

# Merton Council

## Planning Applications Committee

### Membership

#### Councillors

Linda Kirby (Chair)  
Najeeb Latif (Vice-Chair)  
David Chung  
David Dean  
John Dehaney  
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:** 14 February 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](mailto:democratic.services@merton.gov.uk) or telephone 020 8545 3356

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# Planning Applications Committee

## 14 February 2019

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| 1 | Apologies for absence   |         |
| 2 | Declarations of Pecuniary Interest  |         |
| 3 | Minutes of the previous meeting   | 1 - 4   |
| 4 | Town Planning Applications<br>The Chair will announce the order of Items at the beginning of the Meeting.<br>A Supplementary Agenda with any modifications will be published on the day of the meeting.<br>Note: there is no written report for this item |         |
| 5 | 6-12 London Road, Morden, SM4 5BQ<br>Application No: 18/P3505          Ward: Merton Park<br><br>Officer Recommendation: Grant Planning Permission subject to Conditions   | 5 - 16  |
| 6 | 18 Ridgway Place, Wimbledon, SW19 4EP<br>Application Number: 18/P3533          Ward: Hillside<br><br>Officer Recommendation: Grant Planning Permission subject to Conditions  | 17 - 30 |
| 7 | Planning Appeal Decisions   | 31 - 34 |
| 8 | Planning Enforcement - Summary of Current Cases   | 35 - 42 |

## **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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# 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

17 JANUARY 2019

(7.15 pm - 8.30 pm)

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

ALSO PRESENT Jonathan Lewis – Planning Team Leader South  
Lisa Jewell – Democratic Services Officer

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

Apologies for absence were received from Councillors Marsie Skeete and David Dean.

Councillors Dennis Pearce and Daniel Holden attended as substitutes

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

There were no declarations of pecuniary interest.

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

RESOLVED: That the minutes of the meeting held on 13 December 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 and 6.

Order of the meeting – The Chair announced that the items would be taken in the following order 5, 6, 7, and 8.

### 5 WYVERN CENTRE, 18 ARRAS AVENUE, MORDEN, SM4 6DF (Agenda Item 5)

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.

The Committee noted the officers report and presentation and additional information in the Supplementary Agenda. The Committee received verbal representations from two objectors, the Applicant/Agent and Ward Councillor Natasha Irons

The Objectors made points including:

- Residents have accepted that the application agreed in February 2018 was as good as they could get, particularly as the doors on this application were spaced evenly around the building
- This new application introduces six doors, some of which are only 5m from the existing properties. This will give rise to increased noise disturbance to neighbours
- Neighbours disagree that this new amendment won't cause any harm, and believe it is a step too far
- Objectors believe that the applicant did not tell the truth about their dealings with the Scout Group
- The Scout group have not given their permission and so the permission cannot be enacted, and believe that legally a permission cannot be granted if it cannot be enacted
- The Designing Out Crime Officer's advice has been ignored by the Planning Officer. This new design creates 6 new back doors which will result in an increase in burglaries and reduce security for the Scout Hut
- The proposed replacement roof should be of red clay tiles to match the surrounding buildings on the road.

The Applicant/Agent made points including:

- This amendment represents the best design solution for the site
- This is much better scheme than the scheme allowed in 2018
- The use of this building is established as community use, and so it has always created some noise
- 2 additional doors is a non-material change

Ward Councillor Natasha Irons made points including:

- Very aware of need for housing in the Borough, but developments should not negatively impact on their neighbours
- Was happy to accept the February 2018 application with its evenly spaced doors
- This application will cause overlooking on neighbouring properties,
- The Scouts require disabled access, by law, and this will reduce their access path from 2.6m to 1m
- The plans show space for two euro-bins, but Veolia will only collect wheelie bins from this size development. The neighbours at number 20 will have a refuse store next door.

In reply to Members' questions, the Planning Team Leader made points including:

- The earlier applications for this site proposed demolishing the original building. The previously allowed application in February 2018 kept and converted the original building.
- The Scout Hut still has its main access on Connaught Gardens. The planning officer had considered objections raised at the consultation stage and was able to advise members that while some of the access across this site will reduce in width the wider of the two paths would be 1.5m wide, as previously approved and will still be wide enough for wheelchair access according to published guidance.

- Planning officers would not have recommended approval had the proposals removed the main access to the Scout Hut.
- Planning Officers have attached a Condition to require the details on Bin Storage to be submitted and approved prior to occupation of the development
- Tiles and slates are commonly used roofing materials. The house next door has recently changed its roofing material to grey tiles. As the site is not in a conservation area, the building is not listed or a heritage asset, the proposed roof tiles are considered acceptable in this case
- The Planning Officer noted that there was a condition requiring the submission of details of boundary treatment and felt that the applicant would be amenable to increasing the height of the required boundary treatment, if that is what the Committee wanted.

One Member commented that there was no Planning reason to refuse the application ; the bin storage was covered by Condition, and even if fully occupied by 18 or 19 people, the noise generated would not be significant. He continued by saying that the proposed amenity space, abutting the existing gardens, was not an issue and occurred elsewhere.

However other Members commented that they did not like the design of this proposal and that they were concerned about the proposed layout of the rear amenity space. Members were concerned about the proposed roof material and also the proximity of the existing building to the neighbours would result in the new units overlooking their neighbours.

A motion to refuse was proposed on the grounds that the proposal would constitute an unneighbourly and intrusive development owing to the rear amenity space being at right angles to the existing gardens, and that the proposal would cause overlooking.

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

RESOLVED

The Committee agreed to:

1. REFUSE the application for the following reasons:
  - The conjunction of the rear amenity space being at right angles to the existing gardens, constitutes an un-neighbourly and intrusive development
  - The proposed development would cause overlooking.
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

6 28 NEW BARNS AVENUE, MITCHAM CR4 1LE (Agenda Item 6)

Proposal: Retention of rear roof extension and the raising of the chimney stack

The Committee noted the officer's report and presentation and the additional representation in the Supplementary Agenda – Modifications.

In reply to Members questions, the Planning Officer made points:

- There are ongoing formal complaints made by a neighbour, both letters of complaint have been written by this same neighbour. The formal complaints are against the Council's Building Control department. In these circumstances it was considered prudent to bring the application before Planning Committee for determination so as to enable a full and proper examination in public of the application.
- The application is retrospective, the submitted plans adequately reflect what has been built. There is a 4-6cm difference (as measured by the set back of the roof extension from the eaves) between what was built and what could have been built, under permitted development, without a planning application being necessary.
- Many matters raised, including fire safety are covered by Building Control legislation and are not Planning matters. However, the Building Completion Certificate has been issued which meaning that the development meets Building Control Regulations.
- The planning officer read from the Certificate which indicated that the development as far as the Council can ascertain meets the Building Regulations.
- The planning Officer can neither say nor comment on whether the cracks in the home of the complainant are due to the application works.
- While other neighbouring properties could apply to build similar extensions, each application is judged on its own merits, and the planning officer advised members that roof extensions on similar properties tended to be designed so as to fall within permitted development.

RESOLVED

The Committee voted unanimously to GRANT Planning Permission.

7 PLANNING APPEAL DECISIONS (Agenda Item 7)

RESOLVED: Members noted the report on Planning Appeal Decisions

8 PLANNING ENFORCEMENT - SUMMARY OF CURRENT CASES (Agenda Item 8)

RESOLVED: Members noted the report on Planning Enforcement



## PLANNING APPLICATIONS COMMITTEE 14 FEBRUARY 2019

### APPLICATION NO.

18/P3505

### DATE VALID

09/11/2018

### **Address/Site:**

6-12 London Road,  
Morden,  
Surrey,  
SM4 5BQ

### **Ward:**

Merton Park

### **Proposal:**

Continued use of Units 6 – 10 as a shop (use class A1) together with additional use as a tuition centre (use class D1) and flexible office space (use classes A2 and B1a). Toilet block to the rear of Unit 12 to remain as existing.

### **Drawing No.'s:**

AD/18/LON6\_D1/PL01; AD/18/LON6\_D1/PL02;  
AD/17/LON6\_D1/PL00; and AD/18/LON6\_D1/PL00.

### **Contact Officer:**

Thomas Frankland (020 8545 3114)

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### RECOMMENDATION

**Grant planning permission subject to conditions.**

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### CHECKLIST INFORMATION

- S106: N/A
- Is a screening opinion required: No
- Is an Environmental Statement required: No
- Has an Environmental Statement been submitted: No
- Press notice: Yes
- Site notice: Yes
- Design Review Panel consulted: No
- Number of neighbours consulted: 2
- External consultations: 11
- Controlled Parking Zone: Yes (front of site only)
- Flood zone: Flood Zone 1
- Conservation Area: No
- Listed building: No
- Protected Trees: 0
- Public Transport Access Level: 6a

## 1. **INTRODUCTION**

- 1.1 This application is being brought to the Planning Applications Committee for determination because it departs from adopted planning policy and is therefore, not for officers to determine under the Council's scheme of delegation to officers.

## 2. **SITE AND SURROUNDINGS**

- 2.1 The application site is located to the north-west of London Road, within Morden town centre. It consists of three units (numbers 6, 8 and 10 London Road) in the middle of a row of two storey retail units, together with a toilet and lift block located behind number 12 London Road. In total, the site measures 356m<sup>2</sup>. It does not include any car parking spaces.
- 2.2 Morden town centre hosts a range of retail, business and employment uses, as well as public transport facilities. Beyond the town centre, the area is largely residential.
- 2.3 The site forms part of a Core Shopping Frontage within Morden's designated Primary Shopping Area. It has a PTAL of 6a (very high). The site is located on a section of transport for London's strategic road network with a pavement, cycle way and then double red line (no parking at any time) parking restrictions to the front of the site To the rear is a service road connection with Kenley Road and serving the applicant site and neighbouring units. The section of Kenley Road adjoining the service road is subject to single yellow line (no parking in working day) parking restrictions.

## 3. **CURRENT PROPOSAL**

- 3.1 The proposal is for continued use as a shop (class A1) with an additional use as a tuition centre (class D1) and flexible offices (classes A2 and B1a). It is intended that the additional tuition centre and office uses would be permitted such that in the event of these additional uses ceasing, the site would return to a singular use as a shop without the need for further planning permission.
- 3.2 It is proposed to alter the internal layout of the building, by way of the introduction of partition walls, to facilitate the additional uses. No alterations are proposed to the shopfront or the rear elevation.

Use	Monday to Friday	Saturday	Sunday and Bank Holidays	Unknown
A2 - Financial and professional services	Start Time: 08:00 End Time: 21:00	Start Time: 08:00 End Time: 21:00	Start Time: 08:00 End Time: 20:00	
D1 - Non-residential institutions	Start Time: 08:00 End Time: 21:00	Start Time: 08:00 End Time: 21:00	Start Time: 08:00 End Time: 20:00	

- 3.3 The applicant has indicated that the tuition centre would provide employment for two persons full time and three persons part time. The proposed offices are not being provided for a specific occupier but would instead be offered on the rental market, so the number of persons employed would depend on the nature of any businesses who choose to rent them. The applicant has not therefore, provided employment figures for these uses. The GLA London

Employment Sites Database Report May 2016 estimates 1 person per 11.3 sq.m of GIA for B1 offices in Outer London ([https://www.london.gov.uk/sites/default/files/lesd\\_final\\_report\\_may-2016.pdf](https://www.london.gov.uk/sites/default/files/lesd_final_report_may-2016.pdf)) which would potentially generate five to six jobs.

3.4 At the time of making the application the uses had not commenced, although works were taking place in the premises including creating partitions and decorating.

3.5 In support of the application the applicant advises that:

- During Summer 2017 the (retail) business did not pick up, and sales started declining;
- Sales unfortunately reduced to the point of needing to close down;
- There were difficulties in paying bills and employing more than 2 staff in the shop;
- Enquiries were received asking to rent office spaces so that they can use the premises to offer private lessons;
- The (retail) business closed in May 2018.

And suggest that:

- The proposals will benefit the local economy.

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

##### **6-12 London Road**

4.1 87/P0114: Installation of an illuminated fascia sign to retail premises.  
Planning Permission Granted

4.2 09/P1483: Change of use of the first floor of the former Woolworths store from a stock room to a function hall with alterations to the front elevation.  
Withdrawn

4.3 09/P2331: Change of use of the first floor from a stock room used in connection with the ground floor retail unit to a function hall (use within class D2) including alterations to London Road elevation and use of part of yard to rear for refuse storage.  
Planning Permission Granted

4.4 10/P0821: Application for discharge of condition 2 (materials), 3 (refuse storage), 4 (cycle parking) & 6 (sound proofing) attached to LBM planning application 09/P2331 dated 16/12/2009 relating to the change of use of the first floor from a stock room used in connection with the ground floor retail unit to a function hall (use within class D2) including alterations to London Road elevation and use of part of yard to rear for refuse storage.  
Conditions Discharged

4.5 10/P3219: Application for the variation of condition 5 attached to LBM planning application 09/P2331 dated 16/12/2009 the business can currently open between 9am and 11pm Fridays and Saturdays and between 9am and 8pm on other days. The current proposal seeks to extend this to between 9am and 2am

Fridays and Saturdays and 9 am and 10.30 pm other days.  
Refused

**Reasons for refusal: The proposed extension of opening hours for the existing function hall [Use Class D2] by reason of the proximity of nearby residential properties and the existing rear access has the potential to result in undue noise nuisance that will be detrimental to the amenities of adjacent residential occupiers, contrary to policy PE.2 of the Adopted Unitary Development Plan 2003.**

- 4.6 13/P3300: Application to vary condition 5 (hours of use) attached to LBM planning permission 09/P2331 (dated 16/12/09) in connection with the continued use of the first floor as a function hall (use within class D2) by extending the Sunday-Thursday closing times from 20:00 to 22:30 and Friday and Saturday closing times from 23:00 to 00:30.  
Refused.

**Reasons for refusal. The proposed extension of opening hours for the existing function hall [Use Class D2] by reason of the proximity of nearby residential properties and the existing rear access has the potential to result in undue noise nuisance that will be detrimental to the amenities of adjacent residential occupiers, contrary to policies 7.15 of the London Plan (2011) and PE.2 of the Adopted Unitary Development Plan (2003) .**

Appeal Allowed

- 10 London Road  
4.7 17/P3535: Change of use from A1 to mixed A1/A2 and the erection of a single storey rear extension.  
Planning Permission Granted

- 12 London Road  
4.8 16/P3766: Change of use from A1 to A1 and A2 mixed use.  
Planning Permission Granted

6-12 London Road (street view)



## **5. CONSULTATION**

- 5.1 Public consultation was undertaken by way of site and press notices (Departure from the Development Plan) and by post sent to neighbouring properties – no representations were received.

### Internal consultees

- 5.2 Transport Planner: No objection.

### External Consultees.

- 5.3 Transport for London. Comments awaited..

## **6. POLICY CONTEXT**

### 6.1 London Plan (2016)

Relevant policies include:

- 2.15 Town Centres
- 4.2 Offices
- 4.7 Retail and Town Centre Development
- 5.2 Minimising Carbon Dioxide Emissions
- 5.3 Sustainable Design and Construction
- 6.13 Parking
- 7.1 Lifetime Neighbourhoods
- 7.2 An Inclusive Environment
- 7.4 Local Character
- 7.5 Public Realm
- 7.6 Architecture

### 6.2 Merton Local Development Framework Core Strategy – 2011 (Core Strategy)

Relevant policies include:

- CS 3 Morden Sub-Area
- CS 7 Centres
- CS 12 Economic Development
- CS 13 Open Space, Nature Conservation, Leisure and Culture
- CS 15 Climate Change
- CS 20 Parking Servicing and Delivery

### 6.3 Merton Sites and Policies Plan – 2014 (SPP)

Relevant policies include:

- DM R1 Location and Scale of Development in Merton's Town Centres and Neighbourhood Parades
- DM R4 Protection of Shopping Facilities within Designated Shopping Frontages
- DM C2 Education for Children and Young People
- DM E1 Employment Areas in Merton
- DM E2 Offices in Town Centres
- DM E4 Local Employment Opportunities
- DM D2 Design Considerations in all Developments
- DM D3 Alterations and Extensions to Existing Buildings
- DM T2 Transport Impacts of Development

## DM T3 Car Parking and Servicing Standards

### 6.4 Supplementary planning considerations

#### National Planning Policy Framework 2018

- 6. Building a strong, competitive economy
- 7. Ensuring the vitality of town centres.
- 9. Promoting sustainable transport
- 11. Making effective use of land

Accessible London: Achieving an Inclusive Environment SPG 2014 (London Plan)

Merton Employment and Economic Land Study 2010

GLA London Employment Sites Database Report May 2016

## 7. **PLANNING CONSIDERATIONS**

### 7.1 Key planning considerations.

The key planning considerations include:

- Principle of development.
- Loss of retail unit.
- Provision of educational and office uses.

#### Principle of development

7.2 Morden's Primary Shopping Area consists of defined core and secondary frontages that place retailing and social activity at its heart, with other town centre uses, such as financial and professional services, leading away from it. Accordingly, proposals to introduce offices (class B1a) and financial and professional services (class A2) are directed away from the core frontages entirely, while community uses (class D1) may be supported but only where the site has been unsuccessfully marketed for retail purposes for a continuous period of at least 12 months.

7.3 Given that the site forms part of a core frontage, there is a fundamental conflict between the Council's policies and the proposed development, which seeks to replace most of the site's existing retail floor space with flexible B1a/A2 offices. However, the overriding aim of the development plan, in respect of town centres, is to enhance their vitality and viability by encouraging people to shop there. If it can be demonstrated that the proposed development would not conflict with this aim, it is possible that it could be supported.

#### Loss of Retail Unit

7.4 Policy CS 12 of the Core Strategy and Policy DM E1 of the SPP seek to promote employment opportunities both locally and regionally. Policy DM E4 of the SPP favours proposals that will increase the number of employment opportunities in the borough as well the provision of more highly skilled and higher earning jobs.

- 7.5 Policy DM R4 of the SPP states that proposals for a D1 use to occupy and A1 retail unit within core shopping frontages may be permitted subject to: the site being marketed for A1 use for at least 12 months; at least 50% of the units in the frontage being retained for A1 purposes; and the proposed use not detracting from the primary retail function of the area. It directs B1a and A2 uses away from the core frontages.
- 7.6 The site has been vacant since summer 2018 after the most recent occupier, “Timmy All-In-One” (a general goods store), closed down. It is understood that the site was not formally marketed for A1 purposes following their departure. However, work commenced to divide the shop floor into smaller rooms (as per the currently proposed plans) and this work is now substantially complete. It is understood that some tuition services have already been offered on the site on a small scale, informal basis.
- 7.7 The Merton Employment and Economic Land Study (2010) identified that the financial and other business services sector grew significantly in the 2000’s and that provision of these services within the borough is higher than the South London average. This suggests that the borough offers some competitive advantage for these businesses and that demand for premises will be higher than usual. Provision of retail and education was closer to the average.
- 7.8 While retention of retail units within core shopping frontages is a priority, it is considered that there would be greater demand for financial and professional services or other business services to occupy the site in the foreseeable future. It is also noted that the site lies towards the end of the frontage away from the tube station, where footfall is lower. This is likely to make it less attractive to a retail occupier than sites closer to the station. Were alternative uses to retail not considered, then it is possible that the site could remain vacant, leading to a deterioration of the vitality of the centre overall.
- 7.9 Furthermore, the site is adjacent to an existing accountant’s office and a hairdressers, with an accident claim specialist occupying the end unit in the frontage. In this context, it is not considered that the proposed uses would detract from the designation of the retail function of the area.
- 7.10 Although the proposed uses are not retail orientated, they would nonetheless be uses which would generate employment (2 full-time and 3 part-time staff within the tuition centre, plus any additional staff associated with the office uses). It is considered that the benefits of the uses in creating employment opportunities would be of greater community and economic benefit than the unit being left vacant. Therefore, a deviation from planning policy is considered to be acceptable in this instance. Should planning permission be granted for the proposal, it is recommended that a condition be imposed requiring a return to the A1 use upon cessation of the additional uses.

## Provision of Educational and Office Uses

- 7.11 While policy DM R4 of the SPP directs office and cultural uses away from Core Shopping Frontages, the overriding aim of policies relating to town centres is to enhance their vitality and viability. Policy 2.15 of the London Plan states that planning decisions should accommodate economic growth through intensification and selective expansion, as well as support the competitiveness, quality and diversity of town centre uses, including retail, employment and other consumer or public services. The Council's own policies which are applicable to Morden Town Centre reiterate these principles.
- 7.12 In particular, Policy CS 7 of the Core Strategy encourages a range of uses to locate in centres, including retail, cultural, offices and other uses which might contribute to its vitality. Such development should be commensurate with the scale and function of the centre concerned and should respect or enhance its character.
- 7.13 The applicant in this case is the current leaseholder of the site, and is seeking to find a viable use for the space following the departure of the most recent retail occupier. As such, no alternative premises have been considered for the proposed uses.
- 7.14 It is considered likely that use of the site would be fairly consistent throughout the day. Although all of the uses would have the same opening hours, the offices would generally be busiest during normal office hours, with the peak hours for the tuition centre being during the evenings and at weekends. It is therefore, considered unlikely that the proposed use would interfere with the operation of the neighbouring business units.
- 7.15 Although within relatively close proximity to a residential area to the north-west, it is considered that the proposed uses could operate without resulting in any disturbance over and above the existing retail use of the site. It is also noted that there is an accountant's office adjacent to the site.
- 7.16 Furthermore, there is a function hall on the first floor of the application building, which has opening hours of: 09:00 to 22:30 Sunday to Thursday; 09:00 to 00:30 on Fridays and Saturdays; and 09:00 to 20:00 on bank holidays. These hours exceed those proposed under this application and it is likely that the function hall would generate considerably more noise and activity than a tuition centre or offices.
- 7.17 Having regard to the above, it is considered that the uses currently proposed could operate without being detrimental to the amenities of residents.

## Transport Considerations

- 7.18 Although the proposed uses have the potential to attract more users to the site at any one time than the existing retail use, the site lies in an area with very high public transport accessibility (PTAL 6a), which means it is readily accessible by means other than private car. In light of this, together with the



availability of pay and display parking in the area, it is not considered that the lack of any off-street parking would cause any unacceptable impact on the highway network. No objection has been raised from Transport officers on these matters.

- 7.19 Furthermore, it is considered that the proposed uses as offices and a tuition centre would require far less intensive servicing than the existing retail unit. In light of the fact that the service road to the rear of the site is narrow and congested, it is considered that the proposed uses would be better suited to the site than the existing use in this regard.

## **8. CONCLUSION**

- 8.1 The proposal will involve alterations and improvements to a retail unit, providing educational and office facilities that will generate additional employment, training and consumer opportunities within a designated town centre. The specific operational requirements of the use are considered to be commensurate with the central location and high accessibility of the site and it is not considered that the proposed uses would be detrimental to the amenities of surrounding businesses and residents. Taking into consideration these factors, the proposed use of the site for a tuition centre and flexible offices is preferable to the site remaining vacant.
- 8.2 There are no other policies in the development plan which indicate the application should be refused. Therefore, it is recommended to grant planning permission subject to conditions.

## **RECOMMENDATION**

Grant planning permission subject to the following conditions:

1. A1: The development to which this permission relates shall be commenced not later than the expiration of 3 years from the date of this permission.
2. A7: The development hereby permitted shall be carried out in accordance with the following approved plans: AD/18/LON6\_D1/PL01; AD/18/LON6\_D1/PL02; AD/17/LON6\_D1/PL00; and AD/18/LON6\_D1/PL00.
3. E05: In the event that the areas labelled "D1USE" on the approved plans cease to operate as a tuition centre, the use shall revert to a use within Class A1 (retail).
4. E05: Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), the areas labelled "A2/B1a" on the approved plans shall be used only as flexible office space for uses falling within classes A2 or B1a and for no other uses whatsoever. In the event that these areas are no longer used

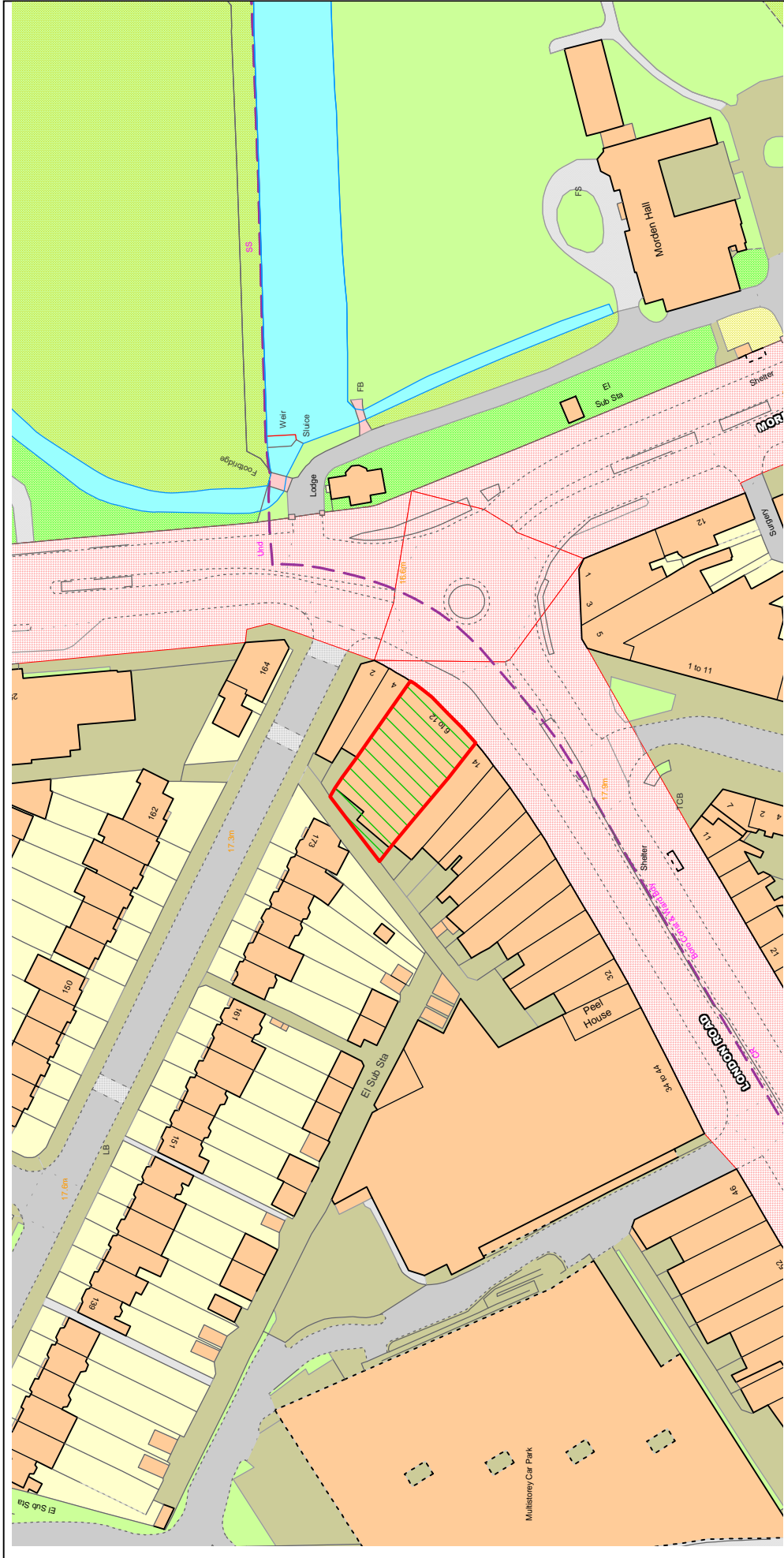
for flexible office space, the use shall revert to a use within Class A1 (retail).

5. D01: The D1, A2 and B1a uses hereby permitted shall operate only between the hours of 08:00 to 21:00 Monday to Friday, 08:00 to 21:00 on Saturdays, and 08:00 to 20:00 on Sundays and Bank Holidays.
  6. D03: No music or other amplified sound generated on the premises shall be audible at the boundary of any adjacent residential building.
  7. D10: Any external lighting shall be positioned and angled to prevent any light spillage or glare beyond the site boundary.
- 

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

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# NORTHGATE SE GIS Print Template



Text Details **6-12 London Road**

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**PLANNING APPLICATION COMMITTEE  
14 FEBRUARY 2019**

**APPLICATION NO.                      DATE VALID**

18/P3533                                      19/09/2018

**Address/Site**                      18 Ridgway Place, Wimbledon, SW19 4EP

**Ward**                      **Hillside**

**Proposal:**                      Demolition of existing dwelling house and erection of 2 x semi-detached houses (with accommodation at basement level and within the roof space) together with off-street parking and associated landscaping.

**Drawing Nos**                      677.1/LOCP1,    677.1/001P1,    677.1/002P1,    677.1/003P2,  
677.1/030P1,    677.1/004P1,    677.1/022P2,    677.1/023P2,  
677.1/033P2,    677.1/030P1,    677.1/032P1,    677.1/033P1,  
677.1/050P2,    677.1/051P2,    677.1/052P1,    677.1/053P1,  
677.1/054P2,    677.1/SK01P1,    677.1/SK02P1,    677.1/SK02P1,  
677.1/SK03P1,    677.1/SK04P1,    677.1/SK05P1,    Design and  
Access Statement, Basement Impact Assessment and  
Arbouricultural Report and BS5873 2012 Tree Report, Drainage  
Strategy Report for 18 Ridgway Place produced by Martin J  
Harvey (dated January 2019) and drawing numbers 101/P1,  
102/P1 and 103/P1

**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 – 12
- External consultants: None
- Density: n/a
- Number of jobs created: n/a
- Archaeology Priority Zone: Yes

## 1. **INTRODUCTION**

- 1.1 Planning permission was granted by the Planning Applications Committee at the meeting on 14 December 2017 for the redevelopment of the site by the construction of two x semi-detached houses (LBM Ref.17/P2807). The current proposal is similar to the approved scheme, but now includes accommodation at basement level. The 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 two-storey detached dwelling house situated on the east side of Ridgway Place. There is an integral garage and off street parking accessed from Ridgway Place. The surrounding area is residential in character comprising a variety of different architectural styles. The application site is not within a Conservation Area. However the rear of the site abuts the boundary with the Merton (Wimbledon West) Conservation Area.

## 3. **CURRENT PROPOSAL**

- 3.1 The current application involves the demolition of the existing dwelling house and the erection of a pair of semi-detached dwellings, with accommodation at basement level and within the roof space, together with provision of off-street parking and associated landscaping works.
- 3.2 The proposed building would be set back from the street frontage by 5.5 metres. The pair of houses would be 12.5 metres in width and be 16 metres in overall length (including front bay windows and single storey section at the rear). At first floor level the proposed houses would be 12.5 metres in length (including the first floor rear bay windows, whilst the second floor would be 11.5 metres in length. The building would be set between away from each side boundary of the site by 1.2 metres. The proposed building would have an eaves height of 5.8 metres and would have a pitched roof with an overall height of 9 metres.
- 3.3 Internally, at basement level each house would have a bedroom, bathroom, utility/plant rooms and lounge. At ground floor level each house would have an entrance hall, reception room, wc/utility rooms and a combined kitchen dining room. At first floor level two bedrooms and would be provided. At second floor level two further bedrooms would be provided within the roof space. Light and ventilation to the basement would be provided by front and rear roof lights. Front dormer windows and roof lights to the side elevations of the roof would provide light and ventilation to the rooms within the roof space. A traditional design approach has been adopted for the proposed dwellings with feature bay windows and dormer windows and pitched roofs.
- 3.4 One off street parking space would be provided for each house within the front curtilage, together with refuse and recycling facilities and each house would have a landscaped rear garden.

3.5 In summary, the changes to the previously approved scheme (LBM Ref.17/P2807) are set out below:-

- Provision of basement accommodation to each house.
- Provision of front light wells to each house covered with walk on grills.
- Rear terrace walk light wells.
- Internal ground floor level lowered by 188mm in relation to approved level.
- Ground floor utility door and window moved.
- bedroom 2 window removed.
- Bedroom 2 en-suite window moved to master bedroom.
- First floor study now en-suite for bedroom 2.
- Master bedroom extends towards Part Wall by 1200mm.
- Approved red brick changed to London stock brick.
- Approved clay tiles changed to slate.
- Minor internal alterations.

3.6 Amended Plans – during the assessment of the application officers received amended plans reducing the width of the basement for each dwelling and removal of side basement light wells.

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

4.1 In October 2009 planning permission was granted by the Planning Applications Committee for the demolition of the existing dwelling house and erection of a pair of semi-detached houses with off-street parking (LBM Ref.09/P1808). The permission was subject to a S.106 Agreement.

4.2 In June 2009 a planning application was submitted for the demolition of the existing dwelling house and erection of a pair of semi-detached houses with off-street parking (LBM Ref.09/P1241). However, the application was withdrawn on 17/08/09.

4.3 In March 2014 planning permission was granted by the Planning Applications Committee for the demolition of the existing dwelling house and erection of a pair of semi-detached houses with off-street parking (LBM Ref.12/P0987). The planning permission was subject to a S.106 Agreement in respect of affordable housing and an education contribution.

4.4 In December 2017 planning permission was granted by the Planning Applications Committee for the demolition of the existing house and erection of 2 x semi-detached houses (LBM Ref.17/P2807).

#### 5. **CONSULTATION**

5.1 The application has been advertised by Conservation Area site and press notice procedure and letters of notification to occupiers on neighbouring properties. In response 12 letters of objection (15 signatures) have been received. The grounds of objection are set out below:-

- The proposal is overdevelopment and would result in the loss of gardens.

- The proposed houses with basements would take up almost 50% of the existing garden area.
- The size of the master bedrooms has increased by extending rearwards whereas in a previous application the first floor was pared back.
- The tree report does not allow for acceptable protection to the Eucryphia tree in the rear garden of 20 Ridgway Place.
- The Yellow bricks and roof tiles are inconsistent with materials used on of the properties nearby.
- Family homes are needed not luxury homes with basements.
- The site is only suitable for a single house.
- The resulting gardens are small and the landscaping is modest.
- Ground conditions have not been fully investigated.
- There are underground streams in the road and the number of basements must be causing problems.
- The application should be turned down and the developer reverts to building a house or houses of the correct proportions for the plot.
- The proposed basement would increase the floor space by 60% over the previous application.
- There have been several applications for developing the site and the size and bulk of the each application increases.
- The construction of the basement will result in more heavy traffic in the road.
- The site is only suitable for a single house.
- The en-suite bathroom to the master bedroom is shown with clear glass rather than obscure glass as previously approved.
- Working hours should be controlled. Nearby at number 36 construction was seven days a week.
- The roofing material is not in keeping with the street.
- Over the last 10 years there have been multiple applications for redevelopment of the site and proposals have grown larger and larger.
- The new houses should not be issued with residents parking permits.
- If approved the houses should be built in red brick with clay tiles and the side elevations rendered to increase light.
- The roof of the single storey rear section of the houses should not be used as a balcony.

5.2 One letter of support has been received from the occupier of a property in Malcom Road. The application is not controversial in any way and the proposal would improve the view for Malcom Road and the houses would enhance the street scene in Ridgway Place.

5.3 Flood Risk Officer

The Council's Flood Risk Officer has reviewed the application for the two new dwellings with basements and has responded from a flood risk/drainage perspective. The site is located in Flood Zone 1 and is not shown to be at high risk or medium risk of surface water flooding, according to the Environment Agency maps. Notwithstanding this, minimal information regarding the existing and proposed drainage layout, incorporating SuDS measures and compliance with DM F2 and the London plan 5.13 has been submitted to accompany the application. The Basement Impact Assessment (BIA) states that the retaining walls to the basement are to be designed to be water



resistant and de-watering may be necessary during the construction of the basement to keep the basement dry. Water levels are to be monitored during the construction of the basement and superstructure. In addition, the BIA states that it would be advisable to allow flow relief ducting under the proposed slab to prevent any deviation on the existing flow of the water down hill normally with 150mm diameter pipes below basement floor level at 4m centres, although no construction details have been submitted to demonstrate this. With regard to ground investigation, trial pits were undertaken onsite published in the Soils Ltd report. Groundwater was not encountered within any trial hole, however, the investigation was conducted in August (2018), when groundwater levels should be approaching their annual minimum (lowest) elevation. However, there was no detail regarding revisit or ongoing monitoring of groundwater levels via a standpipe, for example. In addition, boreholes (at greater depth than the trial pits) would normally be expected. In order to comply with Merton's Basements SPD and policies DMF2 and DMD2, we would recommend that drainage design is undertaken to demonstrate how the site will utilise sustainable drainage, reducing offsite flows through measures such as attenuation, permeable paving and rainwater\_harvesting.

5.4 The applicant forwarded additional information to the Flood Risk Officer and the Flood Risk Officer has reviewed the Martin J Harvey Drainage Strategy for 18 Ridgway Place and the Flood Risk Officer confirms this in accordance with policy including the London plan 5.13 and Merton's Policy DM F2/DM D2. The report notes that a topographical survey of the site indicates that rainwater from the existing house on the site is discharged into the foul water drainage on the site which is connected to the public foul water sewer in Ridgway Place. There appears to be no separate surface water drainage system onsite at present. It is however proposed that surface water run-off from the new development is to be discharged into the existing public surface water sewer in Ridgway Place rather than the foul water sewer that occurs at present, which is an improvement. Flow rates of surface water will be improved on the site via SuDS. The discharge will be at a restricted rate by the use of a vortex flow control and attenuation water storage provided in an underground cellular attenuation tank. Permeable bound gravel to hard paved areas to the front and sides of the dwellings is also to be provided as well as small rainwater butts. The drainage proposals are indicated on drawings included in Appendix D of the report and a compliance condition should be included on any approval to ensure the scheme is implemented in accordance with the drainage strategy and drawing 102/P1.

5.5 Structural Engineer

The Council's Structural Engineer has reviewed the submitted basement Impact assessment and Ground Movement Assessment Report and supporting documents. The Basement Impact Assessment demonstrates that the basement construction can be undertaken safely without adversely affecting the surrounding built environment. The Council's structural Engineer therefore has no objections to the proposal a condition regarding demolition and submission of details of excavation/piling works and method of constructing retaining walls and associated temporary works.

## 5.6 Tree Officer

The Council's Tree Officer has examined the proposal and has no objections subject to appropriate landscaping and tree protection conditions being imposed on any grant of planning permission.

## 6. **POLICY CONTEXT**

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

CS8 (Housing Choice), CS9 (Housing Provision), CS13 (Open Space, Nature Conservation, Leisure and Culture), CS14 (Design), CS15 (Climate Change) and CS20 (Parking)

### 6.3 Sites and Policies Plan (July 2014)

DM H2 (Housing Mix), DM H4 (Demolition and Redevelopment of a Single Dwelling house), DM 02 (Nature Conservation, Trees, Hedges and Landscape Features), DM D2 (Design Considerations in all Developments), DM D4 (Managing Heritage Assets), DM F2 (Sustainable Urban Drainage Systems), DM T1 (Sustainable and Active Transport) and DM T4 (Car Parking and Servicing Standards).

### 6.4 London Plan (March 2016)

3.8 (Housing Choice), 5.1 (Climate Change Mitigation), 5.3 (Sustainable Design and Construction), 7.6 (Architecture) and 7.8 (Heritage Assets and Archaeology).

## 7. **PLANNING CONSIDERATIONS**

7.1 The main planning considerations concern the principle of demolition, design/impact on visual amenities and Conservation Area, impact on neighbour amenity, parking, trees and sustainability issues.

### 7.2 Demolition of Existing Building

The demolition of the existing house has previously been approved by LBM planning permission Ref.17/P2807 and there are no objections to the demolition of the existing house in connection with the redevelopment of the site for residential use.

### 7.3 Design/Visual Impact and Conservation Area Issues

The design of the proposed houses is substantially the same as approved by PBM Planning Permission Ref.17/P2807 (Dated 10/01/18) albeit that accommodation at basement level is now proposed for each house. Although the proposed pair of semi-detached houses would be constructed of modern materials, the pair of houses would have a traditional form with gabled roofs and zinc clad dormer windows and feature chimney stacks. Although basement accommodation is now proposed, the only visible change to the previously approved scheme would be the provision of front, rear and side

light wells to each house to provide light and ventilation to the basement accommodation.

Other design changes include the use of London brick and slate roof and a small addition at rear to both master bedrooms. The use of London Stock brickwork and slates are considered to be appropriate materials for the local area and can be supported. The application site is within the Merton (Wimbledon West) Conservation Area, and there is a mix of architectural styles in this part of Conservation Area and overall the amendments in comparison to the previously approved scheme are considered to be acceptable. It should be noted that there is a mixture of architectural style in the vicinity of the application site and the adopted design is considered to be acceptable in this location and the proposal accords with policies CS14, DM D2 and DM D4.

#### 7.4 Provision of Basement

The current proposal includes the provision of basement accommodation to each dwelling house. A number of representations have been received concerning the provision of basement accommodation. However, the applicant has submitted a Basement Impact Assessment, Borehole Investigation and Ground Movement Assessment Report. The Basement Impact Assessment concludes that the basement can be constructed in a safe manner and that the provision of accommodation at basement level would not increase flood risk. The Council's Structural Engineer has assessed the supporting documents and is satisfied that the proposed works can be undertaken safely without adversely affecting the surrounding natural and built environment. They have recommended suitable conditions should permission be granted. Further, the scale of the basements for each dwelling would not exceed 50% of the rear garden for each dwelling, in line with policy. The proposal is therefore considered to be acceptable in terms of policy DM D2 (Design Considerations in all Developments).

#### 7.5 Neighbour Amenity

The design of the proposed houses are similar to that previously approved by LBM Planning Permission Ref.17/P2807. The overall height and width of the dwellings would be the same as the previous scheme. The principle change being the provision of accommodation at basement level and the introduction of light wells to the front, side and rear elevations of each house. The provision of basement accommodation and front light wells would not cause harm to neighbour amenity. The side and rear light wells may give rise to some light spill, however this is considered to be minimal. Although there would be windows at first and second floor levels within the side elevations of each house these windows would be obscure glazed. Planning conditions in respect of basement construction and hours of construction are considered to be appropriate in this instance to ensure that the amenities of the occupiers of neighbouring properties are protect during construction works. The current proposal is therefore considered to be acceptable in terms of policy DM D2 (Design Considerations in all Developments).

#### 7.6 Parking

One off-street car parking space would be provided for each dwelling within the front curtilage. The parking provision is considered to be acceptable and e accords with policies CS20 (Parking) and DM T1 (Sustainable and Active Transport). The level of parking provision is the same as the previously approved scheme.

#### 7.7 Trees

It is also proposed to landscape both the front and rear gardens of the proposed development. The applicant submitted a Tree Report and the Councils Tree Officer has confirmed that three trees would be removed and two trees retained and protected during development works. The trees to be removed are not significant and no objections are raised in this case. The applicant amended the plans through a reduction in width of each basement to ensure that the basements would not impose upon root protection areas of trees. The proposal is therefore considered to be acceptable in terms of policy DM O2.

#### 7.8 Sustainability Issues

The Government removed the requirement for compliance with the Code for Sustainable Homes on 26 March 2015, as part of the Deregulation Act 2015. Policy CS15 of the Core Strategy requires all new developments to achieve Code level 4. Policy DM H4 of the Sites and Policies Plan states that a proposal to demolish and rebuild a single dwelling will be required to enhance the environmental performance of the new development beyond minimum requirements. The policy requires that Carbon Dioxide emissions to be limited in line with Code for sustainable Homes level 5. Notwithstanding that the Government removed the requirement of compliance with the Code for Sustainable Homes; the architect has stated that by using passive means for achieving energy efficiency will be the starting point with low U values for the external fabric of the building, improved air tightness, reduced thermal bridging and making effective use of resources and materials, minimizing water and CO2 emissions. An appropriate condition is recommended.

### **ENVIRONMENTAL IMPACT ASSESSMENT REQUIREMENTS**

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

#### 10. **CONCLUSION**

- 10.1 The design for the proposed pair of semi-detached houses is considered to be acceptable in design terms and the proposed development would not cause harm to neighbour amenity. Accordingly, it is recommended that planning permission be granted.

## **RECOMMENDATION**

### **GRANT PLANNING PERMISSION**

and subject to the following conditions:-

1. A.1 Commencement of Development
3. A.7 Approved Plans
2. B.1 (Approval of Facing Materials)
3. B.4 (Site Surface Treatment)
4. B.5 (Boundary Treatment)
5. C.2 (No Permitted Development Doors/Windows)
6. C.4 (Obscure Glazing –Side Elevations)
7. C.7 (Refuse and Recycling-Implementation)
8. D.9 (External Lighting)
9. D.11 (Construction Times)
10. F.1 (Landscaping Scheme)
11. F.5 (Tree Protection)
12. F.8 (Site Supervision-Trees)
13. H.7 (Cycle Parking Implementation)
14. H.9 (Construction Vehicles)
15. Prior to commencement of development a detailed Basement Construction Method Statement shall be submitted to and approved in writing by the Local Planning Authority and the basement shall be constructed in accordance with the approved details.

Reason for condition: In the interest of neighbour amenity and to comply with policy DM D2 of the Adopted Merton sites and Polices plan (2014).

16. No development approved by this permission shall commence until a scheme for the provision of surface water drainage has been implemented in accordance with details that have been submitted to and approved in writing by the local planning authority. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system (SuDS) to ground, watercourse or

sewer in accordance with drainage hierarchy contained within the London Plan Policy 5.13 and the advice contained within the National SuDS Standards.

Reason: To ensure satisfactory means of surface water drainage, to reduce the risk of flooding and to comply with the following Development Plan policies for Merton: policy 5.13 of the London Plan 2011, policy CS16 of Merton's Core Planning Strategy 2011 and policy DM F2 of Merton's Sites and Polices Plan 2014.

17. No development approved by this permission shall be commenced until a final scheme to reduce the potential impact of groundwater ingress both to and from the proposed development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall address the risks both during and post construction. Should dewatering be required during construction, the detailed Construction Method Statement will need to address the measures to minimise silt dispersal and pollutants detail where waters will be discharged to. This shall be informed by site specific ground investigation including groundwater monitoring results.

Reason for condition: To ensure the risk of ground water ingress to and from the development is managed appropriately and to reduce the risk of flooding in compliance with the following Development Plan policies for Merton: policy 5.13 of the London Plan 2011, policy CS16 of Merton's Core Planning Strategy 2011 and polices DM D2 and DM F2 Of Merton's Sites and Polices Plan 2014.

18. The drainage proposals as shown on drawings contained within Appendix D of the Martin J Harvey Drainage Strategy for 18 Ridgway Place shall be implemented in accordance with the drainage strategy and drawing numbers 101/P1, 102/P1 and 103/P1.

Reason for condition: To ensure that an acceptable drainage strategy is implemented as part of the development and to reduce the risk of flooding in accordance with the following Development Plan policies for Merton: policy 5.13 of the London Plan 2011, policy CS16 of Merton's Core Planning Strategy 2011 and polices DM D2 and DM F2 Of Merton's Sites and Polices Plan 2014.

19. Prior to the commencement of development, the applicant shall submit a detailed construction method statement (CMS) produced by the respective contractor/s responsible for building the approved works to the approval of the Local Planning Authority. The construction method statement shall also detail how flood risk and drainage will be managed during construction and how the risk to pollution of the water environment will be mitigated. This shall be informed by site specific ground investigation including groundwater monitoring results.

Reason for condition: To reduce the risk of surface and foul water flooding to the proposed development and future users, and ensure surface water and

foul flood risk does not increase offsite in accordance with Merton's policies CS16, DMF2 and the London Plan policy 5.13.

20. No works shall commence on site until the below documents have been submitted to and approved in writing by the planning authority.

a) Demolition Method Statement produced by the Contractor undertaking the demolition works.

b) Detailed Construction Method Statement produced by the respective Contractor/s responsible for piling, excavation and construction of the basement. This shall be reviewed and agreed by the Structural Engineer designing the basement.

c) Plan and Section drawings of the secant piled retaining wall, and the inner reinforced concrete lining wall. Please include reinforcement details.

d) Propping and De-propping sequence of the temporary works with drawings produced by the Contractor responsible for the temporary works.

Reason for condition: In the interest of neighbour amenity and to comply with policy DM D2 (Design Considerations in all Developments) of the Adopted Merton Sites and Policies plan (2014).

21. 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

#### INFORMATIVES:

22. No waste material, including concrete, mortar, grout, plaster, fats, oils and chemicals shall be washed down on the highway or disposed of into the highway drainage system.

No surface water runoff should discharge onto the public highway including the public footway or highway. It is the responsibility of the developer to make proper provision for drainage to ground, watercourses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off-site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of ground water. 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).

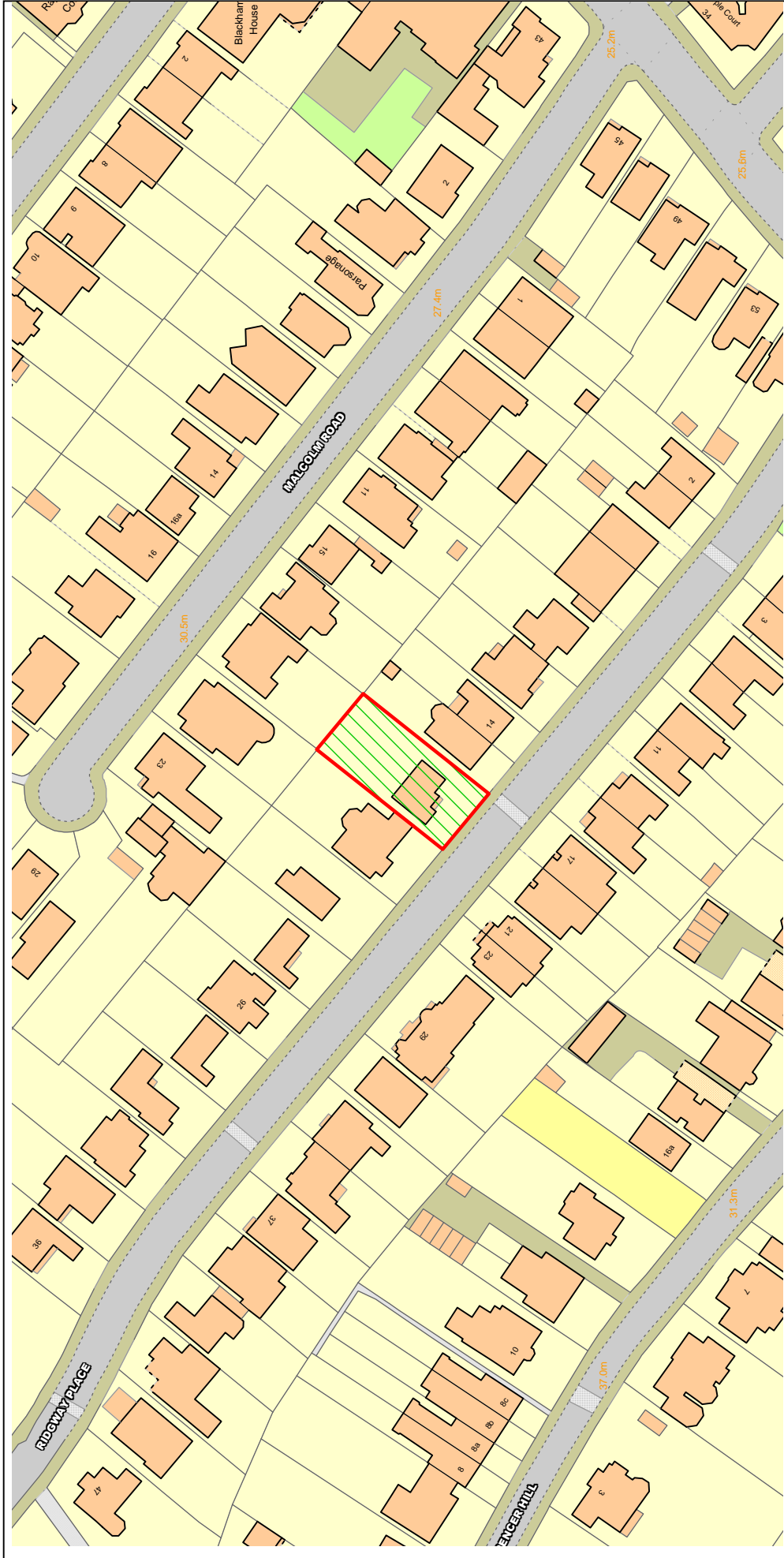
23. INF.1 Party Wall Act
  24. INF.8 Construction of Vehicular Access
  25. INF.12 Works Affecting the Public Highway
- 

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

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**Committee:** Planning Applications

**Date:** 14 February 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.**

### **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/P2023**  
Site: 40A Lambton Road, Raynes Park SW20 0LP  
Development: Demolition of existing buildings and erection of 4 x 1 bed flats  
Recommendation: Refused (Delegated Decision)  
Appeal Decision: **DISMISSED**  
Date of Appeal Decision: 22<sup>nd</sup> January 2019

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

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Application Numbers: **18/P0965**  
Site: 146 Hillcross Avenue, Morden SM4 4EG  
Development: Conversion fo garage into habitable room and erection of a first floor side extension  
Recommendation: Refused (Delegated Decision)  
Appeal Decision: **ALLOWED**  
Date of Appeal Decision: 21<sup>st</sup> January 2019

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

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Application Numbers: **18/P1102**  
Site: 47 Eveline Road, Mitcham CR4 3LF  
Development: Erection of a 2 bed dwellinghouse  
Recommendation: Refused (Delegated Decision)  
Appeal Decision: **DISMISSED**  
Date of Appeal Decision: 15<sup>th</sup> January 2019

## [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 re-determined.
- 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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**Committee:** Planning Applications Committee

**Date:** 14<sup>th</sup> February 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**

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**Recommendation:**

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That Members note the contents of the report.

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**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.

<b>Current Enforcement Cases:</b>	<b>868</b>	<sup>1</sup> (849)	<b>New Appeals:</b>	(0)	(0)
<b>New Complaints</b>	37	(36)	<b>Instructions to Legal</b>	<b>0</b>	(0)
<b>Cases Closed</b>	<b>18</b>		<b>Existing Appeals</b>	<b>1</b>	(1)
No Breach:	9		<hr/>		
Breach Ceased:	9		<b>TREE ISSUES</b>		
NFA <sup>2</sup> (see below):	0		<b>Tree Applications Received</b>	<b>34</b>	<b>(60)</b>
Total	18	(21)	<b>% Determined within time limits:</b>	<b>98%</b>	
<b>New Enforcement Notices Issued</b>			<b>High Hedges Complaint</b>	<b>0</b>	<b>(0)</b>
Breach of Condition Notice:	0		<b>New Tree Preservation Orders (TPO)</b>	<b>0</b>	<b>(1)</b>
New Enforcement Notice issued	0	(2)	<b>Tree Replacement Notice</b>	<b>0</b>	
S.215: <sup>3</sup>	0		<b>Tree/High Hedge Appeal</b>	<b>0</b>	<b>(0)</b>
Others (PCN, TSN)	0	(0)			
Total	0	(1)			
<b>Prosecutions:</b> (instructed)	0	(0)			

Note (*figures are for the period from 3<sup>rd</sup> January 2019 to 1<sup>st</sup> February 2019*). 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.

<sup>3</sup> 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 21<sup>st</sup> 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.

**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 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.

**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 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 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 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**

**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.

- **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 9<sup>th</sup> February 2016 against the unauthorised conversion of the former public house into eight self-contained 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 kitchen 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 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 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 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 - 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 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.

### **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. 11<sup>th</sup> April 2017 Appeal dismissed and Notice upheld. The compliance date was 12<sup>th</sup> 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 28<sup>th</sup> February 2018. The appeal was dismissed by Decision Letter dated 7<sup>th</sup> March 2018. The period of time for compliance with the Enforcement Notice was extended from three months to six months from 7<sup>th</sup> 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 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**

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**

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