

**Merton Council**  
**Development and Planning**  
**Applications Committee**

**23 November 2023**

**Supplementary agenda**

10 Modification Documents

1 - 22

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## Planning Applications Committee

23<sup>rd</sup> November 2023

### Supplementary Agenda

### Modifications Sheet.

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## ITEM 5 (BURLINGTON GATE 42 ROTHESAY AVENUE WIMBLEDON CHASE SW20 8JU)

### Formatting

Officers note that the paragraph numbering formatting has resulted in some unusual numbering sequences from paragraph 7.9 onwards. This is a typographical error/formatting issue but does not affect the contents of the report.

### Amenity Space (communal)

#### Paragraph 7.6.6 (page 18)

There is a typographical error at para 7.6.6. A corrected wording is below (new text is bold, replaced text struck-through) All other figures in the paragraph are correct:

7.6.6 If this new amenity area to the side of the building were included in the existing amenity space there would be a total of 237.5sqm existing amenity space. The proposal seeks to reduce this to a total of 211.5sqm (a reduction of ~~only 16~~ **26**sqm overall). There are 24 flats in the existing building, which would equate to approximately 10sqm of communal amenity space per unit (including the area to the side of the building, which is present but not currently used as amenity space). In the proposed scenario, there would be 27 flats in the building, which would equate to 7.8sqm per unit (this is an increase over the average of 4.5sqm per unit under the previous application).

### Additional Information from applicant

In response to issues raised in objection letters and Member Questions, the agent has provided amended plans (appendixes to the mod sheet) as follows:

- Proposed Site Plan (showing proposed bin storage and rooftop landscaping) 22.11.2023
- Proposed Ground Floor (showing covered summerhouse) 22.11.2023
- Proposed 4<sup>th</sup> Floor Plan (showing internal bin storage arrangements) 22.11.2023
- Proposed Roof (showing landscaping) 22.11.2023
- Proposed East & North Elevation (showing summerhouse) 22.11.2023
- Proposed Roof Terrace Landscaping 22.11.2023
- Proposed Section AA (showing previous refused scheme) 22.11.2023

The amended plans show:

- A covered summerhouse as opposed to a pergola, at ground level.
- The arrangement of proposed landscaping to the rooftop terrace, including planting, seating, surfacing (a combination of light coloured paving slabs, composite decking), BBQ area, timber pergola and wall and floor lighting.
- Internal arrangements to demonstrate that internal bin storage can be adequately accommodated.
- Details of the proposed bin storage area, which would involve a slight enlargement of the enclosed area to provide an additional 1100 litre Euro bin and a new bin for food waste. (There is capacity for 5 Euro bins currently).

Officer comment

- *The proposed landscaping arrangements can be secured by way of condition. If alterations are required to the layout, this can be resolved through a pre-commencement condition (for example, the acceptability of the proposed BBQ area in terms of fire safety would need to be resolved before this arrangement could be agreed and also the acceptability of the lighting arrangements proposed). However, the plans show indicative images of what could be required and secured by way of condition should the application be approved.*
- *The amended floor plans show where refuse and recycling can be stored internally and this raises no concerns.*
- *The level of bin storage for the resultant 37 units (6 Euro bins, along with a further bin for food waste storage) would be in line with the Council's requirements for bin storage and no concerns are raised. The marginal forward projection of the enclosed bin store is not considered to result in material harm to either visual or residential amenity.*

**Additional consultee responses:**

Network Rail:

Network Rail would like to make the following comments on the above planning application. Due to the close proximity of the proposed works to Network Rail's land and the operational railway, Network Rail requests that, where applicable, the applicant / developer follows the attached Asset Protection informatives which are issued to all proposals within close proximity to the railway. Should you wish to discuss any of the informatives, please contact our Asset Protection team via [AssetProtectionWessex@NetworkRail.co.uk](mailto:AssetProtectionWessex@NetworkRail.co.uk).

Officer comment:

*An informative is recommended below.*

Wimbledon Swifts:

A letter has been received from the Wimbledon Swift Group highlighting the importance for Swift friendly features in the design and construction process.

Officer comment:

An informative is included in the agenda in relation to Swifts, in addition to a condition requiring biodiversity enhancements.

### **Amendments to conditions**

(Page 24) (amended/additional text shown in bold and italics):

Following amended plans being received (details as above), condition 2 is updated as follows:

- 2 . Approved Plans - The development hereby permitted shall be carried out in accordance with the following approved plans: P-Si-D-011 Rev L, P-00-D-013 Rev G, P-04-D-015 Rev H, P-R-D-016 Rev L, E-E/N-D-017 Rev K, E-S/W-D-018 Rev G, X-AA-D-019/1 Rev G and P-R-D-055.

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

9. Biodiversity Net Gain - The development hereby approved shall not be occupied until a plan for ecological enhancements, to secure a biodiversity net gain, has been submitted to and approved in writing by the Local Planning Authority. ***These enhancements may include planting and habitat creation, hedgehog runs, bird boxes (including specifically designed Swift boxes), bat boxes etc.*** The agreed enhancements shall be implemented prior to the first occupation of the development hereby permitted and maintained thereafter.

Reason: Having regard to the biodiversity value of the site.

Additional informative:

#### 22 INFORMATIVE

Due to the close proximity of the proposed works to Network Rail's land and the operational railway, Network Rail requests that, where applicable, the applicant / developer follows the Asset Protection informatives which are issued to all proposals within close proximity to the railway link here: [23P2170 Comments Network Rail 16.10.2023.pdf \(merton.gov.uk\)](#). Should you wish to discuss any of the informatives, please contact our Asset Protection team via [AssetProtectionWessex@NetworkRail.co.uk](mailto:AssetProtectionWessex@NetworkRail.co.uk)

### **MEMBER QUESTIONS**

Officers can provide the following responses received from the **applicant** to member questions raised at the Technical Briefing:

**Q: Is level 4 of the original application currently being used as communal space?**

Yes, there is currently a roof terrace of 146 sq. m. on the roof. How well used that space is, is questionable given its state of repair.

**Q: As the application was previously refused, do officers feel that the reasons for refusal have been addressed and overcome in the new application?**

The existing roof top terrace is 146 sq. m. the previous application proposed to replace this with a terrace of 69 sq. m.

This application proposes a new roof terrace of 120 sq. m. That is 51 sq. m. more than the previous application.

The quality of that amenity space will also be significantly improved as illustrated on the proposed roof terrace landscaping plan.

In addition to this the previous application reported that an area of 52 sq. m. would be provided on the ground floor.

This application provides an area of 91.5 sq. m. of amenity space on the ground floor. That is 39.5 sq. m. more than the previous application. (*Officer response – Members should note that the ground floor amenity space currently exists and is not new amenity space*).

So on a pure square meterage basis this application provides 90.5 sq. m. more amenity space than was considered during the determination of the previous application.

In addition, an unused area of 137 sq. m. to the north of the site, will be refurbished and landscaped, to provide more amenity space, all residents can access.

As stated within the Officer's Report a refusal based on reduction of communal amenity space could not be reasonably substantiated on policy grounds in this case.

**Q: Has the applicant carried out any studies on the state of the amenity space?**

Yes a rooftop condition survey was carried out over a six year period from 2018 to 2023.

The results of this survey are set out in the report submitted in support of this application. The condition of the roof has been tracked over this period and as can be seen from the photographs within this survey.

The roof has continually deteriorated over that period to the point where it is now considered that the existing conservatory, roof terrace, and decking are no longer fit for purpose in violation of current building and fire regulations and a serious health and safety hazard. To this day there are still roof panels on the conservatory that have slipped off the roof and are only being held in place by the guttering.

We would respectfully request that members review this survey as part of their determination process. (attached for reference).

**Q: Side amenity space was mentioned when the last application was heard by committee, are there any further confirmed plans for this?**

The side amenity space was incorrectly reported at the last committee as being 52 sq. m. in area, and only 6 ft. wide.

This area is correctly identified in this application as being 91.5 sq. m. in area, 15 ft. wide and 65 ft. long.

This area was assessed by the applicants Daylight & Sunlight Consultant who concluded that more than 84% of that space will receive at least 2 hours of direct sunlight on 21 March. So is fully compliant with British Standards and well in excess of the 50% required.

This application also proposes to provide a fully enclosed pagoda within this area offering a covered ground floor seating area not currently available.

**Q: Has parking been addressed by the applicant for the additional properties?**

The site is in a sustainable location and there is no new proposed parking for the additional properties. New residents will not be allocated a parking space on site. There will therefore be no loss of parking for existing residents.

The site also falls within a CPZ and the applicants have agreed to enter into a S106 to ensure the flats remain permit free.

**Q: Has waste storage been addressed and modified to reflect the increase in residents at the property if the application was approved and could the applicant provide ratios from the existing development and the proposed development?**

The proposed new flats are in excess of the minimum space standards. They all contain large kitchens with ample room to provide integrated containers for Food Waste (15ltr), Dry Recycling (40Ltr) and Residual Waste (40Ltr).

The communal waste is contained within a refuse store located on the ground floor. There is sufficient space within this store to provide extra bins in order accommodate 3 additional flats.

The application proposes to provide two additional bins, to be located within the existing refuse area, which is considered to be more than sufficient to accommodate 3 additional flats.

This refuse area will also be refurbished as part of the comprehensive landscaping plan for the site.

**Q: Will the committee be able to see the objections raised?**

Yes, I believe that Members do have access to all objections, and these have been set out in the Officer's Report.

**Q: Will the children play space be located on the top floor or ground floor?**

There is 120 sq. m. of new child friendly amenity space being proposed on the roof space and 226 sq. m. of child friendly amenity space being proposed on the ground floor. (*Officer response – Members should note that the ground floor amenity space currently exists and is not new amenity space*).

Both areas can be used by all residents.

**OFFICER'S response to member questions at the Technical Briefing:**

**Q: Is level 4 of the original application currently being used as communal space?**

A: There is a conservatory area at roof level which may be used as communal space along with the existing roof terrace, although it is disputed as to how well the space is used. Residents have said that the space is well used, and the applicant has said that the space was in poor condition and not used to a significant degree. The existing roof terrace is available to residents and whilst there are some areas that require attention it is in a useable state and there are a number of tables and chairs on the roof terrace currently.

**Q: As the application was previously refused, do officers feel that the reasons for refusal have been addressed and overcome in the new application?**

A: Yes, the applicant has addressed the previous reasons for refusal and as such officers recommend approval of the application.

**Q: Has the applicant carried out any studies on the state of the amenity space?**

A: The applicant has provided a survey of the existing rooftop which indicates that it is not in a particularly good condition and is not well used. Residents dispute this and say that they use it regularly. The key point, in terms of the planning assessment, is that even if the rooftop was in a bad state it would not require a further development for more flats to resolve it, it could just be fixed as part of the maintenance of the building. So, the condition of the roof top is not an overriding consideration.

**Q: Side amenity space was mentioned when the last application was heard by committee, are there any further confirmed plans for this?**

A: There is space on the side of the development which has been identified as potential amenity space. Officers feel that this would area has limited amenity value but in trying to address concerns previously raised at committee, the applicant has identified this as potential amenity space for residents. The land to the side to be used as amenity space was also proposed in the last application but this proposal also includes a covered summerhouse.

**Q: Has parking been addressed by the applicant for the additional properties?**

A: The development is in a Controlled Parking Zone. Any permission granted is recommended to be subject to a legal agreement to restrict parking permits, however, the arrangement of parking on site would be a matter for the landowner to deal with through the lease. Officers note that this matter did not form a reason for refusal in the previous application.

**Q: Has waste storage been addressed and modified to reflect the increase in residents at the property if the application was approved and could the applicant provide ratios from the existing development and the proposed development?**

A: The intention is for the existing bin storage to be enlarged in order to accommodate the additional waste storage requirements of the three units. The waste storage arrangement was not found to be objectionable under the previous application. The applicant has provided further details in the most recently amended plans.

The existing 34 units have access to 5 Euro bins of 1100 litres (so an average of 162 litres per unit). The proposed arrangements would involve 37 units with access to 6 Euro bins of 1100 litres (so an average of 178 litres per unit).

**Q: Will the committee be able to see the objections raised?**

A: The objections have been summarised in the report and available on request.

**Q: Will the children play space be located on the top floor or ground floor?**

A: There is no intention to have dedicated child play space. The rooftop would be communal amenity space for all residents, with planting and benches but play equipment has not been proposed. However, details of the landscaping, planting and arrangement of furniture on the rooftop terrace will be required by condition in the event of an approval.



**Q: Can internal waste arrangements for the flats be clarified?**

A: The flats would all meet the minimum space standards of the London Plan and would allow for space internally to provide refuse and recycling bins. The kitchens are of a reasonable size and bin storage would not be problematic. The waste would then be moved to the communal bin store by the occupier, as is the case for existing residents. The applicant has provided further details to show the location of internal bin storage in the most recently amended plans.

**Q: Is the rooftop accessible?**

A: The rooftop would be accessible only by stairs, as is the case for the remainder of the building and the existing rooftop terrace. There is no requirement in planning policy or Building Regulations for a development of this nature to provide lift access or wheelchair access.

**Q: Query whether environmental conditions to include Swift boxes and other ecological measures can be incorporated?**

A: The scheme is required to result in an uplift in biodiversity. This matter is addressed by condition 9. However, in response to the Member query this condition has been amended to explicitly refer to Swift boxes, bird boxes, hedgehog runs and bat boxes, although this list would not be exhaustive.

**Q: Has there been any engagement with residents as to what facilities they would expect to see provided on the rooftop terrace?**

A: No correspondence or engagement with residents has been detailed in the submission. However, this is not required for an application of this nature. The applicant has sought to provide a rooftop terrace which would benefit from planting, landscaping and the provision of benches, as the existing rooftop terrace does not provide any fixed features (there is a table and some garden chairs currently). However, the submission does not indicate any involvement of existing residents in terms of the detailed layout of the rooftop terrace. The submission does indicate that a covered summerhouse is provided as residents had previously raised concern as to the loss of the enclosed conservatory space.

**ITEM - 6 PLANNING APPEAL DECISIONS**

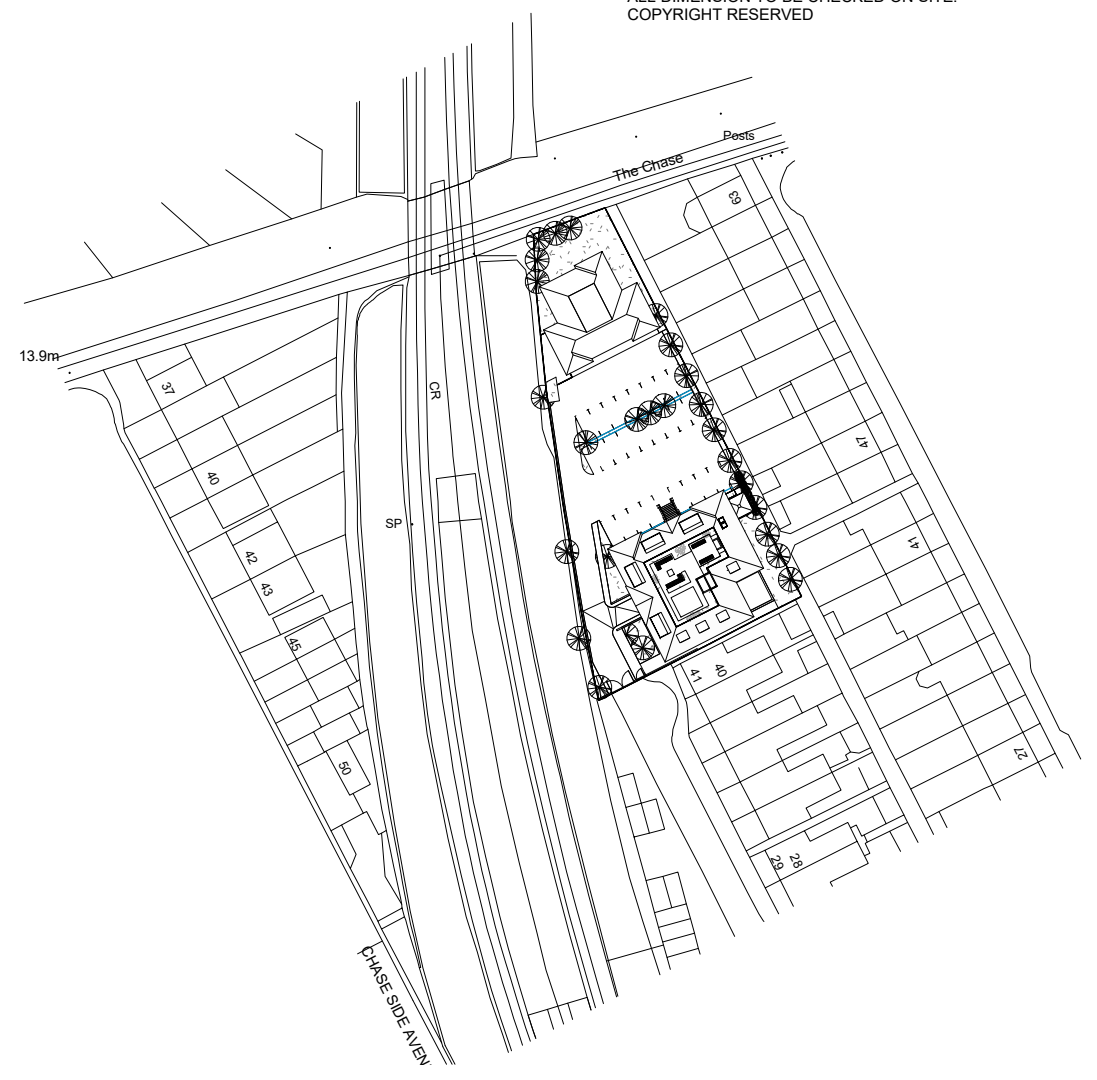
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**ITEM 7 - PLANNING ENFORCEMENT - SUMMARY OF CURRENT CASES**

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Page 9

REV/ISSUE	NOTE	DRN	DATE
L	Revised summerhouse and bin provision	SR	22.11.23
K	Covered Pergola	AG	19.04.23
J	Revised Unit 1	AG	19.12.22
H	Revised schedule of accommodation	SR	27.10.22
G	Corner Fence updated	AG	25.10.22
F	Existing trees added	SR	07.04.22
E	Glazed Access to roof amenity	AG	17.12.21
D	Client's comments addressed	SR	13.12.21
C	Drawings amended to survey	AG	01.12.21
B	Full Planning Application	AG	29.07.21
A	Cycle shed and landscaping added	MH	23.12.20

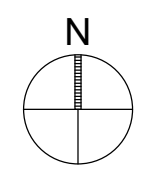
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PROJECT  
Burlington Gate, 42 Rothesay Ave, London SW20 8JU

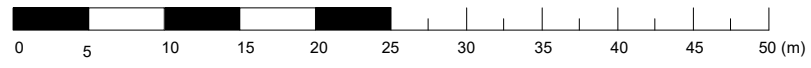
DRAWING  
Proposed Site Plan

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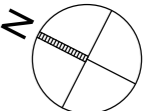


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The Chase

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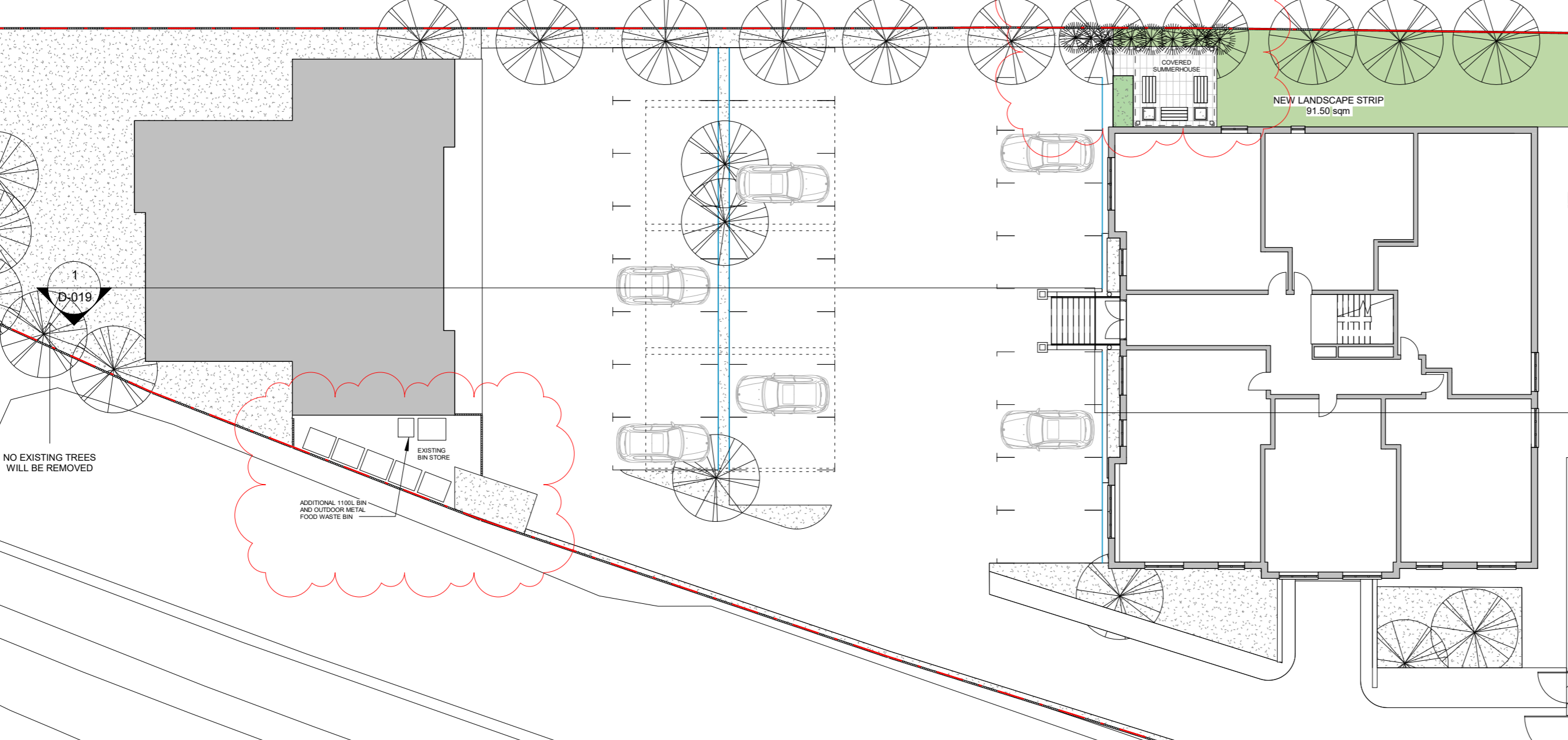
41

40

41

Rothsay Ave

CR



NO EXISTING TREES WILL BE REMOVED

ADDITIONAL 1100L BIN AND OUTDOOR METAL FOOD WASTE BIN

D-019

Page 11

G	Revised summerhouse and bin provision	SR	22.11.23
F	Trees removed from proposed drgs to match existing	AG	17.10.23
E	Comments added	SR	12.10.23
D	Covered Pergola	AG	19.04.23
C	Existing trees added	SR	07.04.22
B	Glazed Access to roof amenity	AG	17.12.21
A	Full Planning Application	AG	29.07.21
REV	NOTE	DRN	DATE

SCALE	DATE	DRN	CHK
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PROJECT  
Burlington Gate, 42 Rothsay Ave,  
London SW20 8JU

DRAWING  
Proposed GF Plan

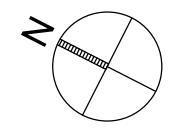
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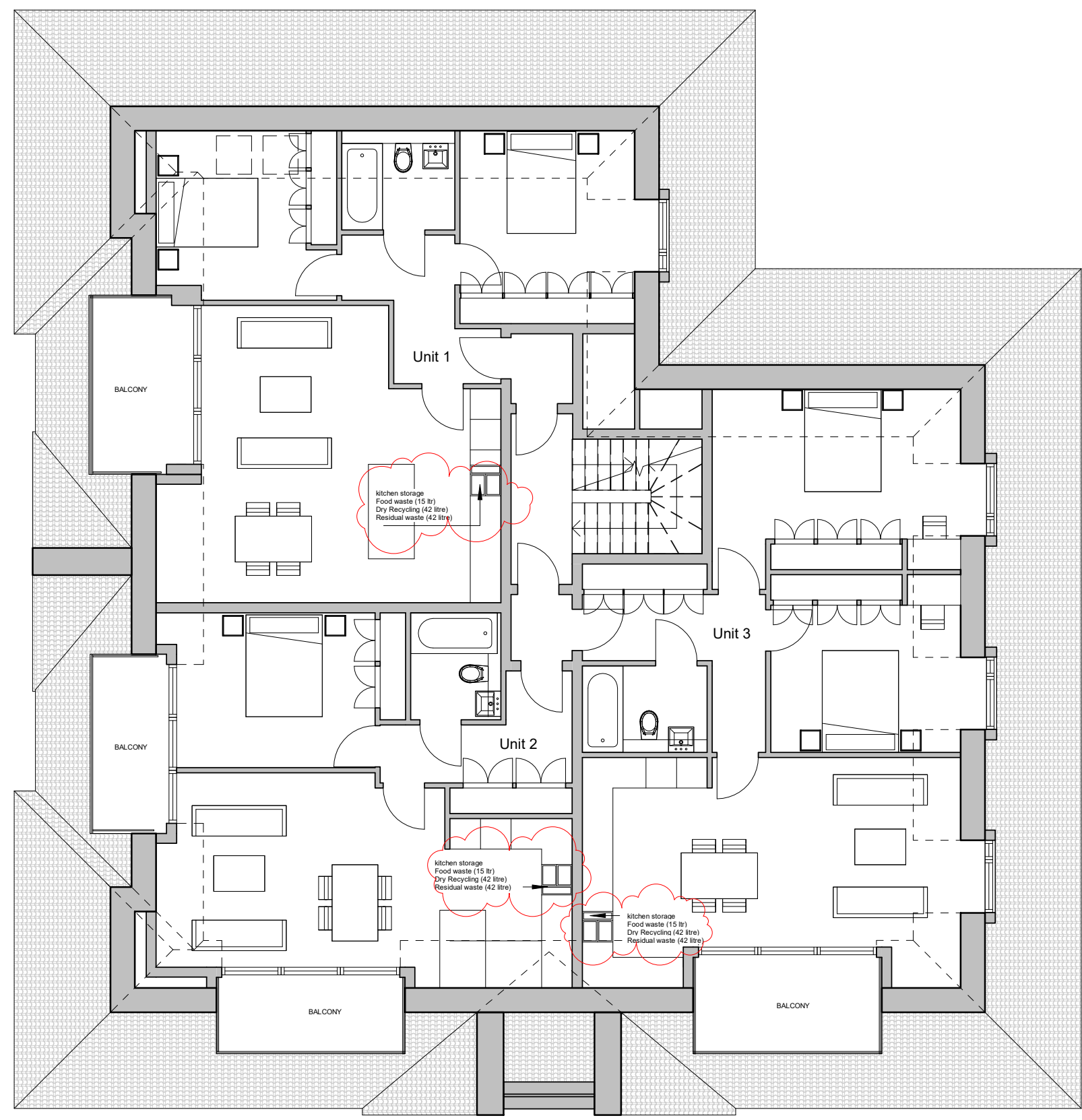


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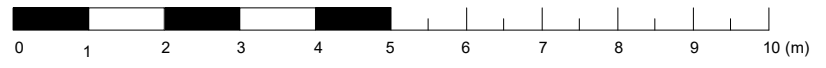


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Area Schedule (GIA)				
Name	Area Type	Area	Min Area Req	Occupancy
Unit 1	Floor Area	70 m <sup>2</sup>	70 m <sup>2</sup>	2b4p
Floor Area		70 m <sup>2</sup>		
Unit 1	Exterior Area	7 m <sup>2</sup>		
Exterior Area		7 m <sup>2</sup>		
Unit 2	Floor Area	55 m <sup>2</sup>	50 m <sup>2</sup>	1b2p
Floor Area		55 m <sup>2</sup>		
Unit 2	Exterior Area	6 m <sup>2</sup>		
Unit 2	Exterior Area	5 m <sup>2</sup>		
Exterior Area		11 m <sup>2</sup>		
Unit 3	Floor Area	77 m <sup>2</sup>	70 m <sup>2</sup>	2b4p
Floor Area		77 m <sup>2</sup>		
Unit 3	Exterior Area	7 m <sup>2</sup>		
Exterior Area		7 m <sup>2</sup>		

PROPOSED 4th FLOOR PLAN  
1:100



REV/ISSUE	NOTE	DRN	DATE
H	Kitchen waste storage shown	MH	22.11.23
G	Revised Unit 1	AG	19.12.22
F	Revised schedule of accommodation	SR	27.10.22
E	Roof pitch and floor area increased	AG	25.10.22
D	Glazed Access to roof amenity	AG	17.12.21
C	Client's comments addressed	SR	13.12.21
B	Drawings amended to survey	AG	01.12.21
A	Full Planning Application	AG	29.07.21

SCALE	DATE	DRN	CHK
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PROJECT  
**Burlington Gate, 42 Rothesay Ave, London SW20 8JU**

DRAWING  
**Proposed 4th floor Plan**

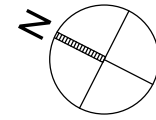
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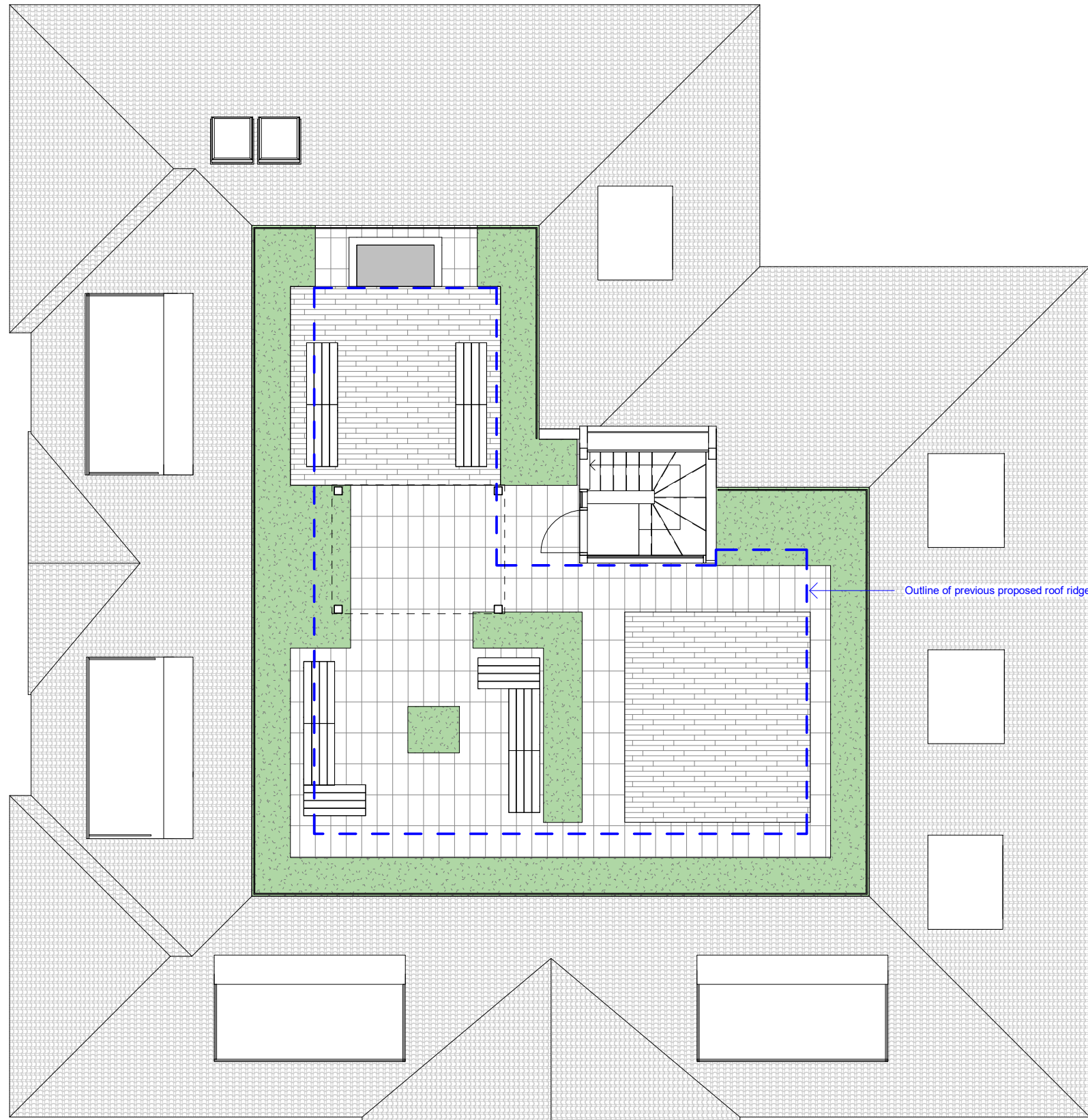
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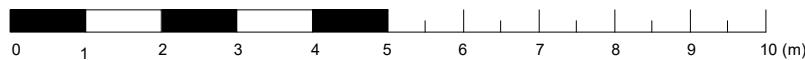
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← Outline of previous proposed roof ridge line

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PROPOSED ROOF PLAN  
1:100



REV/ISSUE	NOTE	DRN	DATE
L	Roof terrace landscaping proposals	SR	22.11.23
K	overlay of previous proposed roof	AG	13.10.23
J	Overlay of Existing Roof to Proposal	AG	06.10.23
H	Revised Unit 1	AG	19.12.22
G	Revised schedule of accommodation	SR	27.10.22
F	Roof pitch and floor area increased	AG	25.10.22
E	Roof amenity increase - 2options	AG	11.10.22
D	Glazed Access to roof amenity	AG	17.12.21
C	Client's comments addressed	SR	13.12.21
B	Drawings amended to survey	AG	01.12.21
A	Full Planning Application	AG	29.07.21

SCALE	DATE	DRN	CHK
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PROJECT  
**Burlington Gate, 42 Rothesay Ave, London SW20 8JU**

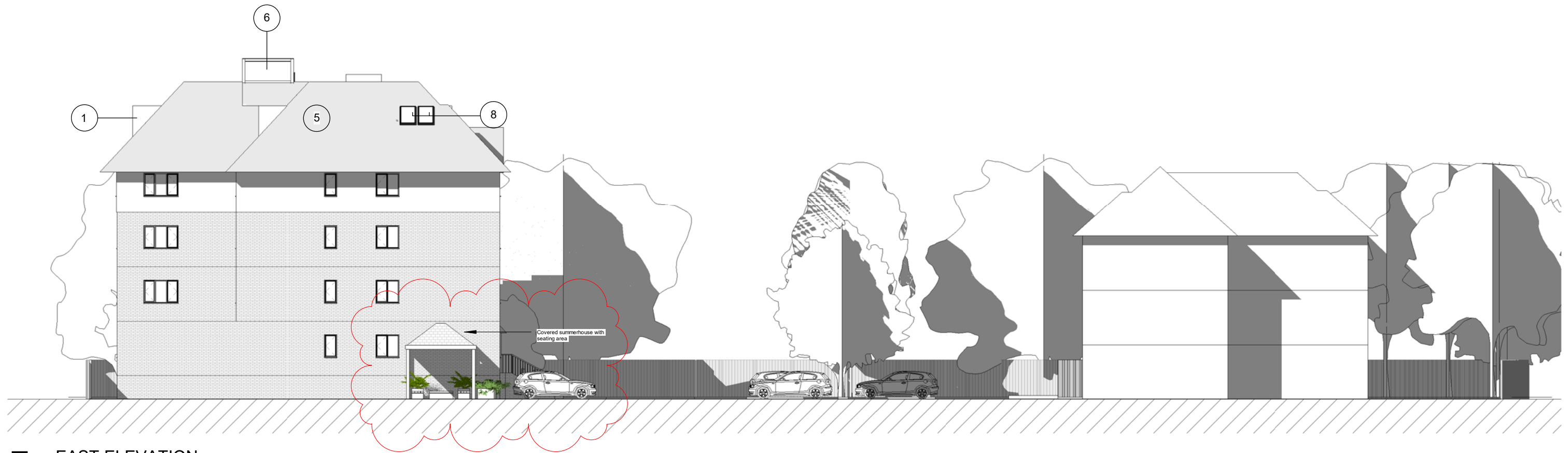
DRAWING  
**Proposed Roof Plan**

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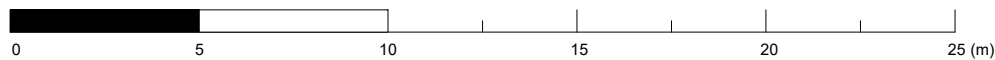


EAST ELEVATION  
1:200

Page 17



NORTH ELEVATION  
1:200



Key:

- 1 Zinc Cladding
- 2 PPC Aluminium Double-glazed window
- 3 Glass Panel Balustrade
- 4 White Render
- 5 Clay tiles on the new roof to match the existing
- 6 Glazed access to roof amenity
- 7 PPC Aluminium Double-glazed door
- 8 Rooflight

REV/ISSUE	NOTE	DRN	DATE
K	Revised summerhouse and bin provision	SR	22.11.23
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SCALE	DATE	DRN	CHK
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PROJECT  
**Burlington Gate, 42 Rothesay Ave, London SW20 8JU**

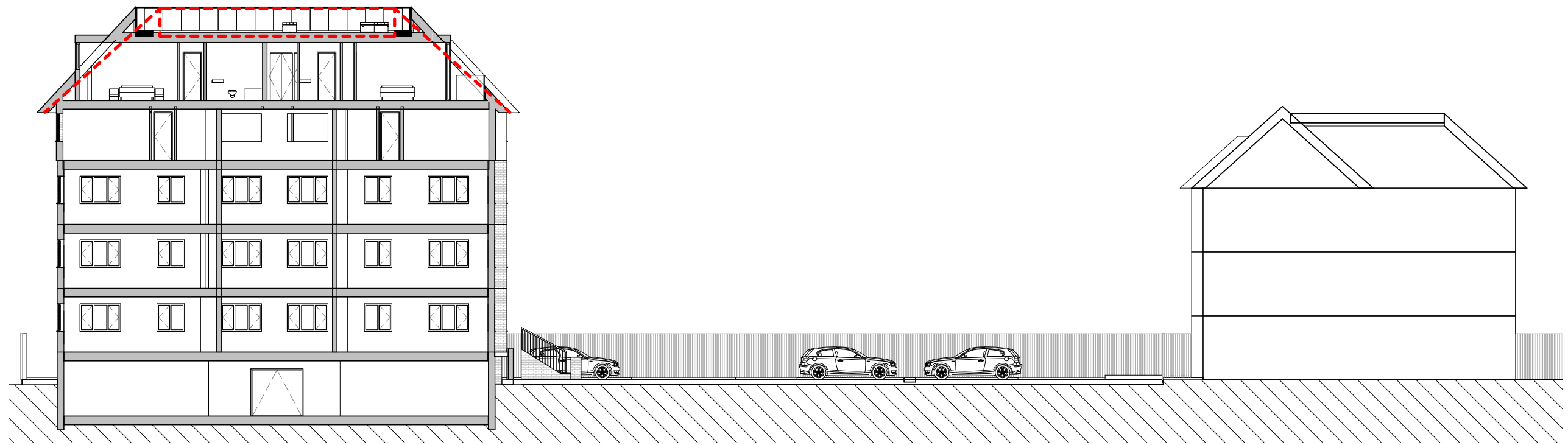
DRAWING  
**Proposed East and North Elevation**

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PROPOSED SECTION AA  
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----- Planning Application Ref: 21/P3292 highlighted in dotted red

REV/ISSUE	NOTE	DRN	DATE
H	Roof profile comparison	SR	22.11.23
G	Revised Unit 1	AG	19.12.22
F	Revised schedule of accommodation	SR	27.10.22
E	Roof pitch and floor area increased	AG	25.10.22
D	Glazed Access to roof amenity	AG	17.12.21
C	Client's comments addressed	SR	13.12.21
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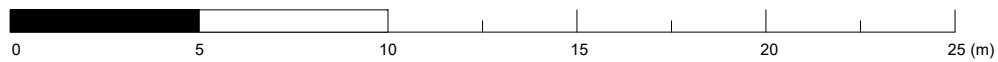
SCALE	DATE	DRN	CHK
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PROJECT  
**Burlington Gate, 42 Rothesay Ave, London SW20 8JU**

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**Proposed Section AA**

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**LEGEND:**

- 1 Light coloured paving slabs
- 2 Composite Decking
- 3 Timber pergola with climbing plants
- 4 Timber chairs
- 5 Tall shrub planting in timber beds
- 6 Barbecue area
- 7 Feature tree in timber bed
- 8 Lighting bollards
- 9 Resident's stair access to terrace
- 10 1100mm height steel handrail to perimeter



Composite Decking with landscape verge



Timber Pergola and decking with floor lights



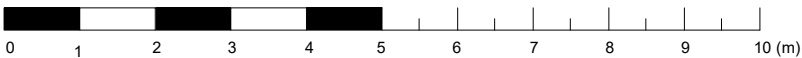
Timber raised bed with shrubbery border



Timber raised bed with shrubbery border



Timber furniture




REV/ISSUE	NOTE	DRN	DATE

SCALE	DATE	DRN	CHK
1:100@A3	31/03/2020	MH	MH

PROJECT  
**Burlington Gate, 42 Rothesay Ave, London SW20 8JU**

DRAWING  
**Roof terrace Landscape Proposal**

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