

Merton Council

Planning Applications Committee

21 March 2019

Supplementary agenda

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Planning Applications Committee 21st March 2019 **Supplementary Agenda (Modifications Sheet)**

National Planning Policy Framework (NPPF) - published 19th February 2019.

Officers note that the NPPF 2018, has been amended by NPPF 2019 (updated on 19 February 2019).

All references in Committee reports to NPPF 2018 are amended to NPPF 2019.

The revised NPPF and PPG have been updated to respond to the September 2018 publication by the MHCLG of the 2016-based household projections, which generated lower minimum housing needs figures nationally. Specifically, the Government has confirmed that the 2014-based household projections should be used to provide the demographic baseline for the Standard Method for a limited period of time.

Officers advise that over the next 18 months the Government will review the Standard Method formula with the intention of establishing a new approach that could better meet the Government's aspirations for housing.

The latest version of the NPPF also contains clarifications and minor changes in relation to footnote 37 in relation to housing needs, and paragraph 177, in order to improve alignment with the Habitats Regulations 2017, and glossary definitions of "local housing need" and "deliverable".

Officers consider that the amendments to the NPPF are such as not to require deferral of the applications under consideration on the agenda.

Item 5. Wimbledon Rugby Club Beverley Meads Barham Road SW20 0ET **Application Number: 18/0183** **Ward: Village**

Consultation (pages 8 to 17)

Two letters of objection have been received from occupiers of 54 Barham Road and 4 Wolsey Close.

54 Barham Road:-

-It is noted from the Planning Portal that a transport survey was undertaken for the RFU. No notification was given of this and it has not been consulted upon and as such we have not been given the opportunity to respond.

-There are no signs up at the site in respect of changes/additional information. Given the controversial nature of the application, and the level of concern regarding parking and traffic in objection letters, this cannot be considered immaterial.

-It is recommended that the Planning Application 18/P0183 is taken off the Planning Committee agenda for this week, and that the consultation period is reopened for an appropriate period to permit local residents, parking users and those who have responded to previous consultations a chance to respond.

4 Wolsey Close

-I would, in advance of the Planning Committee meeting of 21st March 2019, like to formally object again to planning application 18/P0183 and the issuing of a flawed parking survey, commissioned by the Rugby Football Union (RFU) to the benefit of Wimbledon Rugby Football Club (WRFC), which has been snuck into the planning documents without any formal notification of its presence prior to the Planning Committee meeting and a chance for local residents to assess it completely.

-This document, dated 13th February 2019, has only been uploaded onto the Merton Council planning portal on 11th March 2019 and I have only come across it because I wanted to quickly check that nothing had been added before the Planning Committee meeting this Thursday. Based on this clandestine introduction of this flawed document to support planning application 18/P0183 it is my view that the planning application should not be included within the agenda for Thursday evening, least of all approved.

-The parking survey report should be thrown out and excluded from the assessment of planning application 18/P0183 because of the following reasons (more detailed justification is provided later):

- 1) The 'perfect' days / weekends have been chosen by WRFC itself. This is effectively getting WRFC to mark its own homework which they themselves have set
- 2) The parking survey is not representative of the situations that local residents have reported (with photographic evidence) for the dates / times when severe overflow from the two car parks occurs
- 3) Private roads cannot be considered as available parking spaces
- 4) The calculation of the capacity of roads is fundamentally flawed and as a consequence the percentage occupancies of those roads are inaccurate and must be thrown out / challenged. These calculations appear to take no account of things such as access to properties and widths of the roads
- 5) Within the parking survey there is no accountability for the parking on streets around WRFC. Occupancies are only stated as a percentage (based on flawed capacities) with no indication of the types of vehicles that are parked
- 6) Within the parking survey there is no indication of modes of transport for those getting the WRFC. Any survey of this sort should have a breakdown of the types of vehicles (e.g. cars, minibuses, coaches) and where possibly the occupancy of those vehicles (e.g. single occupancy, multiple occupancy). There is nothing, just a statement of the number of vehicles within the two car parks and the flawed occupancy percentages on surrounding roads
- 7) The scope of the survey was insufficient, especially given that the Minis & Youth website specifically states that when the car parks are full after 9:30am on a Sunday then people should park in roads such as Beverly Avenue, Holland Avenue, Cottenham Park Road, etc. The parking survey should have included the wider area that is affected by WRFC

-We would therefore like to formally object again to planning application 18/P0183 and make the Planning Committee aware that the last two submissions in support of the planning application are flawed. As was pointed out by myself on 6th October 2018, the noise report commissioned to support the planning application was flawed and now this parking survey report is also flawed.

-The only decision the committee can make is to refuse planning application 18/P0183 as the RFU / WRFC have failed to prove that the planning application will fall within guidelines for noise and have not proven that parking facilities are sufficient such that the planning application (and ongoing activities at WRFC) do not have a detrimental effect on local residents. Also, under no circumstances should paved / concreted over

car parks ever be allowed over large swathes of Metropolitan Open Land which was what was indicated as the next step by WRFC should the planning application be successful.

Item 6. 141 The Broadway Wimbledon SW19 1QJ

Application Number: 17/P0296 **Ward: Abbey**

No modifications.

Item 7 The All England Lawn Tennis and Croquet Club Church Road Wimbledon London SW19 5AE

Application Number: 18/P4236 **Ward: Village**

No modifications.

Item 8. 356 Garth Road Morden SM4 4NL

Application Number: 19/P0418 **Ward: Lower Morden**

No modifications.

Item 9. 27 - 39 Hartfield Road Wimbledon SW19 3SG

Application Number: 18/P4447 **Ward: Dundonald**

Consultation (pages 101 to 104).

Amend paragraph 6.3 to read:

Following receipt of amended plans a further re-consultation was carried out. In response, a further 76 objections and a petition with 159 signatures was received. One letter of support and two letters of comment were also received. In addition to the reasons of objection outlined above further concerns were raised concerning the following:

- Impact of additional traffic on Graham Road due to new access now being proposed on Graham Road, impact on parking along Graham Road
- Unacceptable impact on pedestrian/child safety due to new access from Graham Road
- No dedicated waiting areas for taxi pick up/drop offs
- Introduction of kerbs to create access on Graham Road is not pedestrian friendly
- Antisocial behavior and noise from potential A4 use
- Increased wind speeds due to height of building
- Public order/Potential for crime
- Loss of on-street parking bay on Graham Road
- Lack of public consultation
- Oversupply of hotels in Wimbledon/Hotel will not be high quality

The letter supports the proposal on grounds of its high quality design and materials which would set a good precedent for future applications in Wimbledon.

Recommendation (Conditions) (pages 112 to 121).

Amend Condition 34 to read:

No development beyond damp proof course level, shall take place until details of permeable paving and the proposed green/brown roofs are submitted to an approved in writing by the Local Planning Authority. The details of the green/brown roofs shall include information on species, planting density, substrate, a section drawing at scale 1:20 demonstrating the adequate depth availability for a viable green/brown; and a maintenance plan. The measures shall be implemented in accordance with the approved details and be permanently retained as such.

Reason: In order to conserve and enhance biodiversity and wildlife habitats in accordance with the provisions of policy CS.13 of Merton's Core Planning Strategy 2011.

Add Condition No. 37:

The development shall not be occupied until details of security measures including CCTV operation and the bomb blast resistance of the buildings external design, are submitted to and approved by the Local Planning Authority. Details of bomb blast resistance shall be in line with the guidance document CPNI EBP 01/14: April 2014 'Measures to improve the blast resistance of glazing'. The approved details shall be implemented prior to occupation of the development and permanently retained thereafter.

Reason: To ensure a safe and secure environment is provided in accordance with policy 7.3 of the London Plan (2016) and policy DM.D2 of the Merton Sites and Policies Plan (2014)

Remove condition No.19

Item 10. 58 Haynt Walk Raynes Park SW20 9NX

Application Number: 18/P4357 **Ward: Cannon Hill**

Drawings (page 125):

One amended plan received to reflect ground floor accurately. Named 'Block Plan Amended' to replace 'Block Plan'.

Consultation (pages 129 to 130).

One late objection letter received raising the following concerns:

- Previous scheme (17/P2447) has been refused by inspector on harm to neighbour at no.56. There is currently an appeal with the Planning Inspectorate (18/P2416), wouldn't it be advisable for the Committee to wait for the outcome of this appeal, even with the 1.5m set-back position? Loss of outlook would still be evident
- The new build will appear dominant and intrusive to no. 54 & 56 Haynt Walk and will affect no.56's right to light.
- Concerns of the obscure glazed windows at the front of the new build property. These windows could be altered by new occupants in the future and could be unchallenged by the Council
- List provided of various planning advisory websites regarding it not being a criminal offence to breach planning control or fail to meet conditions.
- The enforcement of glazing would be a small matter and would not investigate complaints.

- Merton Council does not care about the devaluation of neighbouring property by turning a semi-detached pair into a terrace.
- Merton Council does not care about additional flooding and the proposal will have a detrimental effect to the drainage in the area. Merton Council's comment on the fact that the application site is not at risk of fluvial or surface water flooding in comparison to neighbours is selfish and only care about the new build site and not neighbours. Neighbours in the area have had problems with drainage and flooding and it seems to get worse over time.
- If the new build is granted the Council will have made a rod for their own back and any future application at the site will be given the green light.
- This particular part of Haynt Walk will become a concrete jungle, when the estate was built they only meant to build two houses on this part of land.

Officer's response:

- The difference between this scheme and previously refused scheme have been highlighted in the body of the report, specifically, paragraph 3.7.
- This scheme is materially different to the one currently being considered by the Planning Inspectorate.
- Matters of impact to neighbouring amenity, flood risk and property devaluation have been addressed in the body of the report.
- There is a condition to retain the obscure glazed windows which if breached could lead to enforcement action.
- The granting of permission for a new dwelling would not prejudice the outcome of future applications. Furthermore, a condition is recommended to remove permitted development rights in order to safeguard neighbouring amenity.

Item 11. Wimbledon Stadium Plough Lane Tooting SW17 0BL
Application Number: 18/P3354 **Ward: Wimbledon Park**

Consultation (page 162 to 192).

Two late objection letters received, the letters raise the following points:

Air Quality

- The committee report fails to comment on the flaws in the Environmental Assessment of the applicant found by Wimbledon Park Residents Association.
- National, London and Merton planning guidelines require that Merton must refuse planning for any application that increases air pollution in areas which already exceed EU limits, as is the case for this application.
- The environmental assessment put forward with the original application relied on pollution modelling that predicted pollution in the past as well as in the future. The results in the past significantly disagreed with those measured by Merton Council.
- In an additional technical note the applicants tried to explain away this difference in terms of the fall off of the N02 levels with distance. However, these levels have also been calculated by Merton Council and the results disagree with the modelled results of the applicants. For a discussion of this

discrepancy please see the comments of the Wimbledon Park Residents Association reproduced on pages 174-77 of the papers for the Planning application committee agenda 11. Hence even when the fall off with distance is taken into account the applicants modelled results in the past disagree with those measured by Merton Council.

- The applicants did not follow the required planning guidelines (DEFRA guidelines "Local Air Quality Management, Technical Guidance (TG16) February 2018) to assess the uncertainties of their model. Using these guidelines to compute the uncertainties in their modelling we find that they are of a similar magnitude to the results themselves. As a result, the modelling of the applicants cannot be used to justify air pollution levels in the future.
- The letter of Clyde and Co, instructed by the Wimbledon Park Residents Association, asked for a resolution of the discrepancies between those of the applicant's air modelling and those measured. Clyde and Co were assured that "the applicant's Addendum had satisfactorily addressed the development" and were promised that "Full consideration of the relevant issues on this point will be detailed in the Council's Committee report". However, such a justification has not been given. Hence the flaws in the applicant's environmental assessment have not been satisfactorily addressed by Merton Council.
- The application requires an environmental assessment that can be trusted and shows that there is no increase in air pollution due to the increase in traffic resulting from the development. The environmental assessment submitted by the applicants does not satisfy this requirement as it disagrees with measured results in the past and has large uncertainties. Merton Council has not resolved these discrepancies nor have Merton Council taken any of the future possible actions, such as the withdrawal of the application, set out in the original letter of Clyde and Co. As a result, the application should now be refused.

Creche

- The committee report fails to include information relating to the Boroughs 2018 Childcare Sufficiency Report.

"Whilst the estimated population of very young children across Merton is decreasing, there are 3 wards – Lavender Fields, Figge's Marsh and Wimbledon Park – that have the highest numbers of children under the age of five and also have planned or potential local development housing schemes of over 100 units of more. This may impact on demand for additional childcare provision in these local communities in the future."

It goes on to say: "There are a few wards, Wimbledon Park and St Helier in particular, where available places do not meet demand. "

- How can Merton Council state that there is no need for childcare provision in this area, while the Childcare Sufficiency Report states the opposite? Who from Merton Council provided this advice which is contradicted by your own Childcare Sufficiency Report 2018?
- Why isn't the Council asking the applicant to find a more appropriate spot within the development for the childcare provision, as was suggested by the applicant in its own Healthcare Impact Assessment of September

2015 (point "5.10: *The applicant is considering options for nursery/crèche provision on site and will seek to provide this where most suitable*")?

- Why isn't the Council asking for monies to fund provision of much-needed childcare facilities in our neighbourhood which were promised under this application but will not now be provided?
- Failing to reference a Council report which is key to a decision PAC members are being asked to make is undoubtedly an omission which serves to mislead
- Why are the material facts not included in the committee report and why are members of the planning committee not being made aware of the shortage of childcare provision in Wimbledon Park, and of the Council's statement that the 632 new housing units in Plough Lane will likely exacerbate this shortage?

Other

- Although this is described as a minor amendment, from the environmental perspective it is to be treated as a new application and so it requires an environmental assessment.

1. **Officer Response**

8.9 Air Quality

Updated paragraph 8.9.13 in the Committee Report to the following:

The applicant's analysis on air quality has concluded that the scheme as a whole is air quality neutral. The development is considered air quality neutral for both building and transport as NO_x and PM₁₀ emissions are below the benchmarks set in Appendix 5 of the SPG. Furthermore, the development does not lead to any additional exceedances of the air quality objectives and therefore is compliant with the above criterion.

Insert additional sections to the Air Quality section of the Committee Report:

Wimbledon Park Residents Association (WPRA) Objection

8.9.19 In response to the applicant's alleged flaws in the assessment of the likely air quality impact of the Development, raised by Clyde and Co on behalf of WPRA (letter dated 9th November 2018), the Council's Air Quality Officer has fully considered the points raised.

8.9.20 The Council's Air Quality Officer has confirmed there is no objection to the proposed development subject to conditions and S106 agreement. In reaching that recommendation, the Council's Air Quality Officer assessed Air Quality against the information submitted by the applicant during the application process.

8.9.21 In response to the alleged flaws raised by WPRA, the Council's Air Quality Officer states that they are largely in agreement with the response provided by the applicant which sufficiently addresses the WPRA objections.

Applicants response (to the WPRA letter dated 9th November 2018).

NO2 levels:

In the Addendum, NO2 levels are significantly at variance with the measurements recorded by the Council (and other parties). The letter is comparing the measured pollutant concentrations at two monitoring locations from the Council and community measurements with the predictions that are made at specific receptor locations within the ES.

The applicant cannot comment upon the community monitoring results as we do not have any details of where the measurements were taken (height and distance from the road), for how long, and whether the data is bias adjusted and annualised in accordance with relevant QA/QC procedures and Defra Technical Guidance TG (16).

However, it is important to realise that the exact location of the monitoring point and prediction point in relation to the road is important, as pollutant concentrations reduce rapidly away from the road. Unless the locations are the same, it is not possible to directly compare the results.

In the case of the local authority data, measurement points 26 (Gap Road) and 27 (Plough Lane) are 2.3m from the kerb of the road. The predicted concentrations are on the facades of the relevant properties, which are further from the road than the measuring locations. The annual mean National Air Quality Strategy Objectives apply on the facades of properties and that is why the predictions are made at those locations. As the facades of the properties are further from the road than the monitoring points, then the concentrations are lower. The effect of the additional separation is determined by the atmospheric dispersion modelling that was undertaken for the assessment.

Additional comments from the Councils Air Quality Officer

The Council measurements quoted are taken from Table D of the 2018 Annual Status Report (ASR).

The Council cannot formally support the air quality data provided by WPRA as an accurate reflection of air quality in this area. The measurements provided lack the detail required to validate them. Whilst the Council supports citizen science and community involvement in air quality monitoring when considering a planning application, it is essential that data is collected and treated in accordance with the relevant technical guidance and QA/QC procedures.

Air quality neutral:

Applicants response

This is a specific term in relation to a comparison of emissions from the development against published benchmarks; it is not a comparison of predicted concentrations with and without the development in place. As air quality neutral concerns emissions, it is not appropriate to include in an Environment Statement (ES) as this deals with impacts and effects (i.e. the consequences of the emissions). However, it may be the case that the applicant is asked to provide a comparison of emissions in accordance with the air quality neutral calculation process. If the development is not deemed to be air quality neutral, then mitigation may be requested.

Exceedances in 2025

There are two receptor locations within the ES where the predicted annual mean NO₂ concentrations in 2025 exceed 40µg/m³, R4 and R10. However, as explained in paragraph 10.6.11, this is not a residential property and therefore the annual mean objective does not apply and the assessment level is 60 µg/m³ for short term impacts. This is not exceeded at R10.

For R4, as explained in 10.6.12, the assessment has used a conservative approach to the selection of vehicle emission factors and background concentrations (using data from 2021 instead of 2025). Given the rate at which vehicle emissions are predicted to reduce in the future (Appendix 10.4), had vehicle emission factors from 2025 being used, the predicted concentration would be below 40 µg/m³. It can therefore be concluded that it is unlikely that the National Air Quality Strategy Objective will be exceeded in 2025, as explained in 10.6.12.

It should also be noted that there is a difference between EU Limit Values and National Air Quality Strategy Objectives. Compliance with EU Limit Values is undertaken by Defra and is based on National modelling and modelling which is different to the local modelling assessment that we have undertaken. Nevertheless, as predicted concentrations at relevant receptor locations are below 40 µg/m³, the development is unlikely to compromise the achievement of EU Limit Values.

In Table 10.5.2 in Appendix 10.5 we have provided a comparison of the concentrations with and without the development. At R4, the contribution is only 0.2 µg/m³. In order to evaluate the effect of mitigation we would need data on the change in traffic or the change in vehicle emissions that the mitigation would provide. This data is rarely available.

Conclusion

8.9.22 Following advice from the Council's Air Quality Officer, Planning Officers are content that the correct procedure has been undertaken by the applicant. It is considered that the applicants Addendum and supporting

information has satisfactorily assessed the development in accordance with the Environmental Impact Assessment (EIA) Regulations. The Council properly considers that it can therefore determine the planning application before them lawfully.

Note - Sections 6.2 and 6.3 of the committee report contains details of the objections received from the Wimbledon Park Residents Association.

Following a late statement from the applicant, the Councils Air Quality Officer has confirmed agreement with the following:

- The PBA analysis on air quality has concluded that the scheme as a whole is air quality neutral;
- A series of mitigating measures relating to air quality were included in the approved scheme as a matter of best practice, but the air quality conclusions do not rely on them;
- The Council has taken account of new considerations that have arisen since the previous decision, including the new NPPF (in particular para 181) and Merton's adoption of its 2018 Air Quality Management Plan. Also, the air quality assessment work undertaken by Peter Brett Associates has given consideration to the effects on human health in the ES Addendum submissions.

4. **Boroughs 2018 Childcare Sufficiency Report.**

A late objection letter raises concerns that the committee report does not include information relating to the Boroughs 2018 Childcare Sufficiency Report.

As set out in sections 8.3.7 and 8.19 of the committee report, the reason why the applicant sought to include the crèche as part of the original scheme was to help provide some visual interest and animation through the proposed elevation treatment of the stadium. The applicant is now seeking alternative elevation treatment of the stadium (including a lighting scheme).

From a planning perspective, there is no policy requirement to provide the crèche (Site Proposal 37 – Wimbledon Greyhound Stadium - Intensification of sporting activity (D2 Use Class) with supporting enabling development). The Adopted Site Proposal does not specify the types of enabling development to facilitate sporting Intensification, therefore this is purely a commercial factor based on the viability of the redevelopment. Therefore, the Council cannot justify the retention of the crèche as part of the redevelopment of the site, despite the objections received.

The applicant has made a valid start on the site and therefore the original planning approval has been implemented. In light of the above (no policy requirement under the adopted Site Allocation) and the scheme seeking to provide only 28 additional units, the contents of the Boroughs 2018 Childcare Sufficiency Report has no material influence on the application and does not need to be included in the committee report.

Notwithstanding the above, the Councils planning policy Officer has responded to the points raised in the late objection letter:

1. **Whilst the estimated population of very young children across Merton is decreasing, there are 3 wards – Lavender Fields, Figge’s Marsh and Wimbledon Park – that have the highest numbers of children under the age of five and also have planned or potential local development housing schemes of over 100 units of more. This may impact on demand for additional childcare provision in these local communities in the future**

Planning Policy Officer Response

Merton’s Childcare Sufficiency Audit 2018 takes sites with new homes into account [see page 13, table 2, including specifically the new homes already granted planning permission at Wimbledon stadium under 14/P4361 which are due to be occupied by 2023.]

Although Merton’s childcare sufficiency report does not identify a current shortage of childcare places in Wimbledon Park and Wandsworth’s Childcare sufficiency audit does not currently identify a lack of childcare places in the neighbouring ward, Earlsfield, to take account of any scenario in the future where there might be increased demand, Merton’s Childcare Sufficiency Action Plan 2018-19 contains several actions including:

- one of the actions in the Childcare Sufficiency Audit Action Plan is for the council to *continue to work with the childcare sector to make sure that in wards where there are new housing developments planned, information is shared in good time so providers can consider this in their delivery models in order to meet potential new demand.*
- Another relevant action is to *continue to work with the planning team to ensure that in wards where there are new housing developments planned that potential childcare needs has been considered.*

These reviews will also be able to consider wider opportunities, impacts and trends as parents can take up childcare provision in a wide variety of places and locations (e.g. near their place of work, in their own home, shared with other parents, in nurseries, after-school clubs etc)

2. **There are a few wards, Wimbledon Park and St Helier in particular, where available places do not meet demand.**

Planning Policy Officer Response

This quote above applies specifically to state-funded places for 2-year olds from low income households. The quote above does not apply to available childcare places in general.

[Merton’s Childcare Sufficiency Report page 4] *Take-up of early education for eligible two-year-olds has remained steady over the last few terms, supported by the Local Authority’s Childcare Engagement Team delivering outreach to eligible families. The number of families with eligible 2-year-olds in Merton is*

decreasing, so whilst the numbers taking up a free place is stable there is an overall small percentage increase. There are a few wards, Wimbledon Park and St Helier in particular, where available places do not meet demand. The supply in these wards has been impacted by two local providers closing their businesses in this year. Merton Park has a good level of places, but a low number of families living in that ward appear to be taking up their entitlement. Whether or not to provide state-funded places for 2-year olds from low income households is decision for the childcare providers themselves. Merton's Childcare Sufficiency Report action plan has several actions under the "Take up of Funded Education" theme to address this, including to engage childcare providers in Wimbledon Park and St Helier to investigate the potential for them to offer state-funded places for 2-year olds. Page 18 of Merton's Childcare Sufficiency Report also cites Merton Park, where there are plenty of state-funded places for 2-year olds from low income households but still a low take up.

As demonstrated in Merton Park, where there are plenty of state-funded places for eligible 2-year olds but low take-up, there may be a range of reasons why parents are not taking up the number of 15 hours of state-funded places for two-year olds within that particular ward (such as take-up of places in another ward or looking after the children in their own homes).

3. **- Why are these material facts not included in the officer report?**
- Why are planning committee members not being made aware of the shortage of childcare provision in Wimbledon Park, and of the Council's statement that the 632 new housing units in Plough Lane will likely exacerbate this shortage?

Planning Policy Officer Response

Merton's Childcare Sufficiency Audit does not identify a current shortage of childcare provision in Wimbledon Park.

Merton's Childcare Sufficiency Audit 2018 and Wandsworth's Childcare Sufficiency Audit 2018 cite a fall in numbers of children aged 0-5 (Merton) and aged 0-8 (Wandsworth).

Both childcare sufficiency audits cite the wide range of options for full and part time childcare, particularly for young children: childminders, private or voluntary preschools, Montessori and nurseries, nursery classes (aged 3-4) in state-funded or private schools. reports are not required to influence in-home childcare options such as being looked after by parents, grandparents, au pairs or shared childcare between families.

Both reports identify that there is not currently an issue with the overall provision of childcare places currently in Wimbledon Park ward in Merton and in neighbouring Earlsfield ward in Wandsworth. Both audits concentrate on in-borough provision but note that parents can chose childcare providers out of their ward or borough (e.g. nearer their work or child's school).

Merton's Childcare sufficiency audit identifies that, although the estimated population of very young children across Merton is decreasing, there are three

wards – Lavender Fields, Figge’s Marsh and Wimbledon Park - that have the highest numbers of children under the age of five and also have planned or potential local development housing schemes of over 100 units of more. In considering the potential future demand for childcare, Merton’s Childcare Sufficiency report has taken account of the potential number of new homes to be built between 2018-2033 (Table 2 on page 13) which includes consideration of the number of homes already granted permission at the Wimbledon Stadium site and other sites in Wimbledon Park and the Childcare Sufficiency Action Plan 2018-19 accompanying Merton’s report has the following relevant actions

- One of the actions in the Childcare Sufficiency Audit Action Plan is for the Council to *continue to work with the childcare sector to make sure that in wards where there are new housing developments planned, information is shared in good time so providers can consider this in their delivery models in order to meet potential new demand.*
- Another relevant action is to *continue to work with the planning team to ensure that in wards where there are new housing developments planned that potential childcare needs has been considered.*

Notwithstanding any decision on 18/P3354, the applicant has started on site for the planning permission granted on 14/P4361 and on the current timetable, the new homes are due to be occupied by 2023.

4. How can Merton Council state that there is no need for childcare provision in this area, while the Childcare Sufficiency Report states the opposite? Who from Merton Council provided this advice which is contradicted by your own Childcare Sufficiency Report 2018?

Planning Policy Officer Response

Merton’s childcare sufficiency report does not identify a current shortage of childcare places in Wimbledon Park and Wandsworth’s Childcare sufficiency audit does not currently identify a lack of childcare places in the neighbouring ward Earlsfield.

Although both Merton’s Childcare Sufficiency Audit 2018 and Wandsworth’s Childcare Sufficiency Audit 2018 cite a fall in numbers of children aged 0-5 (Merton) and aged 0-8 (Wandsworth), to take account of any scenario in the future where there might be increased demand such as from new home , Merton’s Childcare Sufficiency Action Plan 2018-19 contains several actions including:

- *to continue to work with the childcare sector to make sure that in wards where there are new housing developments planned, information is shared in good time so providers can consider this in their delivery models in order to meet potential new demand.*
- *to continue to work with the planning team to ensure that in wards where there are new housing developments planned that potential childcare needs has been considered*

5. Why isn't the Council asking the applicant to find a more appropriate spot within the development for the childcare provision, as was suggested by the applicant in its own Healthcare Impact Assessment of September 2015 (point "5.10: The applicant is considering options for nursery/crèche provision on site and will seek to provide this where most suitable")?

Planning Policy Officer Response

There is not a policy justification to require the applicant to provide a crèche or a nursery on this site.

The London Plan 2016 policy S3 "Education and childcare facilities" (A) states that *"to ensure that there is a sufficient supply of good quality education and childcare facilities to meet demand and offer educational choice, boroughs should... (3) ensure that development proposals for housing and commercial facilities incorporate suitable childcare provision and encourage nursery provision within primary schools where there is a need."*

As demonstrated by both Merton's and Wandsworth's Childcare Sufficiency Audits and associated action plans, there is currently no identified need for childcare facilities in Wimbledon Park or neighbouring Earlsfield wards. The scenario where there may be a demand in the future is being addressed through liaison between Council departments on childcare provision and development changes and between liaison between the Council and childcare providers to consider expanding provision.

6. Why isn't the council asking for monies to fund provision of much-needed childcare facilities in our neighbourhood which were promised under this application but will not now be provided?

Planning Policy Officer Response

If there was considered to be an infrastructure need for new childcare facilities in the future (for example once the new homes are built and occupied at Wimbledon Stadium [under application 14/P4361 – circa 2023 on the current timetable) then funding from Merton's Community Infrastructure Levy could be considered to support the infrastructure for such places. This need would be informed by evidence including regular reviews being undertaken between the Council departments and between the council and childcare providers and informed by updated Childcare Sufficiency Audits in Merton and Wandsworth.

The published London Plan 2016 and new London Plan 2017 draft incorporating Minor Suggested Changes both have policy S3 "Education and childcare facilities" (A) which states that *"to ensure that there is a sufficient supply of good quality education and childcare facilities to meet demand and offer educational choice, boroughs should... (3) ensure that development proposals for housing and commercial facilities incorporate suitable childcare provision and encourage nursery provision within primary schools where there is a need."*

As demonstrated by both Merton's and Wandsworth's Childcare Sufficiency Audits and associated action plans, there is currently no identified need for childcare facilities in Wimbledon Park or neighbouring Earlsfield wards.

The scenario where there may be a demand in the future is being addressed through liaison between Council departments on childcare provision and development changes and between liaison between the Council and childcare providers to consider expanding provision.

There is therefore not a policy requirement or justification to request funding for childcare facilities from this site under S106 of the Town and Country Planning Act 1990 (as amended), particularly when considering the three tests set out in the Community Infrastructure Levy Regulations 2010

"Planning obligations must only be sought where they meet all of the following tests³ :

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development"

5 **Consultation**

Insert the following paragraph to the committee report:

6.1.1 The application has been the subject of proper consultation and no party has been deprived of an opportunity to comment on it.

6. **Retail Car Parking**

Updated paragraph 8.10.7 in the Committee Report to the following:

8.10.7 The maximum car parking provision for retail proposed is in accordance with The London Plan 2016 and the Draft London Plan 2017 (which reduces maximum parking figures) up to 1 space per 50 sqm gross internal area. The proposed retail unit would have a gross internal area of 1, 273 sqm therefore the maximum car parking standards would be 25 spaces. The provision of **21** car parking bays (19 within the basement of Block A and 2 disabled persons parking on-street bays) is therefore compliant with policy.

7 **Updates**

Updated paragraph 8.1.3 in the Committee Report to the following:

8.1.3 This report will assess the key planning considerations in turn (same as original planning application) and any additional matters relating to the section 73 application.

- Section 73 Applications
- Principle of Development
- Urban Design
- Landscaping
- Conservation and Archaeology
- Standard of Residential Accommodation

- Residential Amenity
- **Air Quality**
- Development Operation and Transport
- Refuse and Recycling
- Inclusive Access
- Secured by Design and Security
- Hydrology and Flooding
- Sustainability
- Social Infrastructure
- **Affordable Housing**
- Volante (46 – 76 Summerstown)
- Loss of Crèche
- Loss of Café
- Condition 20

Item 12. Land Adj 65 Sherwood Park Road Mitcham CR4 1NB

Application Number: 18/P3386 Ward: Pollards Hill

Planning considerations (page 281)

Insert at the end of paragraph 7.18:

It is noted that during the assessment of this application, no.65 Sherwood Park Road obtained a Certificate of Lawfulness to install a ground floor window and an obscure glazed first floor window in the flank elevation replacing an earlier arched landing window, facing and immediately alongside the application site. Whilst the windows would be affected by the proposal, planning permission does not override property rights, and would not warrant refusal or deferral of determination of the application. Officers are advised that the applicant and adjoining landowner are in discussion regarding building onto the flank of 65.

Updated paragraph 7.24 to the following:

Policy DM D2 of the Council's Sites and Policies Plan (2014) states that developments should provide for suitable levels of privacy, sunlight and daylight and quality of living conditions for future occupants. It is considered the enlarged lightwell, use of a glass balustrade and use of white painted walls would allow for sufficient light, outlook and ventilation to the basement bedroom. An assessment of daylight has been submitted by the applicant. The applicant's study uses the methodology prescribed by the Building Research establishment and assess the average daylight factor (ADF) or the natural internal luminance (daylight) in particular rooms. The study calculates that the average daylight for the basement bedroom would exceed the BRE's minimum requirements. Having regard to the evidence submitted to the Council, officers consider it would be unreasonable to resist the proposals on the basis of light and outlook.

Item 13. 52 54 Wandle Bank Colliers Wood London SW19 1DW

Application Number: 18/P3780 Ward: Abbey

No modifications.