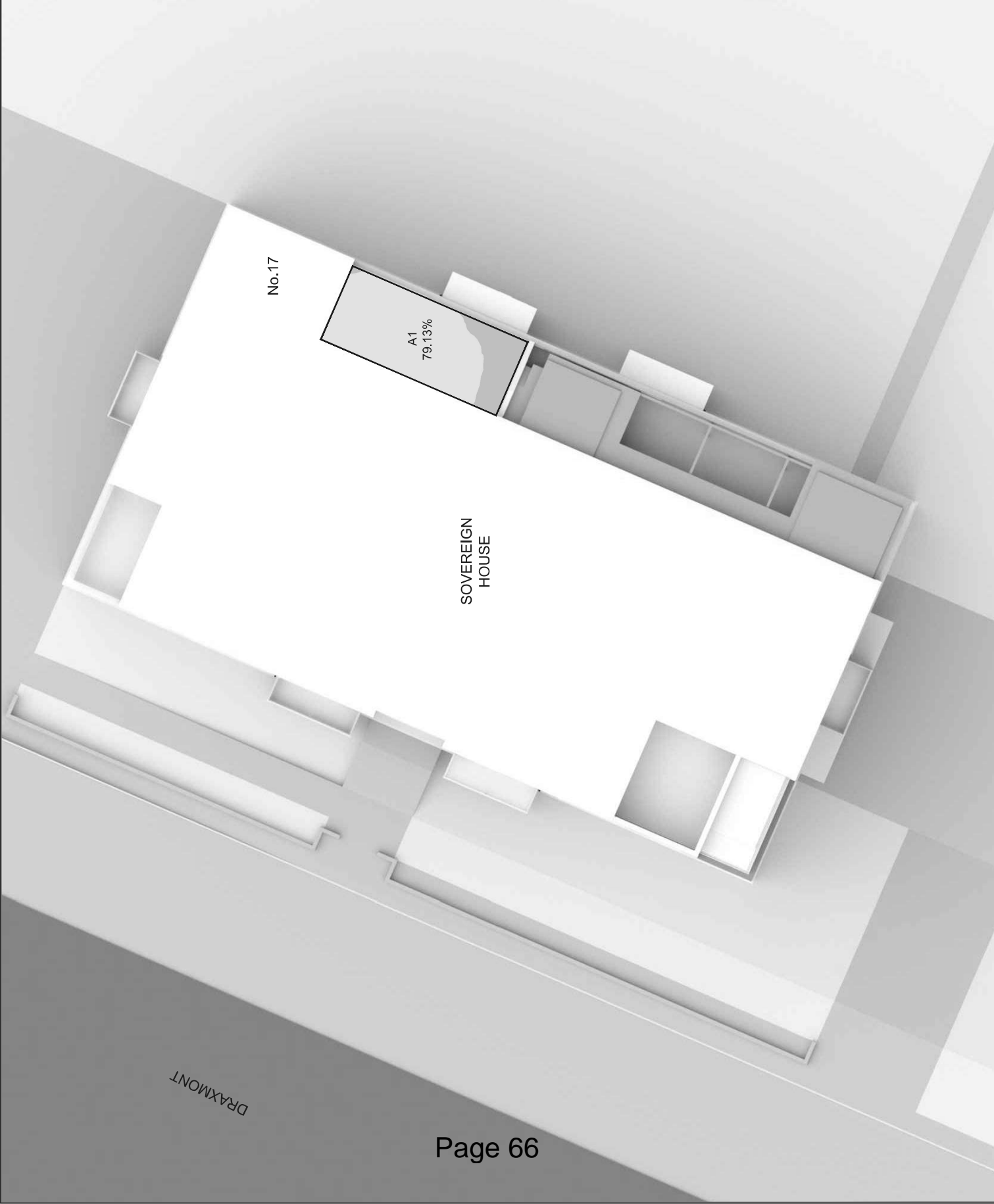
PROJECT: 18 SOVEREIGN HOUSE
TITLE: DRAXMONT, SW19 7PG

SCHEME REF: SCHEME RECEIVED: 06/02/24

DRAWING TITLE: TWO-HOUR SUNLIGHT TEST
PROPOSED SCHEME:
 MARCH 21ST (GMT)

MODIFIED BY/DRAWN BY: BSJK
DATE: 03/02/24
SCALE: 1:200
A3

PROJECT No. / RELEASE No. / VERSION No. / DRAWING No.:
 ROL01122_R01_V01_301-02



Design and Access Statement

Application for the Extension and Refurbishment of an existing Penthouse Apartment

Address: 18 Sovereign House, Draxmont, London, SW19

Introduction

This Design and Access Statement presents a proposal for the extension and refurbishment of the penthouse apartment at 18 Sovereign House, Draxmont, London. The project aims to enhance the existing property by creating additional living space and amenities while maintaining a cohesive architectural style. The design respects the local context, adheres to relevant planning policies set forth by the London Borough of Merton, and incorporates sustainable features such as photovoltaic panels to minimize energy consumption.

Site Context and Planning Policies

The site, located within the London Borough of Merton, falls under the jurisdiction of the borough's planning policies. The proposed extension and refurbishment will be carried out with due regard to the following relevant policies:

2.1. Policy CS1: Strategic Objectives

The proposal aligns with Policy CS1 by contributing to the sustainable growth and development of the borough, enhancing the quality of housing, and promoting energy efficiency.

2.2. Policy DM1: Design Quality and Amenity

The design aims to maintain and enhance the character and appearance of the property while respecting the local context. It provides high-quality living spaces and amenities, ensuring a comfortable and enjoyable environment for residents.

2.3. Policy DM2: Residential Extensions and Alterations

The proposed extension complies with Policy DM2, as it seeks to extend the penthouse apartment to the front and rear. The architectural style and materials used will be in harmony with the existing property's frontage while introducing a more contemporary aesthetic to the rear.

2.4. Policy DM3: Historic Environment

The proposal acknowledges the historical importance of the area and ensures that any alterations to the property are sympathetic to its architectural heritage. The existing architectural style will be respected, while contemporary elements will be sensitively integrated into the design.

2.5. Policy DM4: Sustainable Design and Construction

The project embraces sustainability principles outlined in Policy DM4 by incorporating photovoltaic panels to generate renewable energy and reduce the environmental impact of the property. The use of energy-efficient materials and technologies will also be prioritized throughout the construction process.

Design Proposal

The design proposal aims to enhance the penthouse apartment while preserving its character and ensuring a seamless integration with the existing architecture. The key elements of the proposal are as follows:

3.1. Front Extension

To maintain the continuity of the architectural style at the front, the extension will be carefully designed to be sympathetic to the existing building. The new space will provide an enlarged kitchen area, allowing for a more spacious and functional layout that meets modern living standards.

3.2. Rear Extension and Inset Terrace

The rear extension will incorporate an orangery and an extended master bedroom suite. The orangery will be designed with a contemporary aesthetic, utilizing large opening glazed doors and windows to maximize natural light and create a seamless connection with the outdoor space. An inset terrace will provide an outdoor retreat while maintaining privacy for the residents.

3.3. Materiality

The materials used in the front extension will match the existing architectural style of the property, ensuring a coherent and harmonious appearance. Towards the rear, the design will embrace a more contemporary aesthetic, utilizing materials that complement the existing structure while distinguishing the new additions.

3.4. Glass Balustrade

The existing balustrade will be replaced with glass, enhancing safety without compromising the views from the property. This modern and transparent element will contribute to the overall contemporary character of the rear extension.

3.5. Photovoltaic Panels

To promote sustainable energy consumption, photovoltaic panels will be installed on the roof of the penthouse apartment. These panels will generate renewable electricity, reducing the environmental impact of the property and contributing to a low-carbon future.

3.6. Layout & Access

It is important to note that the proposed extension and refurbishment will not alter the existing access to the flat. The main access point and circulation routes within the building will remain unchanged, ensuring convenience and ease of movement for residents and visitors. The focus of the design is primarily on extending and enhancing the living spaces, amenities, and architectural features of the penthouse apartment, while respecting the functional aspects of access and circulation that are already in place.

Rights to Light and Daylight/Sunlight Assessment

4.1. Rights to Light Consideration

In accordance with the importance of preserving rights to light, a thorough assessment has been conducted to evaluate the impact of the proposed extension and refurbishment on neighbouring properties and immediate neighbour No. 17 Sovereign House. This assessment aims to ensure that the development does not unduly restrict the access to natural light for surrounding properties.

4.2. Daylight and Sunlight Assessment (Document Ref: ROL01122)

A comprehensive Daylight and Sunlight Assessment has been carried out by a qualified and independent consultant. This assessment evaluated the potential impact of the proposed extension on neighbouring properties, taking into account factors such as building orientation, existing windows, and surrounding structures.

4.3. Conclusion of Daylight and Sunlight Assessment

Based on the findings of the Daylight and Sunlight Assessment (Document Ref: ROL01122), it has been concluded that the proposed extension and refurbishment of the penthouse apartment at 18 Sovereign House will have no detrimental impact on neighbouring properties, including immediate

neighbour No. 17 Sovereign House. The assessment indicates that the development will not unreasonably reduce the amount of daylight or sunlight reaching surrounding properties, ensuring a satisfactory level of natural light for all affected parties.

4.4. Commitment to Rights to Light

In line with our commitment to respecting the rights to light of neighbouring properties, appropriate design measures have been implemented to minimize any potential overshadowing or loss of light. The proposed extension and refurbishment have been carefully designed to ensure that the neighbouring properties' access to natural light is preserved to a satisfactory level.

4.5. Compliance with Planning Policies

The rights to light assessment and its conclusion align with the planning policies of the London Borough of Merton, particularly in relation to Policy DM1 (Design Quality and Amenity) and Policy DM2 (Residential Extensions and Alterations). The proposed development maintains an appropriate balance between maximizing internal daylight for the penthouse apartment while safeguarding the rights to light of neighbouring properties.

Pre-Application Advice and Feedback

5.1. Pre-Application Consultation

Prior to the submission of this planning application, pre-application advice was sought from the duty planning officer, Brenda Louisy-Johnson, on 2nd June 2023. The purpose of this consultation was to gather initial feedback and guidance on the proposed extension and refurbishment of the penthouse apartment at 18 Sovereign House.

5.2. Initial Feedback

During the pre-application meeting, Ms. Brenda Louisy-Johnson expressed her concerns about the development being carried out in a piecemeal fashion due to the existing extension at No. 17 Sovereign House. However, she indicated that further extension of the roof, in line with specific considerations such as mass, bulk, height, and materials, would be acceptable in principle. She also acknowledged that other blocks of flats in the local area had undergone roof extensions.

5.3. Enhancement of Building Symmetry

Based on the elevations, plans, and photographs presented during the meeting, it was noted 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.

5.4. CGI Visualizations

Following the meeting, the duty planning officer requested the submission of Computer-Generated Imagery (CGI) visualizations to aid in the assessment of the proposed extensions' appearance, form, and materials in relation to the rest of the building. As per the request, detailed 3D CGI images were provided to the case officer on 9th June 2023. Please see document ref. External CGI Images appended to this application.

5.5. Positive Response

Upon reviewing the CGI visualizations, the case officer, Ms. Brenda Louisy-Johnson, expressed her satisfaction with the proposal. The images provided a clear representation of the extensions' design, enabling a more accurate assessment of their integration and impact on the overall aesthetics of the building.

Conclusion

6.1. The proposed extension and refurbishment of the penthouse apartment at 18 Sovereign House, Draxmont, London, adheres to relevant planning policies set forth by the London Borough of Merton. The design respects the existing architectural style at the front while introducing contemporary elements to the rear. The inclusion of sustainable features, such as photovoltaic panels, reflects a commitment to reducing energy consumption. The proposed development will enhance the living environment for residents while respecting the local context and heritage.

6.2. The Daylight and Sunlight Assessment (Document Ref: ROL01122) demonstrates that the proposed extension and refurbishment of the penthouse apartment at 18 Sovereign House will not have a detrimental impact on neighbouring properties, including immediate neighbour No. 17 Sovereign House. The assessment findings ensure compliance with relevant planning policies, reflecting our commitment to preserving rights to light and creating a harmonious living environment for all parties involved.

6.3. The pre-application advice and feedback received from the duty planning officer, Ms. Brenda Louisy-Johnson, have significantly contributed to the development of the proposed extension and refurbishment plans. The initial concerns regarding the piecemeal nature of the development were addressed, and the subsequent submission of CGI visualizations proved instrumental in visualizing and assessing the proposed design. The positive response from the case officer further validates the suitability and aesthetic enhancement of the proposed extension and refurbishment for the penthouse apartment at 18 Sovereign House.

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SOVEREIGN HOUSE

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

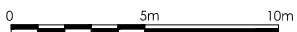


EXISTING APARTMENT REAR (GARDEN) ELEVATION
1:100 @ A1

Page 73



EXISTING APARTMENT SIDE ELEVATION
1:100 @ A1



EXISTING APARTMENT SIDE ELEVATION
1:100 @ A1

Harper Latter Architects

Hill Place House, 55a High Street, London, SW19 5BA
t: 020 7183 0590 e: office@harperlatterarchitects.co.uk

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Status
PLANNING

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

Project
18 SOVEREIGN HOUSE, DRAXMONT

Project No
315

Drawing Title
ELEVATION
EXISTING APARTMENT AND TERRACE

1:100 @ A1
1:200 @ A3

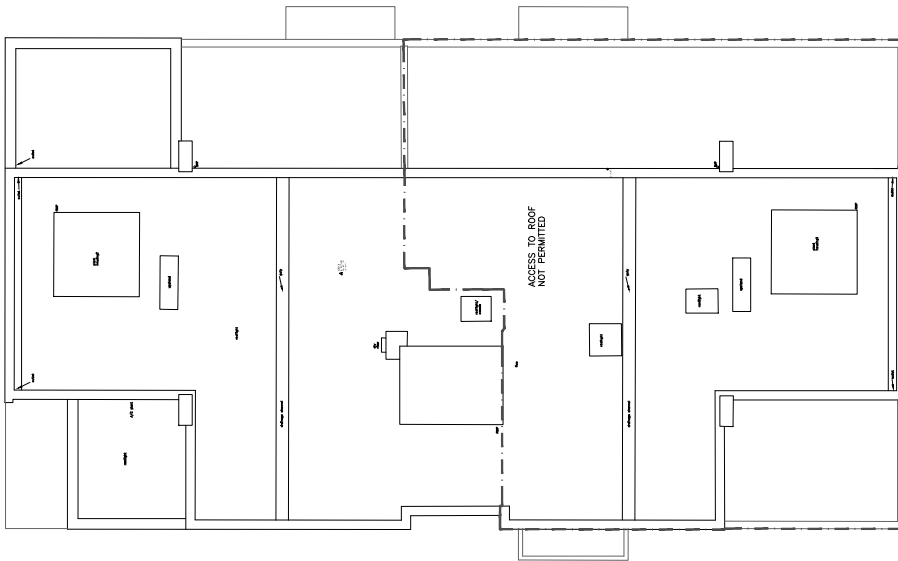
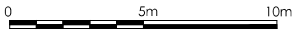
Drawing No.
P03

Revision
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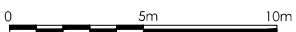
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EXISTING APARTMENT FLOOR PLAN
1:100 @ A1



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

Harper Latter Architects

Hill Place House, 55a High Street, London, SW19 5BA
t: 020 7183 0590 e: office@harperlatterarchitects.co.uk

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

Project	Project No
18 SOVEREIGN HOUSE, DRAXMONT	315

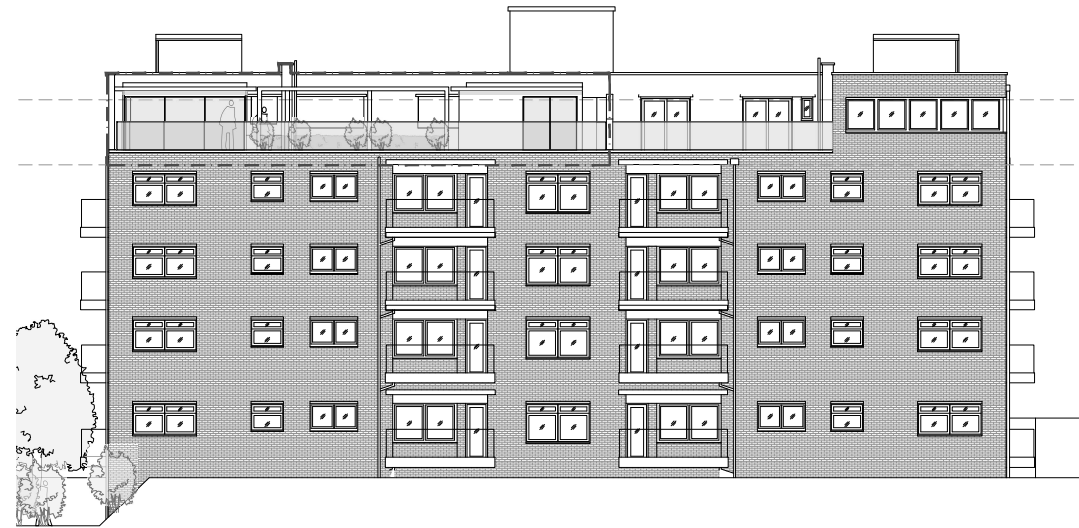
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PLAN EXISTING APARTMENT AND TERRACE	1:100 @ A1 1:200 @ A3

Drawing No.	Revision
P02	00

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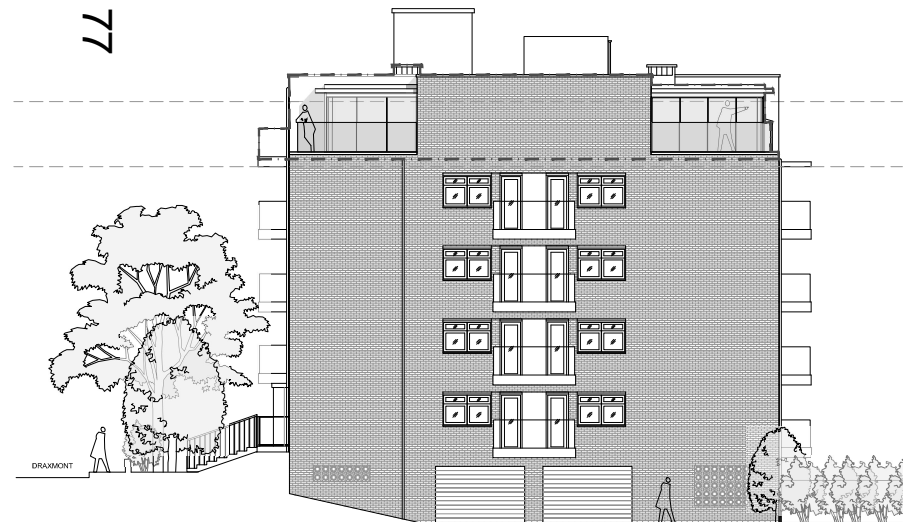


PROPOSED APARTMENT FRONT (STREET) ELEVATION
1:100 @ A1

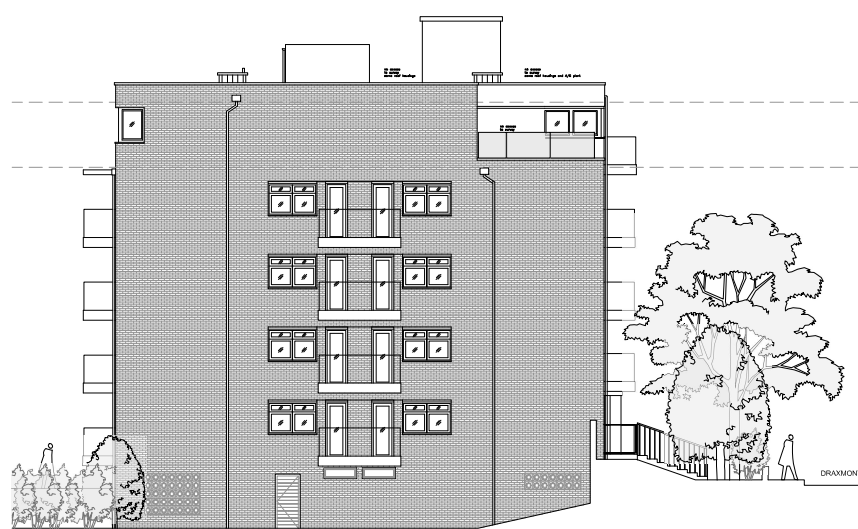
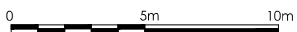


PROPOSED APARTMENT REAR (GARDEN) ELEVATION
1:100 @ A1

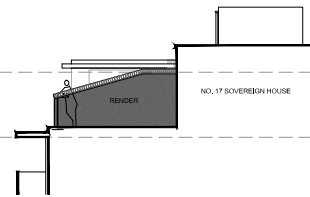
Page 77



PROPOSED APARTMENT SIDE ELEVATION
1:100 @ A1



PROPOSED APARTMENT SIDE ELEVATION
1:100 @ A1



PROPOSED SIDE ELEVATION
1:100 @ A1

Harper Latter Architects

Hill Place House, 55a High Street, London, SW19 5BA
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Status
PLANNING

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

Project
18 SOVEREIGN HOUSE, DRAXMONT

Project No
315

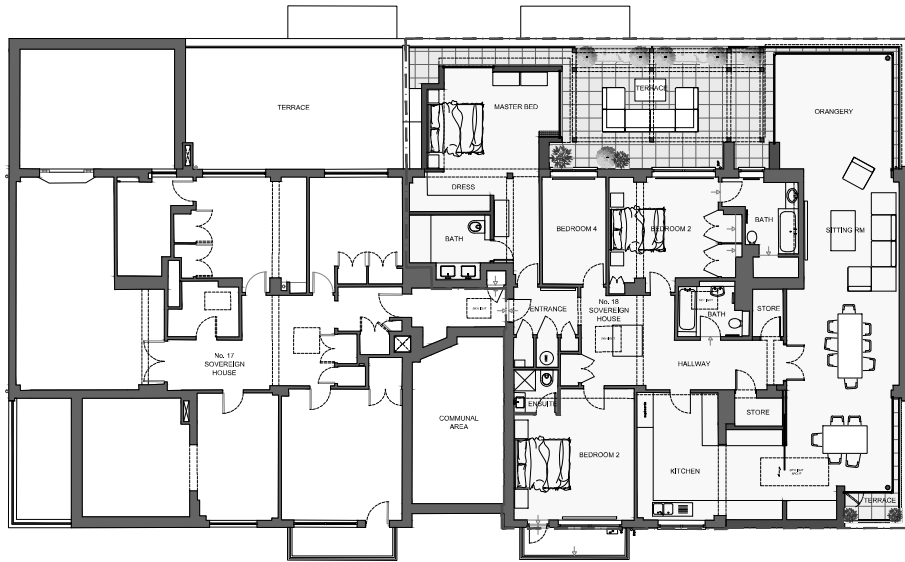
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ELEVATION
PROPOSED APARTMENT AND TERRACE

1:100 @ A1
1:200 @ A3

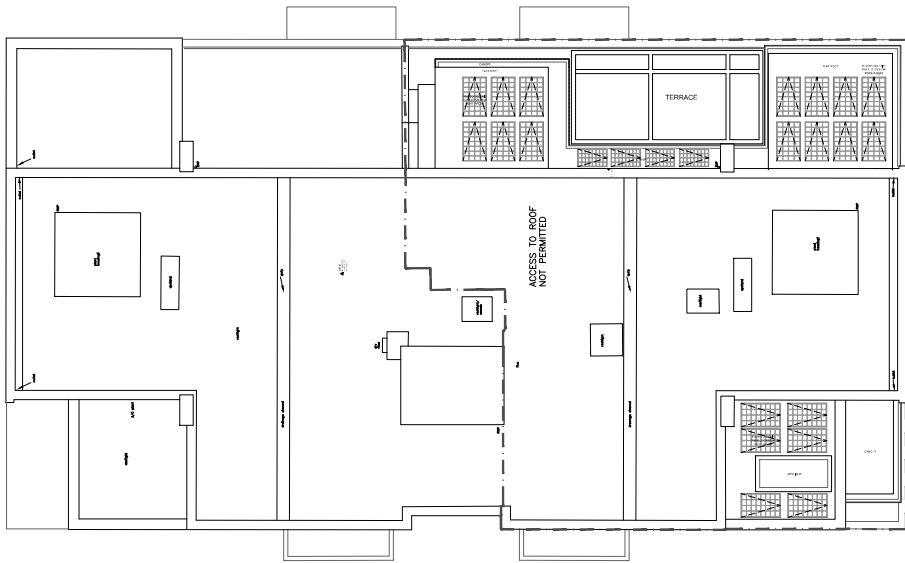
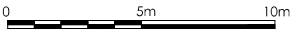
Drawing No.
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Revision
01

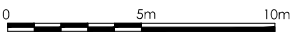
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PROPOSED APARTMENT FLOOR PLAN 
 1:100 @ A1



PROPOSED APARTMENT ROOF PLAN 
 1:100 @ A1



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

Harper Latter Architects

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 t: 020 7183 0590 e: office@harperlatterarchitects.co.uk

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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

Drawing Title	Scale
PLAN	1:100 @ A1

Drawing No.	Revision
P04	00

Drawing Title	Scale
PROPOSED APARTMENT AND TERRACE	1:200 @ A3

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EXISTING SITE PLAN
1:500 @ A1



LOCATION PLAN
1:1250 @ A1



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

Project	18 SOVEREIGN HOUSE, DRAXMONT	Project No	315
Drawing Title	PLAN	VARIES @ A1	
	EXISTING LOCATION & SITE	VARIES @ A3	
Drawing No.	P01	Revision	00

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Committee: Development and Planning Applications Committee

Date: 14th March 2024

Wards: All

Subject: Merton's Local Plan and Policies Map – post hearings publication

Lead officer: Director of Housing and Sustainable Development, Lucy Owen

Lead member: Cabinet Member for Housing and Sustainable Development, Councillor Andrew Judge

Contact officer: Deputy Head of Regeneration and Economy, Tara Butler

Recommendations:

A. That councillors note the contents of this report.

1 PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1. This report updates councillors on the progress of Merton's Local Plan at Examination in Public and highlights the public consultation on the Main Modifications to Merton's Local Plan, which will close on 22nd March 2024.
- 1.2. Appendix A to this report contains Merton's Local Plan incorporating the modifications proposed during its Examination in Public.

2 DETAILS

- 2.1. Merton's *Local Plan* is the detailed development plan for Merton, containing the overall borough-wide planning strategy and detailed planning policies and allocates sites for new development.
- 2.2. Merton's Policies Map is being revised at the same time, which will designate land for specific uses, such as open spaces, town centre boundaries, neighbourhood parades and nature conservation.
- 2.3. Once adopted, the plans and the map will be the main reference point guiding planning decisions in the borough, replacing Merton's *Sites and Policies Plan 2014* and Merton's *Core Planning Strategy 2011*.
- 2.4. The new Local Plan was started in late 2017; it has been prepared in line with statutory regulations, informed and improved by a total of nine months of public consultation and extensive evidence. The plans are in general conformity with the Mayor's London Plan 2021 and the National Planning Policy Framework.
- 2.5. It is important that Merton has a Development Plan that is based on the most-up-to-date research for the borough, the most recent consultation feedback and is in conformity with the National Planning Policy Framework and the Mayor's London Plan 2021. Extensive evidence has been prepared to support Merton's Local Plan and more than nine months of public consultation has taken place to help shape it.
- 2.6. Without up-to-date planning policies, the NPPF and other material considerations can be used to guide local planning decisions, rather than adopted local council

policy. This means that local issues may not be able to be adequately considered in decision-making, especially at planning appeals.

Progress so far

- 2.7. Plan preparation started in 2017. Community feedback is vital to preparing a local plan and three different stages of public consultation have been carried out, totalling over nine months of engagement:
- 2.8. **October 2017-January 2018** “*call for sites*” *Stage 1 public consultation* took place. This was the first stage, asking general questions about what sites or what policies the Local Plan might contain. Over 1,000 responses were received; far more than previous Local Plan consultations. [Link to Stage 1 documents and consultation responses.](#)
- 2.9. **October 2018-January 2019** *Stage 2 draft Local Plan public consultation* took place. It contained draft policies, potential sites for allocation and land designations (e.g. town centre boundaries) Approximately 240 respondents raised over 1,500 separate points. [Link to Stage 2 documents and consultation responses.](#)
- 2.10. **13th November 2020 – 1st February 2021** *Stage 2a draft Local Plan public consultation* took place. It was conducted entirely online due to Covid19 restrictions. In line with the Coronavirus Planning Regulations, Merton’s Statement of Community Involvement was amended to reflect this.
- 2.11. Although the consultation finished on 1st February 2021, the council continued to accept responses after the consultation date in recognition of the difficult situation people are going through with Covid19 and that the sustainability appraisal document was not visible without password protection online until 4th January 2021 due to an IT issue. [Link to Stage 2a consultation responses.](#)
- 2.12. **Stage 3 pre submission publication** July - September 2021 for local communities, businesses, landowners and any other interested parties to comment on the final plan before submission to the Secretary of State in December 2021. [Link to Stage 3 consultation responses.](#)
- 2.13. **2nd December 2021** – Local Plan submitted to the Secretary of State who appointed two planning inspectors, Mr Aston and Mr Fort, to examine the Plan on his behalf.
- 2.14. **Spring 2022** – inspectors ask a series of questions to the council and other community groups, statutory bodies etc who have participated in the Local Plan
- 2.15. **14-29 June 2022** – inspectors hold first examination public hearings in the Council Chamber (link to [hearing programme](#) and [Stage 1 hearing statements](#))
- 2.16. **4th – 21st October 2022** – inspectors hold second examination public hearings in Council Chamber (link to [second hearing programme](#) and [Stage 2 hearing statements](#))
- 2.17. **April 2023** – council receives [post hearings letter from the Inspectors](#) and [seeks clarifications](#); the [Inspectors respond](#).
- 2.18. **Throughout 2023** - exchange of information on request from the Inspectors on matters including housing delivery.
- 2.19. **January 2024** – council receives [letter from Inspectors on new national policy](#) and [note on post hearings consultation](#).
- 2.20. **02 February- 22nd March 2024** – consultation on Main Modifications to Merton’s Local Plan ([link to examination news](#))

Examination tests

- 2.21. This final consultation in the plan-making process is only on the main modifications; new policies or sites for allocation would require a new Local Plan with separate examination.
- 2.22. The Planning Inspectorate publish a Local Plan procedure guidance which sets out how Local Plan examinations must be conducted. The examination starts on the day of submission to the Secretary of State (in this case 2nd December 2021) and finishes on when the council receives the final Inspector's report (hopefully later in 2024)
- 2.23. The Planning Inspectors examine the Plan based on the NPPF tests of soundness, which are (from_NPPF paragraph 35):
- 2.24. **A) Positively prepared** – providing a strategy which, as a minimum, seeks to meet the area's objectively assessed needs; and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development;
- 2.25. **b) Justified** – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;
- 2.26. **c) Effective** – deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and
- 2.27. **d) Consistent with national policy** – enabling the delivery of sustainable development in accordance with the policies in this Framework and other statements of national planning policy, where relevant.
- 2.28. The Inspectors report will contain the Main Modifications that the Inspectors consider are required to make Merton's Local Plan "sound". The council can then determine whether to incorporate the modifications and adopt the new Local Plan or not. The Plan is taken as a whole, so the council can't determine to adopt some elements and reject others. Local Plan adoption is via a full council vote.

3 ALTERNATIVE OPTIONS

- 3.1. None for the purposes of this report.

4 CONSULTATION UNDERTAKEN OR PROPOSED

- 4.1. Section 2 of this report sets out the consultation stages that have happened. All consultation responses have been considered in developing the Plan. The Planning Inspectors considered [Merton's Statement of Consultation](#) as part of their examination, setting out what people and organisations told us about the plans, and what actions have taken place as a result of their comments.
- 4.2. The current post-hearings consultation is on the main modifications to the Local Plan. It closes on 22nd March 2024. The council will send all responses to the Planning Inspectors.
- 4.3. We would like to thank all the consultation responses we have received from individual residents, community groups and other Merton organisations on Local Plan and policies map. Local people have a forensic and in-depth knowledge of their local area and it is thanks to them taking the time to engage with and improve the Local Plan, for example in mapping the specific boundaries of individual open spaces or defining borough wide cycling routes.

5 TIMETABLE

Next steps

- 5.1. The timetable for the Local Plan so far is set out in the body of the report.
- 5.2. Following the close of consultation, officers will summarise consultation responses and provide a council response. All full consultation responses plus the summary and any other information required will be sent to the Planning Inspectors for their consideration.
- 5.3. [Section 6 of the Planning Inspectorate's procedural guide for Local Plan making](#) sets out the next steps. The Inspectors will consider all the representations made on the proposed Main Modifications before finalising their examination report and the schedule of recommended Main Modifications to the Local Plan.
- 5.4. Once the council receives the Inspectors' final report on the Plan, including any changes required to make the plan "sound", then full council can consider whether to adopt the new Local Plan and use it in determining planning applications for the borough.

6 FINANCIAL, RESOURCE AND PROPERTY IMPLICATIONS

- 6.1. The financial resources for preparing the Local Plan have been from within existing resources, supplemented by successful bids to external resources such as the Mayor of London's Homebuilding Capacity Fund.

7 LEGAL AND STATUTORY IMPLICATIONS

- 7.1. The Town and Country Planning (Local Development) (England) Regulations 2004 and the Town and Country Planning (Local Planning) (England) Regulations 2012 have both informed the statutory procedure to be followed before a Local Plan is submitted to the Secretary of State for independent examination. The Local Plan has been prepared in conformity with both sets of regulations as and when they applied.
- 7.2. Failure to adhere to the statutory procedure or a lack of robust evidence to support the plan may result in legal proceedings to challenge the validity of the plan.

8 HUMAN RIGHTS, EQUALITIES AND COMMUNITY COHESION IMPLICATIONS

- 8.1. An [Equalities Impact Assessment](#) has been prepared in conjunction with Merton's Local Plan and updated at each main stage.
- 8.2. The plans have also been informed by an ongoing Strategic Environmental Assessment and Sustainability Appraisal, prepared in parallel with each stage of the plan and used to ensure that the plans deliver social, economic and environmental benefits equally. Some of the objectives that the plans have been appraised against relate to improving community cohesion.

9 CRIME AND DISORDER IMPLICATIONS

- 9.1. The Met Police have been engaged in all stages of the preparation of Merton's Local Plan and have made representations on several issues.
- 9.2. The [Sustainability Appraisal](#) is prepared in parallel with each stage of the plan to ensure that the plans deliver social, economic and environmental benefits assesses the plans against objectives to reduce crime and the fear of crime.

10 RISK MANAGEMENT AND HEALTH AND SAFETY IMPLICATIONS

- 10.1. None for the purposes of this report.

11 APPENDICES – THE FOLLOWING DOCUMENTS ARE TO BE PUBLISHED WITH THIS REPORT AND FORM PART OF THE REPORT

- Appendix 1: [Merton's Local Plan - post hearings consultation on Main Modifications](#) – available via link to website as too large for email
- Appendix 2: [Schedule of Main Modifications](#) – available via weblink as too large to email
- Appendix 3: [link to interactive Policies Map](#)
- Appendix 4: [sustainability appraisal](#) of Merton's Local Plan Main Modifications

12 BACKGROUND PAPERS

- 12.1. All evidence and background papers for Merton's Local Plan are available [online via the Examination library](#)

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Committee: Planning Applications

Date: 14th March 2023

Subject: Planning Appeal Decisions

Lead officer: Head of Sustainable Communities

Lead member: Chair, Planning Applications Committee

Recommendation:

That Members note the contents of the report.

1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY

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

[LINK TO COMMITTEE PAGE](#)

Application Number **23/P1932**
Appeal number: APP/T5720/D/23/3332066
Site: 2 Crowland Walk, Morden SM4 6QU
Development: ERECTION OF A TWO STOREY FRONT AND SIDE EXTENSION.
LPA Decision: Refused (Delegated Decision)
Appeal Decision: **DISMISSED**
Date of Appeal Decision: 27th December 2024

[click LINK TO DECISION NOTICE](#)

Application Number **23/P0577**

Appeal number: APP/T5720/W/23/3328691
Site: 1A Landgrove Road, Wimbledon SW19 7LL
Development: ERECTION OF A REAR DORMER ROOF EXTENSION.
LPA Decision: Refused (Delegated Decision)
Appeal Decision: **DISMISSED**
Date of Appeal Decision: 29th February 2024

[click LINK TO DECISION NOTICE](#)

Alternative options

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

1 CONSULTATION UNDERTAKEN OR PROPOSED

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

2 TIMETABLE

- 2.1. N/A

3 FINANCIAL, RESOURCE AND PROPERTY IMPLICATIONS

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

4 LEGAL AND STATUTORY IMPLICATIONS

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

5 HUMAN RIGHTS, EQUALITIES AND COMMUNITY COHESION IMPLICATIONS

5.1. None for the purposes of this report.

6 CRIME AND DISORDER IMPLICATIONS

6.1. None for the purposes of this report.

7 RISK MANAGEMENT AND HEALTH AND SAFETY IMPLICATIONS

7.1. See 6.1 above.

8 BACKGROUND PAPERS

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

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Date: 14th March 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:

That Members note the contents of the report.

1. Purpose of report and executive summary

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

Current Enforcement Cases:	385	New Appeals:	1
New Complaints	10	Existing Appeals	21
Cases Closed	5	<i>There is a high volume of backlog at the Planning Inspectorates to determine appeals, the waiting time with them is several months, the existing appeals have not progressed with the inspectors.</i>	
New Enforcement Notices Issued			
Breach of Condition Notices	0	Prosecutions: (instructed)	2
Enforcement Notices	0	New Instructions to Legal	0
S.215:	0	Existing instructions to Legal	4
Others (PCN, TSN)	1	<hr/>	
Direct Action	2	TREE ISSUES	
Total	3	Tree Applications Received	195
		% Determined within time limits:	98%
		High Hedges Complaint	1
		New Tree Preservation Orders (TPO)	0
		Tree Replacement Notice	0
		Tree/High Hedge Appeal	0
		5-Day notice	7

Note (*figures are for the period from (from 2nd February 2024 to 1st March 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 -DIRECT ACTION

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 took direct action to clear the waste.



Before



&

After

174 Haydons Road, South Wimbledon – S215 Notice -DIRECT ACTION

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. The council took direct action to clear the waste.



Before

&

After

162 & 164 Hartfield Road, Wimbledon-Temporary Stop Notice and Breach of condition notice issued

A temporary Stop Notice has been issued in addition of the 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.

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 letter was sent to the representatives to issue a warning to submit documents for the Listed building consent to be made valid and 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 trailer has ceased trading as a hot food takeaway, but the trailer remains on the grounds.

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

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

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32 Glossary of terms

Glossary of Terms:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Officer presentations

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

Committee papers

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

Presentations

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

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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). 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) or deputy (Fabiola.hickson@merton.gov.uk).

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

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

Call-in

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

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

Summary of call in process

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

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

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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:

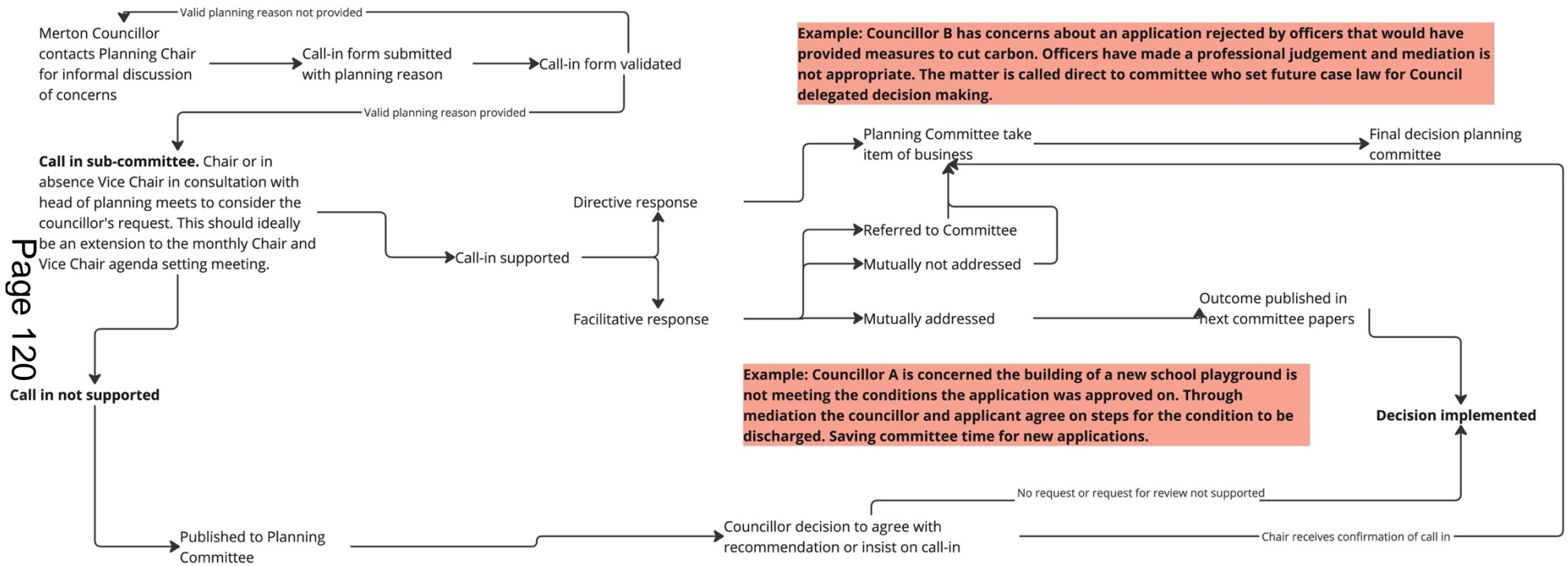
- Housing (Organised by number of units)
 - Applications with credible social housing
 - Proportion of significant proposed affordable housing
 - Private sale
 - HMOs
 - Alterations, extensions to existing
 - Other housing applications

- 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
functions**

Last updated 11/01/24 Next review 11/03/24

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Overview

The committee has dual functions. A policy advisory function, decide planning applications, and review delegated decisions.

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 list the milestones in a 22-day cycle between committee meetings. These align to the committee dates mapper provided to democratic services

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.

The committee should meet monthly with eight meetings a dedicated to planning applications and four to development policy advisory function. Discretion will be applied for example: to ensure planning applications are reviewed in a timely fashion, or to input into preparations for a policy document scheduled for cabinet.

Training forms a significant part of meeting preparation. At least four sessions a year will be dedicated to training on matters of policy or application. This is outside the annual mandatory training for committee members on probity.

Agenda slots: Three applications rule

Planning applications have approximately 1 hour 20 minutes dedicated to them. With capacity to take three applications on any night. Depending on the applications complexity two or more slots maybe used for one application.

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.

When there is a planning application on the agenda committee members must receive papers ten calendar days in advance of the meeting. When no planning applications are on the agenda this may revert to seven calendar days.

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.

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.

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 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	<p>Less than 6 residents apply but more than two will be decided on the following factors:</p> <ul style="list-style-type: none"> • Proximity to the red line boundary of the development • Can provide the committee with new insight into the impact development would bring • Where an application crosses local authority boundaries one slot is always reserved for a Merton resident <p>More than seven residents apply</p> <ul style="list-style-type: none"> • 7 selected by chance through computer programme <p>Two further reserves will be drawn using the same method</p>
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	Two minutes each. Max six minutes collectively.	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

Type	Max number	Time to speak	Qualifications	Considerations for allocation of speaking slots
				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 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

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

Technical briefing for planning applications

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 for planning applications

No later than 10am the day of the committee, 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.

Questions by email

Committee members are also able to submit written questions on planning applications to be heard by the committee to area leads copying in the Chair up until the day of technical briefing. Responses will be included in the modification sheet. Questions submitted after this time may not be answered by officers in order to prepare the timely publication of the modification sheet. If there is no technical briefing there is no deadline.

Site visits

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

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

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

Site visits will typically be organised for the same evening as technical briefing.

Call-in

Appendix three 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) 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. The form is automatically sent to the Chair, Vice Chair and Head of Development.

CALL IN FORM

- (B) 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.
- (C) The outcome is reported at the next meeting of the Committee, or item of business included in the agenda.
- (D) Call-ins may be heard by committee or through mediation. If mediation fails cases can return to the committee.
- (E) If an appropriately validated call-in request is not supported, Councillors can request the committee take the business. This may be granted with the inclusion of the call-in decision report and copy of the submission form.

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

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

Committee delivery

[Minimum number of committee attendees](#)

A minimum of five members including the chair will be required to conduct a meeting.

[Presentations](#)

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

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

It's important any statements are supported by fact and reasoned opinion.

[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.

[Seating at the meeting and conduct](#)

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.

Behaviors 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 should follow 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:

- 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

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. 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

At any time the Chair can call for a vote to defer the meeting. This will normally be the result of new information coming to light or an absence of information requiring further time and analysis.

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.

Declarations of Interests

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

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

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

Post 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 committee's forward plan and map out accordingly.

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
 - 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

