

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: 17 January 2019

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 or telephone 020 8545 3356

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Planning Applications Committee

17 January 2019

- 1 Apologies for absence
- 2 Declarations of Pecuniary Interest
- 3 Minutes of the previous meeting 1 - 6
- 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 Wyvern Centre, 18 Arras Avenue, Morden, SM4 6DF 7 - 22
Application Number:18/P3617 Ward:Ravensbury

Officer Recommendation:Grant planning permission subject to relevant conditions
- 6 28 New Barns Avenue, Mitcham CR4 1LE 23 - 30
Application Number:18/P3736 Ward: Pollards Hill

Officer Recommendation: Grant Permission
- 7 Planning Appeal Decisions 31 - 32
Officer Recommendation:
That Members note the contents of the report.
- 8 Planning Enforcement - Summary of Current Cases 33 - 38
Officer Recommendation:
That Members note the contents of the report.

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)

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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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.

PLANNING APPLICATIONS COMMITTEE

13 DECEMBER 2018

(7.15 pm - 8.15 pm)

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

ALSO PRESENT Neil Milligan – Planning Manager
Tim Bryson – Planning Team Leader North
Sarath Attanayke – Transport Planning Officer
Lisa Jewell – Democratic Services Officer

1 APOLOGIES FOR ABSENCE (Agenda Item 1)

Apologies for absence were received from Councillor Marsie Skeete. Councillor Dennis Pearce attended as a substitute

2 DECLARATIONS OF PECUNIARY INTEREST (Agenda Item 2)

No Declarations of Pecuniary interest were made

3 MINUTES OF THE PREVIOUS MEETING (Agenda Item 3)

RESOLVED: That the minutes of the meeting held on 15 November 2018 were 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 5, 6, 7, 8, 9, 10 and 11

5 DEACON HOUSE, 10 ATHERTON DRIVE, WIMBLEDON, SW19 5LB (Agenda Item 5)

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

The Committee noted the officer's report and presentation and information in the Supplementary Agenda – Modifications. Members noted that this application was for only a single storey extension, but that the previous application, that included a basement, had now been given its planning permission

Members noted the legal and technical opposition by local residents to this application and asked Officers to confirm that given the points raised by the opposition and their legal advisors, they were confident in their recommendation to approve this application. The Planning Team Leader North said that Officers had taken legal advice on the previous scheme, which included a basement, and had now issued the planning permission for this previous application. This current application did not include a basement and Officers were happy to recommend approval. Members noted that this current application did not require a flood risk assessment as it did not include a basement. Members also noted that as the house is not listed a heritage statement is not required.

Members noted that the root protection zone for the trees at number 19 Calonne Road extends into the application site by 2m, but that the proposed extension is outside of this zone.

RESOLVED

The Committee voted to GRANT Planning Permission subject to conditions

6 5 BEWLEY STREET, COLLIERS WOOD, SW19 1XF (Agenda Item 6)

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.

The Committee noted the officer's report and presentation and information in the Supplementary Agenda – Modifications. Members noted the additional Conditions within the Supplementary Agenda that requested a landscaping scheme and that the proposal has been amended to provide additional bin storage and additional cycle storage.

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

- A recent, similar, application at 5B Bewley Street was refused
- The construction phase is going to be very disturbing for all current residents especially home workers
- The number of new properties proposed is not sustainable, there is already high parking stress on Bewley Road which is not in a CPZ
- This proposal is not aesthetically pleasing and the design does not provide enough ceiling height or floorspace. There will be noise issues from the new flats as there is currently no insulation.
- Adding flats in to the existing blocks will put pressure on the current management company.

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

- Applicant has taken on board the comments made by residents and has reduced the size of the dormers
- The proposed units will have a new floor build up that will provide high performance noise insulation between the current top floor flats and the new flats
- Planning Permission cannot be withheld because of construction issues, but the applicant will adopt sensible working hours and attempt to control such issues
- The proposal is car free, and a legal agreement will be signed to keep it car free.
- The applicant has listened to current residents and has amended to provide additional bin and cycle storage, so that both are now in excess of that required by policy.
- This is a windfall development of high standard accommodation that is in excess of space standards.

The Planning Team Leader North made points in reply to objectors comments including:

- The scheme refused at 5B was a different case as it was one unit by itself and therefore the dormers could be regarded as unacceptable
- There will be some construction noise but it will be controlled by the additional condition 9 in the Supplementary Agenda
- Insulation will be covered by Building Control
- The size of the dormers has been reduced
- Parking is deemed sufficient

In response to Members questions Officers made comments including:

- The properties meet minimum space standards but acknowledge that they are small flats, however the Dormers provide a good outlook from each flat.
- Fire safety measure, such as sprinkler systems, will be captured by Building Controls
- There is a lift to the current top floor but there is no plan to extend this to the new floor

In response to Members questions the Transport Planning Officer explained that Bewley Street was not in a CPZ and was unlikely to be in the future as there was no demand. There were currently restrictions on parking between 7am and 10am to stop commuter parking in the surrounding CPZ areas.

Members made comments about the ceiling heights of the proposed flats and expressed their concerns regarding the proportion of the floorspace that did not meet the required ceiling height standards. They noted that even though space standards were met, 25% of this floor space did not provide adequate ceiling height. Members expressed the view that this was unacceptable. A member expressed the view that this resulted in very small flats and that too many compromises had been made in the design of the flats.

One member felt that the flats were acceptable as they were small flats aimed at single people and would help to reduce the housing pressures across the borough.

A motion to refuse was proposed on the grounds that the application did not ensure the provision of quality living conditions, as required by Merton Policy DM D2 a) iv, because of the proportion of floorspace that did not provide full height ceilings.

This motion to refuse was seconded, put to the vote and carried.

RESOLVED

The Committee agreed to:

1. REFUSE the application for the following reasons:
Owing to the reduced ceiling heights above a significant proportion of the floorspace, the proposed accommodation would not ensure the provision of quality living conditions as required by Merton Policy DM D2 a)iv
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 1-5 CARNEGIE PLACE, WIMBLEDON SW19 5NG (Agenda Item 7)

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)

The Committee noted the officer's report and presentation.

In response to Members questions the Planning Team Leader explained that this application related only to the basement and sought to 'square off' the design of the basements to form a rectangle. This would result in basements that were still less than 50% of the garden area for each residential plot. Technical reports have been updated to take account of this change.

RESOLVED

The Committee voted to GRANT Planning Permission subject to conditions

8 42 WORPLE ROAD, WIMBLEDON, SW19 4EQ (Agenda Item 8)

Proposal: Erection of three-storey rear/side infill extension

The Committee noted the officer's report and presentation.

A members asked Officers if they knew who would be using the extra space requested by this application. Officers replied that they were not sure but the

application would provide a bit more space on each floor rather than a new separate area.

A Member commented that the application site was on a residential road and the application was not sympathetic or acceptable to residents.

Another member commented that the application was close to Wimbledon Town Centre and that it was in an area that was mostly retail or office sites and that it was good to allow more employment space.

RESOLVED

The Committee voted to GRANT Planning Permission subject to conditions

9 TPO: 7 OAKWAY, RAYNES PARK, SW20 (Agenda Item 9)

The Committee noted the Officer's report and recommendation to confirm the Tree Preservation Order (No.735).

RESOLVED

The Committee confirmed without modification Merton (No. 735) Tree Preservation Order 2018

10 PLANNING APPEAL DECISIONS (Agenda Item 10)

RESOLVED

The Committee noted the Planning Appeal Decisions report

11 PLANNING ENFORCEMENT - SUMMARY OF CURRENT CASES (Agenda Item 11)

RESOLVED

The Committee noted the Planning Enforcement report

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PLANNING APPLICATIONS COMMITTEE

17th January 2019

APPLICATION NO.

18/P3617

DATE VALID

15.10.2018

Address/Site

Meeting Hall, 18 Arras Avenue, Morden, SM4 6DF

Ward

Ravensbury

Proposal:

CONVERSION OF WYVERN YOUTH CENTRE INTO 6 x RESIDENTIAL UNITS (COMPRISING 2 x 1 BED, 1 x 2 BED AND 3 x 3 BED FLATS) INVOLVING RE-ROOFING, INSTALLATION OF SKYLIGHTS, NEW DOOR AND WINDOW OPENINGS, WITH ASSOCIATED PARKING, REFUSE, LANDSCAPING AND CYCLE STORAGE.

Drawing Nos;

Site location plan and drawings 100 Rev 02, 101 Rev 02, 102 Rev 00, 200 Rev 00, 201 Rev 01, 202 Rev 00, 203 Rev 00, 300 Rev 00 & 400 Rev 00

Contact Officer: Jonathan Lewis (020 8545 3287)

RECOMMENDATION

Grant planning permission subject to relevant conditions.

CHECKLIST INFORMATION.

- Heads of agreement: No
- Is a screening opinion required: No
- Is an Environmental Statement required: No
- Has an Environmental Impact Assessment been submitted: No
- Design Review Panel consulted: No,
- Number of neighbours consulted: 25
- Press notice – No
- Site notice – Yes
- External consultations: Metropolitan Police, GLAAS
- Archaeological Priority Zone – Yes
- Controlled Parking Zone - No
- Number of jobs created: N/A
- Density: 50 Dwellings per hectare

1 INTRODUCTION

- 1.1 The application has been brought before the Committee due to the level of public interest. This application proposes amendments to an earlier approved scheme (17/P4387) for the remodelling and conversion of the youth centre to provide 6 flats.

2. **SITE AND SURROUNDINGS**

- 2.1 The existing building is a disused youth centre located amongst a streetscene predominately comprised of pairs of interwar semi detached single family dwellings with smaller and more densely concentrated housing to the rear in Connaught Gardens. The site is designated as Site Proposal 32 (allocated for residential use) within Merton's Sites and Policies Plan (2014). The site is not within a Conservation Area or a Controlled Parking Zone but has Public Transport Accessibility Level 2 with low accessibility to public transport. There are no locally or statutorily listed buildings on site or adjoining. The area is at low risk of flooding. It is within an Archaeological Priority Zone. There are a number of mature trees situated at the rear of the site which is within 400m of Morden Hall Park. The local Scout group has a right of access through the site.

3. **CURRENT PROPOSAL**

- 3.1 This application involves converting the existing building into 6 self-contained residential units. The area in front of the building will be laid out to provide four off street car parking spaces with refuse stores. The area directly around the building will be laid out in a series of amenity spaces, footpaths and cycle stores and there will be alterations to the roof slope to accommodate roof lights for the accommodation on the upper floor.
- 3.2 This proposal follows a scheme previously approved by the Planning Applications Committee in February 2018 for the redevelopment of the site to provide 6 residential units within the framework of the existing building (17/P4387). The current applications differs from the approved scheme in the following respects.;
- i) The bin stores for all units will now all be located on the east side of the site nearer 16 Arras Ave.
 - ii) All six units will be accessed via front doors along this same boundary with No 16 Arras Avenue
 - iii) 5 back garden doors will face No 20 Arras Avenue
 - iv) There will be an amenity space for each unit adjacent to the boundary with 20 Arras Ave as well as a longer garden for unit A and the main garden for unit F.
 - v) The main garden for five of the six units will now abut the boundary with the flats to the north of the site at Connaught Gardens compared to the currently approved two gardens.
 - vi) Internally the layouts would be rationalised into a more rectangular and regular layout resulting in the overall loss of 2 bed spaces such that there would now be 19 bed spaces in total compared to the 21 approved.

4. **PLANNING HISTORY**

- 4.1 18/P2396 Application for a Non material amendment to alter fenestration and garden positions refused. The proposed changes were not considered to be non material for planning purposes for the following reasons:

- i) **Moving all the entrances to the flats to the east side of the site adjacent to number 16 Arras Avenue along with all the refuse storage facilities and locating most of the gardens and their access doors along the western boundary with number 20 Arras Avenue. These changes would be such that they have potential to impact the amenity of adjoining neighbours.**
 - ii) **The changes would remove the agreed right of access across the site enjoyed by the local scout group and remove the security access gates to the site with the potential to impact site security and access.**
 - iii) **The changes to the internal layout would reduce the number of 3b 5p units and the unit annotated as unit A would not have a policy compliant double bedroom.**
- 4.2 17/P4387 Planning permission granted by PAC for : Conversion of Wyvern youth centre into 6 x residential units (comprising 2 x 1 bed, 1 x 2 bed and 3 x 3 bed flats) involving re-roofing, installation of skylights, new door and window openings, with associated parking, refuse, landscaping and cycle storage
- 4.3 16/P0910 Permission refused and appeal dismissed for the demolition of meeting hall and erection of residential block comprising 1 x 4 bed house, 3 x 3 bed houses and 2 x 1 bed terrace flats Reason for refusal;

The design, scale, mass, bulk and density of the proposed development is considered not to complement the character and appearance of the wider setting nor respect the space between buildings, contrary to London Plan policy 7.6, Core Strategy policy CS 14 and policies DM D2 and DM D3 of the adopted Merton Sites and Policies Plan 2014

And

The design, scale, mass, bulk and density of the proposed development is considered to be an incongruous, overly dominant, visually intrusive and un-neighbourly form of development that is harmful to the amenity of neighbouring residents through loss of outlook and privacy, contrary to London Plan policies 7.4 and 7.6, Core Strategy policy CS 14 and policies DM D2 and DM D3 of the adopted Merton Sites and Policies Plan 2014

- 4.4 14/P2578 Permission refused and appeal dismissed for partial demolition of the existing building and the redevelopment of the site to provide 7x3 bedroom dwellings.

Reasons for refusal; The proposals by reason of design, size, massing, including orientation to the surrounding pattern of development, and bulk would result in an un-neighbourly form of development that would be overly dominant and visually intrusive and be likely to give rise to noise and disturbance, to the detriment of the amenities of neighbouring occupiers. The proposals would be contrary to policies 7.4 and 7.6 of the London Plan (2011), policy CS14 of the Merton LDF Core Planning Strategy (2011) and policies DM D2 and DM D3 of the Merton Sites and Policies Plan (2014).

And

The proposed layout would result in an unsatisfactory environment for future occupiers, arising from a failure to provide adequate private garden space for future occupiers, and from creating a secluded space with limited natural surveillance that would form the access to the northernmost dwelling to the detriment of the safety and security of future occupiers. The proposals would be contrary to policy 7.3 of the London Plan (2011), policy CS.14 of the Merton LDF Core Planning Strategy (2011) and policies DM D1 and DM D2 of the Merton Sites and Policies Plan (2014).

And

The proposed development would fail to contribute to meeting affordable housing targets and in the absence of a legal undertaking securing a financial contribution towards the delivery of affordable housing off-site would be contrary to policy CS.8 of the Merton LDF Core Planning Strategy (2011).

- 4.5 July 2012 LB Merton closed the site as a youth centre as it was considered surplus to requirements.
- 4.6 97/P0450 Planning permission granted for alterations to the front and side elevations on the south western corner of the building and the formation of a ramp with handrail on the front elevation to provide access for persons with disabilities.
- 4.7 MER751/65 Planning permission granted for erection of brick transformer chamber housing switchgear.

5. CONSULTATION

- 5.1 The application was advertised by means of a site notice and letters to 26 neighbouring occupiers. 37 objections from neighbours and the local Scout group were received which raised concerns relating to;
 - The changes in this application are not enough to overcome the three reasons for the refusal of 18/P2396.
 - Harm to amenity of Numbers 16 & 20 Arras Avenue with 7 Gardens adjacent to No 20 .
 - 5 main entrance doors will face number 16 and five rear doors will face number 20 and 6 entrances by No 16 Arras Ave.
 - Loss of privacy with increased overlooking, the velux windows should be higher.
 - Compromises security, gates should be fail-safe closed and locked. Should be an inert com linked to the Scout hut with remote release.
 - Exterior lighting should not impact amenity.
 - Lack of car parking
 - The roof should be covered in clay tiles not synthetic ones
 - The amenity spaces are chopped up and don't provide the required 50sqm in a single usable space.
 - The issue of right of way for the Scouts has not been resolved.
 - The drawing numbers are the same as the last application.
- 5.2 The 2nd Morden Scout Group wrote to comment that the proposals change their right of access with the path being too narrow and unsuitable for disabled

or persons with buggies etc. The applicants are still blocking their right of way across the site.

External consultations.

- 5.4 The Metropolitan Police Designing out Crime Officer. Concerns that the path adjacent to 20 Arras Ave could facilitate burglars, the bin stores could be relocated to the west side to facilitate better surveillance; there should be defensive planting rather than grass in front of the windows of Unit A. The Scouts right of way is an important emergency exit and should have been incorporated into the plans.

Internal consultations.

- 5.5 Street trees team. The previous comments from the Council's street trees team are still considered relevant where they confirmed that the street tree to be removed was planted in the 2012-13 planting season. Given the young age of the tree no objections were raised for its removal subject to the applicant funding suitable replacement elsewhere in the vicinity based on the tree's CAVAT value. The other street tree outside the site would require protective measures being in place during the construction process by means of a suitable condition being imposed.
- 5.6 Arboricultural officer. No concerns but recommended a condition detailing method of protection for trees during the building works.
- 5.7 Climate change officer. Satisfied the proposals would be able to meet current policy requirements for a 19% reduction in CO2 emissions and this should be secured by condition.
- 5.8 Environmental Health officer. No objections and requested a condition relating to construction hours.
- 5.9 Transport planning officer. There were no changes in terms of parking from the previous consent whereby the Transport planning officer noted that the submitted transport study confirms that there is adequate spare capacity available in the surrounding roads to accommodate the 2 cars which would not have on-site parking provision. Cycle storage space was satisfactory. No objections were raised subject to conditions relating to car and cycle parking, the reinstatement of the existing dropped kerb and Construction Logistics Plan.

6 POLICY CONTEXT

- 6.1 NPPF (2018). Key sections:
5. Delivering a sufficient supply of homes.
12. Achieving well-designed places.
- 6.2 London Plan 2016
3.3 (Increasing housing supply),

- 3.4 (Optimising housing potential),
- 3.5 (Quality and design of housing developments),
- 5.1 (Climate change mitigation),
- 5.3 (Sustainable design and construction),
- 5.7 (Renewable energy),
- 5.13 (Sustainable drainage),
- 6.9 (Cycling),
- 7.5 (Public realm),
- 7.6(Architecture)
- 7.21 (Trees and woodlands).

6.3 Merton Core Planning Strategy 2011

- CS 9 (Housing targets),
- CS 13 (Open Space, Nature conservation),
- CS 14 (Design),
- CS 15 (Climate change),
- CS 18 (Transport)
- CS 20 (Parking, Servicing & delivery).

6.4 Merton Sites and Policies Plan 2014

- DM C1 Community facilities,
- DM D1 (Urban Design and the public realm),
- DM D2 (Design considerations in all developments), DM EP 2 (Reducing and mitigating noise),
- DM EP4 (Pollutants),
- DM H2 (Housing mix),
- DM 02 (Trees, hedges and landscape features),
- DM T2 (Transport impacts of development)
- DM T3 (Car parking and servicing standards).

6.5 Supplementary planning and other guidelines and standards.

London Housing Supplementary Planning Guidance 2016
DCLG Technical standards 2015

7. PLANNING CONSIDERATIONS

7.1 The main planning considerations in this case relate to the principle of the change of use of the building for the provision of dwellings on the site and the impact on local residents and the wider area.

Provision of housing and loss of a community facility.

7.2 The site has been designated by the Council as suitable for housing and there is an extant consent for 6 residential units on the site. The use of the building for the provision of six new homes raises no new matters relating to the principle of development and in this respect is considered acceptable.

Design/bulk and massing/appearance/layout.

- 7.3 Design of new buildings should ensure appropriate scale, density and appearance, respecting, complementing and responding to local characteristics (London Plan policy 7.6, LDF policy CS.14 and SPP policy DM D2).

Bulk and massing.

- 7.4 London Plan policy 7.4 and SPP policy DM D2 require developments to relate positively and appropriately to the siting, rhythm, scale, density and proportions of surrounding buildings and the pattern and grain of existing streets whilst SPP policy DM D3 requires proposals to respect the form, scale and bulk of the original building. The proposals, as with the approved scheme involve the conversion of the existing building with no extension works and therefore there would be no increase in bulk or massing.

Appearance and layout.

- 7.5 The proposals will involve the retention of the existing building but with the addition of some new fenestration at ground floor level and on the front and rear elevations and skylights in the side roof slopes for the rooms on the upper floor. Internally the arrangement of the units has been simplified and made more regular with less overlapping of the upper floors although this has led to the loss of two potential bed spaces as Unit C would now be 3Bedroom/4Person and Unit F 2Bedroom /3Person with the ground floor layout being amended to reduce the bedroom size and provide a larger storage area. The drawings have been amended to clarify that there should only be one front entrance door for Unit F.
- 7.6 The layout changes compared to the approved scheme mean that the entrance doors are concentrated on one side of the building adjacent to 16 Arras Avenue along with all the bin stores whilst the smaller gardens would be along the side of the building by 20 Arras Avenue and the larger gardens along with boundary with the flats on Connaught Gardens. The revised layout of the parking area and bin stores differs little from that already approved and is considered adequate enabling refuse collection and access to the flats.
- 7.7 Neighbour objections raised issues relating to not using clay tiles in re-roofing the building but the materials are the same as those shown on drawings already approved and it would be unreasonable to withhold permission on this basis.
Neighbour Amenity.
- 7.8 London Plan policies 7.4 and 7.6 and SPP policy DM D2 relate to the possible impacts such as loss of light, privacy, overshadowing and visual intrusion on neighbour amenity and the need for people to feel comfortable with their surroundings.
- 7.9 Objections were received about the positioning of the roof lights but this was addressed previously following the concerns from neighbours so that the positioning of skylights was revised such that they were no less than the

standard 1.7m above floor level and these drawings indicate the same height. The latest application therefore raises no new issues in this respect that might warrant a different outcome on the merits of the proposals.

- 7.10 Objections were received raising concerns that the concentration of doors and gardens on each side of the building unduly intensified particular noise generating activities along neighbouring boundaries rather than 'share' them between neighbours. Officers consider that given the level of occupation of the site with only six units having three additional doors or gardens along a side of the site would not materially harm the amenity of neighbours to the degree that it would warrant a refusal of planning permission.

Standard of accommodation and the amenity of future occupiers.

- 7.11 SPP Policy DM D2, Core Strategy 2011 policies CS 9 Housing Provision and CS 14 Design and London Plan policies 3.3 Increasing Housing Supply, 3.4 Optimising Housing Potential, 3.5 Quality and Design of Housing Developments are all policies that seek to provide additional good quality residential accommodation.

- 7.12 Schedule of accommodation

Unit	Type/storeys	Proposed GIA	Minimum req'd GIA	Proposed Amenity	Min Req'd amenity
A	3B/4P/1	80m ²	74m ²	90m ²	7m ²
B	3B/4P/2	84m ²	84m ²	85m ²	7m ²
C	3B/4P/2	87m ²	84m ²	80m ²	7m ²
D	1B/2P/2	60m ²	58m ²	75m ²	5m ²
E	1B/2P/2	60m ²	58m ²	40m ²	5m ²
F	2B/3P/2	73m ²	70m ²	100m ²	6m ²

- 7.13 The table demonstrates that all the units meet or exceed the minimum internal space GIA requirements and all the flats readily exceed the amenity space requirements.

Parking, servicing and deliveries.

- 7.14 Core Strategy Policy CS 20 requires proposals to have regard to pedestrian movement, safety, servicing and loading facilities for local businesses and manoeuvring for emergency vehicles as well as refuse storage and collection. The proposals did generate objections regarding parking with only four spaces being provided for the larger units but this is the same level of provision as previously approved by members. The latest application therefore raises no new issues and it would be unreasonable to withhold permission on this basis. Cycle storage provision is considered acceptable but as with refuse facilities

precise details are not shown and therefore conditions requiring details to be approved are recommended.

Right of way across site.

- 7.15 The adjoining Scout group has a right of access over the land. The applicants have sought to address these concerns by retaining an accessway onto the site and the means of using the side security gate if required and have undertaken number of meetings with the Scout group. While officers have not had confirmation that arrangements have been agreed between both parties this is not a planning matter and members are advised that access to the Scout hall would remain as existing albeit via land outside the application site.

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 In order to ensure that the development is policy compliant a condition to that effect requiring CO2 reductions of not less than a 19% improvement on Part L regulations 2013, and internal water usage rates of not more than 105 litres per person per day is recommended.

9. CONCLUSION

- 9.1 The site has been identified by the Council as being suitable for residential redevelopment of the youth centre site and the use of the site for the provision of 6 residential units, albeit at a slightly higher density, has already been approved by members less than a year ago. The proposal include no building extension works whilst the internal layout provides units which meet and in most cases exceed the minimum internal space standards whilst greatly exceeding the outdoor amenity space requirements.
- 9.2 The changes to the access arrangements, garden and refuse store positions are not considered to have a harmful impact on the amenity of neighbours that would warrant a refusal of planning permission. Therefore, subject to the imposition of suitable planning conditions, the proposal is considered to be acceptable and in compliance with relevant planning policy and is therefore recommended for approval.

RECOMMENDATION: GRANT PERMISSION SUBJECT TO CONDITIONS

- 1 A.3 Commencement of development .
- 2 A.7 In accordance with plans; Site location plan and drawings 100 Rev 02, 101 Rev 02, 102 Rev 00, 200 Rev 00, 201 Rev 01, 202 Rev 00, 203 Rev 00, 300 Rev 00 & 400 Rev 00

- 3 B1 External materials to be approved; No construction shall take place until details of particulars and samples of the materials to be used on all external faces of the development hereby permitted, including window frames and doors, windows and tiles (notwithstanding any materials specified in the application form and/or the approved drawings), have been submitted to the Local Planning Authority for approval. No works which are the subject of this condition shall be carried out until the details are approved, and the development shall be carried out in full accordance with the approved details. Reason; To ensure a satisfactory appearance of the development and to comply with the following Development Plan policies for Merton: policy 7.6 of the London Plan 2016, policy CS14 of Merton's Core Planning Strategy 2011 and policies DM D2 and D3 of Merton's Sites and Polices Plan 2014
- 4 B5 Boundary treatments to be approved; The residential use hereby approved shall not commence until details of all boundary walls or fences including methods for the temporary security of the site during construction as well as details of security gates are submitted in writing for approval to the Local Planning Authority. No works which are the subject of this condition shall be carried out until the details are approved, and the development shall not be occupied / the use of the development hereby approved shall not commence until the details are approved and works to which this condition relates have been carried out in accordance with the approved details. The walls and fencing shall be permanently retained thereafter. Reason; To ensure a satisfactory and safe development in accordance with the following Development Plan policies for Merton: policies 7.5 and 7.6 of the London Plan 2016, policy CS14 of Merton's Core Planning Strategy 2011 and policies DM D1 and D2 of Merton's Sites and Polices Plan 2014.
- 5 D11 Construction Times No demolition or construction work or ancillary activities such as deliveries shall take place before 8am or after 6pm Mondays - Fridays inclusive, before 8am or after 1pm on Saturdays or at any time on Sundays or Bank Holidays. Reason; To safeguard the amenities of the area and the occupiers of neighbouring properties and ensure compliance with the following Development Plan policies for Merton: policy 7.15 of the London Plan 2016 and policy DM EP2 of Merton's Sites and Polices Plan 2014.
- 6 H9 Construction Vehicles The development shall not commence until details of the provision to accommodate all site workers', visitors' and construction vehicles, loading /unloading and storage arrangements of construction plant and materials during the construction process have been submitted to and approved in writing by the Local Planning Authority. The approved details must be implemented and complied with for the duration of the construction process. Reason; To ensure the safety of pedestrians and vehicles and the amenities of the surrounding area and to comply with the following Development Plan policies for Merton: policies 6.3 and 6.14 of the London Plan 2016, policy CS20 of Merton's Core Planning Strategy 2011 and policy DM T2 of Merton's Sites and Polices Plan 2014.

7. F1 Landscaping; The residential use hereby approved shall not commence until full details of a landscaping and planting scheme has been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved before the commencement of the use or the occupation of any building hereby approved, unless otherwise agreed in writing by the Local Planning Authority. The details shall include on a plan, full details of the size, species, spacing, quantities and location of proposed plants, together with any hard surfacing, means of enclosure, and indications of all existing trees, hedges and any other features to be retained, and measures for their protection during the course of development.
8. F5 Tree protection; No development [including demolition] pursuant to this consent shall commence until an Arboricultural Method Statement and Tree Protection Plan, drafted in accordance with the recommendations and guidance set out in BS 5837:2012 has been submitted to and approved in writing by the Local Planning Authority and the approved details have been installed. The details and measures as approved shall be retained and maintained, until the completion of all site operations.
9. Non-standard condition [Replacement of street tree]: The applicant shall enter into an agreement with London Borough of Merton under the relevant provisions of the Highways Act to either relocate the existing street tree from in front of the access to the site, or to provide a suitable replacement specimen, to a suitable location in the immediate area. No part of the development hereby approved shall be occupied until evidence has been submitted to the Local Planning Authority confirming that the street tree has been relocated to the satisfaction of London Borough of Merton. Reason: To protect and safeguard the visual amenity of the area in accordance with the following Development Plan policies for Merton: policy 7.21 of the London Plan 2016, policy CS13 of Merton's Core Planning Strategy 2011 and policies DMD2 and DMO2 of Merton's Sites and Policies Plan 2014.
10. External lighting; Any external lighting shall be positioned and angled to prevent any light spillage or glare beyond the site boundary. Reason; To safeguard the amenities of the area and the occupiers of neighbouring properties and ensure compliance with the following Development Plan policies for Merton: policies DM D2 and DM EP4 of Merton's Sites and Polices Plan 2014.
11. H4. Provision of vehicle parking; The vehicle parking area shown on the approved plans shall be provided before the commencement of the buildings or use hereby permitted and shall be retained for parking purposes for occupiers and users of the development and for no other purpose. Reason; To ensure the provision of a satisfactory level of parking and comply with the following Development Plan policies for Merton: policy 6.13 of the London Plan 2016, policy CS20 of Merton's Core Planning Strategy 2011 and policy DM T3 of Merton's Sites and Polices Plan 2014.

12. H6 Cycle storage; No development shall commence until details of secure cycle parking facilities for the occupants of, and visitors to, the development have been submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be fully implemented and made available for use prior to the first occupation of the development and thereafter retained for use at all times.
13. H3 Redundant crossover; The development shall not be occupied until the existing redundant crossover/s have been removed by raising the kerb and reinstating the footway in accordance with the requirements of the Highway Authority.
14. Non standard condition; Prior to occupation of the site, the applicant shall have completed a s278 Highways agreement relating to the provision of a new vehicle access to the site. Reason; To ensure the provision of a satisfactory access for parking and comply with the following Development Plan policies for Merton: policy 6.13 of the London Plan 2016, policy CS20 of Merton's Core Planning Strategy 2011 and policy DM T3 of Merton's Sites and Polices Plan 2014.
15. Non standard condition; '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 35% improvement on Part L regulations 2013, and internal water usage rates of not more than 105 litres per person per day.' Reason: 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 2016 and Policy CS15 of Merton's Core Planning Strategy 2011
16. C6 Refuse and recycling; The residential use hereby approved shall not commence until a scheme for the storage of refuse and recycling has been submitted in writing for approval to the Local Planning Authority. No works which are the subject of this condition shall be carried out until the scheme has been approved, and the development shall not be occupied until the scheme has been approved and has been carried out in full. Those facilities and measures shall thereafter be retained for use at all times from the date of first occupation.
17. F9 Hardstandings; The hardstanding hereby permitted shall be made of porous materials, or provision made to direct surface water run-off to a permeable or porous area or surface within the application site before the development hereby permitted is first occupied or brought into use.

Informatives:

1. Carbon emissions evidence requirements for Post Construction stage assessments must provide:

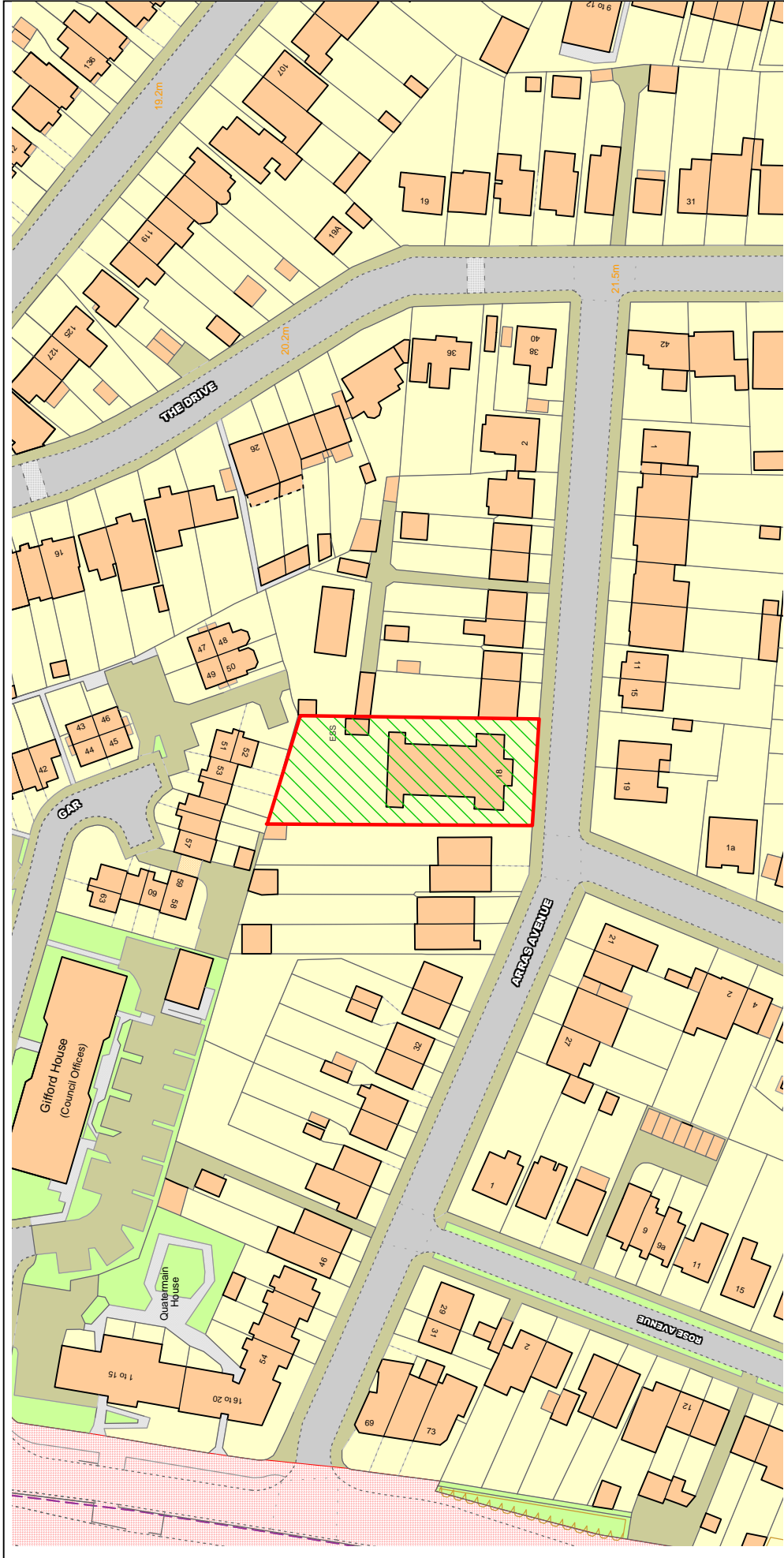
- Detailed documentary evidence confirming the Target Emission Rate (TER), Dwelling Emission Rate (DER) and percentage improvement of DER over TER based on 'As Built' SAP outputs (i.e. dated outputs with accredited energy assessor name and registration number, assessment status, plot number and development 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
2. 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'
3. No surface water runoff should discharge onto the public highway including the public footway or highway. When it is proposed to connect to a public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required (contact no. 0845 850 2777).
4. NPPF informative.
-

[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 17 JANUARY 2019

<u>APPLICATION NO.</u>	<u>DATE VALID</u>
18/P3736	04/10/2018
Address/Site	28 New Barns Avenue Mitcham CR4 1RE
Ward	Pollards Hill
Proposal:	Retention of rear roof extension and the raising of the chimney stack
Drawing Nos	MBSDS5898/2, 3, & 4 received 29/11/2018 (amended 29/11/2018) & site location plan
Contact Officer:	Joyce Ffrench (020 8545 3045)

RECOMMENDATION: Grant Permission

CHECKLIST INFORMATION

- Heads of Agreement: Not required
- Is a screening opinion required: No
- Is an Environmental Statement required: No
- Has an Environmental Statement been submitted: No
- Press notice: No
- Site notice: Yes
- Design Review Panel consulted: No
- Number of neighbours consulted: 2
- External consultations: No
- Controlled Parking Zone: No

1. INTRODUCTION

- 1.1 This application is being brought to the Planning Applications Committee at the request of Councillor Whelton.
- 1.2 Since construction the site has been the subject of visits by the Development and Building Control Manager, 2 Enforcement Officers, a Building Control Officer and the Case Officer.

2. SITE AND SURROUNDINGS

- 2.1 The property is a mid-terrace residential dwelling which has a dropped kerb and a front garden which is paved to accommodate off-street parking. It has been extended with a rear roof extension and two front rooflights and the chimney stack has been raised.
- 2.2 The two front rooflights on the front roof slope are permitted development.
- 2.3 Several nearby properties have rear roof extensions e.g. Nos 6, 12, 16, 20 & 40 New Barns Avenue and No.21 Beech Grove. These have been built under 'permitted development'.
- 2.4 The site is not located in a conservation area.

3. CURRENT PROPOSAL

- 3.1 The application seeks planning permission for the retention of the rear roof extension which was not deemed to be permitted development (See paragraph 4.1 below). The application also seeks retention of the altered chimney stack on the rear roof slope and which abuts the side of the roof extension and straddles 26 and 28 New Barns Avenue. The remodeled chimney stack rises 1m above its former height (13 courses of bricks) and terminates 0.64 m (8 courses of bricks above the flat roof of the roof extension). The chimney stack rises approximately 0.5m above the ridge line of the terrace.
- 3.2 Facing materials for the roof extension match existing.

4. PLANNING HISTORY

- 4.1 18/P2610 - Application for a lawful development certificate in respect of an existing rear roof extension; 2 front rooflights – refused

Reason for refusal:- The rear roof extension, by reason of insufficient set back from eaves, would not comply with the permitted development tolerances set out in Schedule 2, Part 1, Class B of the Town & Country Planning (General Permitted Development) (England) Order 2015. Planning permission would therefore be required.

5. CONSULTATION

- 5.1 Site notice and individual letters to neighbouring occupiers followed by a re-consultation with neighbours on receipt of amended plans. One letter of representation has been received, objecting on the following grounds:

- Raised height of chimney stack affects the streetscene, is considered an eyesore and creates a shadow;
- Plans do not illustrate dimensions;
- The rest of the text in the letter of objection relates to Building Control issues.

6. **POLICY CONTEXT**

6.1 LDF Core Planning Strategy (July 2011)

CS14 Design

6.2 Sites and Policies Plan and Policies Map (July 2014)

DM D2 Design considerations in all developments

DM D3 Alterations and extensions to existing buildings

7. **PLANNING CONSIDERATIONS**

7.1 The main planning considerations are the design, the impact on the character of the area and neighbour amenity.

7.2 Policies DMD2 and DMD3 seek to ensure a high quality of design in all development, which relates positively and appropriately to the siting, rhythm, scale, density, proportions, height, materials and massing of surrounding buildings and existing street patterns, historic context, urban layout and landscape features of the surrounding area. Core Planning Policy CS14 provides the strategic backstop to this SPP Policy. Planning permission should be granted if it is considered that the proposals accord with the Council's adopted planning policies.

7.3 Notwithstanding the need to apply adopted planning policies when assessing a proposal, officers consider the key test to assessing the acceptability or otherwise of the roof extension is whether harm has arisen as a result of the unauthorized development, and to compare and contrast what could be built as permitted development and what has in fact been built.

7.4 Notwithstanding other volumetric criteria set out in the GPDO (2015), in order to be "permitted development" for a roof extension the edge of the enlargement closest to the eaves of the original roof shall, so far as practicable, be not less than 0.2 metres from the eaves, measured along the roof slope from the outside edge of the eaves;

7.5 The measurement of 0.2 metres should be made along the original roof slope from the outermost edge of the eaves (the edge of the tiles or slates) to the edge of the enlargement. Any guttering that protrudes

beyond the roof slope should not be included in this measurement.

- 7.6 Officers advise that the roof extension has been inspected and the measurement of the enlargement closest to the eaves is between 14 and 16cms. The difference between what could be built as permitted development and what has been built is small (little more than a 4-6 cm encroachment closer to the eaves). While the extension does not adhere to permitted development criteria, as there is very little set back from eaves, other aspects of the design blend in with the host dwelling with the extension being tile clad and with windows similar to those on the ground and first floors.
- 7.7 Overall, the rear roof extension appears similar to others erected on the rear roof slopes of houses nearby, where an almost imperceptible difference in set back from the eaves makes them permitted development. It is considered that the design and appearance of the roof extension satisfies adopted policy and that it would be unreasonable to refuse permission and to pursue enforcement action.
- 7.8 Class G of the GPDO permits the installation, alteration or replacement of a chimney, flue or soil and vent pipe on a dwellinghouse. Works are not permitted development if the height of the chimney, flue or soil and vent pipe would exceed the highest part of the roof by 1 metre or more.
- 7.9 Officers consider that the remodeled chimney stack on the rear roof slope falls within the scope of permitted development. Officers would however add that while the enlarged stack may be glimpsed from the front of the property on New Barns Avenue, it is considered that it is neither unduly high nor detrimental to the streetscene or the character of the area. The enlarged chimney stack blends in with the roofscape to the rear of the property and while different in dimensions to others in the terrace it is considered that it does not give rise to harm to the visual amenities of neighbours.
- 7.10 The proposed development is considered to be acceptable in terms of visual amenity and the character of the area and is considered to comply with Policies DM D2 and DM D3 in this regard.

Other matters

- 7.11 The majority of issues raised by objectors relate to the Building Regulations. Other concerns that may arise associated with the adherence or otherwise to the Building Regulations are not planning matters and not material to the assessment of the planning application.

8.0 SUSTAINABILITY AND ENVIRONMENTAL IMPACT ASSESSMENT REQUIREMENTS

8.1 The proposal does not constitute Schedule 1 or Schedule 2 development. Accordingly, there are no requirements in terms of an Environmental Impact Assessment (EIA).

9.0 MAYORAL COMMUNITY INFRASTRUCTURE LEVY

9.1 The proposed development is not liable to pay the Mayoral Community Infrastructure Levy.

10.0 CONCLUSION

10.1 The rear roof extension and enlarged chimney stack are considered to be acceptable in planning terms and, in terms of the roof extension, differ marginally from that which could be erected as permitted development. Officers consider it would appear unreasonable to refuse permission.

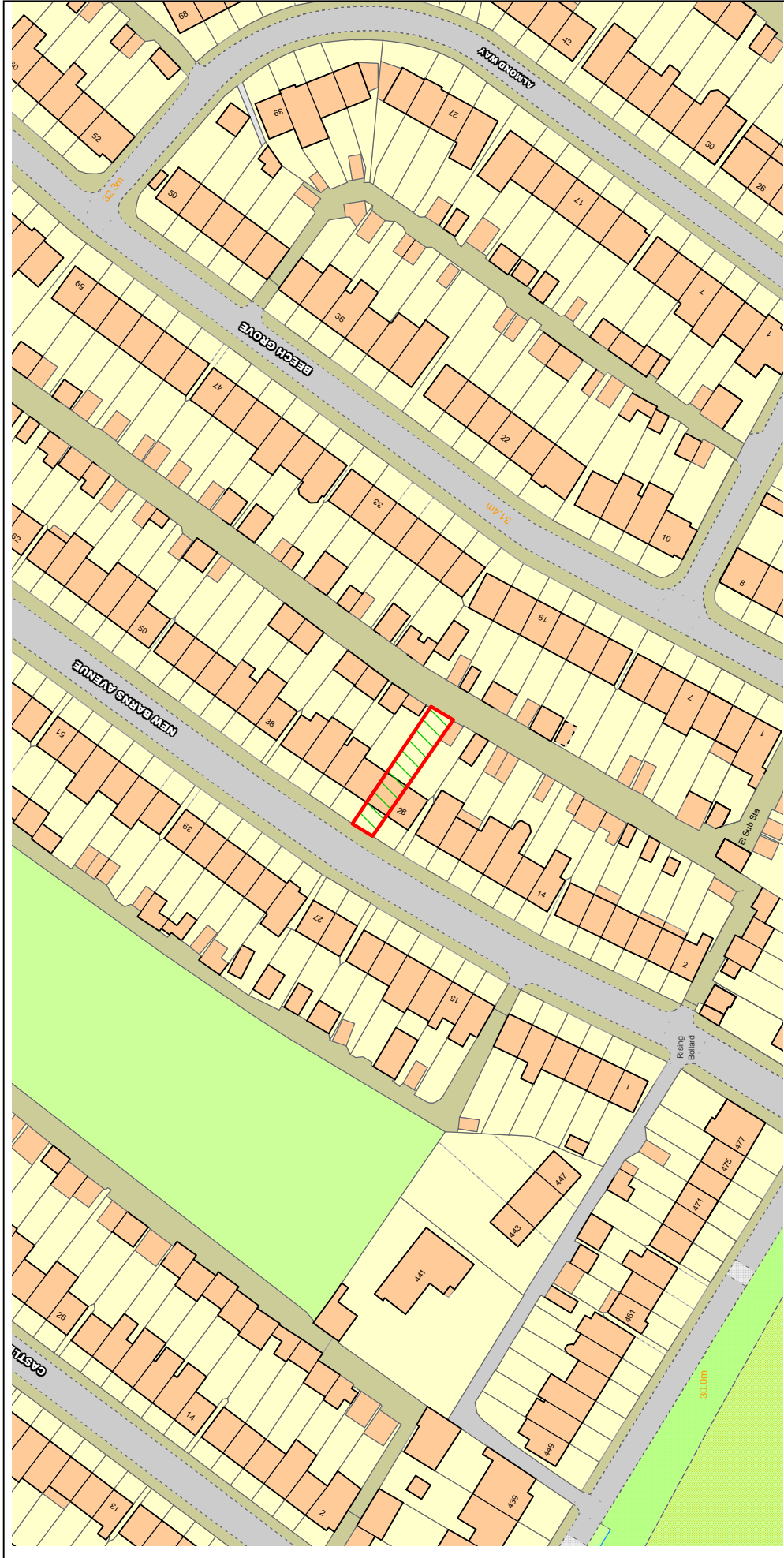
RECOMMENDATION: GRANT PLANNING PERMISSION

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

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Committee: Planning Applications

Date: 17 January 2019

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.

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](#)

DETAILS

Application Numbers: **18/P1011**
Site: 7 Parkside Gardens, Wimbledon SW19 5EY
Development: Erection of a rear outbuilding on raised platform for use as games room
Recommendation: Refused (Delegated Decision)
Appeal Decision: **DISMISSED**
Date of Appeal Decision: 12th December 2018

[Link to Appeal Decision Notice](#)

Application Numbers: **18/T0622**
Site: 141 Pepys Road, Raynes Park SW20 8NP
Development: Felling of 1 x Ash tree (T4) and 1 x Yew tree (T6) protected by a Tree Preservation Order M310
Recommendation: Refused (Delegated Decision)
Appeal Decision: **Split Decision**
Date of Appeal Decision: 6th December 2018

[Link to Appeal Decision Notice](#)

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: -

That the decision is not within the powers of the Act; or

1. 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).

4 CONSULTATION UNDERTAKEN OR PROPOSED

4.1. None required for the purposes of this report.

5 TIMETABLE

5.1. N/A

6 FINANCIAL, RESOURCE AND PROPERTY IMPLICATIONS

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

7 LEGAL AND STATUTORY IMPLICATIONS

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

8 HUMAN RIGHTS, EQUALITIES AND COMMUNITY COHESION IMPLICATIONS

8.1. None for the purposes of this report.

9 CRIME AND DISORDER IMPLICATIONS

9.1. None for the purposes of this report.

10 RISK MANAGEMENT AND HEALTH AND SAFETY IMPLICATIONS

10.1. See 6.1 above.

11 BACKGROUND PAPERS

11.1. 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.

Committee: Planning Applications Committee

17 JANUARY 2019

Wards: All

Subject: PLANNING ENFORCEMENT - SUMMARY OF CURRENT CASES

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: 849	¹ (834)	New Appeals:	(0)	(1)
New Complaints	36	Instructions to Legal	0	(3)
Cases Closed	21	Existing Appeals	1	(1)
No Breach:	12	<hr/>		
Breach Ceased:	9	TREE ISSUES		
NFA ² (see below):	0	Tree Applications Received	34	(60)
Total	21	(32)	% Determined within time limits: 98%	
New Enforcement Notices Issued		High Hedges Complaint	0	(0)
Breach of Condition Notice:	0	New Tree Preservation Orders (TPO)	0	(1)
New Enforcement Notice issued	2	(0)	Tree Replacement Notice	0
S.215: ³	0		Tree/High Hedge Appeal	0
Others (PCN, TSN)	0	(0)		(0)
Total	1	(0)		
Prosecutions: (instructed)	0	(0)		

Note (*figures are for the period to 4th December 2018 to 3rd January 2018*). The figure for current enforcement cases was taken directly from M3 crystal report.

¹ Totals in brackets are previous month's figures

² confirmed breach but not expedient to take further action.

³ S215 Notice: Land Adversely Affecting Amenity of Neighbourhood.

2.0 New Enforcement Actions

- **74 Beeleigh Road, Morden, SM4 5JW.** An Enforcement Notice was issued on the property on 17th December 2018 for 'Without planning permission the erection of a single story front extension. The notice requires the owner to demolish the front extension; and will take effect on 21st January 2019 with a compliance period of four months of this date unless an appeal is made. No appeal has been made to date
- **227 London Road SM4 5PU.** An Enforcement Notice was issued on the property on 20th December 2018 for 'Without planning permission, the formation of a hardstanding and the parking of vehicles, on the front garden of the land'. The notice requires the owner to cease use of the front garden for the parking of vehicles and to remove the unauthorised hardstanding; and will take effect on 24th January 2019 with a compliance period of three months of this date unless an appeal is made. No appeal has been made to date.
- **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 11th October 2018. The Notice will take effect on 18th November 2018 with a compliance period of 12 calendar months, unless an appeal is made to the Planning Inspectorate before 18th November 2018. An appeal was made but withdrawn the following day.
- **100 The Broadway, Wimbledon SW19 1RH.** This matter concerns a dilapidated shopfront. A s215 Notice was issued and served on 28th 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.
- **37 Montgomery Close, Mitcham, CR4 1XT.** 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 16th 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 1EB.** 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 24th August 2018 requiring the removal of a first floor rear extension. The Notice came into effect on 30th September 2018 with a 3 months compliance period unless an appeal was made before 30th 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

- **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 18th 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. The Notice has now been complied with.
- **118 Central Road, Morden SM4 5RL.** A planning Enforcement Notice was issued on 25th June 2018 and came into effect on 1st 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.
- **39 West Barnes Lanes, SW20 0BL.** 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 re-served an Enforcement Notice on 9th February 2016 against the unauthorised conversion of the former public house into eight self-contained flats. The notice came into effect on 18th 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 re-possess the remaining two flats.
- **Burn Bullock, 315 London Road, Mitcham CR4.** A Listed Buildings Repair Notice (LBRN) was issued on 27th 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 3rd 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 29th 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 1DW.** 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 13th 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 0

- **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 25th 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 1st February 2018 with a three months compliance period from 1st February 2018.
- **3 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 1AD.** 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 effective 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.

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 10th 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 - N/A**
- 7. Legal and statutory implications - N/A**
- 8. Human rights, equalities and community cohesion implications - N/A**
- 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**