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Merton Council

Planning Applications Committee

18 August 2022

Supplementary agenda

14 Modifications Sheet

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**Planning Applications Committee
18th August 2022
Supplementary Agenda
Modifications Sheet.**

Item 5 Blagdons Sports Ground, Beverley Way, New Malden, KT3 4PU

2. SITE AND SURROUNDINGS Para 2.9 (Page 179):

Amend paragraph 2.9:

2.9 The site is **was** also home to the Old Emanuel RFC (OERFC) as part of the Old Emanuel Association. The club reports;

- 4 senior teams including men's, women's and a veteran's team.
- Touch Rugby is played for all levels, men & women, and gives the local community access to non-contact rugby and introduction to the wider game.
- There is a large age grade section (350) drawn from the local community (New Malden and surrounds) (Age grade players are usually between 6 -18)

3. PROPOSAL Para 3.3 (page 179):

Amend paragraph 3.3:

3.3 The hours of use of the AWP were originally proposed to be 07.00 to 21.00 Monday to Sunday but these hours have been extended to 07.00 to 22.00 on the basis of Sport England's consultation comments (this matter is discussed later in this report). The floodlights would be turned on no earlier than 7.00 and turned off no later than ~~22.15~~ **23.00**.

Officer comment:

The applicant has explained that additional time towards the end of the evening for packing up with the floodlights to remain on would be more practicable and as there are no immediate residential neighbours that would be affected, Officers do not consider that this change to the hours of use of floodlighting would be harmful to amenity.

N.B. The hours of floodlighting is also referred to at Paragraphs 5.10 and 7.3.2

Para 3.4 (page 179):

Amend paragraph 3.4:

3.4 Two existing outbuildings, currently used for storage, are proposed to be demolished. The existing non-turf cricket practice nets would be ~~related~~ **relocated** to another part of the site (under concurrent planning application ref. 22/P0956).

Para 3.12 (Page 182):

Amend paragraph 3.12:

Additional/Amended Documents:

- Construction Logistics Plan and Working Method Statement (15/08/2022)
- Supplemental Transport Note (15/08/22).
- Blagdons Executive Summary (15/08/2022).

Officer comment

The CLPWMS submitted now includes delivery routing detail under 'Traffic Management requirements' and delivery hours restriction under section 10. The Supplemental Transport Note above now includes TfL Personal Injury Collision data – the conclusions of the accident data remains the same.

The Executive Summary is updated to reflect the community use hours being until 10pm in the evening on Sundays.

5. CONSULTATION

Additional representations:

Two objections have been received raising the following concerns:

- The loss of Old Emanuel Rugby Club would have an adverse impact on children's access to grass level roots sport.
- The Club is in a perilous financial state and the cost of relocation will have an impact on the running of a grass roots sports club that provides such an invaluable service for the community.
- The women's team at the rugby club has now folded due to uncertainty and lack of pitches availability for training.
- Doubt that the school would fulfil the community offer proposed, as they are not even supporting their own old boys development youth teams.
- Assertion that the school has not supported the use of the site by The Emanuel old boys rugby club and cricket club.
- Object to their assumption that Blagdons doesn't flood. This is highly inaccurate as over a number of years, in my experience, I have witnessed significant flooding of all three pitches.
- I have watched Beverley brook and the adjoining culvert by goals and the golf range running alongside the ground break its banks and flood the whole ground to a depth of 5 inches. The water can be grey water from sewage outfall being released into the brook when it's in flood.

Officer Comment:

The loss of the grounds for use by the Rugby and Cricket Club has been arranged prior to the submission of the application. Officers cannot speculate on the level of support offered by the school. The proposed development would be subject to a

Community Use Agreement by way of condition which would provide some certainty and control over future community provision.

In terms of flooding, the site is partly within Flood Zone 3, so it is likely there have been flooding events in the past and it is noted that the photographs provided by the objector show a waterlogged pitch. However, critically, the proposed development is accompanied by a Flood Risk Assessment, which has been reviewed and found to be acceptable by both the Council's Flood Risk Officer, acting as the Lead Local Flood Authority and the Environment Agency. Therefore, whilst these concerns are noted, the impact on flooding has been sufficiently mitigated against and would be acceptable in planning terms.

1 letter of objection has been received from the Old Emanuel Cricket Club, objecting for the following reason:

- Object on the same basis as Sport England, the ECB and RFU.
- Object on flooding grounds.
- Emanuel School has not been supportive throughout the process of securing alternative accommodation and the facilities were withdrawn at the last minute.
- Cricket could have been played there this summer.
- A smaller cricket square could be provided and allow for so-use of the site.
- The letter of support from the Old Emanuel Association does not represent the views of the OECC.

Officer comment:

The concerns raised by Sport England are discussed in the report.

Officers cannot comment on relations between the school and the Club.

Whilst the concerns are noted, the proposal is for an all weather pitch to enhance the school's sport offering. Therefore, the proposal is considered to be acceptable in planning terms.

The school had intended that this application be approved in good time to allow for construction across the summer but this has not been possible due to the length of time the application has been under consideration.

1 letter of support has been received from the London Wayfarers (free provision of hockey related activities) for ages 8 upwards, supporting for the following reasons:

- Future expansion would see us looking to offer sessions in new boroughs such as Merton.
- The long term plans with Emanuel School will allow for a stable partnership with the opportunity to add additional sessions at this location.

1 letter of support has been received from the Fulham Football Club Foundation to Emanuel School, supporting for the following reasons:

- The Foundation already have a successful established relationship with Emanuel, working closely with the school's Head of Community Partnerships

and Outreach to run disability sessions from the school's main site. The development at Blagdons would further support and develop this partnership.

- Potential for Junior Pan Disability Football, Girls Only Kicks sessions and Walking Football mental health sessions.

1 letter of support has been received from the Chair of the Old Emanuel Association, supporting for the following reasons:

- The increased diversification of sports use on offer.
- Increase in co-curriculum activities and emphasis on girls' sports.

Officer comment:

The support for the proposals is noted and Officers conclude that the benefits of the proposed development would mitigate for the partial loss of the playing fields, as outlined in the agenda.

There have been three letters of support and two letters of objection to the application.

7.1.2 Metropolitan Open Land Para 7.1.9 (Page 213):

Amend paragraph 7.1.9:

7.1.9 Sport England has raised objection to the loss of cricket and rugby pitch space. Sport England indicates that the impact could be mitigated for by providing a suitable level of community use to the wider community. On this basis, the applicant has extended the hours for community use to include 2 weekday evenings (6pm-10pm) and 8am-~~6pm~~ **10pm** on Sundays (a year round offer). Sport England has indicated that community use should be available every weekday evening and 8am to 9pm Saturdays and Sundays, in order to provide adequate mitigation.

Officer Comment

The applicant has confirmed that community use would be available until 10pm on Sundays as well as the two weekdays offered. The breakdown of existing and proposed community use hours is based on a 10pm finish time on Sundays.

7.4 Transport, highway network, parking and sustainable travel Para 7.4.7 (page 217):

Amend paragraph 7.4.7:

7.4.7 The GLA and TfL has requested an assessment against the Healthy Streets criteria, on the basis that the application is referable (this is due to Sport England's objection rather than the scale of the development). Given that the majority of use of the AWP would be by the school, with a similar level of community use to that which exists currently officers do not consider that additional information relating to the Healthy Streets indicators is directly relevant to the proposal. Nonetheless, the applicant has ~~sought~~ **sought** to provide additional information in this regard by way of the submission of additional information which takes into account the Healthy Streets

indicators, Vision Zero (eliminating deaths and serious injuries), including Personal Injury Collision Page 217 Analysis.

Plans in the agenda:

The plans in the agenda show Revision 7 in addition to Revision 8. However, the Revision 7 plans are now superseded and do not form part of the application. All the relevant Revision 8 plans are included in the agenda. (The difference relates to the red line site area to not include the cricket nets only).

9.0 RECOMMENDATION: (Page 220):

Amend condition 7:

7. Hours of use and hours of floodlighting to include floodlighting up until 11pm.

Amend condition 12:

12. Prior to the first use of the all-weather pitch hereby approved, the applicant shall prepare a SUDS management plan for the new SUDS proposal and ensure it forms part of the site maintenance plan.

Amend condition 13:

13. The All-Weather Pitch hereby approved and the cricket nets approved under associated application 22/P0956, shall be made available for community use in accordance with a Community Use Agreement, which shall be submitted to and approved in writing **by the Local Planning Authority** prior to the first use of the All-Weather Pitch hereby approved.

Response to member queries:

Q: Do we know the type of electric charger will be installed? Thinking the need for high capacity with development of electric coaches.

A: At this stage we do not know what type of charger it would be.

Q: Has the additional survey works for bats and badgers been completed?

A: Yes and submitted under a separate application for the cricket nets, 22/P0956. (No evidence of bats or badgers)

Q: p.189 do we have a three year average for fixtures outside the COVID period for comparison.

A: We have no info of pre-Covid versus during Covid.

Q: Is hockey opened up for community use?

A: Yes, that is the intention and would be secured by the CUA.

Q: condition 7 - hours of use and floodlighting. What does this mean in plain English?

A: This condition is simply in place to limit the hours of floodlighting to those stated in the application and the overall hours of use to those stated in the application and set out in the 'Proposal' section.

Overall hours of use – 7am-10pm Monday to Sunday.
Hours of floodlighting – 7am to 11pm Monday to Sunday.

Q: There is an overall uplift in community use. What leavers can be utilised to account for seasonality and support greater year round use outside of main operating times.

A: The AWP would need to be made available for community use throughout the winter months. However, it is not necessarily the place of this planning application to require additional information on how seasonality would be accounted for, other than making the facility available. That being said, this may be a subject for further discussion with the school, who have generally been keen to accommodate community use, within the hours they have specified.

Item 6 Sandham House, Boundary Business Court, 92-94 Church Road, Mitcham, CR4 3TD (21/P2570)

Item 7 Sandham House, Boundary Business Court, 92-94 Church Road, Mitcham, CR4 3TD (21/P2571)

As a result of late representations from LBM Transport officers, who have stated the proposals are not supportable otherwise, a zebra crossing would be provided to service the proposed shop and the wider area. This would be secured as part of the s106 agreement for the widening of the pavement to the south of the site entrance. Consequently the recommended Legal Agreement would cover the following heads of terms:-

1. Highway improvements (new pedestrian footpath) with associated costs.
2. Highways improvements (new zebra crossing) with associated costs
3. The developer agreeing to meet the Councils costs of preparing, drafting and monitoring the Section 106 Obligations.

Item 8 9 Hamilton Road, South Wimbledon, SW19 1JD (21/P3286)

Response to member queries:

Q: Is condition 6 a standard condition?.

A: Yes it seeks to control the use of the outbuilding and ensures that it can't be let out or sold as a separate unit.

Q. only a 10 cm gap between the property and neighbouring one. Is this still classified as detached?

A. Yes it is a detached house.

Q. Measurements of height taken from the ground level on the site itself?

A. Yes measurements are taken from the ground level of the site.

Item 9 Burlington Gate, 42 Rothesay Avenue, Wimbledon Chase, SW20 8JU

3. PROPOSAL (page 10)

Amend paragraph 3.4:

3.4 The roof addition would reduce the size of the existing communal roof terrace, with a resultant space of ~~69sqm~~ **83sqm** but with an enhanced offering of planting and seating - approximately 21 potted plants of varying maturity up to 2m in height along with five heavy duty benches. An existing strip of land to the northeast of the building would be re-landscaped to provide an additional external amenity space of approximately 52sqm although this space exists currently, it is not landscaped to form useable amenity space or used as amenity space.

Amend paragraph 3.7:

3.7 The proposal would provide the following accommodation:

	Type	Habitable rooms	GIA (sqm)	Private external space (sqm)
1	1b/2p	2	62	5.3
2	1b/2p	2	63	10.5
3	1b/2p	2	65	5.2

Officer comment:

The plans as amended on 29th December 2021 show the GIA and amenity space provision as described above – the correct plans are shown in the agenda. The report erroneously referred to the dimensions of the original, unamended proposal.

For clarity, each unit meets the London Plan standards for provision of private amenity space and internal floor area.

6. CONSULTATION (page 15)

A further 5 letters of objection have been received, making a total of 42. These objections raise concerns as per those reported in the report but in addition raise

concerns about the lack of engagement from the developer and raise concerns regarding the revised daylight and sunlight assessment.

Officer comment:

The application has gone through the statutory consultation process and there is no requirement for the applicant to go beyond this.

The objection relating to the daylight and sunlight assessment raises concerns that the impact on internal light levels has only been demonstrated for the proposed flats. However, the assessment deals with the impact on existing flats and also considers light levels to the proposed units.

The objection also raises concerns that the staircase has been omitted in the 3D modelling. However, the purpose of the modelling is to reflect the bulk and massing proposed and the additional out-shot of the staircase would have no material impact on overshadowing when considered in the context of the roofscape.

7.7 Standard of Accommodation (page 19)

Amend paragraph 7.7.4:

7.7.4 There is currently approximately 146sqm of amenity space in the form of the existing roof terrace. There is an area to the side of the building, which acts as an informal visual buffer between the building and residential dwellings, however, this area is not landscaped as an amenity area and is shaded throughout much of the afternoon. The proposed layout includes a roof terrace of ~~69sqm~~ **83sqm** (with an additional area of 52sqm to the side of the building). If the area to the side of the building were included in the existing amenity space there would be a total of ~~215sqm~~ **198sqm** existing amenity space. The proposal seeks to reduce this to ~~121sqm~~ **135sqm**. There are 24 flats in the existing building, which would equate to approximately ~~9sqm~~ **8.25sqm** of communal amenity space per unit (or 6sqm per flat if the area to the side of the building is discounted, as it is not currently used as amenity space). In the proposed scenario, there would be 27 flats in the building, which would equate to ~~4.5sqm~~ **5sqm** per unit.

Officer comment:

The changes to the dimensions listed above are marginal but they do show that at least 5sqm per flat would be retained as communal amenity space. As set out in the report, Officers consider that the standard of accommodation for new flats would be acceptable and the loss of part of the existing communal amenity space would not warrant a refusal of planning permission, for the reasons set out in the report.

Remove paragraph 7.7.7:

~~7.7.7 The proposed units would provide in excess of the minimum internal space standards. The London Housing SPG sets out that "In exceptional circumstances, where site constraints make it impossible to provide private open space for all dwellings, a proportion of dwellings may instead be provided with additional internal~~

~~living space equivalent to the area of the private open space requirement. This area must be added to the minimum GIA." Therefore, the principle of providing additional internal floor area in lieu of private external amenity space has some policy support. Therefore, whilst some of the units are marginally under providing external amenity space (and do not include balconies of a minimum depth of 1.5m), this is mitigated by the additional floor area for each unit, over and above the minimum standards.~~

Officer comment:

Paragraph deleted as the proposed development now provides balconies in line with London Plan guidance

9. RECOMMENDATION (Page 23)

Additional condition:

16. Landscaping plan to include details of landscaping and management of the roof top amenity space and the area to the side of the southern block.

Remove condition 6 – no use of flat roofs.

Officer comment

This landscaping condition is considered necessary to ensure that the refurbished amenity area to the side of the building and the new amenity area to the rooftop would be of a high standard with suitable furniture and planting.

The condition requiring no use of flat roofs is not relevant to the application, as it is unlikely anyone would attempt to use the tops of the dormer windows as terraces and so this condition should be omitted.

Q: Can you outline the reasons why permitted development would not apply in this case?

A: The date of the construction of the building was under question in the previous prior approval. To avoid this technical consideration the applicant has submitted a full planning application. However, they have provided some additional evidence on this and it may well be that the building was constructed at a time that would allow for a prior approval submission, if that further evidence were included in the submission.

Q: Can you provide a plain English summary of point 3 regarding amenity?

A: The amenity impacts are set out in the report but any further clarification can be provided at the meeting.

Q: Please explain the rationale and impact of condition 6?

A: No use of flat roof condition – this is intended to be for areas of roof that are not to be used as roof terrace. However, it could only restrict the top of the dormer

windows, although it is unlikely anyone would try and use it as a roof terrace. This condition is probably not needed in retrospect, so Officers recommend omission of this condition..

Q; Please could we have a photograph or visual representation of the “not ideal” and “shady” strip of land 52sqm at the back of the building which it is proposed to landscape – at the moment it is difficult to envisage whether anyone would use this land as amenity space, whether landscaped or not;

A: Photographs included in the presentation.

Q: Can you confirm this land is behind the Northern block, and not adjacent to the block which it is proposed to develop

A: The land in question is directly adjacent to the southern block (the subject of the application) – to the northeast side of the southern block (not the northern block). The plans do show an annotation that the existing garden area to the north of the northern block – ‘Newly Refurbished Landscaped Area’, however, this space serves the northern block and is not being increased in size, so not directly relevant to the development.

Q: Do I understand correctly that the 32sqm play space amenity required for the flats under the London Plan forms part of the total amenity space, viz the roof terrace and the strip at the back?

A: As the development is only for three dwellings, it does not attract a requirement to provide dedicated children’s play space. However, when considered against the number of existing dwellings (i.e. the cumulative impact of the existing and proposed), if the entire building were a new development, the London Plan would require a provision of 32sqm of children’s play space. Therefore, Officers included these figures to illustrate the policy background, as to what the minimum requirements are in terms of play space provision – as there is no definitive standard in terms of the overall provision of communal amenity space.

Q: If the shady strip is not included, the communal space per flat if this development takes place will be 2.55sqm per flat (69/27)?

A: Please see updated figures on provision of communal amenity space. If the shady strip to the northeast of the building were not included it would be 3.07sqm amenity space per unit. However, the application does include this area and Officers note that the London Housing SPG does refer to the need for amenity areas to be cool in the summer so they can act as a ‘cool retreat’, so the provision of two separate areas may be beneficial in this regard, given as there is little shade on the roof.

Q: And unless the shady strip is used by the children who need somewhere to play, the 32m play space required forms part of the 69sqm roof terrace, which effectively reduces the adult share of that space to 1.37sqm per flat

A: The play space requirement is not in addition to general communal space as such, so it would not reduce general amenity space to 1.37sqm per flat, as it is still

part of the communal space offered. The policy requirement is there to ensure that it is provided as dedicated children's play space rather than just general amenity space but this is a requirement on new development, here we are using it as a marker to explain the policy requirements around communal amenity space in general. The requirement to provide children's play space in a development is triggered for schemes of 10 or more units.

Q: And of the three individual new flats two will have less than 5sqm private external space, and do not include balconies with a minimum depth of 1.5 m?

A: Please see updated figures on the size of the proposed balconies. For clarity, each balcony meets the London Plan standards in terms of overall size and depth.

Q: If this were 2 flats rather than 3 they could each have sufficient outdoor space, a decent balcony, and the existing communal outside space could be largely preserved for the benefit of the residents?

A: It is difficult to speculate on what a scheme for two flats could achieve, as it depends how the roof was raised and configured as to how much amenity space could be retained in the roof terrace. However, a reduced proposed GIA would mean the roof terrace could be retained at a larger size. However, Officers could not offer a definitive figure on what space could be retained under a potential 2 flat scheme.

Q: And please could swift boxes be made a condition?

A: If members consider it appropriate then a condition to require Swift boxes could reasonably be imposed.

Item 10 19 Worples Road, Wimbledon, SW19 4JS

Page 174 – Policy Context

Addition to paragraph 5.1:

Policy DM R1 (Location and scale of development in Merton's town centres and neighbourhood parades), Policy DM R2 (Development of town centre type uses outside of town centres)

Addition to paragraph 5.3:

Policy SD7 (Town centres: development principles and development plan documents)

Amend paragraph 6.1 to read:

The application was originally publicised by means of a site notice and individual letters to occupiers of neighbouring properties. In response, 40 letters of objection and 84 letters of support were received. The letters of objection, which include objections from The Wimbledon Society, Wimbledon E Hillside Residents' Association (WEHRA), Raymond and Mansel Road Residents Association, Wimbledon Central Residents Association Ltd, and Friends of Wimbledon Town Centre, are on the following grounds:

- Loss of daylight/sunlight, inaccuracy of daylight/sunlight report/rights of light impact/No overshadowing report
- Loss of privacy/overlooking
- Excessive height/fails to relate to the height and massing of surrounding buildings/overbearing impact/visually intrusive
- Overdevelopment of site
- Existing tree located behind the site would not screen proposal/impact on conservation area
- Overconcentration of supermarkets in the locality
- Disruption due to noise, dust and debris and inconvenience to pedestrians during construction
- Lack of parking for shopping
- Proposed construction vehicles are of insufficient size to remove required debris during demolition phase
- Congestion from retail shoppers using on-street parking bays and disruption this will cause to pedestrian movement and bus stops. Increased parking pressure on surrounding residential streets
- Impact on safety
- Air quality/odour/noise
- Flood risk
- Employment numbers stated are not a NET gain Adverse impact on the variety, vitality & viability of retail in Wimbledon's Primary Shopping Area, and other local centres
- Lack of prior notification
- Light pollution
- Lack of sustainability due to demolition of a modern building/no attempt to upgrade existing building/lack of future proofing/increase carbon emissions

The letters of support were on the following grounds:

- The proposed retail store would provide increased choice for residents
- Increased jobs for local people
- New highly sustainable building
- Help post pandemic economic recovery

Page 180 – Principle of development

Addition to paragraph 7.3:

At a local policy level, Policy DM R1 outlines that major town centre uses (such as retail) of over 1,000 sq m should be directed to major centres in the Borough, such as Wimbledon. Policy DM R2 seeks to direct town centre uses to the town centres within the Borough and that edge of centre and out of centre locations should only be permitted where the relevant criteria of the policy has been met. The site lies within the town centre boundary, but on the immediate edge of the Primary Shopping Area. The applicants have submitted a sequential test which demonstrates that there are no other vacant locations within the Primary Shopping Area that could accommodate the retail use proposed. Further, the applicants Retail Impact Assessment demonstrates that there would be a negligible impact on the existing primary shopping area trade. The NPPF at paragraph 91 confirms that applications should only be refused where the impact on a centre would be classed as 'significantly

adverse'. The principle of the retail development proposed is considered acceptable and would make a positive contribution to the vitality of the town centre.

Response to member queries:

Q: Do we know if the proposed building would be taller than Elys opposite?.

A: Elys has a height of 25.6 m and the height proposed for the development is 29.8 m.

Q. Where would trolleys be parked?

A. Inside the store at ground floor level.

Q. How is surfacing and paving to be dealt with at the front?

A. Condition 4 seeks final details of surfacing and the legal agreement will capture the re-surfacing of the highway land and so suitable surface integration can be captured at this stage.

Q. Still a desire for office space in Wimbledon?

A. Applicants have outlined there is a desire for primary office space in Wimbledon. Officers outline that the applicant is not required to demonstrate a need for the office use as its acceptable in principle.

Q. Would the height proposed set a precedent?

A. Applications are assessed on their merits at the time of submission. The proposed height of the development falls within the guidance under the Future Wimbledon SPD for heights of buildings in this location.

Q. Solar panels on the roof proposed?

A. The final details of the energy strategy is to be secured via condition, however, officers expect the flat roofs to be utilised for solar panels.

Q would there be conflict between visitors to Lidl and the existing bus stop?

A. The Council's Highways Officers are happy with the relationship of the existing bus stop to the site. They are satisfied that the servicing on street can be accommodated on the existing road network and would not conflict with the bus stop.

Item 11 Planning Appeal Decisions

Item 12 Planning Enforcement