

# Merton Council

## Planning Applications Committee

### Membership

#### Councillors

Linda Kirby (Chair)  
Najeeb Latif (Vice-Chair)  
Laxmi Attawar  
David Chung  
David Dean  
Russell Makin  
Simon McGrath  
Peter Southgate  
Marsie Skeete  
Dave Ward

#### Substitute Members:

Stephen Crowe  
Daniel Holden  
Edward Foley  
Rebecca Lanning  
Dennis Pearce  
Carl Quilliam

A meeting of the Planning Applications Committee will be held on:

**Date:** 13 December 2018

**Time:** 7.15 pm

**Venue:** Council chamber - Merton Civic Centre, London Road, Morden  
SM4 5DX

This is a public meeting and attendance by the public is encouraged and welcomed. If you wish to speak please see notes after the list of agenda items. For more information about the agenda and the decision making process contact [democratic.services@merton.gov.uk](mailto:democratic.services@merton.gov.uk) or telephone 020 8545 3356

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# Planning Applications Committee

## 13 December 2018

- 1 Apologies for absence
- 2 Declarations of Pecuniary Interest
- 3 Minutes of the previous meeting 1 - 14
- 4 Town Planning Applications  
The Chair will announce the order of Items at the beginning of the Meeting.  
A Supplementary Agenda with any modifications will be published on the day of the meeting.  
Note: there is no written report for this item
- 5 Deacon House, 10 Atherton Drive, Wimbledon, SW19 5LB 15 - 24  
Application Number: 18/P2844 Ward: Village  
Officer Recommendation: GRANT Planning Permission subject to conditions
- 6 5 Bewley Street, Colliers Wood, SW19 1XF 25 - 34  
Application number: 18/P3139 Ward: Trinity  
Officer Recommendation: GRANT Planning Permission subject to completion of a S106 and conditions
- 7 1-5 Carnegie Place, Wimbledon SW19 5NG 35 - 46  
Application number: 17/P4298 Ward: Village  
Officer Recommendation: GRANT variation of Condition
- 8 42 Worples Road, Wimbledon, SW19 4EQ 47 - 54  
Application number: 18/P1490 Ward: Hillside  
Officer Recommendation: GRANT Planning Permission subject to conditions
- 9 TPO: 7 Oakway, Raynes Park, SW20 55 - 60  
Ward: West Barnes  
Officer Recommendation: That the Merton (No.735) Tree Preservation Order 2018 be confirmed without modification.
- 10 Planning Appeal Decisions 61 - 64
- 11 Planning Enforcement - Summary of Current Cases 65 - 70

## **Declarations of Pecuniary Interests**

Members are reminded of the need to have regard to the items published with this agenda and, where necessary to declare at this meeting any Disclosable Pecuniary Interest (as defined in the The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012) in any matter to be considered at the meeting. If a pecuniary interest is declared they should withdraw from the meeting room during the whole of the consideration of that matter and must not participate in any vote on that matter. If members consider they should not participate because of a non pecuniary interest which may give rise to a perception of bias, they should declare this, withdraw and not participate in consideration of the item. For further advice please speak with the Council's Assistant Director of Corporate Governance.

## **Declarations of Pecuniary Interests – Members of the Design and Review Panel (DRP)**

Members of the Planning Applications Committee (PAC), who are also members of the DRP, are advised that they should not participate in an item which has previously been to DRP where they have voted or associated themselves with a conclusion reached or recommendation made. Any member of the PAC who has also sat on DRP in relation to items on this PAC agenda must indicate whether or not they voted in such a matter. If the member has so voted they should withdraw from the meeting.

## **Human Rights Implications:**

The applications in this Agenda have been considered in the light of the Human Rights Act 1998 and in particular, the First Protocol of Article 1 (Protection of Property); Article 6 (Rights to a Fair Trial) and Article 8 (Private and Family Life).

Consideration has been given to the impact of each application on the people living and working in the vicinity of that particular application site and to the impact of the proposals on the persons who have made written representations on the planning merits of the case. A full assessment of material planning considerations has been included in each Committee report.

Third party representations and details of the application proposals are summarised in each Committee report. It may be that the policies and proposals contained within the Development Plan and/or other material planning considerations will outweigh the views of third parties and/or those of the applicant.

**Order of items:** Applications on this agenda are ordered alphabetically. At the meeting the Chair may change this order to bring forward items with the greatest number of public speakers. The new order will be announced by the Chair at the start of the meeting.

**Speaking at Planning Committee:** All public speaking at Planning Committee is at the discretion of the Chair. The following people may register to speak:

Members of the Public who have submitted a written representation objecting to an application. A maximum of 6 minutes is allowed for objectors. If only one person registers they will get 3 minutes to speak, a second person will also get 3 minutes. If further people want to speak then the 6 minutes may be shared between them

Agents/Applicants will be able to speak but only if members of the public have registered to speak in opposition to the application. Applicants/agents will get an equal amount of time. If an application is brought to Committee with an Officer recommendation for Refusal then the Applicant/Agent will get 3 minutes to speak.

**All Speakers MUST register in advance**, by contacting The Planning Department no later than 12 noon on the day before the meeting.

**PHONE:** 020-8545-3445/3448

**e-mail:** [planning@merton.gov.uk](mailto:planning@merton.gov.uk))

Ward Councillors/Other Councillors who are not members of the Planning Committee may also register to speak and will be allocated 3 minutes each. Please register with Development Control Administration or Democratic Services no later than 12 noon on the day before the meeting

**Submission of additional information before the meeting:** Any additional information relating to an item on this Agenda should be sent to the Planning Department before 12 noon on the day before the meeting (using email above).

**Please note:**

There is no opportunity to make a visual presentation when speaking at Planning Committee

That the distribution of any documents by the public during the course of the meeting will not be permitted.

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Phone – 020 8545 3356

e-mail – [democratic.services@merton.gov.uk](mailto:democratic.services@merton.gov.uk)

# Agenda Item 3

All minutes are draft until agreed at the next meeting of the committee/panel. To find out the date of the next meeting please check the calendar of events at your local library or online at [www.merton.gov.uk/committee](http://www.merton.gov.uk/committee).

## PLANNING APPLICATIONS COMMITTEE

15 NOVEMBER 2018

(7.15 pm - 0.28 am)

PRESENT Councillor Linda Kirby (in the Chair), Councillor Najeeb Latif, Councillor Laxmi Attawar, Councillor David Dean, Councillor Russell Makin, Councillor Simon McGrath, Councillor Peter Southgate, Councillor Dave Ward, Councillor Dennis Pearce and Councillor Rebecca Lanning

ALSO PRESENT Neil Milligan – Planning Manager  
Jonathan Lewis – Planning Team Leader South  
Tim Bryson – Planning Team Leader North  
Tim Lipscombe – Planning Officer  
Jason Andrews – Pollution Manager  
Chris Chowns – Transport Planning Officer  
Lisa Jewell – Democratic Services Officer

### 1 DECLARATIONS OF PECUNIARY INTEREST (Agenda Item 2)

There were no declarations of pecuniary interest.

### 2 APOLOGIES FOR ABSENCE (Agenda Item 1)

Apologies for absence were received from Councillor Marsie Skeete and Councillor David Chung.

Councillor Dennis Pearce and Councillor Rebecca Lanning were welcomed as Substitutes

### 3 MINUTES OF THE PREVIOUS MEETING (Agenda Item 3)

A correction was made to the Minute of the Enforcement Officer's report; the address mentioned should have been 208 Bishopsford Road, not 299.

RESOLVED: That the minutes of the meeting held on 18 October 2018 are agreed as an accurate record.

### 4 TOWN PLANNING APPLICATIONS (Agenda Item 4)

Supplementary Agenda: Amendments and modifications to the Officer's report were published in a Supplementary Agenda. This applied to items 5, 9 and 10.

Order of the meeting – The Chair announced that the items would be taken in the following order 10, 5, 7,8,9, 6,11,12,13,14 and 15

However following the disturbance to the meeting described below, and the subsequent late running of the meeting the actual order of items was:

10,5,7,8,9,13,11,6,12,14 and 15.

Fire Evacuation: During the hearing of the first item (Item 10) the Fire Alarm sounded and the Council Chamber was evacuated. Once it was safe to return the meeting resumed. This process took approximately 35 minutes.

5 32-34 BUSHEY ROAD, RAYNES PARK, SW20 8BP (Agenda Item 5)

Proposal: Demolition of existing buildings and erection of a part three / part four storey residential building comprising 32 self-contained flats (6 x studio, 11 x 1 bed & 15 x 2 bed)

The Committee noted the officer's report and presentation and additional conditions in the Supplementary Agenda; Modifications 2.

The Committee received verbal representations from two objectors, who made points including:

- The proposal is too big and entirely out of character with the area. In the past there have been attempts to declare this area as an area of distinctive quality
- The entrance should not be in Edna Road, but should be in Bushey Road. Do not understand why it is in Edna Road as this is a narrow cu-de-sac.
- There were problems previously when this site was a garage with no access to Bushey Road. This proposal will create a dangerous traffic black spot

The Applicant's Agent made points including:

- We have worked closely with Merton Officers to provide much needed private and affordable homes
- Some residents on Edna Road support this scheme as it will be much better for them than the garage
- In response to concerns about massing, one storey was removed
- The scheme does not cause any breaches to daylight or sunlight, and will improve the local environment
- The development will be car free. The primary access will be Edna Road, but as the development is car free this will result in fewer car visits than the Car Sales and Service business received
- The design will improve Edna Road as a new turning head will be introduced

The Committee received a verbal presentation from Ward Councillor Anthony Fairclough, who made points including:

- There is a need for affordable homes, but not at any cost.
- The Density of this development is nearly double that recommended by the London Plan
- Parking and Traffic on Edna Road will be increased as there will visitors, contractors and delivery vehicles visiting the site.

Members asked why the access to the site was on Edna Road. The Transport Planning Officer replied that Bushey Road was a very busy road with a 40mph speed limit, and this was done to reduce conflict. The scheme is permit free so traffic from

the site will be low. The Car Showroom does not generate significant movements at peak times.

Members asked about the previously refused scheme for the site (2007) and how this proposal has overcome the previous reasons for refusal. Officers explained that the previous scheme used Bushey Road for access and parking was proposed on that scheme. The current scheme is permit free and so has less impact. It should also be noted that this previous scheme was a number of years ago, and that the current scheme must be judged on its own merits.

Members asked about the Zip Car Scheme, and whether there is a problem with these cars being left on Edna Road. The Transport Planning Officer replied that the Zip Car Flex Scheme aims to keep their cars moving as much as possible. If there are problems Officers can ring the operators and the cars are moved.

Members asked about the density of the proposal. Officers acknowledged that this scheme has a density above the recommendation in the London Plan but explained that in the officers view this did not cause any harm as the development is of good design, each unit had access to outdoor space, the development is set back from the road and there is landscaping.

Members asked about vehicle movements in Edna Road as these will be increased by demand for internet shopping deliveries when the scheme is occupied. The transport Planning Officer explained that the trip rates are determined from a national database which includes all service vehicles. Edna Road does have the capacity to deal with these deliveries.

Members asked about the number of affordable units, and that the viability assessment suggests that there could be 2 more affordable units in this development. Officers asked Members to note that the developer already had a provider on board for the affordable units, and that this was proposed as 10 units. Members asked for a 'claw-back mechanism' to be added to review this provision in the future.

Members asked about noise and the potential for pollution from Bushey Road, but Officers explained that the development is set back from the road and has landscaping to the front.

Members noted that the site meets all cycle requirements and has lifts for residents use.

A member commented that the area does not have any space for deliveries, and that even if it is permit free people will always find a way to obtain a permit. It is not too near the station, it is too dense, there is a lack of parking, the CPZ only works half of the time.

A motion to refuse the application by reason of the application's bulk and massing was proposed and seconded. This was not carried by the vote

A further motion to refuse the application by reason of the application being contrary to Merton policies CS20 and DMD3 was proposed and seconded. This motion was not carried by the vote.

## RESOLVED

The Committee voted to GRANT Planning Permission subject to conditions and S106 agreement.

In addition the Committee agreed that a clawback mechanism should be imposed on the scheme. The details of this should be delegated to the Director of Regeneration and Environment

### 6 27 COCHRANE ROAD, WIMBLEDON, SW19 3QP (Agenda Item 6)

Proposal: Conversion of single dwellinghouse into 3 x self-contained flats, involving the erection of a single and two storey side extensions and a single storey rear extension, plus the erection of a hip to gable with L-shaped rear roof extension with two new velux windows to the front roof slope.

The Committee noted the officer's report and presentation.

Members commented that making a development permit free did not necessarily prevent residents from finding a way to get a permit

A motion to refuse was proposed and seconded, with reasons for refusal given as overdevelopment, bulk and massing and the small size of the flats. This motion was voted on and the vote was tied, the Chair used her casting vote to Refuse the application.

## RESOLVED

The Committee agreed to:

1. REFUSE the application for the following reasons:
  - The proposal constitutes overdevelopment of the site contrary to LBM policy
  - The bulk and massing, of the proposal are too great, contrary to LBM policies.
  - The design of the building provides very small flats
2. DELEGATE to the Director of Environment & Regeneration the authority to make any appropriate amendments in the context of the above to the wording of the grounds of refusal including references to appropriate policies

### 7 41 COTTENHAM PARK ROAD, WEST WIMBLEDON, SW20 0SB (Agenda Item 7)

Proposal: Demolition of single dwellinghouse and erection of a semi-detached pair of 4 bedroom dwellings, with accommodation on four floors (two storey, with basement



level and accommodation at roof level), with two off-street parking spaces with associated crossovers and terraces to the rear.

The Committee noted the officer's report and presentation.

The Committee received verbal presentations from two objectors who made points including:

- This is a serious overdevelopment of the site. A single storey building to be replaced by two 4 storey buildings
- It is dominant and out-of-keeping with the area
- It has a poor design and is visually intrusive
- There should be a restriction on the use of the terraces, they should not be no social use
- Site is more suitable for a single house
- Not opposed to development, but this application is too intensive, there should be a more sympathetic development
- The Parking spaces are insufficient for the size of the houses, and there will be an increase in traffic
- Trees are being removed
- The basement work will cause structural damage
- Cottenham Park Road does have a character of its own
- There will be no gap between the east wall and number 39

The Applicant's architect made points including:

- The proposal replaces a dwelling with no architectural merit with two environmentally sustainable houses
- The design takes reference from local buildings
- Amendments were made following comments from neighbours and Officers
- The sloping nature means that 3 or 4 storeys are in keeping. The ridge height is designed so that they appear as 2 storey houses
- Understand the concerns of neighbours but the applicant is experienced at building basements
- There is ample parking
- Concerns on the massing were addressed by reducing the upper floor and setting back
- Not uncommon to have small distances between boundaries. Number 39's boundary is next to the garage

In reply to objectors comments The Planning Team Leader South said that there is an acknowledgement that the character of Cottenham Park Road is changing, and that the quality of accommodation exceeds housing standards.

The Committee received a verbal presentation from Ward Councillor Stephen Crowe, who made points including:

- The existing property was built as a single storey bungalow so as to protect the amenity of other homes in the area, given the sloping nature of the site

- This proposal is contrary to Merton Policy DMD2 in a number ways including; it does not protect visual intrusion, it does not relate positively to its surroundings, it fails to meet basement standards as the basement exceeds 50% of the garden

In reply to Members questions, Officers made points including:

- The boundary distances are considered acceptable, amendments have reduced the visual impact of the proposal, and new homes are needed in the borough
- The boundary with number 39 is mainly with the garage, the relationship between the two properties is staggered, with the upper floors set back

Members commented that this proposal appeared to be overdevelopment of the site. A motion to refuse owing to overdevelopment was proposed and seconded. This motion was voted on but not carried.

Members asked about the basement size and whether it was over 50% of the garden. Officers explained that it was difficult to determine as the lower floor was not all basement owing to the level changes of the site, but that the amount of the site requiring excavation was roughly two thirds of the site. However, in Officers view there was no harm arising from this, drainage and technical issues were acceptable and precedent was not an issue.

RESOLVED

The Committee voted to GRANT Planning Permission subject to conditions

8 356 GARTH ROAD, MORDEN, SM4 4NW (Agenda Item 8)

Proposal: Erection of an end of terrace dwelling with basement level incorporating new vehicular crossover to Wydell Close.

The Committee noted the officer's report and presentation.

The Committee received verbal representations from two objectors who raised points including:

- This area has a flood risk and overflow drainage should be considered.
- The capacity of the sewers should be considered.
- Local properties are already affected by vibrations from heavy vehicles crossing the speed bumps in Garth Road. Concerned about the basement
- The road access should be onto Garth Road, not Wydell Close
- This proposal will add to parking and road traffic problems in the area

The Committee received a verbal representation from the Applicant's agent who made points including:

- We have worked very hard to ensure an acceptable design, and there are no objections from Officers

- There is no change to the property size above ground
- This proposal will help with additional housing needs

In response to Members questions Officers made comments including:

- The width of Wydell Close is a very restricted with many dropped kerbs and crossovers
- The natural light to the basement is considered acceptable
- Objectors are often concerned about potentially intrusive building work, but this is the nature of building work. However controls ensure that the basement is built correctly

Members made the following comments:

- This proposal is not great, but are there grounds for refusal
- Considering the housing need in the borough this proposal does create a relatively small new dwelling
- Concerned about the quality of the living accommodation for future residents
- Concerned about the absence of natural light in all the living accommodation, the restricted outlook of the small patio.

A motion to refuse was proposed and seconded, on the grounds of sub- standard accommodation in terms of natural light and amenity.

This motion was put to the vote and carried.

RESOLVED

The Committee agreed to:

1. REFUSE the application for the following reasons:

- The proposed accommodation would have restricted light and outlook and would provide a poor quality of environment for future occupiers

2. DELEGATE to the Director of Environment & Regeneration the authority to make any appropriate amendments in the context of the above to the wording of the grounds of refusal including references to appropriate policies

9 6 GRANGE PARK PLACE, WEST WIMBLEDON, SW20 0EE (Agenda Item 9)

Proposal: Erection of part two storey, part first floor extension.

The Committee noted the officer's report and presentation and additional information in the Supplementary Agenda: Modifications 2.

The Committee received a verbal presentation from two Objectors who made points including:

- Our properties will be directly affected by this proposal. It will overlook our properties and block daylight and sunlight and destroy our privacy
- The reports states that our light and sunlight will not be affected, but this is not correct
- No site notice was displayed and relevant neighbours were not consulted, rendering application invalid
- Number 6 is already a large house and this extension will make it considerably larger than any other house in the close. It will have an additional staircase
- Neighbour will have a two storey extension hard on their border.
- Neighbours on Wolsey close are at a lower level and would be overlooked
- Trees are visible from neighbours house and they do have aesthetic value
- Would like the western trees maintained by condition
- Construction will cause wear and tear on the close.
- Restrictive Covenants Exist

The Committee received a verbal presentation from the Applicant who made points including:

- This proposal is for one family home, nothing more. It will continue to be a family home
- 11 of the 15 homes on the close have already extended
- Used an Architect who has already worked on this Close, tried to be considerate
- There 16m between the proposed new small windows and number 2
- Wolsey Close is 32m away and screened by trees
- Everybody in the close knew about this proposal
- Restrictive Covenants are not a planning issue

In reply to points raised by Objectors the Planning Team Leader made points including:

- The extension is set far back, on the same building line as the existing garage
- Might be some views of the extension from across the road.
- The application was notified and neighbours informed
- Restrictive covenants are not material planning considerations.

RESOLVED

The Committee voted unanimously to GRANT Planning Permission subject to conditions

10 HARRIS ACADEMY, 59-63 HIGH PATH, WIMBLEDON, SW19 2JY (Agenda Item 10)

Proposal: Erection of a five storey building to provide a school, with sixth form facilities, associated parking, play area and landscaping, following demolition of existing community and commercial buildings on site.

The Committee noted the officer's report and presentation and the additional information in both Supplementary Agendas.

The Committee received verbal representations from two objectors, who made points including:

- Air Quality at this site is toxic, and will worsen in the future
- Building a School on this site goes against the Cabinet decisions on Air Quality
- Merton Abbey Primary School already suffers from the poor air quality. Children's' health is endangered by the air quality in this area
- The sports provisions are not adequate
- The DRP have given the design an Amber on two occasions
- Additional Car Journeys will be generated by this development
- The site is very tight.
- There is a campaign to stop building Schools in toxic hotspots such as this one
- The Developers suggest that the air quality will improve, but it won't it will just get worse, particularly during construction
- The mitigation measures do not remove the problems they just make them less bad

The Head teacher of the new Harris Wimbledon School spoke and made points including:

- Harris are experienced education providers, who know how to make education work. This site is perfectly acceptable and meets all the School's needs
- Demand for places at the school has been so high that extra places have been added
- Extensive consultation with the local community was carried out. Harris believe in collaboration with the community and all the proposed facilities will be available for community use
- The school will operate staggered break times, which is acceptable within the guidelines
- There is confidence about the journey to and from the Playing Fields
- The majority of students will walk or cycle to school, and students will be rewarded for sustainable travel

The Applicant's agent spoke and made points including:

- The School has opened in temporary accommodation and only 10% of students arrive by car
- The school has a robust travel plan, only minibuses and disabled parking will be allowed on site.
- A financial contribution will be made to improve the local bus service
- The site is highly sustainable being near to Tube station and tram stops
- Air Quality has been monitored and is acceptable, the assessment is accurate and up to date. The development will be air quality neutral and the construction phase will be strictly controlled.

The Planning Team Leader South responded to Objectors points about Air Quality with reference to section 7.5 of the Officer's report which detailed how the proposal sought to meet the requirements of the London Plan policy 7.14. The proposed development has a robust travel plan, it promotes a sustainable design and will be air quality neutral. He also asked the Committee to note that Merton policy CS11 part c underpins the assertion of the need for the School.

The Committee received a verbal representation from Councillor Ed Gretton, who made points including:

- The Officer's report says that there increased demand for school places, but it does not reference that this demand will drop over the next 4 to 5 years
- The possibility of an alternative site has not been considered. The ex Virgin Active site would be a viable alternative and is large enough
- Relevant Air Quality data does not appear in the Officers report

The Committee received a representation from Ward Councillor Nigel Benbow, who made points including:

- Not against a new school, but concerns about this site; it is small and unsuited to its proposed size, TfL are concerned about the narrow pavements in the area, there is significant traffic congestion, it is very close to the major High Path regeneration site.
- The development did not achieve a green from the Design Review Panel
- It will have a serious impact on Merton Abbey Primary School next door. The Mayor of London has just published a report naming Merton Abbey as one of the worst polluted schools in London
- Disappointed in Council's planning process
- Why weren't the air pollution reports in the agenda?

The Committee received a verbal representation from Ward Councillor Eleanor Stringer, who made points including:

- Must not ignore the need for a new school in this area - this application addresses the need to supply additional school places
- Need to take into account the concerns of local residents about the impact on Merton Abbey School, traffic and community use of the school
- There will be an improvement of Morden Road crossing
- Glad to see the report on air quality
- There are potential benefits to the South Wimbledon local centre from this development

Members' Questions and Comments were made under the headings of the Planning Considerations.

#### 1. Proposed Development:

In answer to Members Questions the Planning Team Leader replied:

- Merton Policy CS11 supports proposal for an increase in the number of school places in the borough

- This scheme, at this site, has the funding support of the Department of Education. If another site was used instead it would have different funding arrangements.
- Members suggested that there will be fewer children requiring secondary school places in the borough in the future. But it has to be noted that this scheme is next to The High Path Estate which is being regenerated creating up to 1057 residential units. Also it must be taken into account that in the draft London Plan the council's housing targets have increased. This could result in 13000 new homes in the borough within 10 years

## 2. Impact on Character of the Area:

In answer to Members' Questions the Planning Team Leader replied:

- The Design Review Panel (DRP) saw the proposal twice and twice gave it an amber; they did have some concerns regarding the elevations and architecture. Many of the DRP comments applied to the internal layout of the building, and these contributed to the amber rating. However the site is constrained, Officers do not need a green from DRP to support a scheme, and Planning Officers must follow the NPPF
- The roof will not be used as a play area. The roof will house solar panels and plant equipment.

## 3. Trees:

Officers confirmed that the proposal will result in a loss of trees on the site. However the site is not big and the footprint occupies a significant proportion of the site. There is infill planting proposed in the more sensitive parts of the site, the boundary screening is to be maintained

A member commented that a significant number of new trees were needed on this site. Trees reduce air pollution and there should be proper consideration of which trees are best at reducing pollution.

## 4. Impact on neighbouring amenity:

In answer to Members' Questions the Planning Team Leader replied:

- Nursery Road Playing field is a separate parcel of land, and the Green Flag status of the Abbey Recreation Ground would not be affected by this scheme
- There is written confirmation of the arrangements for the School to use Nursery Road Playing Fields. The Council has the lease until 2059, the school has use between 9am – 6pm for one football pitch for 26 weeks and one cricket pitch for 13 weeks per year
- There has been a noise impact assessment, and this shows that the average noise levels within the school would not breach the relevant British Standards.

## 5. Transport and Highways Issues:

The Transport Planning Officer made comments in answer to members' questions:

- Site is very accessible for bus tube and tram and will encourage children to travel by public transport
- Secondary School children are more independent than primary school children are more able to travel independently to school.
- The Whately Avenue site is much less accessible by public transport and yet still has only 10% of children travelling to school by car
- Teachers will not be eligible for permits, the scheme will be car free, except for one disabled parking space on site.
- Trip figures are derived from the figures of similar schools in the borough. We do not have problems around any secondary school in the borough

A member commented that the proposal by TfL to increase the 93 bus by only one may not be adequate.

## 6. Air Quality:

The Council's Pollution Manager answered members' questions, and made points including:

- Air Quality is a challenge across LBM, as it is in other London Boroughs. We have an Air Quality Action Plan, and automated monitoring is carried out via a diffusion tube network. There are upper limits for each type of pollutant. The diffusion tubes measure pollution on the kerbside and from this data the levels of pollutant can be calculated at distances away from the kerb, and within a site. The estimates for this application site show that levels of pollutants within the site are likely to be within the allowed limits. Similar monitoring for Merton Abbey primary School also shows that within the school site air quality is acceptable.
- It was noted that the Mayor of London has said that Merton Abbey School is in a pollution hotspot. We do monitor around schools, but exposure to air pollution is usually around travel to School. The School itself does not generate air pollution, and levels of pollutants drop within a site away from the kerbside.
- Officers are optimistic that the diesel levy will help to reduce levels of air pollution, this will be helped by the move away from diesel vehicles
- The DEFRA guidelines say that using an annualised figure for pollution levels is acceptable
- The people on the site could only contribute to air pollution if pupils were being driven to school by car. Air pollution is produced by transport and fuel use
- There is conflicting evidence on whether a 20 MPH zone would make a difference to air quality, but anything that promotes active travel will help to reduce air pollution.
- The construction phase will be closely regulated by the Council



- Help is given to community groups who wish to monitor air quality, but it is the measurements taken in compliance with the guidance, by the Council that are used for assessment purposes
- If levels of air pollution do not reduce then the Council will need to consider taking action and extending monitoring.

Members made final comments including:

- Wider Community use should be secured by condition
- There should be more mitigation for the loss of trees. Preferably there should be additional trees on site of a type that is best at reducing air pollution.

RESOLVED

The Committee voted to GRANT Planning Permission subject to completion of an S106 agreement and conditions.

The Committee asked Officers to pursue two further matters with the applicant:

1. Mitigation for the loss of trees
2. Assurance that the Community use is as accessible as possible

11 UNIT 12 MITCHAM IND ESTATE, STREATHAM ROAD, CR4 2AP (Agenda Item 11)

Proposal: Continued use as an industrial storage unit (class B8) with additional use as a gym (class D2) (as amended by plans received 27/09/2018)

The Committee noted the officer's report and presentation

RESOLVED

The Committee voted to GRANT Planning Permission subject to conditions

12 2 VECTIS GARDENS, TOOTING, SW17 9RE (Agenda Item 12)

Proposal: Construction of a single storey rear extension and side extension with dormer window to the property and the construction of 1 x self contained flat above the side extension

NOTE: Councillor Linda Kirby left the Chair, and the dais, for the duration of this item. She spoke from the floor of the chamber and declared that she would not vote on the item.

Councillor Najeeb Latif took the Chair for the duration of this item

The Committee noted the officer's report and presentation and noted that at the last PAC members had decided to defer this item so that Officers could re-examine the

parking to the front of the property and the lack of amenity space for the one bedroomed flat.

Officers reported that they had re-examined the parking arrangement at the front of the property and could now confirm that this arrangement could achieve a layout that was safe.

With regards to the lack of amenity space to the one bedroomed flat, the Planning Officer reminded the Committee that the majority of the development proposed has previously been found acceptable and granted planning permission and that they still did not see that the absence of this space could reasonably justify a refusal.

RESOLVED

The Committee voted to GRANT Planning Permission subject to conditions

13 TPO NO.730 - 10 MURRAY ROAD, WIMBLEDON, SW19 4PB (Agenda Item 13)

The Committee noted the Officer's report and recommendation to confirm the Tree Preservation Order (No.730).

RESOLVED

The Committee Confirmed without modification Merton (No. 730) Tree Preservation Order 2018

14 PLANNING APPEAL DECISIONS (Agenda Item 14)

RESOLVED

The Committee noted the Officer's Report on Planning Enforcement

15 PLANNING ENFORCEMENT - SUMMARY OF CURRENT CASES (Agenda Item 15)

RESOLVED

The Committee noted the Officer's report on Planning Enforcement

## PLANNING APPLICATIONS COMMITTEE 13 DECEMBER 2018

### APPLICATION NO.            DATE VALID

18/P2844

25/07/2018

**Address/Site**            Deacon House, 10 Atherton Drive, Wimbledon SW19 5LB

**Ward**                      **Village**

**Proposal:**                Erection of a single storey rear extension with rooms within roof space.

**Drawing Nos**            P01, P02, P03, P04, P07 Rev B, P08 Rev A, P09 Rev A, BS 5873:2012 Tree Survey, Design and Access Statement, Arbouricultural Impact Assessment, Arbouricultural Method Statement and Tree Protection Plan

**Contact Officer:**      Richard Allen (020 8545 3621)

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### RECOMMENDATION

**GRANT Planning Permission subject to conditions**

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#### CHECKLIST INFORMATION

- Heads of agreement: No
- Is a screening opinion required: No
- Is an Environmental impact statement required: No
- Has an Environmental Impact Assessment been submitted: No
- Press notice- Yes
- Site notice-Yes
- Design Review Panel consulted-No
- Number neighbours consulted – 11
- External consultants: None
- Density: n/a
- Number of jobs created: n/a
- Archaeology Priority Zone: Yes

#### 1. INTRODUCTION

- 1.1 This application has been brought to the Planning Applications Committee due to the number of objections received.

## 2. **SITE AND SURROUNDINGS**

- 2.1 The application site comprises a detached one and a half storey dwelling house situated at the southern end of Atherton Drive a cul-du-sac accessed from Burghley Road. There is an existing detached garage to the side of the property adjacent to the rear boundary with 21 Calonne Road. The application property is situated within a large garden screened by mature tree and shrub planting. The application site is within the Merton (Wimbledon North) Conservation Area.

## 3. **CURRENT PROPOSAL**

- 3.1 The current proposal involves the erection of a single storey rear extension (with rooms within the roof space). The proposed single storey extension would be sited on part of the south and west elevations of the existing dwelling house and would be 8.1 metres in width (at ground floor level), 7.25 metres in length and have an eaves height of 3.1 metres and a ridge height of 8.1 metres. The extension would have a 'cat slide' roof that would slope away from the boundary with 19 Calonne Road, with first floor accommodation provided within the roof space. Two windows would be provided to the garden elevation and a single dormer window (to a bathroom) provided to the side elevation facing towards the boundary with 19 Calonne Road. The external materials to be used would match existing.

## 4. **PLANNING HISTORY**

- 4.1 In July 1989 planning permission was granted for the erection of a first floor side extension (LBM Ref.89/P0804).
- 4.3 In November 1995 planning permission was granted for the erection of a part single, part two storey detached house with accommodation within the roof and integral garage fronting Calonne Road and erection of a part single/part two storey detached dwelling with integral swimming pool, detached double garage with accommodation above with access from Atherton Drive involving the demolition of 10 and 12 Atherton Drive (LBM Ref.95/P0762).
- 4.4 In March 2018 Planning permission was granted by the Planning Applications Committee for the erection of a new detached garage with basement car park and erection of two storey side extension with basement below (LBM Ref.17/P2878).However, the planning permission has not yet been issued and therefore remains pending.

## 5. **CONSULTATION**

- 5.1 The application has been advertised by site notice procedure and letters of notification to occupiers of neighbouring properties. In response 14 letters of objection have been received. The grounds of objection are set out below:-

- The extension will result in loss and damage to mature trees.
- The proposed dormer window in the side elevation is excessive in size.

- The dormer window is shown as being glazed with obscure glass. However, if the window can be opened it would result in loss of amenity.
- The dormer window appears overlarge and would overlook 19 Calonne Road.
- The application site is a sloping site and the development may affect drainage
- The application site is close to a listed building (21 Calonne Road) and it should be demonstrated that the development would not harm a heritage asset.
- A number of comments have been received requesting that appropriate conditions be imposed on any grant of planning permission in respect of hours of construction and site working arrangements.
- The application should not have been validated without a flood risk assessment.
- The amended tree report does not deal with objections already put forward.
- There is nothing to show how the trees (along with those of neighbours) are to be protected.

Letters of objection have also been received from Bartlett Tree Consulting, Hydrock Construction and Richard Buxton Solicitors on behalf of 19 Calonne Road.

- Bartlett Tree Consulting state that Tree Report submitted with the application fails to demonstrate that adequate provision has been made to protect and secure the long term retention of the early mature , protected Sycamore and ornamental Plum trees, and a liner group of semi=mature, protected Holly and Yew trees, located in proximity to the site. Damage to these trees in addition to the loss of trees within the site would result in the loss of screening between the application site and 19 Calonne Road.
- Hydrock Consulting state that the applicant has provided no details of foundation design or construction methods, so the potentially adverse impact of the proposed development on immediately adjacent down-slope properties and mitigation requirements cannot be properly assessed. A Construction Impact Assessment would appear to be the minimum requirement to show all the potentially adverse effects have been recognised and appropriate mitigation measures taken to protect 19 Calonne Road.
- Richard Buxton Solicitors state that the application follows a previous application for works at the property. There are a number of documents missing for the application which are required by Merton's own Planning Validation Checklist which have not been made available, including Flood Risk Assessment, Cross section drawings as the site is adjacent to a sloping boundary, context drawings, impact on trees at 19 Calonne Road and a Heritage Statement.

## 5.2 Parkside Residents Association

The Parkside residents Association state that there is a mature Beech tree protected by a Tree Preservation Order within the courtyard of the house and the extension would encroach into the roof protection area of the tree. No information is provided regarding the protection of root systems. The proposed drawings are also unclear and no cross section drawings are

provided. It also appears that a retaining wall is to be removed. Given the topography of the site and the surrounding area and the proximity to neighbours trees and buildings construction information must be provided. The application site is a sloping site and excavation is likely to impact surface and ground water. The dormer window appears to be overly large and would result in loss of neighbour amenity. The applicant should also demonstrate that the proposal would not affect the listed building at 21 Calonne Road. If the application is approved hours of construction and construction traffic should be controlled.

5.3 Tree Officer

The tree officer states that there are no arbouricultural objections to the proposed development provided existing trees are protected during the course of site works.

6. **POLICY CONTEXT**

6.1 Adopted Merton Core Strategy (July 2011)  
CS14 (Design) and CS20 (Parking).

6.2 Sites and Policies Plan (July 2014)  
DM D2 (Design Considerations in all Developments), DM D3 (Alterations and Extensions to Existing Buildings), DM D4 (Managing Heritage Assets)

6.3 The London Plan (March 2016)  
The relevant policies within the London Plan are 6.13 (Parking), 7.4 (Local Character), 7.6 (Architecture) and 7.8 (Heritage and Archaeology).

7. **PLANNING CONSIDERATIONS**

7.1 The main planning considerations concern the impact on visual amenity, design and Conservation Area, setting of Listed Building, neighbour amenity, trees and parking issues.

7.2 Design/Conservation Issues  
The site lies within the Merton (Wimbledon North) Conservation Area (designated heritage asset). Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in considering applications within a Conservation Area, Local Planning Authorities must pay special attention to the desirability of preserving, or enhancing the character and appearance of the area. In accordance with this, Policy DM D4 outlines that development should preserve or enhance the significance of the heritage asset.

7.3 The NPPF advises local authorities to take into account the following points when drawing up strategies for the conservation and enjoyment of the historic environment. The following considerations should be taken into account when determining planning applications.

- The desirability of sustaining and enhancing the significance of heritage assets and preserving them in a viable use consistent with their conservation; The wider social, cultural, economic and

environmental benefits that the conservation of the historic environment can bring;

- The desirability of new development in making a positive contribution to local character and distinctiveness;
- Opportunities to draw on the contribution made by the historic environment to the character of a place.

- 7.4 According to Paragraph 193 of the NPPF, when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
- 7.5 The site lies within the 'Wimbledon House' sub-area of the Conservation Area which is recognised for its former part of the Old Park, which was largely occupied by Wimbledon House and its grounds. The area is recognised for its harmonious designs and spacious plots, controlled over time through restrictive covenants.
- 7.6 The proposal involves the erection of a single storey extension to the existing house (with accommodation within the roof space). The proposed extension to the dwelling house has been designed to complement the design of the existing house and would incorporate a hipped roof and rendered wall. The proposed extension to the existing dwelling house would be at the rear and would integrate well with the host dwelling and the proposal would not have a harmful impact upon the character or appearance of the Merton (Wimbledon North) Conservation Area and its significance would be preserved. It should be noted that an extension of similar form and design was recommended for approval at the Planning Applications Committee earlier in the year. The proposal is therefore acceptable in terms of policies CS14, DM D2 and DM D4.
- 7.7 Setting of Listed Building  
The statutory test for the assessment of proposals affecting listed buildings and their settings is contained in Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, which states that in considering applications which affect Listed Buildings, Local Planning Authorities must have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 7.8 To the south of the site lies number 21 Calonne Road, a Grade II Listed Building. The listing description outlines: Detached house. Dated 1909. Designed by R Baillie Scott. Brick, with some timber framing with plaster infill to central bay; steeply pitched tiled roof to eaves. 2 storeys plus roof storey. Irregular composition in Arts and Crafts manner. Garden front of 3 main bays, the outer bays projecting beneath gabled roofs with further hipped projections over paved terrace to right and left; 3- light windows to right hand gabled wing and 4-light windows to left; timber mullions. Central bay recessed with exposed timber framing and 5-light windows to ground and first floors, the

centre 3 lights of the latter breaking upwards to form a flat topped half dormer. 5-light corniced dormer window to centre. Tall chimneys to right and left. Interior remains largely intact with open well staircase, dado panelling to ground floor, wrought iron door and window fittings etc.

7.9 The listed building is adjoined by neighbouring detached residential plots to the east and west, and the site to the north. The setting of the listed building has already been affected by the built form on either side of this plot and the existing garage on the application site. The proposed extension to the dwelling would extend west on site. This would add built form to the north of the boundary of the listed building. The design of the extension with a low eaves and roof structure to match the host dwelling ensures that the design would be in keeping with the existing dwelling. Although this would create additional built form beyond the north boundary of the listed building, it would not cause harm to the setting of the listed building due to its distance and scale. Overall, the proposal would not cause harm to the setting of the listed building and is compliant with Policy DM D4 and the NPPF.

#### 7.10 Neighbour Amenity

The resident's concerns regarding the proposed single storey (with rooms in roof space) extension are noted. However, the proposed extension to the existing dwelling house would comprise a ground floor extension with a hipped roof sloping away from the boundary with 19 Calonne Road which would contain two habitable rooms with light and ventilation provided by dormer windows. Although a side dormer window is proposed facing onto 19 Calonne Road, the window would be to a bathroom and would be obscure glazed, and fixed shut up to 1.7 metres from the finished floor level, which can be controlled via condition. The extension would retain a minimum of 2.5 m to the south boundary and given its design with a hipped roof and north of numbers 19 and 21 Calonne Road, officers are satisfied that it would not be overbearing or cause harmful loss of sunlight to these neighbouring properties. The proposed extension would not have a harmful impact upon neighbour amenity and is therefore acceptable in terms of policy DM D2.

#### 7.11 Trees

The Council's tree officer has been consulted on the proposals and is satisfied with the information contained within the Arboricultural Report Dated July 2018 which demonstrates that the trees on the site identified for retention are not at risk from the development. Although there are trees in garden of 19 Calonne Road, which are nearest the proposed extension, only 2 metres of the root protection area of these trees is within the application site, and the proposed extension is outside this distance. The tree officer has, however, recommended that appropriate planning conditions be imposed on any grant of planning permission to protect retained trees during construction works. The proposal is therefore considered to be acceptable in terms of policy DM D02.

#### 7.12 Parking

The existing access arrangements to the site are unaffected by the proposed



development. The proposal is therefore considered to be acceptable in terms of policy CS20 (Parking).

7.13 Other Matters

Objections have been made in respect of the impact of the development on flood risk and water run off. However, the proposal is for an extension only and no basement is proposed. Therefore a Basement Impact Assessment and Flood Risk Assessment are not required in this case.

8. **SUSTAINABILITY AND ENVIRONMENTAL IMPACT ASSESSMENT REQUIREMENTS**

8.1 The proposal does not constitute Schedule 1 or Schedule 2 development. Accordingly there is no requirement for an EIA submission.

9. **CONCLUSION**

9.1 The proposed single storey side extension (with rooms within roof space) is considered to be acceptable in design terms and the proposal would not harm neighbour amenity. The proposal would also preserve the character and appearance the Merton (Wimbledon North) Conservation Area and would not cause any harm to the setting of the Grade II Listed Building. Accordingly it is recommended that planning permission be granted.

**RECOMMENDATION**

**GRANT PLANNING PERMISSION**

Subject to the following conditions:-

1. A.1 (Commencement of Development)
2. A.7 (Approved Drawings)
3. B.1 (Approval of Facing Materials)
4. C.2 (No Permitted Development –Door and Windows)
5. C.4 (Obscure Glazing-Side Dormer Window to Bathroom – Non-opening below 1.7 m from the internal finished floor level)
6. D.11 (Hours of Construction)
7. F.6 (Design of Foundations – 10 metre radius)
8. F8 (Site Supervision - Trees)
9. The details of measures for the protection of existing trees as specified in the approved document BS 5873:2012 tree Survey, Arbouricultural Impact Assessment, Arbouricultural Method Statement and Tree Protection Plan

(Dated July 2018) shall be fully complied with. The methods for the protection of the existing trees shall fully accord with all of the measures in the report. The details and measures as approved shall be installed prior to the commencement of site works and shall be retained and maintained until completion of all site works.

Reason for condition: To protect and safeguard the existing 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 policies DM D2 and DM O2 of Merton's sites and Policies Plan 2014.

10. Condition

Prior to commencement of development, a written scheme of investigation (archaeology) shall be submitted to and approved in writing by the Local Planning Authority.

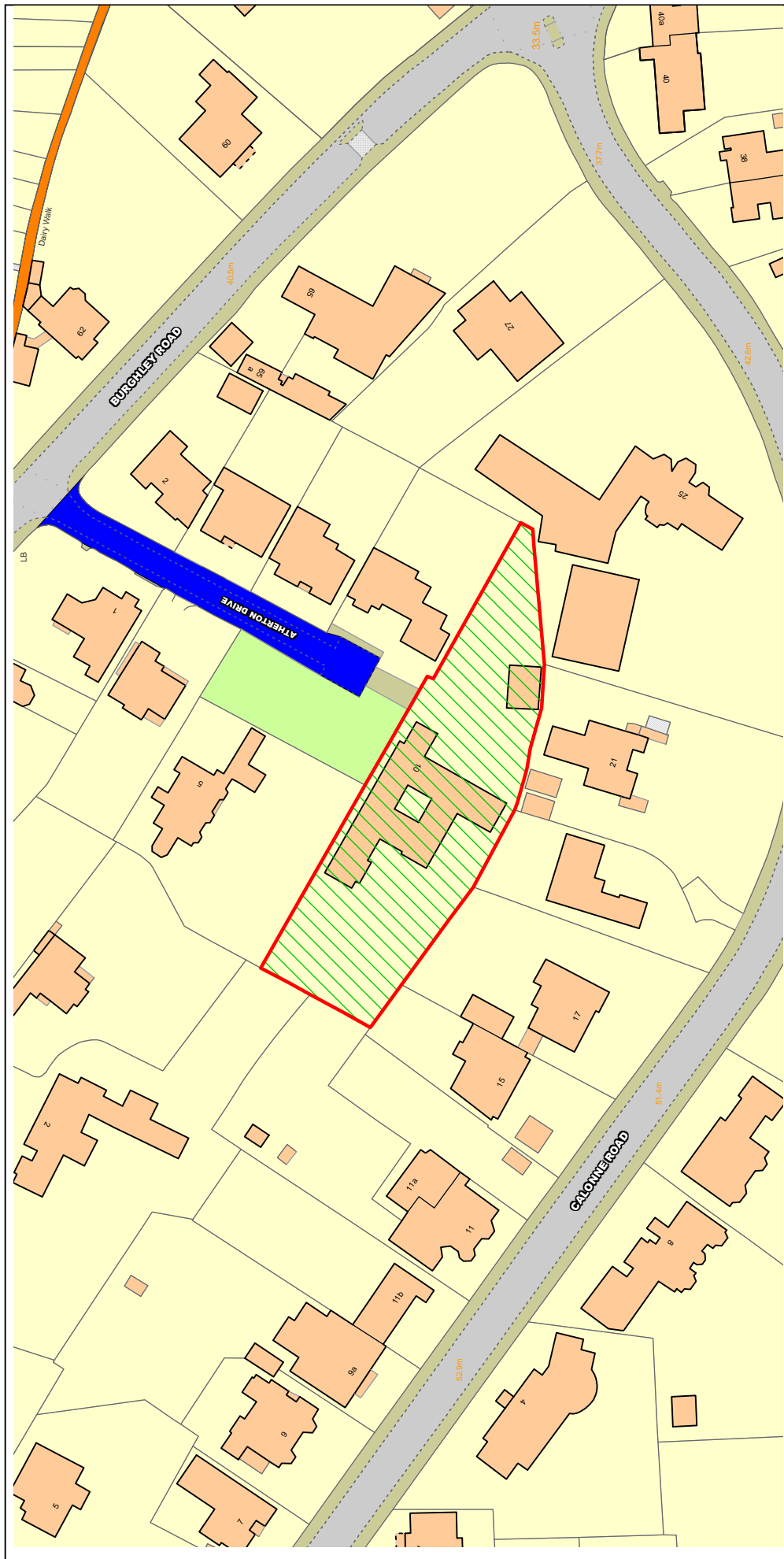
Reason: In the interests of preserving any archaeological features on site, in accordance with Policy DM D4 of the Sites and Policies Plan 2014

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[Click here](#) for full plans and documents related to this application.

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# NORTHGATE SE GIS Print Template



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**PLANNING APPLICATIONS COMMITTEE  
13 DECEMBER 2018**

**APPLICATION NO.                      DATE VALID**

18/P3139

08/08/2018

**Address/Site**                      5 Bewley Street, Colliers Wood SW19 1XF

**Ward**                                      **Trinity**

**Proposal:**                              Erection of dormer windows to the roofs of blocks 3, 5 and 7 in connection with the formation of 7 self-contained flats (Class C3) within the existing roof space and erection of a single storey detached cycle store.

**Drawing Nos**                      (00) 100B, (20) 20 C, (20) 21 Rev E, (20) 22 Rev E, (20), (20) 23 C, 41 Rev E, (20) 42 Rev E, Design and Access Statement and Energy Statement

**Contact Officer:**                      Richard Allen (020 8545 3621)

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**RECOMMENDATION**

**GRANT permission subject to completion of a S.106 Agreement and conditions**

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**CHECKLIST INFORMATION**

- Heads of agreement: No
- Is a screening opinion required: No
- Is an Environmental impact statement required: No
- Has an Environmental Impact Assessment been submitted: No
- Press notice- No
- Site notice-Yes
- Design Review Panel consulted-No
- Number neighbours consulted – 54
- External consultants: None
- Density: n/a
- Number of jobs created: n/a
- Archaeology Priority Zone: No

**1. INTRODUCTION**

1.1 This application has been brought to the Planning Applications Committee due to the number of objections received.

## 2. **SITE AND SURROUNDINGS**

- 2.1 The application site comprises blocks 3, 5 and 7 Bewley Street, which form part of a four storey flat development situated on the north side of Bewley Street. The development dates from the 1990's and comprises blocks of flats set within communal grounds, with private allocated parking spaces. The application site is not within a Conservation Area and is within Flood Zone 1.

## 3. **CURRENT PROPOSAL**

- 3.1 The current application involves the erection of dormer windows and roof lights to the roof of blocks 3, 5 and 7 Bewley Street in connection with the formation of 7 self-contained flats within the roof space of the existing buildings.
- 3.2 The proposed dormer windows would be 2 meters in height, 2 metres in width and 3 metres in length and would be located on the existing roofs of blocks 3, 5 and 7 Bewley Street.
- 3.3 The proposed mix of units is set out below:-

Block	Flat	Size	Space standard	Exceeded
Block 3 Flat 1	1 person/1 bedroom	38m2	37m2	Yes
Block 3 Flat 2	1 person/1 bedroom	38m2	37m2	Yes
Block 3 Flat 3	1 person/1 bedroom	41m2	37m2	Yes
Block 5 Flat 1	1 person/1 bedroom	40m2	37m2	Yes
Block 5 Flat 2	2 person/1 bedroom	51m2	50m2	Yes
Block 7 Flat 1	1 person/1 bedroom	38m2	37m2	Yes
Block 7 Flat 2	1 person/1 bedroom	40m2	37m2	Yes

- 3.4 A secure cycle store for 28 cycles would be provided at the rear of block 3 for use by occupiers of the new units and occupiers of existing flats.

## 4. **PLANNING HISTORY**

- 4.1 In November 1998 planning permission was granted for the redevelopment of the former Connolly leather works site at East Road, Bank Road and 63-69 North Road, Colliers Wood by erection of 2, 3 and 4 storey buildings comprising 72 houses and 94 flats and 1446m2 of B1 (Office) floor space and two storey doctors surgery (LBM Ref.98/P1237).

- 4.2 Also of relevance are applications for roof extensions on properties nearby:-
- 4.3 16 Bewley Street  
In March 2013 Planning permission granted for the erection of Rear roof extension and roof lights (LBM Ref.13/P0638)
- 4.4 26 Bewley Street  
In February 2016 Planning permission granted for the erection of rear roof extension and roof lights (LBM Ref.16/P0372)
- 4.5 15 Bewley Street  
In September 2016 Planning permission granted for the erection of hip to gable roof extension and rear dormer window (LBM Ref.16/P3698).
- 4.6 21 Bewley Street  
In September 2018 Planning permission was granted for the erection of a rear dormer window and four roof lights and installation of Juliette balcony within front gable (LBM Ref.18/P2724).
- 4.7 In October 2018 planning permission was refused for the erection of a roof extension to the roof space of flat 15 in block 3 Bewley Street comprising dormer windows and roof lights in connection with the formation of habitable rooms within the roof space (LBM Ref.18/P3107). Planning permission was refused on the grounds that:-

‘The proposed dormer roof extensions, by virtue of the site context would result in an obtrusive and incongruous form of development that would detract from the appearance of the host building and be out of keeping with, and detrimental to the character/visual amenity of Bewley Street and the surrounding area. It is therefore considered to be contrary to Policy CS14 of the Council's adopted Core Planning Strategy 2011 and Policies DMD2 and DMD3 of the Councils adopted Sites and Policies Plan 2014.

and,

‘The proposed roof lights, due to their positioning would result in a cluttered and incongruous form of development that would detract from the appearance of the host building and be out of keeping with, and detrimental to the character/visual amenity of Bewley Street and the surrounding area. It is therefore considered to be contrary to Policy CS14 of the Council's adopted Core Planning Strategy 2011 and Policies DMD2 and DMD3 of the Councils adopted Sites and Policies Plan 2014’.

## 5. **CONSULTATION**

- 5.1 The application has been advertised by site notice procedure and letters of notification to occupiers of neighbouring properties. In response 14 letters of objection have been received. The grounds of objection are set out below:-

-The fitting out of the flats would cause disruption to existing residents.

- The existing refuse and recycling facilities are already under pressure.
- There is already excessive parking in the area with pavements blocked. The flats would make matters worse.
- Given the recent planning approvals for housing in the area, including Wandle Bank, Colliers Wood Tower, Colliers Wood Library, Plough Lane and Wandle Bank, residents question the need for this development and the disruption it will cause given the oversupply of flats in the area.
- Other roof extension in the area have been to extend existing accommodation into the roof space to make larger houses or apartments.
- there are unlikely to be many objections as many of the flats are let and there is a high turnover of tenants.
- Although supportive of the cycle store, this maybe a cynical attempt to reinforce the claim that the development will be car free.
- The cycle store would result in the loss of the small plantation of bushes and trees.
- The Council has already refused the conversion of the roof space above apartment 15, and if that development was unacceptable the current application should be refused.

5.2 One letter has been received supporting the proposal.

- There are merits to the plan giving the shortage of housing in London.
- The roof space above block 3 is vast and divided into four separate areas by brick walls, matching layout of the flats below and thus it is logical to develop the roof space.
- I terms of parking, not all residents have cars and parking problems are caused by non-residents parking in the area.
- The proposed dormer windows would not significantly damage the appearance of the blocks.
- However, building works can cause disruption and inconvenience and the building works would have to be managed.

5.3 Transport Planning

The proposals relate to blocks 3, 5 and 7, located at the eastern edge of the site. It is proposed to utilise the loft space to cater for an additional seven 1-bedroom flats. The site is not located within a Controlled Parking Zone and consequently the surrounding streets do not contain parking restrictions. The applicant's consultant has undertaken a manual parking survey in accordance with the 'Lambeth Council Parking Survey methodology to ascertain the existing on-street car parking occupancy levels, or "stress", surrounding the development site. One overnight survey was carried out between the hours of 00:30 and 05:30 hours on two separate weeknights. This is intended to capture the maximum residential parking demand within a 200-metre radius of the identified site. The local census data demonstrates that the proposals are likely to result in parking demand for four cars. The parking survey results indicate that although the overall parking stress observed during survey time is high, there are adequate spaces available to park within 200m of the site.

5.4 The London Plan and London Housing SPG Standard 20 (Policy 6.9) states all developments should provide dedicated storage space for cycles at the following level:



- 1 per studio and one bed dwellings; and
- 2 per all other dwellings

In order to meet the standards set out in the London Plan the proposal would require 7 cycle parking spaces (secure & undercover).

Refuse and recycling: It is proposed the existing refuse storage bins will continue to be used for the additional units.

There are no Transport Planning objections to the proposal subject to planning conditions being imposed on any grant of planning permission in respect of provision of secure and undercover cycle parking and provision of refuse and recycling refuse storage and the development being designated 'Permit Free' secured through a Section 106 Agreement.

## 6. **POLICY CONTEXT**

- 6.1 Adopted Merton Core Planning Strategy (2011)  
CS8 (Housing Choice), CS9 (Housing provision), CS14 (Design), CS15 (Climate Change), CS17 (Waste Management), CS18 (Active Transport), CS19 (Public Transport) and CS20 (Parking, Servicing and Delivery).
- 6.2 Adopted Merton Sites and Policies Plan (2014)  
DM D2 (Design Considerations in all Developments), DM D3 (Alterations and Extensions to Existing Buildings), DM H2 (Housing Mix), DM H3 (Affordable Housing), DM T1 (Support for Sustainable Transport and active Travel) and DM T3 (Car Parking and Servicing Standards).
- 6.3 London Plan (2016)  
3.3 (Increasing Housing Supply), 3.4 (Optimising Housing Potential), 3.5 (Quality and Design of Housing), 3.8 (Housing Choice), 5.1 (Climate Change Mitigation), 6.13 (Parking), 7.4 (Local Character) and 7.6 (Architecture).

## 7. **PLANNING CONSIDERATIONS**

- 7.1 The main planning considerations concern the visual impact/design, standard of residential accommodation, impact on neighbour amenity and parking issues.
- 7.2 Design Issues  
The proposed external alterations would create a new fourth floor within the existing roof space through the erection of dormer windows and roof lights. There would be no increase in the existing ridge height. The proposed dormer windows have been amended during the assessment of the scheme by officers. They are small in scale and would sit comfortably in the roof space of each block. They would have a pitched tiled roof to match the existing roof and windows to match the existing blocks. The small number of roof lights would ensure that the roof elevations for each block would not be crowded. The design and proportions of the dormer windows are therefore considered to be acceptable in terms of policies CS14 and DM D2 and DM D3.

### 7.3 Standard of Residential Accommodation

The gross internal floor area of each of the proposed flats meets the minimum floor space standards as set out in the London Plan. Each flat would have light provided by dormer windows and roof lights. The application outlines where the 1.5 metre high internal ceiling height would be for each flat, taking into account the existing roof slopes. Although the proposed flats would be small in size, they do meet the minimum floor space standards and it is considered that the overall outlook from each flat would be reasonable given the elevated position. Although no amenity space would be provided for the proposed flats, the new units would not be family sized units and there is public open space nearby at Wandle Park and the Wandle Meadow Nature Park. Therefore in this instance the lack of amenity space is not considered to be itself a reason for refusal. The design and layout of the proposed flats is therefore considered to be acceptable in terms of policy 3.5 (Quality and Design of Housing Developments) of the London Plan.

### 7.4 Neighbour Amenity

The proposal involves the formation of seven flats within the roof space of the existing buildings. The only external change would be the provision of dormer windows and roof lights to the existing roofs. The size and siting of the dormer windows would not result in any undue overlooking and/or loss of privacy to neighbouring properties. The siting of the new flats above existing ones is an acceptable relationship in planning terms. The proposal is therefore considered to be acceptable in terms of policy DM D2 (Design Considerations in all Developments).

### 7.5 Parking

No parking would be provided for the 7 self-contained flats. Although there are no parking restrictions in Bewley Street, there is a Controlled Parking Zone covering roads north of the application site (CPZ S3). However, the applicant has stated that the seven flats would be 'car free' secured through a S.106 agreement to prevent future occupiers obtaining parking permits. Subject to the applicant entering into this agreement the proposal would not cause a harmful impact through parking stress on the surrounding road network.

## 8. **SUSTAINABILITY AND ENVIRONMENTAL IMPACT ASSESSMENT REQUIREMENTS**

8.1 The proposal does not constitute Schedule 1 or Schedule 2 development. Accordingly there is no requirement for an EIA submission.

### 8.2 Sustainability/Climate Change

In order to comply with policy CS15 (Climate Change) the developer would be required to demonstrate that the development has achieved CO2 reductions of not less than 19% improvement on Part L of the Building Regulations 2013, and internal water consumption rates of no greater than 105 litres per person each day. A planning condition requiring the submission of mitigation measures to achieve not less than 19% improvement on Part L of the Building Regulations 2013 should therefore be imposed on any grant of planning permission.

## 9. **CONCLUSION**

- 9.1 The formation of seven flats within the roof space of the existing buildings are considered to be acceptable and would result in the provision of additional residential accommodation in a sustainable location. The alterations to the buildings roofs and the design of the dormer windows and roof lights, is considered to be acceptable and the proposal would not cause harm to neighbour amenity. Although no amenity space is proposed for the new flats, the flats are not family sized units and there is public open space close by. The lack of amenity space is not therefore considered to be a reason for refusal in this instance. Accordingly, it is recommended that planning permission be granted.

## **RECOMMENDATION**

### **GRANT PLANNING PERMISSION subject to completion of a S.106 Agreement and Conditions**

Subject to the following conditions:-

1. A.1 (Commencement of Development)
2. A.7 (Approved Drawings)
3. B.1 (Approval of Facing Materials)
4. D.11 (Hours of Construction)
5. CO2 Reduction

'No part of the development hereby approved shall be occupied until evidence has been submitted to, and approved in writing by, the Local Planning Authority confirming that the development has achieved CO2 reductions of not less than a 19% improvement on Part L regulations 2013, and internal water consumption rates of no greater than 105 litres per person per day.

Reason for condition: To ensure that the development complies with climate change mitigation measures as set out in policy CS15 (Climate Change) of the Adopted Merton Core Planning Strategy (2011).

6. The development hereby permitted shall not be occupied until the cycle parking shown on the plans hereby approved has been provided and made available for use. These facilities shall be retained for the occupants of and visitors to the development 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 2015, policy CS18 of Merton's Core Planning Strategy 2011 and policy DM T1 of Merton's Sites and Policies Plan 2014.

7. **INFORMATIVE:**  
Carbon emissions evidence requirements for Post Construction stage assessments must provide:
- Detailed documentary evidence confirming the Target Emission Rate (TER), Dwelling Emission Rate (DER) and compliance with the 19% improvement of DER over TER based on 'As Built' SAP outputs (i.e. dated outputs with accredited energy assessor name; registration number, assessment status, plot number and development address); OR, where applicable:
  - A copy of revised/final calculations as detailed in the assessment methodology based on 'As Built' SAP outputs; AND
  - Confirmation of Fabric Energy Efficiency (FEE) performance where SAP section 16 allowances (i.e. CO2 emissions associated with appliances and cooking, and site-wide electricity generation technologies) have been included in the calculation

8. Water Efficiency  
Water efficiency evidence requirements for post construction stage assessments must provide:
- Documentary evidence representing the dwellings 'As Built'; detailing: the type of appliances/ fittings that use water in the dwelling (including any specific water reduction equipment with the capacity / flow rate of equipment); the size and details of any rainwater and grey-water collection systems provided for use in the dwelling; AND:
  - Water Efficiency Calculator for New Dwellings; OR
  - Where different from design stage, provide revised Water Efficiency Calculator for New Dwellings and detailed documentary evidence (as listed above) representing the dwellings 'As Built'

Reason for condition: To ensure that the development achieves a high standard of sustainability and makes efficient use of resources and to comply with the following Development Plan policies for Merton: Policy 5.2 of the London Plan 2015 and Policy CS15 of Merton's Core Planning Strategy 2011

9. INF1 (Party Wall Act)

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## PLANNING APPLICATIONS COMMITTEE

13 December 2018

### **APPLICATION NO.**

### **DATE VALID**

17/P4298

06/03/2018

### **Address/Site**

1 – 5 Carnegie Place, Wimbledon, SW19 5NG

### **Ward**

Village

### **Proposal:**

Application for variation of condition 2 (approved plans) attached to LBM ref 16/P2810 (6 houses). changes relate to enlarged basement level (no changes above ground level)

### **Drawing Nos**

501, 502, 502P, 503 and 504

### **Contact Officer:**

Stuart Adams (0208 545 3147)

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### **RECOMMENDATION**

**GRANT variation of condition.**

### **CHECKLIST INFORMATION.**

Heads of agreement: - Affordable housing & permissive path at all times (these are covered by the original S106 agreement attached to 16/P2810).

Is a screening opinion required: No

Is an Environmental Statement required: No

Has an Environmental Impact Assessment been submitted – No

Press notice – Yes

Site notice – Yes

Design Review Panel consulted – No

Number of neighbours consulted – 64

External consultations – No.

PTAL score – 1b

CPZ – Adjacent to VNE

CA - adjacent Wimbledon North Conservation Area

## 1. **INTRODUCTION**

- 1.1 The application has been brought before the Planning Applications Committee for consideration due to the number of objections received

## 2. **SITE AND SURROUNDINGS**

- 2.1 The application site has recently been cleared (demolition of 5 houses) and early works are currently taking place to redevelopment the site for 6 new houses. It should be noted that the site address has now been changed from Carnegie Place to Park View, Wimbledon. The application site originally comprised a block of five terraced houses. The former houses sat at a right angle to the highway from Parkside. Car parking spaces were provided in front of properties within attached garages or at the head of the cul-de-sac. The existing pedestrian access that links Parkside with Carnegie Place and with Heath Mead to the east has been retained as part of the redevelopment and will remain as such following completion of the development.
- 2.2 To the north of the application is a large detached building known as Heathland Court. Heathland Court fronts onto Parkside to the west of the application site and the building's current use is an old people's home. The flank elevation of the building which faces onto the application site comprises a number of windows and a soft edge back with a number of trees.
- 2.3 To the east of the application site is Heath Mead which comprises two storey semi detached buildings.
- 2.4 To the south of the application site are detached and terraced houses in Alfreton Close. 1, 3 & 5 Alfreton Close are detached houses which sit at a right angle to the southern boundary of the application site. 7 & 9 form part of the small terrace and these houses rear gardens sit directly to the south of the application site.
- 2.5 The application site is located within the Wimbledon Common archeological Priory Zone but not within a Conservation Area.

## 3. **CURRENT PROPOSAL**

- 3.1 The application is for variation of condition 2 (approved plans) attached to LBM ref 16/P2810 (6 houses). The changes relate to an enlarged basement level. A basement was previously approved under the original planning approval 16/P2810. However, the proposal seeks to simplify the basement design by creating a rectangular floor area. In comparison to the previously approved basement, each corner of the basement would be squared off and the two inverted sections to the front would be brought forward. There would be no changes above ground level.
- 3.2 The floor space (GIA) and amenity space standards of individual residential units are as follows compared to the adopted London Plan



guidelines and Merton planning policy DM D2 Design considerations in all developments).

Proposal	Type(b)bed (p) person	Proposed GIA	London Plan	Amenity Space (sq m)	Merton Amenity Space Requirement
Plot 1	4b8p	313.9	130	337.3	50
Plot 2	4b8p	301.7	130	81.6	50
Plot 3	3b6p	179.1	108	53.6	50
Plot 4	4b8p	308.6	130	88.2	50
Plot 5	4b8p	313.1	130	89.8	50
Plot 6	4b7p	307.8	121	134.9	50

#### 4. **PLANNING HISTORY**

- 4.1 18/P0911 – Application to discharge conditions 15 (construction logistics plan), 16 (phasing), 17 (tree protection), 18 (basement foundation), 20 (DMS), 21 (CMS), 23 (SUDS), 28 (archaeology), 30 (construction vehicles), 31 (WMS), 32 (delivery) and 33 (lighting) attached to LBM planning permission 16/p2810 relating to the demolition of 5 x houses and erection of 6 part two, part three storey with accommodation at basement levels (existing pedestrian access to be maintained) – Discharged – 9/7/2018
- 4.2 16/P2810 - Demolition of 5 x houses and erection of 6 part two, part three storey with accommodation at basement levels (existing pedestrian access to be maintained) – Granted subject to conditions and S106 agreement - 25/01/2018
- 4.3 05/P2462 - Erection of 1.8 metre high brick wall along frontage to Parkside and 0.6 metre high wall surmounted by 1.2 metre high railings along boundary at entrance to Carnegie Place to match railings at heathlands and enclose the communal garden at the rear of 1 - 5 Carnegie Place – Grant - 05/01/2006

#### 5. **CONSULTATION**

- 5.1 The application has been advertised by major press notice procedure and letters of notification to the occupiers of neighbouring properties.
- 5.1.1 In response to the consultation, 7 letters of objection were received. The letters of objection raise the following points:

- There is no update to the Drainage Strategy Report or Basement Impact Assessment submitted in February 2016
- The proposed basement would be much lower than the foundation of the existing buildings in Heath Mead and will lead to potential flooding of the estate due to the existing high-water table in the area
- The basements are less than 7m from the nearest building in Heath Mead, yet as to date we have not been offered a party wall survey.
- We were promised a footpath of 2m wide which is 1m less than the recommendations of the Disability Discrimination Act 1995. It appears that the builders on site have started to lay a pathway which is 1.85m. This width was not agreed at the planning committee and needs to be rectified.
- There is a danger that subsidence will occur
- Working outside working hours (good Friday)
- There are numerous natural underground springs on Wimbledon Common and the water runs downhill beneath Carnegie Place and Heath Mead.

5.1.2 The applicant amended the tree, drainage and basement reports during the course of the application to reflect the changes to the basements. The updated reports were subject of re-consultation with neighbours. No objections/comments were received following the re-consultation.

5.2 Tree Officer – No objection subject to conditions

5.3 Flood Officer - No objection subject to conditions

5.4 Structural Engineer – No objection subject to conditions

## 6. **POLICY CONTEXT**

### 6.1 Adopted Sites and Policies Plan (July 2014)

DM H2 Housing Mix

DM H3 Support for affordable housing

DM D2 Nature conservation, trees, hedges and landscape features

DM D2 Design considerations in all developments

DM D4 Managing heritage assets

DM EP2 Reducing and mitigating noise

DM F1 Support for flood risk management

DM F2 Sustainable urban drainage systems (SUDS) and; wastewater and water infrastructure

DM T1 Support for sustainable transport and active travel

DM T2 Transport impacts of development

DM T3 Car parking and servicing standards

## DM T5 Access to the Road Network

### 6.2 Adopted Core Planning Strategy (July 2011)

CS8 – Housing Choice  
CS9 – Housing Provision  
CS14 - Design  
CS15 – Climate Change  
CS18 – Active Transport  
CS19 – Public Transport  
CS20 - Parking, Servicing and Delivery

### 6.3 The Relevant policies in the London Plan (July 2016) are:

3.3 (Increasing Housing Supply),  
3.4 (Optimising Housing Potential),  
3.5 (Quality and Design of Housing Developments),  
3.8 (Housing Choice),  
5.1 (Climate Change Mitigation),  
5.3 (Sustainable Design and Construction).  
7.3 (Designing Out Crime)  
7.4 (Local Character)  
7.6 (Architecture)

## 7. **PLANNING CONSIDERATIONS**

7.1 The principle planning considerations related to this application are the impact of the enlarged/altered basement and its impact upon neighbouring buildings and amenity, trees, flooding and the visual amenities of the area.

### 7.2 Principle of Development

7.2.1 The principle of development has already been established under planning approval 16/P2810. The proposal seeks to alter and enlarge the basement area, squaring off each corner and infill two front sections to create traditional rectangle basement floor space. There are no other changes to the scheme, therefore above ground level the proposal would appear identical to the previously approved scheme 16/P2810.

7.2.2 As there have been no material changes to the context of the site or planning policy that would result in a different assessment of the application, all of the proposed changes considered under this application relate to below ground works. This committee report will therefore only assess these elements which differ from planning permission 16/P2810. These relate to the enlargement/alterations and their impact on flooding, trees, structural impact on surrounding buildings/highway, visual and

residential amenity and standard of residential accommodation.

### 7.3 Enlarged Basement

- 7.3.1 The applicant states that squaring off the basement will provide value engineering in terms of basement construction as well as improvements to accommodation. Whilst being enlarged/altered, the proposed changes simply seek to square off the corners and bring forward two previously inverted sections of the basement. The resulting changes are considered to be modest changes to the approved basement. The proposed basement would be no wider or deeper overall than that considered under the original approval. The creation of a rectangle basement makes sense construction wise, provides additional floor space for the houses and has no impact from above ground level. The proposed basement enlargement would remain below 50% of the garden space for each plot, in line with policy DM D2. The principle of the enlarged basement is therefore considered to be acceptable.

#### Visual and Residential Amenities

- 7.3.2 The proposed basements would still have a limited impact upon the visual amenities of the area with light wells being located at the rear of the houses. The light wells would be fitted with low-rise balustrades and given their siting would have a limited impact upon the visual amenities of the street scene.
- 7.3.3 The layout of the proposed dwellings would remain as per the previously approved scheme. The basement for plot 6 would result in being closer toward the eastern boundary. However, the lightwell would remain in the same position as per the previous scheme and would not result in material harm to the neighboring occupiers to the east. The Council's Flood Risk Officer and Structural Engineer have reviewed the applicant's submission and raise no objections to the proposed basements for the plots. Although the basements would be larger than those previously approved, they would not result in a harmful impact on surrounding neighboring amenities.

#### Trees

- 7.3.3 There are no trees within close proximity of the proposed basement that would be affected by the deeper excavation of the land. The applicant has submitted an amended arboricultural report which the Council's Tree Officer has confirmed is acceptable subject to condition.

#### Flooding

- 7.3.4 The Councils Flood Officer has confirmed that the amended drainage report is acceptable as attenuation provision is made for the 1 in 100 year climate change (+40%) and offsite flows are limited to 3.0l/s. The Councils Flood Officer has confirmed no objection subject to conditions.

#### Structural

- 7.3.5 The applicant has submitted an independent Basement Impact Assessment by 'And Design Ltd'. The report explores the methods incorporated to construct the basement in general and the proposed sequence to be incorporated in the construction of the basement. The Councils Structural Engineer has confirmed that the recently amended Subterranean Impact Assessment demonstrates that the proposed basement construction works can be undertaken safely without adversely affecting the surrounding natural and built environment. The Councils Structural Engineer has therefore confirmed that she has no objection subject to condition.

#### 7.4 Standard of Accommodation

- 7.4.1 The proposed houses would still provide a satisfactory standard of accommodation for future occupiers. The enlargement of the basement would provide additional floor space for ancillary space such as studies, plant, gyms and home cinema rooms. The proposed houses would still exceed Merton's and London Plan space standards in terms of gross internal area and amenity space standards. The layout of the houses shows that each room is capable of accommodating furniture and fittings in a satisfactory manner with appropriate levels of outlook/light for each of the rooms.

#### 7.5 Objections

- 7.5.1 Objections raised regarding flooding and impact upon neighbouring building is covered in the sections above. The Councils Flood Officer and Structural Engineer have confirmed that the amended reports submitted with the application would ensure that the proposal complies with planning policies. It should also be noted that the construction of the basement would need to comply with relevant building regulations requirements. The objections regarding the width of the pathway being less than the approved 2m plans has been raised with the applicant. Any breach of planning would result in enforcement action being taken. The plans forming part of the submission still show a 2m wide path and officers recently measured a section of the footpath which confirmed a 2m width.

#### 8. Local Financial Considerations

- 8.1 The proposed development is liable to pay the Merton and Mayoral Community Infrastructure Levy (CIL), the funds for which will be applied by the Mayor towards the Crossrail project. Merton's Community Infrastructure Levy was implemented on 1st April 2014. This will enable the Council to raise, and pool, contributions from developers to help pay for things such as transport, decentralised energy, healthcare, schools, leisure and public open spaces - local infrastructure that is necessary to support new development. Merton's CIL has replaced Section 106 agreements as the principal means by which pooled developer contributions towards providing the necessary infrastructure should be collected.

9. **SUSTAINABILITY AND ENVIRONMENTAL IMPACT ASSESSMENT REQUIREMENTS**

- 9.1 The proposal is for minor residential development and an Environmental Impact Assessment is not required in this instance.
- 9.2 The application does not constitute Schedule 1 or Schedule 2 development. Accordingly, there are no requirements in terms on EIA submission.

10. **CONCLUSION**

- 10.1 The changes to the approved plans would relate to work below ground level with enlarged basement areas. The proposed enlarged basement would have no undue impact upon tree, flooding or neighbouring buildings. The application is therefore recommended for approval to vary condition 2.
- 10.2 The original planning conditions will still remain relevant and those conditions which have been discharged under 16/P2810 will be incorporated into this variation of condition application. The original S106 agreement attached to 16/P2810 includes a clause that ensures that the heads of terms are carried forward to any variation of condition application.

**RECOMMENDATION**

GRANT permission subject to conditions

The original heads of terms as set out below, are retained in the original S106 agreement (16/P2810). The original agreement retains these heads of terms for any new variation of condition applications.

1. Permissive path at all times

2. That the developer makes a financial contribution towards Affordable housing (£133,170).
3. The developer agreeing to meet the Councils costs of preparing, drafting and monitoring the Section 106 Obligations.

And the following conditions:

1. A.1 Commencement of Development
2. A7 Approved Plans
3. B.1 Materials to be approved
4. B.4 Details of Surface Treatment
5. Details of boundary treatment
6. Details of Refuse
7. Refuse implementation
8. Details of Cycle Parking
9. Cycle implementation
10. Landscaping details
11. Landscaping implementation
12. Details of screening to balconies
13. Sustainable homes
15. D11 Construction Times
16. Construction Vehicle Traffic Management Plan – In accordance with details approved under discharge of condition application 18/P0911
17. Phasing Plan - In accordance with details approved under discharge of condition application 18/P0911
18. F5 Tree Protection (in accordance with updated tree report)
19. Design of foundations - In accordance with details approved under discharge of condition application 18/P0911
20. F8 Site Supervision
21. Demolition Method Statement - In accordance with details approved under discharge of condition application 18/P0911

22. No use of flat roof (other than permitted terrace)
23. Constriction Method Statement - In accordance with details approved under discharge of condition application 18/P0911
24. SUDS - In accordance with details approved under discharge of condition application 18/P0911
25. Removal of Permitted Development Rights (Extensions)
26. Removal of Permitted Development Rights (Windows/doors)
27. Obscured glazing to bathrooms
28. WSI - In accordance with details approved under discharge of condition application 18/P0911
29. Loading/unloading - In accordance with details approved under discharge of condition application 18/P0911
30. WMS - In accordance with details approved under discharge of condition application 18/P0911
31. Delivery and Service plan - In accordance with details approved under discharge of condition application 18/P0911
32. Lighting Plan - In accordance with details approved under discharge of condition application 18/P0911

#### Planning Informative

1. INF9 Works on the Public Highway
2. INF12 Works affecting the Public Highway
3. Written schemes of investigation will need to be prepared and implemented by a suitably qualified professionally accredited archaeological practice in accordance with Historic England's Guidelines for Archaeological Projects in Greater London. This condition is exempt from deemed discharge under schedule 6 of The Town and Country Planning (Development Management Procedure) (England) Order 2015.

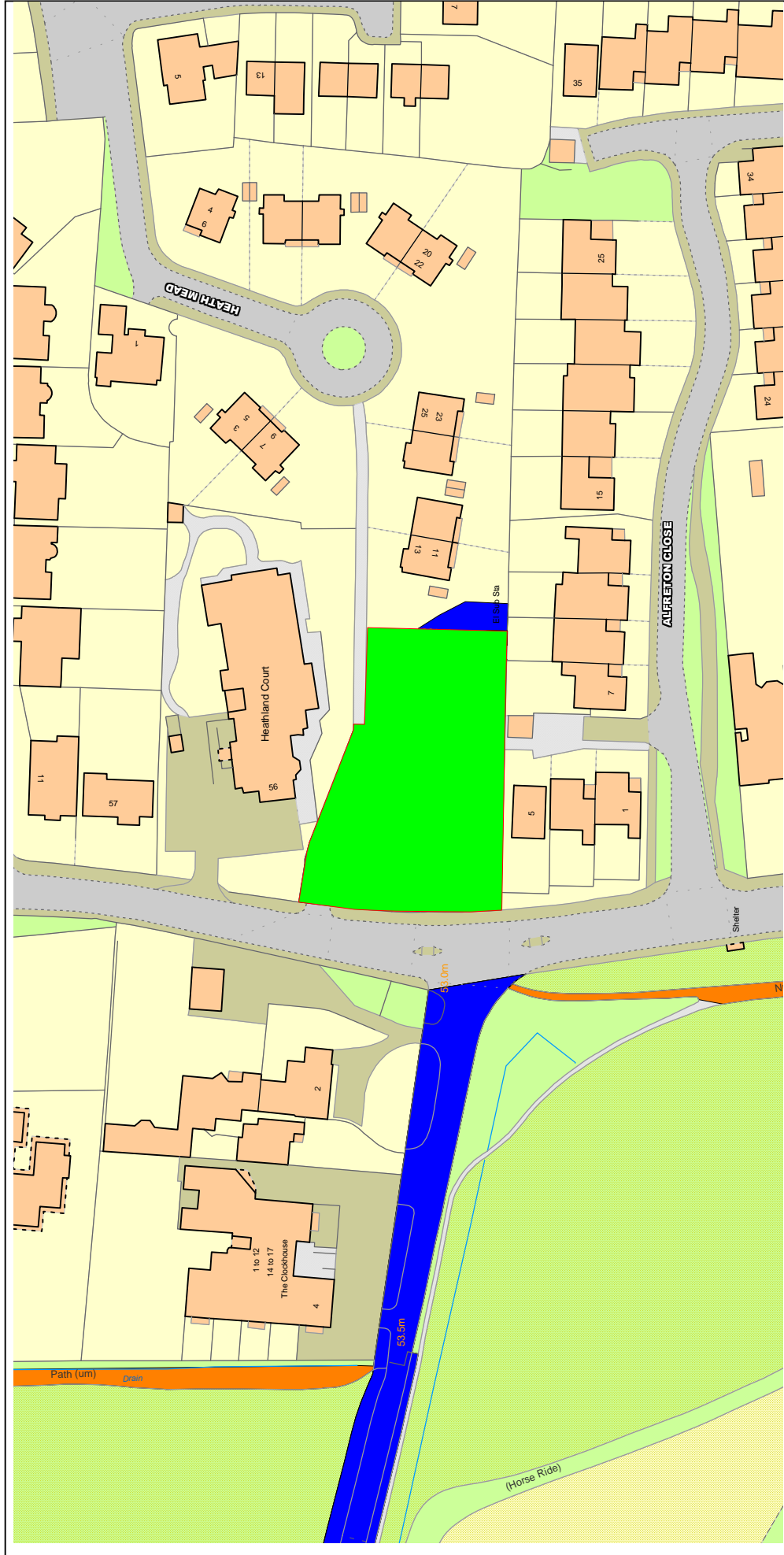
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## PLANNING APPLICATIONS COMMITTEE 13<sup>th</sup> December 2018

<u>APPLICATION NO.</u>	<u>DATE VALID</u>
18/P1490	22/05/2018
<b>Address/Site:</b>	Sterling House, 42 Worple Road, Wimbledon, SW19 4EQ
<b>Ward</b>	Hillside
<b>Proposal:</b>	Erection of three-storey rear/side infill extension
<b>Drawing Nos:</b>	SH P201(C), SH P301(E), 302(E), 303(E), 304(E), 305(E), 306(E), 312(E) & 316(E)
<b>Contact Officer:</b>	David Gardener (0208 545 3115)

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### RECOMMENDATION

#### **GRANT Planning Permission Subject to Conditions**

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#### CHECKLIST INFORMATION

- Heads of agreement: None
- Is a screening opinion required: No
- Is an Environmental Statement required: No
- Has an Environmental Impact Assessment been submitted: No
- Press notice: No
- Site notice: Yes
- Design Review Panel consulted: No
- Number of neighbours consulted: 31
- External consultations: None

#### **1. INTRODUCTION**

- 1.1 The application has been brought before the Planning Applications Committee due to the number of objections received.

#### **2. SITE AND SURROUNDINGS**

- 2.1 The application site comprises a detached two-storey building with additional roofspace and lower ground floor accommodation. The building currently comprises approximately 549sqm of office (Use Class B1) space. The site is located on the southern side of Worple Road at the junction with Courthope Villas. Worple Road is a mostly residential road and the site is bounded by residential properties. Car parking for employees is located at lower ground floor level and to the rear of the building. There are no trees within the site. The

site is located approximately 80m outside of the Wimbledon Town Centre boundary.

- 2.2 The site is not located in a Conservation Area. The site has excellent public transport accessibility (PTAL 6a) and is also located in a controlled parking zone (zone W1).

### **3. CURRENT PROPOSAL**

- 3.1 The proposal is to erect a three-storey rear/side extension. The proposal has been amended since the application was first submitted with the depth of the extension reduced by 2.03m which means it would have a depth of 5m and width of 3.9m. The proposal would result in a net addition of 53.5sqm of gross internal floor area.
- 3.2 Materials would comprise facing brickwork, slate mansard and timber sash windows to match the existing building.

### **4. PLANNING HISTORY**

The following planning history is relevant:

- 4.1 18/P1790 - Application for variation of condition 2 attached to LBM planning application 14/P3300 relating to the extension to existing second floor and installation of third floor roof extension to provide additional office (B1) floor space. Amendments include replacement front entrance canopy and new dark grey frame fenestration. Registered
- 4.2 18/P1789 - Application for variation of condition 2 attached to LBM planning application 14/P3300 relating to the extension to existing second floor and installation of third floor roof extension to provide additional office (B1) floor space. Amendments include erection of new lift shaft, new front entrance canopy and dark grey fenestration. Registered.
- 4.3 14/P3300 - Extension to existing second floor and installation of third floor roof extension to provide additional office (B1(a)) floor space. Granted
- 4.4 13/P2588/NEW - Pre-application advice for the erection of additional storey to create office space - class B1(a). Pre-application submission
- 4.5 03/P2579 - Display of one illuminated sign to Worple Road and one non - illuminated sign to Courthope Villas. Granted
- 4.6 01/P1214 - Display of 1 halo lit illuminated sign fronting Courthope Villas and 1 non illuminated sign fronting Worple Road. Granted
- 4.7 93/P1112 - Display of an internally illuminated round logo sign measuring 1.83 metres diameter and erected 7.5 metres above ground level on Courthope Villas frontage. Granted

## **5. POLICY CONTEXT**

- 5.1 Adopted Merton Sites and Policies Plan and Policies Maps (July 2014):  
DM D1 (Urban design and public realm), DM D2 (Design considerations in all developments), DM D3 (Alterations and extensions to existing buildings), DM E1 (Employment areas in Merton), DM R2 (Development of town centre type uses outside town centres), DM T1 (Support for sustainable transport and active travel), DM T2 (Transport impacts of development), DM T3 (Car parking and servicing standards)
- 5.2 Adopted Core Strategy (July 2011):  
CS.6 (Wimbledon Town Centre), CS.7 (Centres), CS.12 (Economic Development), CS.14 (Design), CS.20 (Parking, Servicing and Delivery)
- 5.3 London Plan March 2015 (March 2016):  
4.2 (Offices), 5.2 (Minimising carbon dioxide emissions), 5.6 (Decentralised energy in development proposals), 5.3 (Sustainable Design and Construction) 6.3 (Assessing effects of development on transport capacity), 6.9 (Cycling) 6.13 (Parking), 7.2 (An inclusive environment), 7.4 (Local character), 7.6 (Architecture), 7.7 (Location and design of tall and large buildings)
- 5.4 National Planning Policy Framework (NPPF) - July 2018

## **6. CONSULTATION**

- 6.1 The application was publicised by means of a site notice with letters also sent to adjoining properties. In response, 5 objections have been received on the following grounds:
- Loss of privacy/overlooking and daylight/sunlight
  - Overdevelopment of site
  - Planning creep given planning permission has already been approved for another extension (LBM Ref: 14/P3300)
  - Additional office space should be created in Wimbledon Town Centre where there is supply and not this location which is not suitable
  - Out of context/character with surrounding area
  - Noise and air pollution due to additional vehicle movements
  - Disturbance from construction
  - Sequential test should be applied due to combination
  - Creation of jobs should not be enough to justify proposal/development is speculative and debatable whether additional space is necessary
  - Not all residents that were consulted in previous application Ref: 14/P3300 have been consulted in the current application
  - Health and safety concerns due to gas leaks
  - Impact on traffic and parking

## **7. PLANNING CONSIDERATIONS**

### **7.1 Principle of Development**

- 7.2 This site is located approx. 80m from Wimbledon town centre boundary, approx. 240m from the Primary Shopping Area (which includes Wimbledon's Primary Shopping Frontage Area, the Core Shopping Frontage and Secondary Shopping Frontage) and approx. 490m from Wimbledon Railway Station.
- 7.3 Planning policy seeks to encourage the expansion of high quality office uses in locations such as the application site with Policy DM E1 for example supporting the provision of small, medium and major offices in town centres or in areas with good access to public transport (PTAL 4 and above). The extension would add approx. 53.5sqm of floor space whilst making the floor space more efficient internally. Given the site also has excellent access to public transport (PTAL 6a) it is considered that in principle the proposal complies with relevant planning policy.
- 7.4 Visual amenity**
- 7.5 Policy DM D2 of the Adopted Sites and Policies Plan and Policies Maps (July 2014) states that proposals for development will be required to relate positively and appropriately to the siting, rhythm, scale, density, proportions, height, materials and massing of surrounding buildings, whilst using appropriate architectural forms, language, detailing and materials which complement and enhance the character of the wider setting.
- 7.6 The proposed extension is considered to be acceptable in terms of its size and design. The extension would be subordinate to the main building as extended (the building is currently being extended through the addition of a further floor granted planning permission in 2015 (LBM Ref: 14/P3300)) being a storey lower and set back 2.03m from the rear wall and 61cm in from the side wall. The extension would also feature a mansard roof which mirrors the existing building, and sash windows and facing materials which also match. The proposal is therefore considered to comply with all relevant planning policies relating to design.
- 7.7 Residential Amenity**
- 7.8 Policy DM D2 of the Adopted Sites and Policies Plan and Policies Maps (July 2014) states that proposals for development will be required to ensure provision of appropriate levels of sunlight and daylight, quality of living conditions, amenity space and privacy, to both proposed and adjoining buildings and gardens. Development should also protect new and existing development from visual intrusion.
- 7.9 The corner of the proposed extension would be in close proximity to the side boundary which the application site shares with No.40 Worple Road. It appears that No.40 is currently a House of Multiple Occupation (HMO) with planning records suggesting that it is sub-divided into 11 rooms. The extension has been amended on the advice of Council planning officers with the depth reduced so that its rear wall is set back 2.03m behind the rear wall of the main building which means it would now project approx. 5m beyond the main rear wall of No.40. This combined with the fact that the majority of the extension would sit

in front of the existing building (the existing building would also be a storey taller once current building works are completed) when viewed from No.40, means that it would not be visually intrusive or overbearing in this instance. It should also be noted that the top floor would have a mansard design with slate facing materials which would further reduce its bulk and massing when viewed from No.40.

- 7.10 It is also considered that the extension would have an acceptable impact on No.2 Courthope Villas, which is located to the rear of the site. This property has some windows located in its side elevation which would directly face the proposed extension, however given the subordinate design of the extension with its rear wall now set back over 2m behind the main rear wall of the building it is considered that the proposal would have little impact on this property. Overall, it is considered that the proposal would not have a detrimental impact on the levels of amenity currently enjoyed by occupiers of surrounding properties and would accord with policies DM D2 and DM D3 Adopted Merton Sites and Policies Plan and Policies Maps (July 2014).

#### **7.10 Parking and Traffic**

- 7.11 Policy 6.1 of the London Plan (2016) states that the Mayor will support developments, which generates high levels of trips at locations with high levels of public transport accessibility and improves the capacity and accessibility of public transport, walking and cycling. At a local level Policy CS.18 promotes active transport and encourages design that provides attractive, safe, covered cycle storage, cycle parking and other facilities (such as showers, bike cages and lockers).
- 7.12 The application site is well connected and has excellent public transport links (PTAL rating of 6a). The site is served by rail services from Wimbledon station and a number of bus services run along Worple Road. There are currently 18 car parking spaces provided at lower ground floor level and at the rear of the building. The proposed development would not result in any change in the number of parking spaces despite the increase in office space. This is however considered acceptable in this instance given the excellent access to public transport (PTAL 6a) coupled with the desire to promote more sustainable methods of travel and the fact that there would only be a modest increase in office space of 53.5sqm. The proposal is considered to be acceptable and there are no additional parking requirements warranted in this instance.

### **8. ENVIRONMENTAL IMPACT ASSESSMENT**

- 8.1 The application does not constitute Schedule 1 or Schedule 2 development. Accordingly, there are no requirements in terms of EIA submission.

### **9. LOCAL FINANCIAL CONSIDERATIONS**

- 9.1 The proposal would result in a net gain in gross floor space and as such will be liable to pay a Community Infrastructure Levy (CIL).

## **11. CONCLUSION**

- 11.1 It is considered that the proposed extension would create additional high quality office space, and is acceptable in terms of design and its impact on neighbour amenity, traffic and parking. When taking into consideration the previous planning permission (LBM Ref: 14/P3300) the proposal remains of a suitable design and scale to the site and surroundings. The proposal would comply with all relevant planning policies and as such planning permission should be granted.

### **RECOMMENDATION**

**GRANT PLANNING PERMISSION subject to the following conditions:**

1. A.1 (Commencement of Development)
2. A.7 (Approved plans)
3. B.2 (Matching Materials)

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[Click here](#) for full plans and documents related to this application.

Please note these web pages may be slow to load



# NORTHGATE SE GIS Print Template



Text Details **Stirling House, Worple Rd**

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## Planning Applications Committee

13<sup>th</sup> December 2018

**Subject:** Tree Preservation Order (No.735) at 7 Oakway, Raynes Park, SW20

**Ward:** West Barnes

**Lead officer:** HEAD OF SUSTAINABLE COMMUNITIES

**Lead member:** COUNCILLOR LINDA KIRBY, CHAIR, PLANNING APPLICATIONS COMMITTEE

**Contact Officer** Rose Stepanek: 0208 545 3815  
rose.stepanek@merton.gov.uk

### Recommendation:

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That the Merton (No.735) Tree Preservation Order 2018 be confirmed without modification.

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#### 1. Purpose of report and executive summary

This report considers the objection that has been made to the making of this tree preservation order. Members must take that into account before deciding whether or not to confirm the Order, with/without modification.

#### 2. Details

2.1 On the 23 October 2018, the Council was asked to make a tree preservation in respect of a large mature Oak tree located in the rear garden of 7 Oakway, Raynes Park, SW20 9JE. The Oak tree was visually inspected by a tree officer and found to be a very large and significant tree that is clearly visible from Grand Drive. The tree is thought to be in excess of 150 years old and this age gives the tree a classification of a veteran tree. According to the Council mapping system, this tree would appear to be a survivor from a row of trees that marked the boundaries to fields in 1865 – 1880. This gives the tree an additional and meaningful link to local history and the development of Raynes Park.

2.4 The Merton (No.735) Tree Preservation Order 2018 was made and this took effect on the 23 October 2018. A copy of the tree preservation order plan is appended to this report.

#### 3. Legislative Background

3.1 Section 198 of the Town and Country Planning Act 1990 (as amended), empowers Local Planning Authorities to protect trees in the interests of amenity, by making tree preservation orders. Points to consider when considering a tree preservation order are whether the particular trees have a significant impact on the environment and its enjoyment by the public, and that it is expedient to make a tree preservation order.

3.2 When issuing a tree preservation order, the Local Planning Authority must provide reasons why the tree has been protected by a tree preservation order. In this particular case 8 reasons were given that include references to the visual amenity value of the Oak tree in the area; that the Oak tree has an intrinsic beauty; that the Oak tree is visible to the public view; that the Oak tree makes a significant contribution to the local landscape; that the Oak tree forms part of our collective heritage for present and future generations; that the Oak tree is an integral part of the urban forest; that the Oak tree contributes to the local biodiversity; and that the Oak tree protects against climate change.

3.3 Under the terms of the provisional status of an Order, objections or representations may be made within 28 days of the date of effect of the Order. The Council must consider those objections or representations before any decision is made to confirm or rescind the Order.

#### **4. Objections & representations to the Order**

4.1 The Council has received an objection to the Order from the property owners.

4.2 The objections to the Order has been summarised as follows:

- There is no intention of removing the tree but management is required. A quote from a local tree surgeon has been provided;
- The size of the tree is disproportionate to the property;
- A falling Oak tree will cause extensive damage;
- The tree is blocking light to their own and neighbouring gardens.

#### **5. Planning Considerations**

5.1 The Tree Officer would respond to each of the objector's respective points as follows:

- Whilst the objector has confirmed for the purposes of this objection there is no intention to remove the Oak tree, this could still be the case at any time if there were no tree preservation order in place to protect the tree. The quotation from the tree surgeon proposes an acceptable and appropriate level of tree work as a form of management for the tree. The quotation has the additional comment from the tree surgeon: 'This is a magnificent tree which is probably 150+ years old and we would be unwilling to fell it.'
- The tree is a large specimen and noteworthy for its status as a veteran tree and for its historical importance which predates the current built up form of this residential area. The proposed tree work would help to address this concern;
- The tree surgeon's quotation contains no information that could support this belief. As an expert, the tree surgeon would have noted any important defects and therefore any associated risks to the surrounding properties. The additional comment clearly shows the high regard the expert has for this tree;
- Whilst the tree may deprive the surrounding gardens of some sunlight/daylight, it remains the case that appropriate forms of tree surgery are available that can help to lessen such concerns. It is worth

noting that no objections to the Order have been received from any neighbours.

**6. Officer Recommendations**

- 6.1 The Merton (No.735) Tree Preservation Order 2018 should be confirmed without modification.

**7. Consultation undertaken or proposed**

None required for the purposes of this report

**8. Timetable**

N/A

**9. Financial, resource and property implications**

The Order may be challenged in the High Court and legal costs are likely to be incurred by Merton. However, it is not possible to quantify at this time, and may be recoverable from the property owners if the Court finds in favour of the Authority.

**10. Legal and statutory implications**

The current tree preservation order takes effect for a period of 6 months or until confirmed, whichever is the earlier. There is no right of appeal to the Secretary of State. Any challenge would have to be in the High Court.

**11. Human rights, equalities and community cohesion implications**

N/A

**12. Crime and disorder implications**

N/A

**13. Risk Management and Health and Safety implications.**

N/A

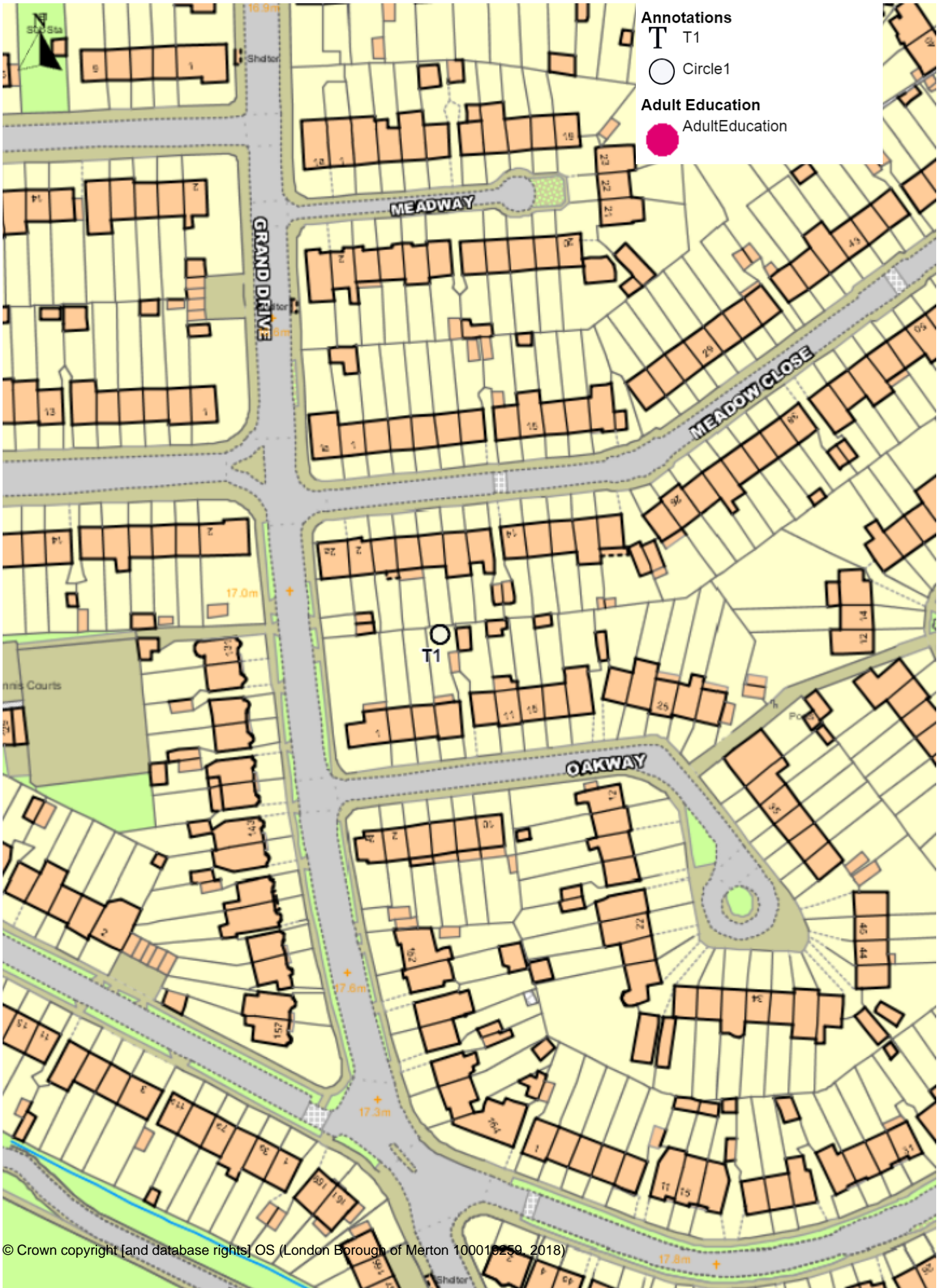
**14. Appendices – the following documents are to be published with this report and form part of the report Background Papers**

Tree Preservation Order plan

**15. Background Papers**

The file on the Merton (No.735) Tree Preservation Order 2018  
Government Planning Practice Guidance on Tree Preservation Orders and trees in conservation areas.

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**Merton (No.735) Tree Preservation Order 2018**

Scale = 1 : 1250

**7 Oakway**

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## PLANNING APPLICATIONS COMMITTEE

13 December 2018

**Subject:** Planning Appeal Decisions

Lead officer: Head of Sustainable Communities

Lead Member: Chair, Planning Applications Committee

**Recommendation:** That Members note the contents of the report.

### 1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1 For Members' information recent decisions made by Inspectors appointed by the Secretary of State for Communities and Local Government in respect of recent Town Planning Appeals are set out below.
- 1.2 The relevant Inspectors decision letters are not attached to this report but can be viewed by following each individual link. Other agenda papers for this meeting can be viewed on the Committee Page of the Council Website via the following link:

[LINK TO COMMITTEE PAGE](#)

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### DETAILS

Application Numbers: **17/P2005**  
Site: 54 Lewis Road, Mitcham CR4 3DE  
Development: Erection of a 2 bed dwellinghouse  
Recommendation: Refused (Delegated Decision)  
Appeal Decision: **DISMISSED**  
Date of Appeal Decision: 23<sup>rd</sup> November 2018

### [Link to Appeal Decision Notice](#)

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Application Numbers: **17/P4200**  
Site: 70 Bathgate Road, Wimbledon Village SW19 5PH  
Development: Variation of condition 2 (approved plans) attached to 17/P2019 for excavation of basement level, erection of 2 storey rear extension with roof extension and partial demolition of house (retaining front elevation).  
Recommendation: Refused (Delegated Decision)  
Appeal Decision: **ALLOWED**  
Date of Appeal Decision: 12<sup>th</sup> November 2018

### [Link to Appeal Decision Notice](#)

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Application Numbers: **18/P1649**  
Site: 14 Highbury Road, London, SW19 7PR  
Development: Single storey rear extension, alterations to first floor balcony terrace, erection of a second floor rear dormer and excavation of a rear basement  
Recommendation: Refused (Delegated Decision)  
Appeal Decision: **DISMISSED**  
Date of Appeal Decision: 25th November 2018

## [Link to Appeal Decision Notice](#)

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Application Numbers: **18/P1711**  
Site: 38 Tudor Drive, Morden, Surrey, SM4 4PE  
Development: Retention of existing outbuilding for use as gym  
Recommendation: Refused (Delegated Decision)  
Appeal Decision: **ALLOWED**  
Date of Appeal Decision: 15<sup>th</sup> November 2018

## [Link to Appeal Decision Notice](#)

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### Alternative options

3.1 The appeal decision is final unless it is successfully challenged in the Courts. If a challenge is successful, the appeal decision will be quashed and the case returned to the Secretary of State for re-determination. It does not follow necessarily that the original appeal decision will be reversed when it is redetermined.

3.2 The Council may wish to consider taking legal advice before embarking on a challenge. The following applies: Under the provision of Section 288 of the Town & Country Planning Act 1990, or Section 63 of the Planning (Listed Buildings and Conservation Areas) Act 1990, a person or an establishment who is aggrieved by a decision may seek to have it quashed by making an application to the High Court on the following grounds: -

1. That the decision is not within the powers of the Act; or
2. That any of the relevant requirements have not been complied with; (relevant requirements means any requirements of the 1990 Act or of the Tribunal's Land Enquiries Act 1992, or of any Order, Regulation or Rule made under those Acts).

### **1 CONSULTATION UNDERTAKEN OR PROPOSED**

- 1.1. None required for the purposes of this report.

### **2 TIMETABLE**

2.1. N/A

**3 FINANCIAL, RESOURCE AND PROPERTY IMPLICATIONS**

3.1. There are financial implications for the Council in respect of appeal decisions where costs are awarded against the Council.

**4 LEGAL AND STATUTORY IMPLICATIONS**

4.1. An Inspector's decision may be challenged in the High Court, within 6 weeks of the date of the decision letter (see above).

**5 HUMAN RIGHTS, EQUALITIES AND COMMUNITY COHESION IMPLICATIONS**

5.1. None for the purposes of this report.

**6 CRIME AND DISORDER IMPLICATIONS**

6.1. None for the purposes of this report.

**7 RISK MANAGEMENT AND HEALTH AND SAFETY IMPLICATIONS**

7.1. See 6.1 above.

**8 BACKGROUND PAPERS**

8.1. The papers used to compile this report are the Council's Development Control service's Town Planning files relating to the sites referred to above and the agendas and minutes of the Planning Applications Committee where relevant.

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## Planning Applications Committee 13 December 2018

Subject: Planning Enforcement -Summary of Current Cases

Wards: All

Lead officer: Head of Sustainable Communities

Lead member: Cabinet Member for Regeneration, Housing and Transport Councillor  
Martin Whelton

Councillor Linda Kirby, Chair, Planning Applications Committee

Contact Officer Ray Littlefield: 0208 545 3911 Ray.Littlefield@merton.gov.uk

### **Recommendation: That Members note the contents of the report.**

#### 1 Purpose of report and executive summary

This report details a summary of case work being dealt with by the Planning Enforcement Team and contains figures of the number of different types of cases being progressed, with brief summaries of all new enforcement notices and the progress of all enforcement appeals.

The Planning Enforcement Manager resigned in February 2017 and this position is not being filled as the team has been reduced from four to three Planning Enforcement Officers in the recent round of savings.

Current Enforcement Cases: 834 (827)	New Appeals: (0)
New Complaints 39 (41)	Instructions to Legal 3 (0)
Cases Closed 32	Existing Appeals
No Breach: 24	
Breach Ceased: 8 NFA <sup>2</sup> (see below):	
Total 32 (31)	<hr/>
	TREE ISSUES
New Enforcement Notices Issued	Tree Applications Received 60 (49)
Breach of Condition Notice:	% Determined within time limits: 1000/0
New Enforcement Notice issued (0)	High Hedges Complaint
0 s.215. 3 1 Others (PCN, TSN)	New Tree Preservation Orders (TPO)
0	Tree Replacement Notice
Total 1 (0)	Tree/High Hedge Appeal
Prosecutions: (instructed) 0 (0)	

Note (figures are for the period to 5<sup>th</sup> November 2018 to December 2018). The figure for current enforcement cases was taken directly from M3 crystal report.

<sup>1</sup> Totals in brackets are previous month's figures

<sup>2</sup> confirmed breach but not expedient to take further action.

3S215 Notice: Land Adversely Affecting Amenity of Neighbourhood.

## 2.0 New Enforcement Actions

**208 Bishopsford Road, Morden, SM4 6DA.** Unauthorised erection of extra rear extension and the use of the side extension as self-contained unit. Instructions sent to legal services requesting the service of two Enforcement Notices.

**228 Lynmouth Avenue, SM4 4RP.** The Council issued a S215 notice on 23rd July 2018 to require the following steps to "trim and cut back overgrown bushes from the front and rear gardens, tidy the site, clean, repair and paint the front windows and repaint the front of the property". The notice came into effect on 23/08/18.

**The former laundry site, 1 Caxton Road, Wimbledon SW19 8SJ.** Planning Permission was granted for 9 flats, with 609square metres of (Class B1) office units. 22 flats have been created. Instructions have been sent to legal services for the service of a planning enforcement requiring either the demolition of the development or build to the approved scheme. The Planning Enforcement Notice was issued on 1 1<sup>th</sup> October 2018. The Notice will take effect on 18<sup>th</sup> November 2018 with a compliance period of 12 calendar months, unless an appeal is made to the Planning Inspectorate before 1 8<sup>th</sup> November 2018. An appeal was made but withdrawn the following day.

**33 Sutherland Drive, Colliers Wood, SW19.** This matter concerns abandoned cars and general rubbish in the front, side and rear of the property. A s215 Notice has been authorised and was served on 18<sup>th</sup> October 2018, the Notice will take effect 28 days after this date unless an appeal is made (to the Local Magistrates Court) with a compliance period of a further 28 days from the date the Notice takes effect.

**100 The Broadway, Wimbledon SW19 IRH.** This matter concerns a dilapidated shopfront. A s215 Notice was issued and served on 28<sup>th</sup> June 2018, the Notice took effect 28 days after this date with a further compliance period of 28 days requiring the shop front to be restored and tidied up. The shop front has been improved, however not to the satisfaction of Officers.

**118 Central Road, Morden SM4 5RL.** A planning Enforcement Notice was issued on 25<sup>th</sup> June 2018 and came into effect on 1<sup>st</sup> August 2018 with a 2 months compliance period. The Notice requires the removal of the covering of the rear yard of the commercial garage. The covering has been removed and so the planning enforcement Notice has been fully complied with.

**37 Montgomery Close, Mitcham, CR4 IXT.** This concerns unauthorised extra single storey wooden extension with a height of approx. 2.7m a depth of 2.4m. Extending the width of the whole rear of the property. A Planning Enforcement Notice was issued on 16<sup>th</sup> March 2018 requiring the demolition of the single story wooden extension, with a one month compliance period. The Notice has not been complied with and to date no notification of an appeal has been received.

**22 St George's Road, Mitcham, CR4 IEB.** The council issued an Enforcement Notice on the 7 May 2018 for 'erection of high fence and patio at the property. The notice requires removal of the fencing and decking from the Property and will take effect on 14th June 2018 with a compliance period of one month of this date unless an appeal is made. The notice has taken effect however; the legal team has been informed that the ownership details have changed. The new owners' details are pending and therefore we have to wait for the full detail update before we can enforce the notice. An appeal has been received on grounds (c) only (that planning permission is not required). The Council will submit its statement in due course.

**29 Belgrave Walk, Mitcham, CR4 3QQ.** The Council issued a Planning Enforcement Notice on 24<sup>th</sup> August 2018 requiring the removal of a first floor rear extension. The Notice came into effect on 30<sup>th</sup> September 2018 with a 3 months compliance period unless an appeal was made before 30<sup>th</sup> September 2018. To date no appeal has been made.

**17 Burley Close, Streatham, SW16 4QQ.** The Council issued a Planning Enforcement Notice on 24th August 2018 requiring the removal of a tree house. The Notice came into effect on 30th September 2018 with a 2 months compliance period unless an appeal was made before 30th September 2018.

#### Some Recent Enforcement Actions

- **39 West Barnes Lanes, SW20 OBL-**. The council issued a S215 notice on 23rd July 2018 to requiring the land be cleared of rubbish. The notice came into effect on 23/08/18. The Land has now been cleared and the Notice complied with.
- **117 Haydons Road South Wimbledon SW19.** The Council reserved an Enforcement Notice on 9<sup>th</sup> February 2016 against the unauthorised conversion of the former public house into eight selfcontained flats. The notice came into effect on 18<sup>th</sup> March 2016 as there was no appeal prior to that date and the requirement is to cease using the building as eight self-contained flats within 6 months. Six of the flats are vacant and the owners have instructed builders to remove all kitchens units. Court action is currently on-going to repossess the remaining two flats.
- **Burn Bullock, 315 London Road, Mitcham CR4.** A Listed Buildings Repair Notice (LBRN) was issued on 27<sup>th</sup> August 2014 to require a schedule of works to be carried out for the preservation of the Building which is listed.

Listed Building Consent was granted on 3<sup>rd</sup> March 2015 to cover the required works which include the roof, rainwater goods, masonry, chimney render repairs, woodwork, and glazing. An inspection of the building on Friday 29<sup>th</sup> April 2016 concluded that the required works have mostly been carried out to an acceptable standard.

The Council has now been provided with a copy of the archaeological survey report officers will be reviewing and making their recommendations. Case to be re-allocated to a new officer but kept under re-view.

A pre-app has been submitted which covered converting the upper floors to residential and proposal for new development at the rear and at the side. Proposals included improvements to the cricket pavilion. A pre-app report has been made.

At the site visit it was observed that there is a new ingress of water from the roof. This was pointed out to the owner asking for immediate action.

- **13 Fairway, Raynes Park SW20.** On 2nd December 2016, the Council issued an amenity land notice against the untidy front and rear gardens of the property to require the owner to trim, cut back and maintain the overgrown bushes, weeds and trees. The compliance period is within one month of the effective date. No action has been taken by the owner. The Next step is to either take direct action or prosecution. This case is now to proceed to prosecution
- **14 Tudor Drive SM4.** An Enforcement Notice was issued on the 9th February 2017 to cease the use of the land (outbuilding and garden) from residential (Class C3) to storage (Class B8). The Notice took effect on the 15th February 2017, no appeal was made. Compliance with the Notice was expected at the end of March 2017. Site visit to be undertaken to check for compliance.
- **242 - 244 London Road, Mitcham, London, CR4 3HD**  
The council issued an Enforcement Notice on the 12th January 2018 for 'erection of 3 air conditioning units at the side of the ground floor of the Land. The notice requires the removal of the 3 air conditioning units on the side of the ground floor; and will take effect on 12th February 2018 with a compliance period of one

month of this date unless an appeal is made. No appeal has been made. The Notice has now been complied with. The owner has complied, no further action.

- **1 Cambridge Road, Mitcham, CR4 IDW.** The council issued a S215 notice on 21st August 2017 to require the following steps to trim and cut back overgrown bushes from the front and rear gardens, tidy the site, clean, repair and paint the front windows and repaint the front of the proper. The notice took effect on the 21st September 2017. Due to the time that has elapsed since the issuing of the Notice a new Notice was issued and served on 13<sup>th</sup> November 2018 giving 28 days in which to comply with the Notice.

### 3.0 - New Enforcement Appeals

0

### 3.1 - Existing enforcement appeals

1

### 3.2 - Appeals determined

- **58 Central Road Morden SM4.** An Enforcement Notice was issued on 10th January 2017 for the demolition of an outbuilding. The Notice would have taken effect on the 15th February 2017, requiring the demolition of the outbuilding to be carried out within 2 months. An appeal was lodged, and started. An appeal statement in support of the demolition of the outbuilding has been submitted. The appeal was dismissed by Decision letter date 25<sup>th</sup> August 2018, the enforcement Notice was upheld in its entirety.
- **218 Morden Road SW19.** An Enforcement Notice was issued on 23rd January 2017 for the demolition of the current roof to its original condition prior to the breach in planning control or construct the roof pursuant to the approved plans associated with planning permission granted by the Council bearing reference number 05/P3056. The Notice would have taken effect on the 28th February 2017, giving two months for one of the options to be carried out. An appeal against this Notice was submitted. The appeal site visit was held on 29th January 2018. The appeal was dismissed and the Notice upheld by Decision Letter dated 1st February 2018. The Notice was varied extending the compliance period from two calendar months to ten calendar months from 1st February 2018. Awaits for compliance
- **18 Morton Road Morden SM4** the council issued an enforcement notice on 3rd October 2016 against the unauthorised change of use of an outbuilding to self-contained residential use. The notice would have taken effect on 10/11/16 but the Council was notified of an appeal. The compliance period is two calendar months. The appeal site visit was held on 29th January 2018. The appeal was dismissed and the Notice upheld by Decision Letter dated 1<sup>st</sup> February 2018 with a three months compliance period from 1<sup>st</sup> February 2018.
- **Aberconway Road Morden SM4** — The Council served an enforcement notice on 4th February 2016 against the erection of a single storey side extension to the property following a refusal of retrospective planning permission to retain the structure. The owner is required to remove the extension and associated debris within one month of the effective date. The appeal was dismissed on 1/12/16 and the owners have to demolish the extension by 1/1/17. The Structure is still present. No compliance, awaiting prosecution.
- **Land at Wyke Road, Raynes Park SW20.** The Council issued an enforcement notice on 4th July 2016 against the unauthorised material change in the use of the land for car parking. The notice would have come into effect on 10/08/16 but



an appeal was submitted. 11th April 2017 Appeal dismissed and Notice upheld. The compliance date was 12th May 2017, however an acceptable scheme has now been approved.

- **18 Warminster Way, Mitcham, CR4 IAD.** The council issued an Enforcement Notice on the 20th March 2017 for 'erection of a single storey rear extension on the Land. The notice requires the structure to be demolished and would have taken effect on 27th April 2017. An appeal site visit took place 28th February 2018. The appeal was dismissed by Decision Letter dated 7th March 2018. The period of time for compliance with the Enforcement Notice was extended from three months to six months from 7th March 2018. Awaiting prosecution proceedings.

### 3.3 - Prosecution cases.

**170 Elm Walk Raynes Park** The council issued a S215 notice on 4th August 2016 to require the owner to repair and paint or replace windows and doors to the property as well as clear the weeds and cut back on overgrown bushes in the front and rear gardens. The notice came into effect on 1/9/16 as there was no appeal and the compliance period is one month. A site visit on 4th October 2016 confirmed that the notice has not been complied with and prosecution documents have been forwarded to Legal Services for further action. This case is to be re-allocated to a new officer. The rear window has been addressed and resolved. No further action under section 215 notice is required.

**Land, at 93 Rowan Crescent Streatham, SW16 5JA.** The council issued a S215 notice on 29th July 2016 to require the following steps to trim and cut back overgrown bushes from the front and rear gardens, tidy the site, clean, repair and paint the front windows and repaint the front of the proper. The notice came into effect on 28/08/16 and the compliance period expired on 23/09/16. As the notice has not been complied with, a prosecution document has been forwarded to Legal Services for legal proceedings to be instigated. The front garden has been cleared, however the bulk of the requirements of the Notice have not been complied with. Direct action is now under consideration.

**55-61 Manor Road, Mitcham.** An enforcement notice was issued on 3rd August 2016 against the unauthorised change of use of the land from a builder's yard to use as a scrap yard and for the storage of waste and scrap metals, scrap motor vehicles and waste transfer. The notice came into effect on 2/9/16 no notification of an appeal was received. The requirement is to cease the unauthorised use and remove any waste and scrap materials including scrap and non-scrap vehicles from the site by 8/10/16. Following a site inspection, the occupier was reminded of the enforcement action and advised that as he failed to comply with the notice, the Council was progressing prosecution proceedings. However, the owner stated that the Notice would be complied with by 21st April 2017. However the Notice was not complied with and prosecution proceedings have now been instigated. A prosecution statement in consultation with the legal services is now in progress.

The people involved have been summoned to attend Lavender Hill Magistrates' Court on 10<sup>th</sup> July 2018. The defendants are required to attend the court and enter a plea to the offence of failing to comply with the requirements of a Planning Enforcement notice.

The defendant's appeared at Lavender Hill Magistrates Court. But the case was deferred and sent to the Crown Court as the penalties available to the Magistrates Court were considered by the court, to be insufficient, should the defendants be found to be guilty. It is likely that this case will be heard at the Crown Court in August 2018. The Court has imposed a £1,000 fine plus costs of £1,500. The occupier was instructed to comply with the notice within one week by 15/08/2018. Officer's will visit and check for compliance. A second prosecution is now underway.

3.4 Requested update from PAC

None

4. Consultation undertaken or proposed  
None required for the purposes of this report

5 Timetable  
N/A

6. Financial, resource and property implications

7. Legal and statutory implications  
N/A

8. Human rights, equalities and community cohesion implications

9. Crime and disorder implications  
N/A

10. Risk Management and Health and Safety implications.  
N/A

11. Appendices — the following documents are to be published with this report and form part of the report Background Papers  
N/A

12. Background Papers – N/A