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# **Merton Council**

## **Planning Applications Committee**

**11 February 2021**

### **Supplementary Agenda**

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## PLANNING APPLICATIONS COMMITTEE

11 February 2021

**APPLICATION NO.**

20/P2779

**DATE VALID**

04/09/2020

**ADDRESS/SITE:** 49 Queen's Road, Wimbledon, London, SW19 8NP

**WARD:** Trinity

**PROPOSAL:** CREATION OF 10 PERSON HMO. ERECTION OF REAR DORMER WINDOW AND 2NO FRONT FACING ROOFLIGHTS AND 1NO SLIT WINDOW TO FRONT GABLE ELEMENT.

**DRAWING NO.** 001; 002; 100 A; 110; 111; 112; 120; 121; 122; 200 D; 210; 211; 212 C; 213 C; 220; 221 C; 222 C;

**Contact officer:** John Sperling (020 545 3733)

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**RECOMMENDATION**

**GRANT Planning Permission subject to conditions**

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**CHECKLIST INFORMATION.**

- Conservation Area - Yes
- Area at risk of flooding - No
- Local Development Plan site proposal designation - None
- Controlled Parking Zone - Yes
- Trees - Yes
- Listed Building - No
- Is a Screening Opinion required: No
- Is an Environmental Statement required: No
- Has an Environmental Statement been submitted: No
- Press notice: Yes
- Site notice: Yes
- Design Review Panel consulted: No
- Number of neighbours consulted: 20

1. **INTRODUCTION**

- 1.1 This application has been brought to the Planning Applications Committee for determination due to it being called-in by Councillor Paul Kohler and the nature and number of objections received.

## 2. SITE AND SURROUNDINGS

- 2.1 The application site relates to a large semi-detached dwellinghouse located on the south eastern side of Queen's Road.
- 2.2 The site was originally a single family dwellinghouse. However, when the property was recently purchased in July 2018, it was converted into an HMO for 6 persons. The current layout of the house has 1 bedroom at ground floor with 3 shared living rooms, a kitchen and bathroom, 4 bedrooms at first floor each with en-suite bathrooms and 1 shared living room.
- 2.3 The site is located within the South Park Gardens Conservation Area but the building is not locally or statutorily listed. The site surroundings comprise of other residential properties.

## 2. PROPOSAL

- 2.1 The proposal is seeking to expand the capacity of the HMO to a maximum of 10 persons via internal alterations and a proposed rear dormer window, of which would measure a height of 2 metres, width of 3.2 metres and depth of 2.8 metres. Materials for the rear dormer would include timber window frames and brick to match existing. The dormer window would serve the additional double bedroom proposed to increase the HMO capacity from 8 to 10 persons.

- 2.2 The proposal would include alterations to the front elevation by virtue of 2no front facing rooflights and slit window to the front gable.

### *Amended plans:*

- 2.3 Due to structural instabilities of the side boundary wall, it was proposed to remove the majority of the existing brick boundary wall. However, this was amended to rejuvenate the front portion of the wall and retain existing materials due to its contribution to the character of the streetscene. The side boundary running down the side of the dwelling will be timber fenced and measure a maximum height of 2 metres.
- 2.4 A further amendment was the removal of the outbuilding from the application as this was considered to be unacceptable by virtue of its scale and usage as an accommodation for a carer and separate physiotherapy room for the property owner within the conservation area in which the property is situated. Therefore, this element of the application was removed.

## 3. PLANNING HISTORY

06/T1047: FRONT GARDEN: REMOVAL OF 8 SMALL CYPRESS TREES. Tree Works Approved 31-05-2006

#### 4. CONSULTATION

Consultation letters were sent to the neighbouring properties and a Conservation Area site notice was erected at the site. 9 representations have been received raising objection to the application and can be summarised as follows:

- Proposal would convert property into an HMO which would harm the conservation area which is an “an area of special architectural or historic interest, the character of which it is desirable to preserve or enhance”.
- Bin overflow
- Cleaning facilities placed in front garden
- Outbuilding not needed for caring, there is sufficient space in the main dwelling for this
- Outbuilding would be out of character within the wider area by reason of materials and massing proposed.
- Demolition of boundary wall is out of character within the wider area.
- Proposed outbuilding would be used as additional accommodation after short-term rehabilitation needs have been met.
- Existing HMO has not received permission.
- Reduced green space in the area and intensity of development within the conservation area a grave concern.
- Increase carbon footprint.
- Concerned that Queens Road will turn into a noisy neighbourhood.
- Poor external appearance of the dwelling.
- Concerns over the boundary fence in that it forms part of the brick garden party wall. Whilst this wall reduces in height and becomes part wall and part fence at the rear it is a fundamental element in the enclosure of my driveway and garden and as such I would request that it remain albeit stabilised and made good as necessary.
- Concern over the number of structures in the garden area.
- Increased parking pressures, noise, fire hazards and nuisance as a result of the development.
- Incorrect plans don't provide an accurate representation of the existing conditions of the site.
- Loss of views (trees and green spaces) from neighbouring properties 47 and 51.
- Carer currently living in the communal area.
- The small kitchen is unsuitable for the number of people proposed at the property.
- Large roof extension and associated windows would be overbearing and domineering and impinge upon the privacy of neighbouring gardens.
- Dense hostel-style accommodation is out of character and excessive within the means of the property.
- Increased pressure on the road, namely road usage and parking.
- The proposal would affect the refuse collection.

- Overdevelopment of the existing property and detrimental impact to the character of the Conservation Area.

*Officer response:* The application has been amended with the removal of the previously proposed outbuilding accommodation and the scale of the rear dormer window has been reduced in width and design changed to match that of adjoining property's rear dormer window at number 51.

#### 4.1 INTERNAL Consultation:

##### Council's Conservation Officer

The rear dormer window is considered to be unacceptable as it falls within the South Park Conservation Area. (based on the original plans, now revised to be acceptable)

##### Council's Transport Planner

49 Queens Road is a Victorian period semi-detached house that is presently a 6 person occupancy HMO.

The site has a Public Transport Accessibility Level (PTAL) rating of 6a which indicates excellent accessibility to public transport routes.

The local area forms part of Controlled Parking Zone W3. Restrictions are enforced from Monday to Saturday between 8:30 am and 11 pm and Sunday 2pm and 6 pm with a maximum stay of 2 hours for pay and display customers. The majority of on-street parking in the vicinity of the site is dual-use and can be utilised by resident permit holders and the general public on a pay and display basis.

##### Car Parking

No parking available for the occupants.

Permit free option would be acceptable subject to the applicant enters into a Unilateral Undertaking which would restrict future occupiers of the units from obtaining an on-street residential parking permit to park in the surrounding controlled parking zones to be secured by via S106 legal agreement.

One cycle parking space (secure & undercover) per unit is required to satisfy the London Plan standards.

Refuse as existing

Recommendation: Raise no objection subject to;

- Condition requiring for cycle parking (secure & undercover).
- The applicant will be required to enter into a Sec.106 agreement with the Council to ensure the development is permit free and no resident within the development can apply for an on street parking permit in the surrounding parking zones.

Council Highways Officer

No objection, subject to informatives.

Environmental Health Officer

No objection

## **5. RELEVANT POLICIES**

NPPF - National Planning Policy Framework (2019):

Part 5 Delivering a sufficient supply of homes

Part 12 Achieving well-designed places

London Plan Consolidated 2016:

3.3 Increasing housing supply

3.4 Optimising housing potential

3.5 Quality and design of housing developments

3.8 Housing choice

7.4 Local character

7.6 Architecture

7.8 Heritage

Merton Sites and Policies Plan July 2014 policies:

DM D2 Design considerations in all developments

DM D3 Alterations and extensions to existing buildings

DM D4 Managing Heritage Assets

DM H2 Housing Mix

DM H5 Student housing, other housing with shared facilities and bedsits

DM T2 Transport impacts of development

DM T3 Car parking and servicing standards

Merton Core Strategy 2011 policy:

CS 8 Housing Choice

CS 9 Housing provision

CS 11 Infrastructure

CS 14 Design

CS 17 Waste management

CS 18 Transport

CS 20 Parking servicing and delivery

## **6. KEY PLANNING CONSIDERATIONS**

6.1 The main planning considerations concern the principle of development together with design/visual amenity, neighbour amenity and parking issues.

### **6.2 Principle of Development**

- 6.2.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that when determining a planning application, regard is to be had to the development plan, and the determination shall be made in accordance with the development plan, unless material considerations indicate otherwise.
- 6.2.2 Policy CS 8 states that the Council will seek the provision of a mix of housing types, sizes and tenures at a local level to meet the needs of the all sectors of the community. This includes the provision of family sized and smaller housing units, provision for those unable to compete financially in the housing market sector and for those with special needs. Property managed and regulated Houses in Multiple Occupation can offer good quality affordable accommodation to people who cannot afford to buy their own homes and are not eligible for social housing. The provision of HMO accommodation is acceptable in principle.

### **6.3 Change of Use**

- 6.3.1 It must be noted that the HMO would require a separate licence from the Councils HMO officers, where the standards of the HMO will need to pass the all the relevant legislation in order of the applicant to obtain the relevant license. This would include provision that the HMO is a safe environment (The Housing Health & Safety Rating System).
- 6.3.2 It must be noted that issuing planning permission does not in any way override any other legislation requirements for a HMO.
- 6.3.3 Policy DM H5 of the Site and Policies (July 2014) aims to create socially mixed communities, catering for all sectors of the community by providing a choice of housing with respect to dwelling size and type in the borough. The policy states that Houses in Multiple Occupation Housing will be supported provided that the following criteria are met:

#### **6.4** *i. The proposal will not involve the loss of permanent housing;*

- 6.4.1 The current use of the property is an HMO for 6 persons. The current application involves converting the existing floor space and proposed roof extension to accommodate the increased numbers of occupiers in the HMO for 10 persons. A house in multiple occupation is a form of permanent housing. Paragraph 2.59 in the Supporting text to the policy outlining that short stay accommodation is intended for occupancy for permits of less than 90 days. The proposal is therefore, considered acceptable in regards to this criteria.

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

- 6.5.1 The proposal is not considered to compromise the capacity of the dwelling to meet additional occupancy level but is in fact improving upon the existing internal arrangement by providing additional bedroom unit via the proposed roof extension. The proposed rear dormer would also not compromise a



conversion of the building back to a single family dwelling should this be sought in the future.

**6.6** *iii. The proposal meets an identified local need;*

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

6.6.2 The report of the Housing Market Assessment findings advises that

6.6.3 "Much of the growth of extra households in both the low and high estimates is expected to be single persons. For the low estimates there is projected to be a rise of 6,900 in number of non-pensioner single person households and 1,900 single pensioners in the period 2006-2026. The high estimates show there are projected to be rises of 7,900 non-pensioner single person households and 2,600 single pensioners".

6.6.4 "The implication of this situation for younger person single households is that they create demand for the private rented sector and this in turn drives its growth. Given that the income of many single people is below the threshold for market housing there would be a considerable demand for intermediate affordable housing".

6.6.5 The Housing Market Assessment found that much of the growth of extra households is expected to be single persons. This is considered to represent an identified local need for the accommodation that is proposed as part of the current planning application, which aims to provide "affordable shared accommodation to working professional people".

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

6.7.1 The application site is located within very close proximity to the town centre location which includes a wide variety of dwelling types. Number 47 comprises 5 flats whereas 51 is a single dwelling house. Opposite the site comprises a variety of flats. The host building is a large building with a large frontage and rear garden. The proposal is not considered to cause an overconcentration of HMO accommodation and officers are not aware of other nearby HMO properties.

**6.8** *v. The proposal complies with all relevant standards;*

6.8.1 The proposal complies with relevant standards. Officers have had regards to the guidance produced by Merton Council on Houses in Multiple Occupation.

6.8.2 As the change of use included both individual rooms (with shared kitchen facilities) and with bathroom and shower facilities being available at ground,

first and second floor level, the change of use is considered to fall under the following definition:

6.8.3 "Houses occupied as individual rooms, bedsits and flatlets that are considered to have a number of rooms for exclusive occupation, not necessarily behind one door, with some sharing of amenities usually bathroom and/or toilet and or (in this instance) kitchen facilities. In such a house each occupancy would be separately rented."

6.8.4 Kitchen facility would be located at ground level and none located in individual rooms. Each room has washing facilities and have the following gross internal area (GIA):

Room 1 – 15m<sup>2</sup>

Room 2 – 28m<sup>2</sup>

Room 3 – 20m<sup>3</sup>

Room 4 – 14m<sup>2</sup>

Room 5 – 13m<sup>2</sup>

Room 6 – 29m<sup>2</sup>

6.8.5 The relevant guidance states that:

Single Room Lettings With Shared Kitchen and a Shared Living/  
Dining Room

1 person 6.51m<sup>2</sup> or more

2 persons 10.22m<sup>2</sup> or more

6.8.6 The size of the bedrooms are of a good size, providing a variety of sized rooms and spaces. The proposed dormer window and roof conversion would provide a room of 29 sq m, which is considered a very good sized room and standard of accommodation. Overall, officers consider the standard of accommodation to be acceptable.

**6.9** *vi. The proposal is fully integrated into the residential surroundings.*

6.9.1 The current application does involve a roof extension; however, the extension is suitably designed to respect the visual amenities of the area and would match the adjoining neighbours (number 51) rear dormer window in terms of design. All other works relate in converting the internal layout of the building so no impact externally.

6.9.2 The Mayor of London Supplementary Planning Guidance (2016) on housing advises at paragraph 3.4.1 "There are 21,000 mandatory licensable HMOs in London and an estimated 195,000 in total. Collectively, they are a strategically important housing resource, providing flexible and relatively affordable accommodation through the private market".

6.9.3 The Mayor of London Supplementary Planning Guidance (2016) on housing advises that "Outside London they are sometimes associated with

concentrations of particular types of occupier e.g. students, leading to concerns about the social mix of some localities. In London, the occupier profile tends to be more broadly based and HMOs play a particularly important role in supporting labour market flexibility (especially for new entrants), and in reducing pressure on publicly provided affordable housing. However, as elsewhere in the country, their quality can give rise to concern". The proposed extensions and change of use to HMO is considered to be acceptable.

## **7.0 Character and Appearance**

- 7.1 London Plan Policies 7.4 and 7.6, Core Strategy Policy CS14 and SPP Policies DMD2 and DMD3 require well-designed proposals that will respect the appearance, scale, bulk, form, proportions, materials and character of the original building and their surroundings. SPP policy DM D3 further seeks for roof extensions to use compatible materials, to be of a size and design that respects the character and proportions of the original building and surrounding context, do not dominate the existing roof profile and are sited away from prominent roof pitches unless they are a specific feature of the area. Part 7 of the NPPF, reiterates the importance of achieving well designed buildings.
- 7.2 The originally proposed rear dormer window was shown, by reason of its scale, massing and overall visual manifestation to be an insubordinate and overly dominant addition within the context of the existing dwelling.
- 7.4 Following receipt of amended plans in the lifetime of the application, the dimensions of the rear dormer window were amended into an acceptable scheme by reason of the being centrally positioned and subordinately sized within the roof space, balanced well with the adjoining property and appear consistent with the prevailing character of development in the wider locality and conservation area. Therefore, the amended rear dormer window is not considered to have a materially harmful impact on the character of the existing property, the streetscene, wider area and conservation area in which the property is situated. The Conservation officers comments were based on the original submitted application and officers are satisfied that the amended plans have overcome this concern raised.
- 7.5 Further, alterations to the front elevation of the dwelling, namely the front rooflights and gable window, are considered to be acceptable on character grounds.
- 7.6 The proposed boundary wall alterations, by virtue of the front portion of the brick boundary wall being reinstated and improved is not considered to result in detrimental harm to the character of the streetscene and wider area. The new boundary fence to the side of the garden is also acceptable.
- 7.7 Therefore, it is considered that the proposed development would not result in a harmful impact on the character and appearance of the streetscene, wider area and the South Park Gardens Conservation Area and would comply with

Policies 7.4 and 7.6 of the London Plans 2016, Policy CS14 and the Core Planning Strategy 2011 and Policies DMD2, DMD3 and DMD4 of the Sites and Policies Plan 2014.

## **8.0 Impact on neighbouring amenity**

- 8.1 Policy DM D3 seeks to ensure that development does not adversely impact on the amenity of nearby residential properties. The proposed roof extension is well distanced away from neighbouring properties to the front and rear of the application site to ensure that there is no undue loss of amenity.
- 8.2 The proposed rear dormer window is not considered to result in detrimental impact to the surrounding residential property within the nearby vicinity by reason of overlooking, harmful impact to visual amenity and loss of privacy. Further, it is noted that dormers are widely seen and the current proposal is not considered to introduce a development that would unacceptable harm the residential amenities of surrounding residents.
- 8.3 In regards to the impact of the conversion on the surrounding residents it is worth acknowledging that the South Park Gardens Conservation Area's Character Appraisal states the following:
- 8.4 Dudley Road borders the southern side of South Park Gardens and therefore enjoys the double benefit of having attractive north views into the Park and south facing back gardens. Because it is not a through road, the setting of the houses is generally peaceful and tranquil, unlike Queen's Road and particularly Trinity Road, immediately to the east.
- 8.5 This shows that the location of the application site is not typically characterised as peaceful and tranquil as other pockets of the same conservation area. As such, it is not considered that the increased occupancy potential will cause harm to the character of this part of the conservation area in which the property is located, by virtue of the area already being a characterised as a bustling, high-footfall location within close proximity of the town centre.
- 8.6 As such, the scale, form and positioning of the proposed extensions to 49 Queens Road is not considered to cause a harmful impact on the residential amenities enjoyed by current or future occupiers and would comply with Policies 7.4 and 7.6 of the London Plan 2016, Policy CS14 of the Core Planning Strategy 2011 and Policies DMD2 and DMD3 of the Sites and Policies Plan 2014.

## **9.0 Refuse collection**

- 9.1 Given the constraints of the site, refuse collection would operate in the same manner as the existing 6 person HMO. Officers are satisfied that the additional capacity can be accommodated on site given the large side

passage to the dwelling. In order to reduce the impact of loose bins in the streetscene, officers recommend a condition seeking a secure bin storage facility to be provided for the whole building.

## **10.0 Cycle Storage**

- 10.1 Following internal consultation it is considered that one cycle parking space (secure & undercover) per unit is required to satisfy the London Plan standards. It is noted existing cycle parking spaces are provided for residents to the rear of the dwelling. Additional spaces, located to the rear of the dwelling, will be secured by way of condition. The LPA acknowledges that the property has a PTAL rating of 6a and is thus well served with public transport links and so have other opportunity for mobility.

## **11.0 Transport and Parking**

- 11.1 The application site is located within an area with a PTAL score of 6a which indicates excellent public transport provision. The site, with the existing use and the roof extension would accommodate for up to 10 persons and so the occupiers could apply for car parking permits. It should be noted that the existing occupants (up to 6 people) could apply for parking permits. Whilst the proposal would increase the number of bedrooms by 1 to the building and therefore increase in potential car ownership, due to the strong existing transportation links with a PTAL of 6a, the additional likely pressure generated by the proposal on parking is not considered to be significant.
- 11.2 Also, consideration should also be given to the type of accommodation proposed which is likely to attract single occupants, which in combination with the town centre location and lack of parking close to the site would discourage car ownership in any event. Therefore in this instance, officers do not consider that a permit-free agreement can be justified. Given the acceptable scale of the development it is considered that there would be no harm to the local highway network.

## **12.0 Conclusion**

- 12.1 The proposal would provide an additional bedroom to facilitate the existing HMO and expand its capacity. Amendments have been made during the application assessment which has included the removal of an outbuilding and reduction in width of the dormer window, including altering its design to match that of the existing dormer window at adjoining property number 51. The bedroom sizes for the HMO would provide good standard of accommodation, with each having their own bathroom facilities. Overall, the proposal would provide extra residential accommodation in a sustainable location without causing harm to surrounding amenities and permission is therefore recommended to be granted, subject to conditions.

## **13.0 RECOMMENDATION**

Grant permission subject to the conditions below:

- 1 The development to which this permission relates shall be commenced not later than the expiration of 3 years from the date of this permission.

Reason: To comply with Section 91 (as amended) of the Town & Country Planning Act 1990.

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans: 001; 002; 100 A; 110; 111; 112; 120; 121; 122; 200 D; 210; 211; 212 C; 213 C; 220; 221 C; 222 C.

Reason: For the avoidance of doubt and in the interests of proper planning.

- 3 The facing materials used in the development hereby permitted shall match those of the existing building in materials, style, colour, texture and, in the case of brickwork, bonding, coursing and pointing.

Reason: To ensure a satisfactory appearance of the development and to comply with policy CS14 of Merton's Core Planning Strategy 2011 and policies DM, D2 and D3 of Merton's Sites and Policies Plan 2014.

- 4 Prior to first occupation details of secure cycle parking facilities for the occupants of, and visitors to, the development shall be submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be fully implemented and made available for use prior to the first occupation of the development and thereafter retained for use at all times.

Reason: To ensure satisfactory facilities for cycle parking are provided and to comply with the following Development Plan policies for Merton: policy 6.13 of the London Plan 2016, policy CS18 of Merton's Core Planning Strategy 2011 and policy DM T1 of Merton's Sites and Policies Plan 2014.

- 5 Prior to first occupation a scheme for the storage of refuse and recycling shall be submitted in writing for approval to the Local Planning Authority. No works which are the subject of this condition shall be carried out until the scheme has been approved, and the development shall not be occupied until the scheme has been approved and has been carried out in full. Those facilities and measures shall thereafter be retained for use at all times from the date of first occupation.

Reason: To ensure the provision of satisfactory facilities for the storage of refuse and recycling material and to comply with the following Development Plan policies for Merton: policy 5.17 of the London Plan 2016, policy CS17 of Merton's Core Planning Strategy 2011 and policy DM D2 of Merton's Sites and Policies Plan 2014.

- 6 **INFORMATIVE**

The applicant is advised to check the requirements of the Party Wall Act 1996 relating to work on an existing wall shared with another property, building on the boundary with a neighbouring property, or excavating near a neighbouring building. Further information is available at the following link:

<http://www.planningportal.gov.uk/buildingregulations/buildingpolicyandlegislation/current-legislation/partywallact>

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## Planning Applications Committee 11<sup>th</sup> February 2021 Supplementary Agenda Modifications Sheet.

### Item 5. 94 The Broadway Wimbledon SW19 – 20/P3088 – Trinity Ward.

Insert two bullets under Para 5.1:

- An additional representation was received from the occupier of no. 41 South Park road noting the following:
  - Yet again, another extension to the Broadway is affecting my light. I have elderly neighbours in South Park Road who do not use computers yet would also like to voice their disapproval.
  
- An additional representation has been received from the occupier of no. 2 Cobden Mews, 90 The Broadway raising the following points:
  - The proposal is relying on the precedence first set by no 94-96 and 100 The Broadway which have an overbearing affect and in my opinion an aberration on the part of Merton Councils and in contradiction of Merton's stated policies DMD2.
  - The development will have a huge overbearing impact on Cobden Mews. It will be invasive and visually out of character with the surrounding properties. It will destroy the character of Cobden Mews and Printers Yard.
  - The property will neither conserve nor enhance Merton's heritage.
  - When number 100 The Broadway was allowed to be built, it stopped over two hours of quality sunlight in the mornings bathing the properties in Cobden Mews (especially numbers 1 and 2 Cobden Mews) and likewise in Printers Yard in the evenings. With 96-98 being given the go ahead as a result of precedence once built it will prevent further quality sunlight for possibly another four to five (six to seven hours) in total a day.
  - If no. 94 goes ahead, it will prevent further quality sunlight for possibly another four to five (six to seven hours) in total a day. There will be an unreasonable sense of enclosure with no quality sunlight bathing the Mews. As a consequence the development will not conserve or enhance the natural environment of Cobden Mews and Printers Yard which will now end up being depressing.
  - Even though space is allocated for bicycle storage from experience of residents of the other flats in Cobden Mews and Printers Yard tenants seem to ignore whatever agreements they may have signed and revert to use of vehicles. This puts severe pressure on the parking in Cobden Mews, Printers Yard and in generally the surrounding area.
  - Concerns over congestion on Printers Yard and illegal parking which would be worsened by the development.
  - The development will mean there is a loss of an existing four bed family sized property without an adequate replacement of at least one at a minimum of a three bed property. The proposed development would not

appear to provide minimum garden or open space for each flat especially in these periods of the Covid-19 pandemic.

- The one – two bedroom development encourages tenants of a short term let nature and there will naturally be an increase in foot-fall. The increase in footfall of non-family type occupancy would increase this kind of anti-social behaviour.

**Item 6. Vista House and Prospect House, Chapter Way Colliers Wood SW19 – 20/P2841 – Colliers Wood Ward.**

Consultation (page 40):

Seven additional representations have been received raising the following new grounds:

- Request that this application be deferred to a later committee meeting as the residents of the flats on site are currently in the midst of dealing with a problem with the cladding on the exterior of the building (in relation to fire safety - EWS1 cladding inspection has failed and has received a B2 rating which is affecting residents who are trying to sell or remortgage). In addition, there has been insufficient time to prepare for the committee meeting and appoint a spokesperson.
- Photos submitted showing the poor condition of the private access road.

Officer comment:

The above point is noted by officers. As set out in the report, issues of fire safety would be assessed at the Building Regulations stage and cannot reasonably form a material planning consideration in this assessment. Notwithstanding that, the majority of the existing building is red brick, with the top floors being largely glazed. However, parts of the building are clad (around lift shafts). It is noted that the proposed flats would not feature external cladding, as they would be glazed roof top units. The existing lift shaft enclosures would be extended and therefore it will be necessary to ensure that any new materials are suitable in Building Control terms. However, critically, as set out above and in the report, issues of fire safety are not a material planning consideration in this assessment and would be addressed at the Building Control stage of the development.

The poor condition of the access road is noted. However, this is a private access road and not a Council maintained highway. Therefore, this is an on-site management issue and not a matter that could reasonably form a reason for refusal in this assessment.

The planning agent has made a submission in support of the application, in relation to fire safety, which sets out:

“As one of the country’s largest freeholders, we take this very seriously and we are working to quickly resolve issues with any of our buildings where there are fire safety concerns in the aftermath of the Grenfell tragedy.

We have already confirmed to you that Independence and Vista House have been subject to an Inspection by the BRE which confirms that it does not include any ACM cladding.

A further detailed review of our buildings is currently underway to identify any other fire safety issues. This process is on-going, and we have recently received initial feedback from that further investigation, which has identified that there is PiR insulation within the cladding on the cores of the buildings.

The fire engineer was unable to confirm the exact insulation material used in these panels and we have therefore re-appointed the BRE to undertake a further test on the insulation to ascertain the calorific value. Upon receipt, the fire engineer will be able to determine whether the panels require replacement.

The current classification of B2 on the EWS1 form is misleading and represents a 'holding' position until such time as the test results are returned.

The leaseholders have not received the full report but have been advised that further investigations are required and ongoing.

Whilst this matter is being dealt with outside of the scope of the prior approval process against which this application is assessed, the position is expected to be fully resolved before the development is implemented.

The application proposals will include the extension of the existing stair core. Materials are to be identified that work aesthetically and are to be agreed in advance with the Council through the discharge of planning conditions. The development will be subject to approval of the most recent Building Regulations requirements and if it does not comply, it will not be able to proceed.

We would like to reiterate that Regis take issues around fire safety extremely seriously and we are working as quickly as possible to get these resolved.”

Officer comment:

These comments are noted. However, as set out above, issues of fire safety would be dealt with at the Building Control stage and cannot form a material consideration in this assessment.

**Item 7. Fair Green Parade, London Road Mitcham CR4 – 20/P0823 – Cricket Green Ward**

Drawings

The plans were amended on 28/01/2021. The Committee report refers to the latest version of the drawings in the “Drawing No’s” section at the beginning of the report.

The plans included in the agenda were those amended 22/01/2021. However, the only changes in those dated 28/01/2021 are: the red boundary line being amended to include the rear courtyard and the security gate facing Raleigh Gardens being set back further from the footpath to comply with the Transport officer’s comments.

The most up to date plans comprise the presentation for the Committee meeting.

Representations

A late representation was received 10/02/21 raising the following:

- Equality impacts and whether an Equality Impact Assessment has been conducted;

- How negative impacts on rough sleepers could be mitigated;
- Has the Council's rough sleeping or Homeless team been informed of the application and/or commented;
- Design and Access Statement has not been published;
- Publication London Plan states: 3.6.8 Development should help create a more socially inclusive London. Gated forms of development that could realistically be provided as a public street are unacceptable and alternative means of security should be achieved through utilising the principles of good urban design and inclusive design (see Policy D5 Inclusive design).

## **Equality**

The Council's Equality Strategy 2013-17 provides a framework for Merton's equality objectives and aims to integrate equality and fair treatment issues into the council's day-to-day business. The Equality Strategy provided an integral document to the formulation of the Council's Planning policies against which planning applications are assessed and determined.

[The Equality Impact Assessment Report](#) (EqIA) for the London Borough of Merton Sites and Policies Plan; and Policies Map is part of Merton's Local Plan. The purpose of the EqIA is to identify the likely impact of this plan on the diverse communities and to take action to improve policies where appropriate.

The objectives of the Council are identified on pages 2 and 3 of this document. Core objectives are:

- Everyone having an opportunity to fulfil their potential.
- Individuals having choice and control to improve life chances and outcome.
- Everyone having ways to tackle the barriers that lead to inequality.

While the EqIA Report goes into a lot more detail, these core objectives have informed its planning policies. The application of the correct policies to the assessment of a development proposal would enable the core objectives to be effectively pursued.

The officer's report comprehensively identifies the planning policies relevant to the assessment, thereby enabling the core objectives to be pursued, and while no unique Equality Impact Assessment has been undertaken on this application, officers consider this does not detract from or undermines the decision-making process.

## **Design and access statement**

The Design and Access statement is publicly viewable on Merton's Planning Explorer, and has been available for view since the registration of the application online in February 2020. Further noted, the application was consulted and re-consulted a total of 3 times, the Council have ensured transparency throughout the progression of the application by notifying neighbours of the changes.

## **Excerpt from the Publication London Plan and rough sleeping**

The text quoted from the Publication London Plan is that from the new Draft London Plan, para 3.6.8 falls under Policy D6 (Housing quality and standards). However, this assessment is not entirely applicable for this proposal as the application building is not a "gated development", in the traditional sense where

there is a public street. The flats are accessed from the main street with the courtyard at the rear providing parking spaces, with cycle and refuse storage for the residential flats and ground floor commercial premises. The improved security gate is not a purposeful deterrent to exclude a public right of access, which the objector has raised is a negative impact on rough sleepers, as the courtyard is in private ownership. The security gate would provide enhanced security to the building's users and an opportunity for improved maintenance. For this application, officers did not seek comments from the Council's Rough Sleeping or Homeless Team.

**Item 8. 3 Hamilton Road, South Wimbledon, SW19 1JD – 20/P2774 – Abbey Ward.**

Consultation (Page 121)

Insert at paragraph 5.1 - Correction: 24 representations have been received

Insert at paragraph 5.5 - Environmental Health additional comments.

Concerns regarding this development mainly due to the demolition and construction phase and the impact this could have on the neighbouring occupiers. There are no details submitted regarding these phases and how the occupiers of neighbouring properties would be protected against the environmental impacts. I do not support the application.

However, should you be minded to approve the application then I would recommend the following planning condition:-

**13 Condition:** No development shall take place until a Demolition/Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the demolition and construction period.

The Statement shall provide for:

- hours of operation
- the parking of vehicles of site operatives and visitors
- loading and unloading of plant and materials
- storage of plant and materials used in constructing the development
- the erection and maintenance of security hoarding
- measures to control the emission of noise and vibration during demolition and construction. (including the methodology for the basement excavation and any 24 hour generator/pumping)
- measures to control the emission of dust and dirt during construction/demolition
- a scheme for recycling/disposing of waste resulting from demolition and construction works

Insert at paragraph 5.6 - Council's Tree and Landscape Officer.

The tree is likely to be affected. The submission does not explain how the work is to be carried out to the front and it is likely to be more extensive than shown on the plans. The foundation construction drawings are 'preliminary' only and therefore likely to change once they have properly assessed the site. It is a small tree, possible a Crab Apple tree. In the absence of any comments on the Street Trees side, I would suggest that the following conditions should be attached:

- **Condition:** No development [including demolition] pursuant to this consent shall commence until an Arboricultural Method Statement and Tree Protection Plan, drafted in accordance with the recommendations and guidance set out in BS 5837:2012 has been submitted to and approved in writing by the Local

Planning Authority and the approved details have been installed. The details and measures as approved shall be retained and maintained, until the completion of all site operations.

Reason: To protect and safeguard the existing retained trees in accordance with the following Development Plan policies for Merton: policy 7.21 of the London Plan 2015, policy CS13 of Merton's Core Planning Strategy 2011 and policy O2 of Merton's Sites and Policies Plan 2014.

- **Condition:** No work shall be commenced until details of the proposed design, materials and method of construction of the foundations to be used within 4m of the existing retained tree(s) shall be submitted to and approved in writing by the Local Planning Authority and the work shall be carried out in accordance with the approved details.

Reason: To protect and safeguard the existing retained trees in accordance with the following Development Plan policies for Merton: policy 7.21 of the London Plan 2016, policy CS13 of Merton's Core Planning Strategy 2011 and policy DMO2 of Merton's Sites and Policies Plan 2014.

- **Condition:** Site supervision: The details of the Arboricultural Method Statement and Tree Protection Plan shall include the retention of an arboricultural expert to supervise, monitor and report to the LPA not less than monthly the status of all tree works and tree protection measures throughout the course of the construction period. At the conclusion of the construction period the arboricultural expert shall submit to the LPA a satisfactory completion statement to demonstrate compliance with the approved protection measures.

Reason: To protect and safeguard the existing retained trees in accordance with the following Development Plan policies for Merton: policy 7.21 of the London Plan 2016, policy CS13 of Merton's Core Planning Strategy 2011 and policy DMO2 of Merton's Sites and Policies Plan 2014.

Paragraph 5.7 Street Trees Officer

No comments have been received.

### **Item 9. 25-27 Landgrove Road Wimbledon SW19 – 20/P3071 – Wimbledon Park Ward.**

Page 151 - Consultation

Additional letter of objection received from occupiers of 23 Landgrove Road on the following grounds:

- Officer report is inconsistent with Appeal Inspectors report.
- Previous conditions limited the use of the outbuilding for parking and storage, but further applications converted it to home office space.
- Use as a residential unit would cause harm to surrounding neighboring amenity.
- Proposal results in shortened gardens for the flats at 25-27 Landgrove Road.
- Floorspace standards haven't been applied correctly.
- The Inspector imposed a condition requiring obscured glass to the roof windows in the outbuilding and the roof windows present are not compliant with this condition.
- Other ground floor windows have been added on the side elevation.

*Officer response:*

The proposal does result in shortened gardens to the two ground floor flats at 25-27 Landgrove Road, however, these outdoor spaces would remain of good size in compliant with current Council policy on outdoor amenity spaces for flats. Officers have received a section drawing showing the first floor and have revised the accommodation table as set out below. The proposal would remain compliant with the space standards. Condition 8 of the appeal planning permission 07/P1131 required the rooflight windows in the building to be obscurely glazed in order to restrict overlooking to neighboring properties. Officers have reviewed the planning history further and confirm that this condition has not been varied. Therefore, officers consider it necessary to add an additional condition to the recommendation to ensure that the rooflight windows are obscurely glazed prior to first occupation. An additional elevation and section plans have been received to provide full elevations to reflect the existing building on site.

Page 150 – Current Proposal

Accommodation table to be amended with the following:

	Dwelling type	GIA	Private external amenity space	Car Parking	Cycle Parking
New dwelling	1b / 2p	60.4sqm	58sqm	No	Yes - 2no

Page 157 – Standard of Accommodation

This table should replace existing table:

Dwelling No.	No. of beds	No of persons	No. of storey's	Required GIA (sqm)	Proposed GIA (sqm)	Compliant
1	1	2	2	58	60.4	Yes

Page 149

Approved drawing numbers to be amended to include the following:

533-P211 – Proposed Side Elevation

533-P212 – Proposed Rear and Side Elevation

11 / 533 / P230

Page 162 – Conditions

Additional Condition 10 proposed:

**Condition 10:** Before the development hereby permitted is first occupied, the windows in the north facing roof elevation shall be glazed with obscured glass and shall be 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: policy 7.6 of the London Plan 2016, 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. 49 Queen's Road Wimbledon SW19 – 20/P2779 – Trinity Ward**

No modifications.

**Item 11. Planning Appeal Decisions.**

No modifications.

**Item 12. Planning Enforcement Summary.**

No modifications.

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