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Merton Council

Planning Applications Committee

10 February 2022

Supplementary agenda

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Planning Applications Committee

10th February 2022

Supplementary Agenda

Modifications Sheet.

Item 5. Land to the Rear of 1-5 Archway Close, Wimbledon Park, London SW19

Page 11 Consultation – additional to paragraph 6.1

Two representations objecting to the application, in addition to the one reported in the Committee Report, have been received which includes a joint representation from ward Councillors Edward Gretton, Janice Howard and Oonagh Moulton.

Reasons for objection

1. The units overlook the windows and garden of 1 Railway Cottages due to the height of the gangway that serves the units.
2. The locations of trees on the submitted plans are incorrect – the trees and hedges that are supposed to screen the development do not exist as indicated and are not evergreen. The deciduous fruit trees along the boundary fence do not provide screen in the winter months.
3. There is light pollution from the security lighting that is intrusive and it is not time controlled as stated within the application.
4. There is inadequate and unrealistic parking provision.
5. The building is 5m from out boundary and sits higher than surrounding buildings.
6. Poor quality building, the design of which is not set within the parameters which the owners of 1 Railway Cottages were required to confirm to when they submitted a pre-application advice for a development and the building is detrimental to the character and appearance of the local area.
7. Glare caused to motorists on Durnsford Road bridge from the glazing within the units at certain times of the day.
8. The two storey building with gangway is in contravention of a condition of 1 Railway Cottages approved planning application 20/3780 which prohibited the use of a flat roof of an extension as a terrace.

Case Officer response:

The view from the office units to 1 Railway Cottages is from an oblique angle and this together with the separation distance between the two buildings is sufficient to mitigate any direct overlooking that results in material loss of privacy to the habitable room windows and garden area of 1 Railway Cottages.

Despite the deciduous fruit trees along the boundary fence not providing screening in the winter months as mentioned above, the view from the office units to 1 Railway

Cottages is from an oblique angle and this together with the separation distance mitigates direct overlooking and consequently significant loss of privacy.

The application has stated that the security lighting is time controlled and Officers will apply a condition securing details of the security lighting.

The plans show car parking allocated for the units which is compliant with London Plan parking standards.

The building is 5 metres from the rear boundary of 1 Railway Cottages but the overall distance from the rear of the property is sufficient to mitigate significant overlooking and loss of privacy to habitable room windows and the most intensively used part to the garden area which is immediately near the building in question.

Every planning application is assessed upon its own individual merits. It is not considered that the office units have an adverse impact on the character and appearance of the locality which in this instance is industrial in nature. The office units consist of materials commonly found on industrial buildings such as metal and the overall form of the building is simple like many industrial buildings and are not particularly attractive aesthetically, although it is considered that the office units are well designed and well-designed example of their type.

The Transport Planner has raised no objection to the proposal based on impact to motorists due to glare from the buildings.

Every application is determined on its own merits. A condition preventing use of a flat roof above extension as a terrace is used to prevent overlooking and noise disturbance to immediate residential neighbours either side of the property in question. In relation to the gangway of the office units and 1 Railway Cottages, officers consider this to be different as the buildings are not situated immediately next to each other.

Reasons for objection from the joint representation from ward Councillors Ed Gretton, Janice Howard and Oonagh Moulton

1. The developers built the development with without consent
2. The design and materials are out of keeping with the local heritage bridge and historic brickwork and heritage railway cottages.
3. The cottages and gardens at the rear are overlooked.
4. The strong lights are a nuisance and remain on at night.
5. No form of landscaping or tree cover has been provided on site and would provide the railway cottages from overlooking.

Case Officer response:

Whilst the building was built without consent, enforcement action has led to this planning application to be made. Durnsford Road bridge and the railway cottages are not listed and as such the office units do not adversely affect them and their setting. The office units comprise materials commonly seen in the wider industrial area and its form is of a design that closely relates to industrial architecture. Reasons for objection 3 and 4 above have already been addressed above. Officers do not consider that tree planting would be appropriate to provide screening.

Page 16 – Conditions:

Additional conditions recommended:

8. No external lighting shall be installed without the prior approval in writing of the Local Planning Authority.

Reason: In the interests of neighbouring amenity and in accordance with Policy DM D2 of the sites and Policies Plan 2014.

9. Within 2 months of the planning permission hereby permitted, details of the security lighting shall be submitted to and approved in writing by the Local Planning Authority. The security lighting shall include times for on/off so that it has minimal impact during un-sociable hours, and details of their position and angle on the site.

Reason: In the interests of neighbouring amenity and in accordance with Policy DM D2 of the sites and Policies Plan 2014.

Item 6. 94 Cottenham Park Road West Wimbledon London SW20 0DP

Item 7. Rufus Business Building Centre, Ravensbury Terrace, Wimbledon Park, London, SW18 4RL

Page 60 – Consultation

Additional representation

Late letter of objection received further to the previously submitted petition. The letter raises the following concerns:

- Rufus Business Centre and Wellington Works sites should be considered together (co-coordinated)
- All access to Wellington Works must be provided through the Rufus Business Centre (Dawlish Avenue is not a safe access to Wellington Works).
- Rufus should be refused as it does not provide vehicle access to the Wellington Works site.
- We support both Rufus and Wellington Works but only in a way that is safe and sympathetic to the local community.

Officer response – Officers acknowledge the merits of the points raised regarding access (as Wellington Works could be land locked for future residential purposes), however officers have limited power and no planning policy justification which specifically states that the redevelopment of Rufus Business Centre must provide a

vehicular access to a neighbouring site (Wellington Works). Officers encouraged the applicant to look at providing a vehicular access to Wellington Works, however the applicant states that due to flooding constraints on the site (flood zones 2 and 3 – medium and high probability of flooding respectively) a new road would affect flood displacement.

The applicant has confirmed that during discussions with the Councils Flood officer and Environment Agency:

The proposals for development at Rufus Business Centre include a retaining wall along part of the southern boundary. This wall has been specifically set to a level of 8.95m AODN to restrict the amount of floodwater reaching Durnsford Rec (and surrounding properties) as a result of flooding from the River Wandle. The proposed pedestrian access from Rufus onto the access road has been set to a level of 8.83m AODN for the same reason. Reducing the length of the retaining wall or lowering land levels in these areas would create an increased risk of flooding to nearby properties, by allowing too much water from the River Wandle to flow onto the Recreation Ground and into the surrounding area. Equally, raising these levels would have the opposite effect by reducing the amount of floodwater that can reach the Recreation Ground, and would consequently increase the risk of flooding to the properties on Haselmere Avenue and Ravensbury Terrace. As such, it is advised against changing the land levels along the access road to facilitate a new vehicular access through the development site.

Other matters relating to a new road include increased costs, under optimisation of the site (potential loss of affordable housing) and part of the land sits outside the applicants ownership.

As set out in the committee report, officers has safeguarded potential pedestrian/cycling routes as required by planning policy.

It should be noted that Wellington Works Site is currently a commercial unit (long standing use) and attempts to provide residential on the site have been refused planning permission by the Council on inappropriate access/highway safety grounds. These decisions have been defended at a public inquiry (LBM Ref 17/P1400 - use of both Wellington Works and Dawlish Avenue access) and the recent planning refusals (LBM ref 20/P1675 & 20/P1665) is now subject of a pending appeal.

Clarification

Page 91 - Paragraph 7.5.24 updated (typo) to confirm development has been designed based on compliance with Part B of the Building Regulations 2019 not 2010 as originally sited.

Paragraph 7.5.24 updated as follows:

- 7.5.24 The application is accompanied by an independent Fire Strategy Statement by Mr Salisbury, a Chartered Fire Engineer at Salisburyfire. Mr Sailsbury graduated with BEng (Hons) in Fire Engineering from the University of Leeds (1999) and is a member of the Institution of Fire Engineers and member of the Society of Fire Protection Engineers. The Statement provides a summary of the key fire safety features of the building. This is based on compliance with Part B of the Building Regulations 2019. In order to ensure that the development is carried out

in accordance with regulations, a planning condition requiring full details of Fire Strategy measures, including evidence of agreement from an approved Building Control body (approved inspector) can be secured via planning condition.

Item 8. St George House East Wimbledon SW19 4DR

Page 172 - Consultation

Following publication of the Planning Applications Committee Agenda, a further 177 letters of objection and 1 letter of support have been received. The letters of objection were on the following grounds:

- Excessive size/height and out of keeping with surrounding area/overbearing
- Poor design/materials
- Overdevelopment
- Loss of daylight/sunlight and overshadowing
- Disruption during construction
- Precedent
- Demolition of existing building is unsustainable/against climate change policies
- Lack of consultation
- Lack of office demand
- Site should be used for housing not office
- Building may only be temporary due to crossrail
- Increase in congestion once building is built
- Lack of public benefits for a scheme of this size

The letter of support was due to the proposal Improving the local economy given the uplift in the number of workers employed in the building, and the high quality of the proposed elevations.

Page 204 – Conditions:

Add following conditions:

Condition 36 - Temporary cycle provision

Condition 37 - Details on wind microclimate mitigation measures

Item 9 201A South Park Road, Wimbledon, SW19 8RY

Page 237 – Consultation:

Insert paragraphs below para 5.1.

Para 5.2: Further representations were received from the occupant of no. 203 South Park Road. The main points raised include:

- Concerns there are inaccuracies in the plans that are material.
- Gap between existing and proposed building (201 to 203) is less than 3m – an error in the plans.,
- Concerns regarding building profile of 203 wall length.
- The bay window at no. 203 is missing
- 201 existing floor levels are not 10cm (as per plans) see attached. Floor level is 30cm above ground. Many photos have been submitted.
- Existing height of 201 building as it faces 203 is actually 3.2m (not 2.8m)
- Changing ground levels are not taken into account in the plans and the fence actually steps down over the course of the length of 14.7m.
- The fence line height also changes between existing and proposed, In the interests of transparency, can you indicate why Merton has allowed this to change in the plans? Are they including changing the fence then? As part of the freedom of information act, can we please ask for details on the fence discussion you have had with the applicant, if there have been none, then the fence needs to be the same height in both plans. So this is another slight of hand.
- The side window of proposed plan is wrong as it if was accurately depicted it would show poor design.
- Concerns the accuracy of the stairwell window
- Clarification sought regarding condition 3 (external materials)
- A letter was received from a third-party surveyor (Schloeders Begg Surveyor) which presents discrepancies in measurements on the land of no. 203.

Para 5.3 A letter of objection was received from Barker Parry Planning Consultants on behalf of no. 199 South Park Road. The main points raised include:

- The only reasonable assessment of the current application is that it results in similar, if not identical, extent of harm as the previously refused April 2021 scheme (21/P0834).
- The Officer has not outlined how the omitted section of roof slope has tipped the level of harm caused by the extension height/length from unacceptable to acceptable. If such an assessment had been done, officers would not have been able to demonstrate or quantify how this has tipped the balance away from being too harmful.
- There are no planning benefits arising from the proposed development as the scheme simply extended an already extended open plan living area and consequently any resultant harm from the development cannot be outweighed. Therefore, this application must be considered to result in a level of harm upon the living conditions and enjoyment of 199 South Park Road which is unacceptable.
- There has been a clear history of incremental extensions and applications which, of those approved, have each resulted in an increase in harm to the

amenities of No.199 but not, when considered individually, an unacceptable level of harm.

- There is an obligation upon the decision maker to consider the cumulative impact of these reductions in outlook and amenity. There is also an obligation to be consistent with decision making and from any reasonable interpretation, the current application recommendation and assessment is not at all consistent with the approach and conclusions of either the 2021 refusal or the Inspector's 2011 refusal.
- There are other considerations associated with the currently proposed scheme which can be reasonably considered to be more harmful and less favourable than the previously refused scheme. Namely the resultant impact upon design quality and appearance of the proposed extension from artificially omitting the 3.7m extent of roof slope.
- It is considered that given the serious failings within the assessment of the current application, the Team Leader should take the opportunity to revisit the assessment and recommendation of the proposal.

Page 243 – Conditions:

Amendments to Section 9 (Conditions)

Amendment to condition 3:

The facing materials to be used for the development hereby permitted shall be those specified in the application form unless otherwise agreed in writing by the Local Planning Authority.

Condition 6:

Before the development hereby permitted is first occupied, the stairwell window between ground and first floors in the east side elevation shall be glazed with obscure glass and shall permanently maintained as such thereafter.

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

Item 10. Planning Appeal Decisions.

Item 11. Planning Enforcement Summary.

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