

# 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:

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

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

**Date:** 25 April 2019

**Time:** 7.15 pm

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

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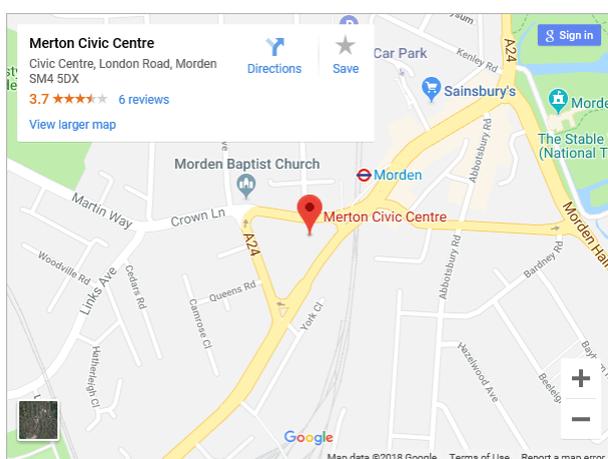
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# Planning Applications Committee

## 25 April 2019

- 1 Apologies for absence
- 2 Declarations of Pecuniary Interest
- 3 Minutes of the previous meeting 1 - 10
- 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
- 5 141 The Broadway, Wimbledon SW19 1NE 11 - 38  
Application Number: 17/P0296 Ward: Abbey  
  
Officer Recommendation: GRANT Planning Permission subject S106 agreements and conditions.
- 6 Former Atkinson Morley Hospital Site, Copse Hill, SW20 39 - 46  
Application Number: 19/P0693 Ward: Village  
  
Officer Recommendation: GRANT Planning Permission subject to conditions.  
  
ITEM WITHDRAWN FROM THIS AGENDA
- 7 36 Durham Road, SW20 0TW 47 - 66  
Application Number: 18/P4132 Ward: Raynes Park  
  
Officer Recommendation: GRANT Planning Permission subject to conditions.
- 8 Wellington Works, Wellington Road, Wimbledon Park, SW19 8EQ 67 - 84  
Application Number: 18/P4361 Ward: Wimbledon Park  
  
Officer Recommendation: GRANT Planning Permission subject to conditions.
- 9 West Lodge, 4 West Side Common, Wimbledon, SW19 4TN 85 - 104  
Application Numbers: 19/P0219 & 19/P0220  
  
Ward: Village  
  
Officer Recommendation:

GRANT Listed Building Consent subject to conditions –  
19/P0220  
GRANT Planning Permission subject to conditions  
19/P0219

10	Planning Appeal Decisions	105 - 110
11	Planning Enforcement - Summary of Current Cases	111 - 116

### **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).

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# Agenda Item 3

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## PLANNING APPLICATIONS COMMITTEE

21 MARCH 2019

(7.15 pm - 10.50 pm)

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

ALSO PRESENT Jonathan Lewis – Planning Team Leader South  
Tim Bryson – Planning Team Leader North  
Stuart Adams – Planning Officer  
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)

There were no declarations of pecuniary interest. Councillor David Dean declared that as his family had been involved with Wimbledon Rugby Club he would not speak or vote on this item.

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

RESOLVED: That the minutes of the meeting held on 14 February 2019 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, 10, 11, and 12. Order of the meeting – The Chair announced that the items would be taken in the following order 5, 9, 11, 13, 7, 8, 10, 12, 14 and 15.

Note: Item 6 was withdrawn from the Agenda prior to the meeting

### 5 WIMBLEDON RUGBY CLUB, BEVERLEY MEADS, BARHAM ROAD, SW20 0ET (Agenda Item 5)

Proposal: Installation of artificial grass on existing rugby pitch with associated hard and soft landscaping, fencing and floodlighting.

The Committee noted the officer's report and presentation and additional information in the Supplementary Agenda. The Committee received verbal presentations from 3 objectors (who shared the maximum time of 6 minutes) and the Applicant and Agent.

The Objectors raised points including:

- Will affect and have huge impact on the openness of the MOL (Metropolitan Open Land)
- Will reduce access across the space
- A much less intrusive application for Cricket Nets was refused in 2016
- There is no travel plan, despite requests. The site Ptal rating is 0
- Private streets cannot be considered as available for parking. These streets have no pavements
- The site does not have the capacity for 178 cars parking on the grass in the MOL.
- Application will cause loss of grass and is detrimental to the MOL
- Residents see no difference between this application and the refused previous application
- Procedural flaw in process as the Transport Survey was late. There are other pieces of information missing.
- The proposed floodlighting does not fall into a defined exception and must be deemed inappropriate. There are recent appeal decisions where floodlights have been considered inappropriate in the Greenbelt

The Applicant and Agent made points including:

- This application is part of the 'Rugby 365' program to create high quality accessible Rugby venues
- LBM supports the playing field strategy
- There is no detrimental impact on the character of the area.
- This is an upgrade of existing facilities, the existing floodlighting is to be replaced by new that creates less light spillage. The fencing is to be upgraded to blend in.
- Other such pitches in MOL land have been allowed
- The club provides many opportunities for local adult and children's sport.
- This application will improve community engagement and allow for increased participation
- It has been demonstrated that it will not cause any detrimental impact on local parking
- Floodlight training already takes place
- No use after 10pm, supported by LBM Environmental Health
- Large number of supporting representations sent in

In reply to Members' questions, Officers replied:

- The application for Cricket Nets was refused because they were proposed in a different area, an area that currently does not have any facilities on it. This application is proposing to replace an existing rugby pitch with another, and therefore Officers can support.
- We asked the applicant for their busiest peak times and carried out transport survey at those times. Not aware of Residents being asked about these times. After 8pm the traffic disappears
- The Parking Survey was done by Highways Engineers and was a technical request, this was not re-consulted on. There was a delay getting this onto the web-site as Highways Officers were reviewing the document.
- Cars can park on the grass
- This main benefit of this scheme for the Club is year round usage of the pitch.

Members made comments including:

- The Transport Survey does appear to be skewed towards the Rugby Club, another survey should be carried out to include and represent residents
- The all-weather pitch will mean more use but still only one match at a time will be played. Saturdays and Sundays 9am -3pm would still be the busiest time. Can see no reason to refuse, and will always support increased sporting facilities for residents.
- Attach weight to the comments of the Wimbledon and Putney Downs Conservators, who subject to the hours of floodlighting, are content with the application

RESOLVED

The Committee voted to GRANT Planning Permission subject to conditions

6 141 THE BROADWAY, WIMBLEDON, SW19 1QJ (Agenda Item 6)

Withdrawn from this agenda prior to the meeting

7 THE ALL ENGLAND LAWN TENNIS AND CROQUET CLUB, CHURCH ROAD, WIMBLEDON, LONDON, SW19 5AE (Agenda Item 7)

Proposal: Application for temporary permission to erect 5 x air domes over existing clay courts between September and May for a period of 3 years

The Committee noted the officer's report and presentation

RESOLVED

The Committee voted unanimously to GRANT Planning Permission subject to conditions

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

Proposal: Erection of an end of terrace dwelling with basement level incorporating new vehicular crossover to Wydell Close and off-street parking.

The Committee noted the officer's report and presentation

Members made comments including:

- The Committees previous refusal was for one specific reason and the applicant has tackled this issue with this application
- We cannot turn this down just because we would not want to live in it
- The amenity space, 17.5m<sup>2</sup>, is now acceptable

RESOLVED

The Committee voted to GRANT Planning Permission subject to conditions

9 27 - 39 HARTFIELD ROAD, WIMBLEDON, SW19 3SG (Agenda Item 9)

Proposal: Demolition of existing buildings and structures, and redevelopment for a new 8 - storey building (plus additional plant at roof level) comprising of a hotel (use class C1) and three commercial units (a flexible use within classes A1, A2, A3 and / or A4); substation; alterations to existing access and creation of new access on Graham Road; hard and soft landscaping, ground works and associated infrastructure.

The Committee noted the officer's report and presentation and additional information in the Supplementary Agenda. The Committee received verbal presentations from two objectors, the applicant's agent and a Ward Councillor

The Objectors raised points including:

- Concerned about the Safety of pedestrians using Graham Road
- Graham Road is used by many children and families walking to School. This application proposes that Graham Road is an exit road for service vehicles 7am -11pm every day. What safety analysis has been carried out on this?
- It is assumed that all vehicles will turn left onto Graham Road but this is to be encouraged and not enforced.
- If this application is allowed the servicing plan should be reduced and the left hand turn should be enforced.
- This application repeats the design planning mistakes of the past; its height, massing and scale all being too big. It will dominate its surroundings and is against new Planning Policy
- Is this the right place for such a big hotel?
- There are no CGI plans to show what impact it will have on the 2 storey houses in Graham Road
- The Police have advised that reception should be at Ground Level, not on the first floor as the design indicates

The Applicant made points including:

- This is a high quality design and a £50million investment that will create 150 jobs.
- We have listened and evolved the scheme. Officers say the height is acceptable and is less than Pinnacle House next door. The DRP gave it a green light. The Application is submitted to fit the requirement of the emerging local plan
- There was concern regarding Service Vehicles using Beulah Road, and we have changed this so that vehicles will turn left onto Graham Road and then left onto Hartfield Road.
- The building will be have a BREEAM 'very good' rating and will have environmentally friendly features including photovoltaic panels and green roofs

The Ward Councillor, Councillor Anthony Fairclough made points including:

- This application will have an impact on pedestrian safety, it is not an easy site for servicing. There is a plan for vehicles to turn left onto Graham Road but it is not enforceable.
- This is a main walking route for children and families
- Local Businesses are concerned about the impact of the application
- The NPPF and Merton policies could relate to pedestrian safety in this case
- Condition 32 limits the hours of service vehicles.

The Planning Team Leader North made points in answer to the Objectors concerns:

- Design is subjective and this application has been given a green light by the Design Review Panel (DRP)
- The Design staggers down from higher neighbouring buildings
- Following discussions the servicing was changed to using a left hand turn onto Graham Road as the exit for service vehicles

Members discussed the traffic/highway issues of servicing to the rear of the site. The Transport Planning Officer gave information in reply to members Questions:

- This is a highly sustainable location for transport
- Taxis will not use the service entrance. They can drop off in the Bus Lane during off peak times. We do not expect many taxi drop offs to the hotel
- This type of Hotel does not attract guests arriving in large parties by coach,
- Vehicles are much more likely to turn left out of Graham Road. It is highly unlikely that there will be more than 3 to 4 vehicles per day
- It would be possible to add further signage to encourage this left hand turn.
- It would be possible to fit a bollard to prevent a right hand turn, and it would be possible to make the service road one way, but it is up to the applicant to make these arrangements.

The Chair asked the Applicant about the proposal to install a bollard to ensure a left hand turn out of Graham Road onto Hartfield Road, and about the proposal to make the section of Graham Road one way – the applicant responded that he would do both.

In reply to Members Questions the Planning Team Leader North replied:

- Proposal does include measures to encourage a left hand turn out of Graham Road
- Police concerns have been dealt with by the new condition 37. Reception is on a mezzanine floor, overlooking the ground floor, which deals with a main police concern.
- The Service Plans are based on 100% occupancy
- The Building will be 28.4m high to the top of the plant room, 25.9m to the top of the roof. It is angled away from Graham Road to reduce impact, and is staggered down from its taller neighbours. The photovoltaic panels will lie flat so will not create ant reflection issues.

Members made comments including:

- Have worked in Hotels and the deliveries/service vehicles per day are very limited – one linen truck per day, drinks delivery once a week and then smaller food and drink delivery vans 2 or 3 times a week
- Applicant must enforce the left hand turns for service vehicles
- Reassured about service vehicle frequency
- This application is reasonable in its Town Centre location
- This is a residential area, has always been residential and it is not appropriate to put a nine storey building next to housing, it is not the Town Centre
- No measures can be taken to stop lorries finding their way onto the residential roads
- First time we have seen Police involvement, with the Police unhappy with an application
- The DRP actually gave the application a red light on two previous occasions. We should reject it based on height, massing and size
- Concerned for residents with this servicing arrangements
- Propose we consider changing Condition 32 to reduce servicing hours to 10am-10.30pm
- Can't see a good reason to refuse, the service vehicles are a restricted number, and the DRP has given it a green light
- DRP is not a legal body.

The Committee voted to Grant Planning permission subject to conditions and S106 Agreements. A vote to amend condition 32 regarding servicing hours was defeated.

RESOLVED

The Committee voted to GRANT Planning Permission subject to conditions and S106 Agreement

10 58 HAYNT WALK, RAYNES PARK, SW20 9NX (Agenda Item 10)

Proposal: Erection of a two storey end of terrace dwellinghouse with associated off street car parking.

The Committee noted the officer's report and presentation and additional information in the Supplementary Agenda

In reply to a Member's question the Planning Team Leader South explained that if the appeal on the previous application for this site is allowed and the application currently being considered allowed, then the applicant will have two permissions and will be able to choose which scheme to build.

## RESOLVED

The Committee voted unanimously to GRANT Planning Permission subject to conditions

11 WIMBLEDON STADIUM, PLOUGH LANE, TOOTING, SW17 0BL (Agenda Item 11)

Proposal: Application under Section 73 to vary conditions 3 (approved plans) and 20 (opening hours) and omit conditions 22, 23, 44 and 46 (all relating to café and crèche) attached to LBM planning permission 14/P4361 (football stadium, commercial and residential development).

The Committee noted the officer's report and presentation and additional information in the Supplementary Agenda. The Committee received verbal presentations from two objectors, the applicant's agent and a Ward Councillor

The Objectors made points including:

- Concerned about the scraping of the crèche as it was the only community provision in this application
- Unclear who decided that this childcare was unnecessary in this area
- In fact there are a growing number of young children in Wimbledon Park and there is a demand for childcare. This is shown in Merton Council's own Childcare Sufficiency Report
- Why isn't the Council asking the Developer to provide childcare within this huge development
- Air pollution kills 33 people in London every day.
- Merton's Planning Guidelines say that applications must be refused if they will make air pollution worse.
- NO<sub>2</sub> Levels in this area have not been properly considered and a survey should be carried out by an Environmental Statistical expert should be carried out.
- A decision on this application should be delayed until these levels have been quantified

The Applicant made points including:

- We did discuss the crèche with childcare providers but they thought that a crèche would not be commercially sustainable as there were problems with the site that could not be overcome.

- There are other community uses on the site; the Squash and Fitness Club
- The application is supported by a full statement of Air Quality that was undertaken by specialists who concluded that there were no issues. As part of this we have reduced the residential and stadium car park.
- We are now providing 28 additional affordable homes in the development

The Ward Councillor Ed Gretton made points including:

- The Childcare Sufficiency Study does say that there is a need for childcare in the Wimbledon Park area
- There are serious issues with air quality in the area. It would be appropriate to adjourn the decision on this application until further investigation has been done
- Would like to re-instate the previous design of a softer radial curve.

In reply to Member's questions, Officers replied that the original application proposed 60 affordable units, this has now been increased by a further 20. In addition there 100 shared ownership units proposed but these are not part of the S106 agreement; if these are delivered they will count towards the affordable housing target of the borough, but the Council will not have nomination rights on the units

A member commented that he was disappointed that the Council hadn't pursued the applicant regarding the loss of the crèche, and that he proposed a recommendation that the applicant be pursued for a clawback of money towards childcare. This was proposed and seconded. Officers advised against such a recommendation as there was no legal requirement to provide a crèche at the site and it was not covered by policy or by the S106 agreement, and it would be unreasonable to require an off-site contribution towards providing a crèche. This recommendation was defeated by the vote.

A member commented that the new design of the Stadium, with the squaring of the corners, is a backward step. He felt that the original design is preferable and it would be disappointing to lose this and these design issues could be addressed quickly and easily. Accordingly he proposed a refusal of the application on the grounds of a compromised design but did not receive a seconder.

## RESOLVED

The Committee voted to GRANT Planning Permission subject to conditions and deed of variation to the S106 agreement

12 LAND ADJ, 65 SHERWOOD PARK ROAD, MITCHAM, CR4 1NB (Agenda Item 12)

Proposal; Erection of a two storey (with basement level) end-of-terrace property comprising 2 x self-contained flats.

The Committee noted the officer's report and presentation and additional information in the Supplementary Agenda

A Member commented that it was a pity that this application was not providing one family sized home, rather than two smaller units. The South Area Team leader confirmed that advice had been provided at the pre-application stage for one dwelling on the site.

RESOLVED

The Committee voted to GRANT Planning Permission subject to conditions

13 52 – 54 WANDLE BANK, COLLIERS WOOD, LONDON, SW19 1DW (Agenda Item 13)

Proposal: Application to vary condition 2 (approved plans) attached to LBM planning permission 15/P4741 (34 x residential units and 459 sqm of office space). The changes relate to reconfiguring the layout of Block A to create 11 new units (taking total to 45), alterations to fenestration/terrace and additional cycle parking spaces across the development.

The Committee noted the officer's report and presentation. The Committee received verbal presentations from an objector, and the applicant's agent.

The Objector made points including:

- Previously allowed plan is already too dense, this application includes 45 more units, an increase of 30%. This a substantial increase.
- The change of the roof terraces to units will result in further substantial overlooking and loss of privacy to neighbouring properties
- More affordable Housing should be provided
- The application increases the flood and subsidence risks for neighbours and residents of the new properties
- Vital measurements are still missing
- There is no practical design reason given for these changes, it is purely about increasing the developers profit

The Agent to the Application made points including:

- This application is in accord with the London Plan
- Our transport survey suggests that there is parking capacity in the area and this has been signed off by the Council. Future residents will not get parking permits
- The application does not increase the massing of Block A, therefore there is no further effect on sunlight or daylight to neighbours. There is no additional impact on overlooking.
- This application proposes 4 affordable units on-site, the previous permission did not provide any affordable units on –site, it provided a payment for affordable housing elsewhere in the Borough

- This application is for high quality accommodation with over 40% being family sized units
- The cycling storage is in accordance with the London Plan

In reply to Members' questions, Officers gave answers including:

- Original application did not provide any on-site affordable, it provided £200,000 towards off-site affordable housing
- The Viability assessment for this application has been reviewed by an external assessor, and found that 4 on-site affordable units is viable
- Although our target for affordable housing is 40% it is Government Policy that we cannot refuse an application if the viability assessment says that it cannot support this level of affordable housing
- There is a clawback mechanism on the application
- Officers do not know what would happen regarding the payments to Crossrail, if Crossrail were to be abandoned. This is a matter for the Mayor of London to answer

Members made comments including:

- In the past we have been told that small allocations of affordable units are not very attractive for Housing Associations to manage.
- The Developers must be confident that they can secure social housing partner to provide the affordable units
- Pleased to see 3 and 4 bedroomed property included in the affordable units

Members noted the Planning Team Leader South's comments that Officers could explore the potential for using funds collected for off-site affordable housing to deliver extra affordable units on this site (London Plan policy 3.15 (g) recommends the maximum affordable housing be delivered on individual sites having regard to the funds available to fund affordable housing) if this could be shown to represent good value to the Council.

RESOLVED

The Committee voted to GRANT Planning Permission subject to conditions and deed of variation to the S106 agreement.

#### 14 PLANNING APPEAL DECISIONS (Agenda Item 14)

RESOLVED

The Committee noted the report on Planning Appeal Decisions

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

RESOLVED

The Committee noted the Enforcement Officer's report.

## PLANNING APPLICATIONS COMMITTEE

25 April 2019

<b><u>APPLICATION NO.</u></b>	<b><u>DATE VALID</u></b>
17/P0296	17/03/2017
<b>Address/Site</b>	141 The Broadway, Wimbledon, SW19 1NE
<b>Ward</b>	Abbey
<b>Proposal:</b>	Redevelopment of site to create 20 x self-contained flats within a six storey residential block with new frontage to ground floor commercial unit
<b>Drawing Nos</b>	316-08-001 Rev A, 002 Rev C, 003 Rev C, 004 Rev C, 005 Rev C, 006 Rev C, 007 Rev C, 008 Rev C, 021 Rev D, 022 Rev D, 023 Rev D and 024 Rev D
<b>Contact Officer:</b>	Stuart Adams (0208 545 3147)

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### **RECOMMENDATION**

**GRANT Planning Permission subject S106 agreements and conditions.**

### **CHECKLIST INFORMATION.**

Heads of agreement: - Affordable Housing (no provision, but an early and late stage viability review required), Permit Free & Carbon Off-set shortfall

Is a screening opinion required: No

Is an Environmental Statement required: No

Has an Environmental Impact Assessment been submitted – No

Press notice – Yes

Site notice – Yes

Design Review Panel consulted – No

Number of neighbours consulted – 103

External consultations – No.

PTAL score – 6a

CPZ – VOs

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### 1. **INTRODUCTION**

- 1.1 The application has been brought before the Planning Application Committee for consideration in light of the number of objections received against the application and officer recommendation of grant permission

subject to conditions and S106 agreement. The application has also been called in by former Councillor, Councillor Chirico.

## **2. SITE AND SURROUNDINGS**

- 2.1 The application site comprises a three storey period building with a hipped roof on the south side of The Broadway, Wimbledon. The ground floor has been in use as a bar/restaurant (Class A3/A4) for a number of years with residential accommodation above. The building has a single storey rear extension with plant equipment accommodated on top and with an external seating area behind. The property is gated to the front with a low wall and metal railings to the public footpath and main road. Vehicular access is possible to a service area to the west flank of the building.
- 2.2 The immediate surrounding area is mixed both in use and townscape terms. Immediately to the west of the site is Ashville House (Nos 131-139 Broadway), a 1980's four storey mixed use red brick building. To the east is 151 The Broadway (CIPD building), a relatively recent 5/6 storey office development with a contemporary appearance and a distinctive curved glazed frontage with a buff brick surround. Opposite the site is Broadway House, a recent 6/7 storey residential led mixed-use development with retail at ground floor constructed in a mixture of brick, white and grey cladding and timber. To the west of the site are houses in Palmerston Road.
- 2.3 The site is not in a Conservation Area nor is the building included on the statutory or non-statutory listing.

## **3. CURRENT PROPOSAL**

- 3.1 Refurbishment of existing ground floor commercial unit, demolition of the two existing residential upper floors and replacement with 6 new floors providing 20 self-contained flats (10 x 1 bedroom and 10 x 2 bedroom flats).

### Amended Plans

- 3.2 Following advice from the Councils Design Officer, the treatment of the frontage and sides of the building has been amended. The winter gardens and balconies have been replaced with smaller external balconies and introduction of more brickwork.
- 3.3 The proposed ground floor would retain its existing use and seek to refurbish the exterior of the ground floor with a modern design approach. This would include full height glazing to the front and side and an

aluminium framing and banding above.

- 3.4 The upper level would also incorporate a modern design approach with the predominate use of a yellow stock brick, full height windows with aluminium framing, glazed balconies and a large flank certain wall.
- 3.5 In terms of the height of the proposed building, the main building frontage (floors 1 to 5) would sit below the top of the curved frontage of the adjoining CIPD building. The recessed top floor whilst projecting above the curved glass frontage of CIPD would sit below the corresponding roof level of CIPD. The recessed top floor would have a subordinate design approach, being set back from the building frontage and flanks and would use of the lightweight material.
- 3.6 The proposed flat sizes in relation to the London Plan GIA standards are as follows:

	Dwelling type (bedroom (b)/ bedspaces (p))	London Plan (sqm)	GIA (sqm)	Amenity Space (London Plan)	Amenity Space (Proposed)
Flat 1	1b2p	50	55	5	4.5
Flat 2	2b4p	70	75	7	9
Flat 3	2b4p	70	74	7	10
Flat 4	1b2p	50	54	5	5
Flat 5	1b2p	50	55	5	4.5
Flat 6	2b4p	70	75	7	9
Flat 7	2b4p	70	74	7	10
Flat 8	1b2p	50	54	5	5
Flat 9	1b2p	50	55	5	4.5
Flat 10	2b4p	70	75	7	9
Flat 11	2b4p	70	74	7	10
Flat 12	1b2p	50	54	5	5
Flat 13	1b2p	50	54	5	4.5
Flat 14	2b4p	70	75	7	9
Flat 15	1b2p	50	50	5	9
Flat 16	1b2p	50	60	5	5
Flat 17	1b2p	50	55	5	4.5
Flat 18	2b4p	70	75	7	9
Flat 19	2b3p	61	63	6	12
Flat 20	2b4p	70	74	7	29

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

- 4.1 16/P2585 - Redevelopment of site with demolition of 1st & 2nd floors levels, remodeling of retained ground floor restaurant (class a3) and erection of 6 storey building consisting of 16 residential units (7x 1 and 9 x 2 bedroom flats). (identical to previous application 14/P1008 dismissed at

appeal for lack of legal agreement relating to affordable housing) – Agreed by members of the planning committee at the September 2018 meeting. To date, the application is pending the completion of the S106 agreement.

- 4.2 14/P1008 - Demolition of first and second floors of existing building, retention of ground floor within use class A3 and erection of six storey building to provide 16 residential units – Refused at Planning Application Committee on 13/10/2015 for the following reason:

The proposed building due to its design, detailing, materials and proportions would fail to appropriately relate to the architectural forms, language, detailing and materials which complement and enhance the character of the wider setting and would therefore fail to achieve a high quality design that relates positively and appropriately to the rhythm, proportions and materials of surrounding buildings. The proposal would therefore be contrary to policies DM D2 Design considerations in all developments & DM D3 Alterations to existing buildings of Merton's Sites and Policies Plan and CS 14 (Design) of Merton's Core Planning Strategy (July 2011).

An appeal was lodged against the refusal, (Appeal Ref – APP/T5720/W/16/31430), which was dismissed by the Planning Inspector in May 2016. In reaching his decision to dismiss the appeal, the planning inspector considered that the two main issues were the effect of the proposed development on the character and appearance of the street scene and whether the proposed development makes adequate provision in respect of local infrastructure. The planning inspector considered that the proposed development would not have an unacceptable impact on the character and appearance of the street scene. However, he found that although the appellant had indicated their willingness to enter into a legal agreement, the lack of a signed and completed agreement meant the appeal proposal failed to secure appropriate financial or other contribution towards the provision of affordable housing. The scheme was therefore contrary to Policy DM H3 of the Sites and Policies Plan and Policy CS8 of the Core Strategy.

- 4.3 07/P0817 - Display of various internally illuminated signs to the building and a freestanding double sided internally illuminated sign in the forecourt – Grant - 04/05/2007.
- 4.4 02/P2477 - display of various externally illuminated signs to the building and forecourt – Grant - 09/01/2003
- 4.5 98/P1619 - Display of non-illuminated fascia signs and an externally illuminated pole sign – Grant - 23/03/1999 23/03/1999

- 4.6 98/P1072 - Erection of single storey front extension in conjunction with use of ground floor of property as restaurant/bar with alterations to roof of existing rear conservatory, provision of covered dining area with a canopy within existing rear beer garden and erection of 2.4m high gates across side passage – Grant - 20/11/1998
- 4.7 94/P0404 - Erection of a canopy above front entrance – Grant - 13/07/1994
- 4.8 94/P0403 - Installation of no.1 externally illuminated fascia sign on front elevation of premises – Grant - 13/07/1994
- 4.9 89/P0469 - Display of a double sided internally illuminated projecting box sign – Grant - 20/06/1989
- 4.10 87/P1598 - Erection of a single storey conservatory at rear of existing public house – Grant - 11/02/1988
- 4.11 MER7/70 - Single sided illuminated box sign – Grant - 19/03/1970
- 4.12 MER855/69 - Double sided illuminated sign – Grant - 27/10/1969

## 5. **CONSULTATION**

- 5.1 The application has been advertised by major site notice procedure and letters of notification to the occupiers of neighboring properties. Following receipt of amended plans, all neighboring occupiers were re-notified on the amended plans.
- 5.1.1 In response to the consultation, 11 letters of objection, including one from Wimbledon E Hillside Residents Association (WEHRA) and The Wimbledon Society have been received. The letters raise the following objections (based on the original set of plans, before they were amended):
- 5.1.2 Objection letters

### Neighbour Impact

- Severely affect natural lighting to the adjoining CIPD building and atrium which is a major design feature.
- Overlooking. Made worse by the very large floor to ceiling windows and fully glazed roof terraces. The glass to the balustrades should be frosted.
- Overshadowing
- Solar panels on the roof will harm the vista from the other side of the street.

- The ground floor use should be restricted to A1 to prevent nuisance to surrounding residents. Hours of opening should be restricted to prevent late night activity
- Construction hours should be limited to Monday to Fridays (not weekends) to prevent nuisance to surrounding residents.
- The plans have 12 balconies facing towards Palmerston Road as well as other windows doing the same. This would be a significant intrusion into gardens which at present is barely overlooked. The balconies would no doubt lead to significant increases in the level of noise in an area that is currently very quiet.
- Obscure views

### Design

- The quality of the materials and overall design are inappropriate and out of keeping.
- High quality design (compared to refused scheme) is welcomed but some concerns remain.
- The height of the building risks turning this section of The Broadway into an urban corridor comprising featureless tall buildings.
- Balconies in apartment blocks often become cluttered as they are used for storage of bicycles, BBQ's etc. A condition should be imposed in the leases which prevents owners/occupiers from doing this.
- No plant or machinery should be allowed to be installed on the roof so as to protect the vista from the other side of the street.
- There is no requirement for the site to be re-developed, especially in a way that is so out of character with the current building.
- Contribute to the further erosion of the character of The Broadway and Wimbledon, which runs the risk of becoming another corridor to concrete, steel and glass high-rise buildings, dwarfing traditional and long-standing brick built terraced houses.
- The design is too massed, coloured and bulky
- It detracts from the architectural merit of the CIPD building next door, which in turn completely loses its context and just looks ugly and dominant
- A main feature of the CIPD is the lovely glass atrium and this building would obviously steal the light necessary to make this an attractive feature.
- The 3 buildings together, The Premier Inn, CIPD and this, look awful alongside each other, too much use of green coloured panels and similar design features (grids, see below), whilst the same (ish) heights and different shapes, they need breaking up and differing, especially regarding height.
- The bulky boxes on the front are ugly and dominant with no grace at all

- The brick side of the building actually fits the frontage better than the actual frontage design as it echoes the CWD building opposite.
- The entrance level looks like a cheap domestic temporary greenhouse and has no architectural or aesthetic merit whatsoever.

#### Use

- Where possible planning conditions should be imposed to seek to retain the Made in Italy restaurant at this location in the town centre
- No family accommodation proposed
- Do we really need more commercial space?

#### Affordable Housing

- Proposal does not secure appropriate financial or other contributions towards the provision of affordable housing

#### Highways

- Huge parking issue in the area. Development should be permit free

#### Other

- Impact on already strained services, including trains
- Loss of property value

### 5.1.3 Wimbledon East Hillside Residents Association

WEHRA represents over 800 households just to the north of the town centre, and as the area grows, our community has been suffering many negative impacts. This is not acceptable to Wimbledon's Primary Stakeholders: its Residents. It is wrong to encourage developments lead ultimately to the deterioration of our neighbourhoods.

Overall, the proposed building is a big disappointment. Why doesn't Applicant doesn't heed the advice already given, as the site is an important one not just to them, but to every one of us in Wimbledon. It is next to the refreshingly delightful, award-winning CIPD building. The building works. The occupants are happy to work there. Premier Inn will be built on the western side of the CIPD, and we need something equally or even more respectful and sympathetic to the 'Building of Merit' that is the CIPD. Our concerns are:

#### Excessive Height

It appears the proposed building is a full storey taller than the CIPD next door. Concern has been raised about what real height is being proposed, and until that is resolved, the Application should be withdrawn from consideration. Why should such an ordinary proposal be allowed excessive height? We are urging the Council to build a memorable,

pleasant Street Scene for future generations, and this tall building does not fit the bill.

### Glass and Terraces

The Broadway frontage is about 80% glass, without justification for such heavy-handedness. The terraces overlooking the Broadway will - within a few months - be full of rubbish, old furniture, clothes hanging over the balcony drying, etc. We know because this design error has been approved in the past in our area, and we now all have to live with the consequences. Drying racks hanging out front all day long, broken toys and old bikes rusting, etc. It is wrong to allow flats to have clear glass terraces visible to all.

Further, it is likely these will be buy-to-let investments. Tenants are generally not be bothered about dirty glass windows, cheap, badly hung curtains, and how all that looks from the footpath. We as local residents DO CARE what our community looks like, and we don't want to see this view, when we are on the Broadway. Please remove the terraces and design a building with smaller apertures, including a distinctive design feature (see attached) that contributes

POSITIVELY to Brand Wimbledon.

### Situation on Plot

The existing restaurant projects too far forward as it stands. Any new build needs to be stepped back, and not so prominent on the footpath. Instead trees and shrubs in deep planting beds need to be added, not a bigger building. The Number One 'want' from the Wimbledon Workshops was to 'green up' the town. This is important and indeed essential. We recommend the entire building be set back, allowing room for a copse of silver birch fronting the Broadway, to mitigate the effects of heavy air pollution.

### Car Free

Car-Free is appreciated; a Section 106 Condition is required to ensure no business, resident or visitor parking permits are ever issued to Landlord, tenants or their visitors. The bikes stores appear poorly planned and located. Other developers are doing ground or ramps, with basement locked areas for bicycles. It would deter use, if cyclists must carry their bikes upstairs, to store.

### Sustainable Design

Where is the Applicant's commitment to build a BREEAM Excellent or Very Good building? We need buildings to last 100 years or more, not 20 years or so, like most others in WTC. Where are PV panels, rainwater collection, storage and re-use plans to wash the many glass windows (they will be filthy within days ...), free water to wash down the footpaths, and water trees Where are the street and frontage trees, needed to counter the serious pollution that the Broadway suffers? Where is the green screen to the rear of the property? We urge the Applicant to include swift boxes on the roof, as other developers are doing throughout the area

### Offices vs Residential

We've heard *ad nauseum* that this area is for OFFICES. We are surprised then to see this proposal for residential, situated in between two office blocks. We understand the Masterplan is nearly drafted, and surely the need for offices outweighs the need for small flats in this area. If any residences are needed, they would be smaller, more affordable family homes, not flats.

In any case, the visuals for this proposal suggest it is an office block. Can the Applicant reconsider, and return with an appropriate building for this important, Future Wimbledon site?

In sum, Wimbledon Residents are looking for Buildings of Merit. This proposal falls short on so many levels, we urge you to REFUSE PERMISSION and ask the Applicant to return with a sensitively considered proposal, or sell it on to somebody who can do it right.

#### 5.1.4 The Wimbledon Society

##### Over prominent:

The size and massing of the proposed building is too large for the site. It is not in keeping with the size and scale of the area. The proposal is too high and would create overshadowing. It is the Society's view that it should finish at level 5 i.e. the roof should be at 15800

##### Loss of privacy:

The windows and balconies and glazing in the proposed building would detrimentally affect the use of adjoining buildings and gardens.

##### Balconies:

Residential balconies overlooking the main road are inconsistent with the character of that side of The Broadway.

Parking: there is existing pressure on parking in the area and no parking provision in the proposal will increase this.

Lack of affordable housing:

Applications 14/P1008 was rejected by the Council on the basis that it failed to secure affordable housing. There appears to be no mention of affordable housing in this application so it fails to make adequate provision in terms of local infrastructure.

Inadequate residential entrance:

The entrance to the residential block is at the side is not a visually defensible' area as it is hidden from the public highway; there is a connection between the retail unit and the access to the residential block at ground level which is a security weakness.

Policy DMD2A (Sites and Policies Plan of 7/2/14) concerning design considerations in all developments, says in (a) (l) "Proposals for all development will be expected to... relate positively and appropriately to the rhythm... proportions... materials ... or surrounding buildings". The Wimbledon Society does not believe that the development relates positively to its neighbours. This application does not follow the Council's policies and so the Wimbledon Society opposes the application.

5.1.5 In response to the re-consultation - details to following for final

5.2 Transport Planning

5.2.1 No objection subject to condition and S106 agreement (permit free development)

5.3 Climate Officer

5.3.1 No objection subject to conditions and S106 agreement.

5.4 Design Officer

5.4.1 No objection (based on amended plans) subject to conditions

6. **POLICY CONTEXT**

6.1 Adopted Sites and Policies Plan (July 2014)

DM R1 Location and scale of development in Merton's town centres and neighbourhood parades

DM R5 Food and drink/leisure and entertainment uses

DM H2 Housing Mix

DM H3 Support for affordable housing

DM R5 Food and drink/leisure and entertainment uses

DM R6 Culture, arts and tourism development

DM E1 Employment areas in Merton  
DM E4 Local employment opportunities  
DM D1 Urban design and the public realm  
DM D2 Design considerations in all developments  
DM D3 Alterations and extensions to existing buildings  
DM EP2 Reducing and mitigating noise  
DM EP3 Allowable Solutions  
DM EP4 Pollutants  
DM F1 Support for flood risk management  
DM F2 Sustainable urban drainage systems (SUDS) and; wastewater and water infrastructure  
DM T1 Support for sustainable transport and active travel  
DM T2 Transport impacts of development  
DM T3 Car parking and servicing standards  
DM T4 Transport infrastructure  
DM T5 Access to the Road Network

## 6.2 Adopted Core Planning Strategy (July 2011)

CS8 Housing Choice  
CS9 Housing Provision  
CS11 Infrastructure  
CS12 Economic Development  
CS13 Open space, nature conservation, leisure and culture  
CS14 Design  
CS15 Climate Change  
CS16 Flood Risk management  
CS17 Waste Management  
CS18 Active Transport  
CS19 Public Transport  
CS20 Parking, Servicing and Delivery

## 6.3 London Plan (2016):

2.15 (Town Centres)  
3.3 (Increasing Housing Supply),  
3.4 (Optimising Housing Potential),  
3.5 (Quality and Design of Housing Developments),  
3.6 (Children and young people's play and informal; recreational facilities)  
3.8 (Housing Choice),  
3.9 (Mixed and balanced communities)  
3.10 (Definition of affordable housing)  
3.11 (Affordable housing targets)  
3.12 (Negotiating affordable housing on individual private residential and mixed use schemes)  
3.13 (Affordable housing thresholds)

- 4.1 (Developing London's economy)
  - 4.12 (Improving opportunities for all)
  - 5.1 (Climate Change Mitigation),
  - 5.2 (Minimising carbon dioxide emissions)
  - 5.3 (Sustainable Design and Construction)
  - 5.5 (Decentralised Energy Networks)
  - 5.6 (Decentralised Energy in development proposals)
  - 5.7 (Renewable energy)
  - 5.8 (Innovative energy technologies)
  - 5.9 (Overheating and cooling)
  - 5.10 (Urban greening)
  - 5.12 (Flood risk management)
  - 5.13 (Sustainable drainage)
  - 5.18 (Construction, excavation and demolition waste)
  - 5.19 (Hazardous waste)
  - 6.5 (Funding crossrail and other strategically important transport infrastructure)
  - 6.9 (Cycling)
  - 6.10 (Walking)
  - 6.13 (Parking)
  - 7.2 (An Inclusive Environment)
  - 7.3 (Designing Out Crime)
  - 7.4 (Local Character)
  - 7.5 (Public Realm)
  - 7.6 (Architecture)
  - 7.14 (Improving Air Quality)
  - 7.15 (Reducing and managing noise, improving and enhancing the acoustic environment and promoting appropriate soundscapes)
  - 8.2 (Planning obligations)
  - 8.3 (Community infrastructure Levy)
  - 8.4 (Monitoring and review)
- 6.4 Other
- National Planning Policy Framework 2018
  - National Planning Practice Guidance 2014
  - Planning and Compulsory Purchase Act – 2004
  - London Plan 2016 - Housing SPG 2016
  - Draft London Plan 2017
  - Draft Local Plan 2020
  - Merton's Viability SPD 2018
  - Homes for Londoners - Affordable Housing and Viability SPG 2017

## 7. **PLANNING CONSIDERATIONS**

7.1 The principal planning considerations relate to the principle of development, previous appeal decision and planning history, design (impact on Wimbledon Town Centre and The Broadway street scenes), standard of residential accommodation, impact upon neighbouring amenity, trees, traffic and highway considerations, affordable housing provision and sustainability.

## 7.2 Amendments

7.2.1 Following advice from the Councils Design Officer, the treatment of the frontage and sides of the building has been amended. The winter gardens and balconies have been replaced with smaller external balconies and introduction of more brickwork.

## 7.3 Principle of Development

7.3.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that when determining a planning application, regard is to be had to the development plan, and the determination shall be made in accordance with the development plan, unless material considerations indicate otherwise.

### Residential

7.3.2 The requirement for additional homes is a key priority of the London Plan which seeks to significantly increase the ten year minimum housing target across London from 322,100 to 423,887 (in the period from 2015 to 2025), and this equates to an associated increase in the annual monitoring target across London to 42,389. The minimum ten year target for Merton is 4,107, with a minimum annual monitoring target of 411 homes per year. Paragraph 58 of the 2018 NPPF emphasised the Governments objective to significantly boost the supply of homes.

7.3.3 The planning application seeks to create 20 new residential units which will make a modest contribution to meeting housing targets and provides a mix of unit sizes that will assist in the delivery of a mixed and balanced community in a sustainable location. New housing is considered to be in accordance with the objectives of the NPPF, London Plan targets, and LBM policies. The principle of residential development of the site has been agreed by the Committee in determination of the previous scheme (16/P2585) for 16 units.

### Commercial

7.3.4 The application site is located within Wimbledon Town Centre. Planning Policy (DM R1 Location and scale of development in Merton's town

centres and neighbourhood parades) states that Wimbledon is Merton's major centre and is the principal shopping destination in the borough. Attractive to residents, tourists, businesses and their staff, Wimbledon has a large variety of shops, services, cafes, restaurants, cinemas, theatres and offices. By capitalising on the Wimbledon 'brand', the Council hopes to further enhance the character and vibrancy of the area to create a sense of place and ensure that there is continual activity throughout the day and at the weekend for residents, workers and visitors whilst protecting its heritage assets. The proposal seeks to retain and enhance the ground floor restaurant, therefore creating jobs and contributing towards employment strategies and variety of choice in Wimbledon Town Centre. New housing above the ground floor commercial unit is considered to be in accordance with the objectives of the NPPF, London Plan and LBM policy.

#### **7.4 Appeal Decision & Planning History**

7.4.1 The previous appeal decision and previous scheme are a material planning consideration which should be taken into consideration when assessing the current proposal. Planning application (14/P1008) was refused by committee in May 2015 on matters relating to the design, failing to achieve a high quality design. At the appeal, the planning inspector did not share this view on design. The appeal was only dismissed on the fact that the applicant failed to provide a legal agreement with the appeal to secure affordable housing. Following the appeal decision, the applicant submitted planning application 16/P2585, an identical scheme (but with enhancements to the design and change in materials). In light of the appeal decision, committee members approved the application at the September 2018 planning committee meeting. To date, the S106 agreement relating to 16/P2585 has yet to be completed.

#### **7.5 Design**

7.5.1 The overarching principle of national and local planning policy is to promote high quality design. Planning policy DM D2 (Design considerations in all development) of Merton's Sites and Policies Plan states that amongst other considerations, that proposals will be expected to relate 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.

7.5.2 As stated above the previous appeal decision is considered to be a material planning consideration. As set out below, it is considered that the design of the proposed building is a significant improvement when

- compared to the appeal scheme. The Council therefore welcomes the improvements made by the applicant.
- 7.5.3 The proposed building would see a predominate use of brickwork, rather than render (members of the planning committee raised concerns previously about the lack of brickwork). Other materials would give the building a modern and high quality finish. Better detailing to the facades is achieved through recessed brickwork detailing, glazed balconies, full height fenestration, glazed curtain walls and the creation of three well defined vertical elements to the frontage.
- 7.5.4 Planning conditions requiring final details of materials and key detailing can ensure that these elements are high quality. The proposed ground floor treatment is also considered to be an improvement, the ground floor has been designed as an integral part of the building design, rather than as an afterthought. The proposed ground floor would satisfactorily respond with the street scene and design rationale of the floors above.
- 7.4.5 In addition to the improvements made to the aesthetics of the building, the proposed form, massing and height are considered to satisfactorily respond to the town centre location. Whilst the building would be 2.5m higher and 1.1m deeper than the previous scheme, the building would still sit below the height of adjoining CIPD building. Importantly the main section of the building, floors 1 to 6 would sit below the height of the curved frontage of CIPD and the lightweight recessed top floor would sit below the corresponding height of CIPD.
- 7.5.6 Following advice from the Councils Design Officer, the frontage of the proposed building has been brought forward. In this instance, the forward building line would not adversely compete with CIPD as it would still retain views of the distinctive frontage from both eastern and western directions along. Due to the bend in the street, this building line approach would create partial views of each building from both eastern and western directions along The Broadway. The Council took this building line approach on the recent redevelopment of the Premier Inn site to the east. The Council are keen to reinforce this approach if adjoining sites come forward for redevelopment.
- 7.5.7 In conclusion, the proposed development is considered to be a significant improvement when compared to the previous scheme and enhancements have been sought through amended plans by officers. Overall, officers consider that the proposed development responds positively and appropriately to the siting, rhythm, scale, density, proportions, height, materials and massing of surrounding buildings.
- 7.5 **Standard of Accommodation**

- 7.5.1 London Plan policies 3.5, 3.6, 3.7 & 3.8, CS policy CS 14, and SPP policies DM D1 and DM D2 seek to ensure that new residential development is of a high standard of design both internally and externally and provides accommodation capable of adaptation for an ageing population and for those with disabilities, whilst offering a mix of unit size reflective of local need.
- 7.5.2 In terms of the quality of the accommodation, the proposed flats would meet or exceed the London Plan Gross Internal Area minimum standards; each room would be capable of accommodating furniture and fittings in a suitable manner. All flats would have direct access to private amenity space (3 flats under the previous scheme had no access to private amenity space). 5 flats (all one bedroom, 2 person flats) would have a 4.5m sqm balcony, failing to meet the minimum space standards of 5 sqm. However, it must be noted that all the flats are one bedroom flats, the shortfall is minimal (only 0.5sqm) and the applicant took the advice from the Councils Design Officer to reduce the depth of the balconies on the frontage to prevent them being dominate in elevation. On balance, given the town centre location, overall quality of the accommodation and the design rationale for less deep balconies, it is not considered sufficient grounds to refuse planning permission.
- 7.5.3 Adequate refuse storage is provided within close proximity of the highway at ground floor level. The store, located to the flank of the building close to the flat entrances would be convenient and practical for future occupiers of the proposed development. Planning condition requiring more details of the store can be imposed to ensure that the store is suitable and provides sufficient provision for the flats. Each flat will have an appropriate outlook and a lift would provide disabled access for each floor.

#### Housing Mix

- 7.5.4 Planning policy DM D2 (Housing Mix) seeks to create socially mixed communities, catering for all sectors of the community by providing a choice of housing with respect to dwelling size and type in the borough. London Plan Policy 3.8, seeks to promote housing choice and seek a balance mix of unit sizes in new developments, with particular focus on affordable family homes. Family sized accommodation is taken in the London Plan and LBM policy to include any units of two bedrooms or more.
- 7.5.5 The borough level indicative proportions concerning housing mix (as set out below) will be applied having regard to relevant factors including individual site circumstances, site location, identified local needs,

economics of provision such as financial viability and other planning contributions.

*Table in Planning policy DM D2 (Housing Mix) of Merton's Sites and policies plan 2014*

Number of Bedrooms	Percentage of units
One	33%
Two	32%
Three +	35%

Proposal – 10 x 1 bedroom and 10 x 2 bedroom flats

Number of Bedrooms	Percentage of units
One	50%
Two	50%
Three +	0%

7.5.6 The proposed housing mix of the site, whilst not strictly meeting the Council percentage ratio set out in Policy DM H2 (Housing Mix), are only indicative targets. The proposed housing mix is considered to still offer a good range of housing choice with a good proportion of each unit type, including (50%) of the total offering family type accommodation (2 bedroom or more) which is welcomed.

**7.6 Neighbouring Amenity**

Ashville House, 131 – 139 The Broadway

- 7.6.1 The ground and first floor levels of this neighbouring building are in use as office accommodation. Therefore given the non-residential use of these floors there would be no undue loss of amenity.
- 7.6.2 The second and third floor levels of the building are used for residential purposes with four flats on each floor. The proposed building would not project beyond the frontage of this neighbouring property therefore there would be no undue loss of amenity to the front rooms of the flats. The four flank windows at second and third floor level serve the small kitchen areas for four of the flats. These are not the main habitable rooms and in this urban context, the relationship is considered to be acceptable.
- 7.6.3 At the rear, the proposed building would be inset away from the western side boundary which would create a buffer between the neighbouring sites to the west. In addition, massing and bulk would be reduced due to the reduction in height towards the rear, large section of lightweight curtain wall on the flank and the two top floors (top floor of lightweight materials)

being pushed further away from the flank and side boundary. It is considered that due to the town centre location, elevated position of these neighbouring flats (on second and third floors), setting away of the proposed flank wall from the site boundary, part lightweight materials and the reduction in height towards the rear of the site, it is considered that there would be no undue loss of amenity.

#### 143 – 154 The Broadway (CIPD building)

- 7.6.4 The proposed building would project parallel with the flank of this building. In addition, the CIPD building is as a wholly commercial building and therefore, there would be no undue loss of amenity. Further, the flank east elevation is broken up with a large void in the middle to allow for natural light to the ground floor garden/planting area. This reduces the visual impact of the building from side facing windows on the CIPD building.

#### 2 – 8 Palmerston Road

- 7.6.5 These neighbouring houses are located to the west and are orientated at a right angle to the application. The proposed houses are distanced at least 20.6m from the flank wall of the proposed building. The proposed building is also inset away from the site boundary. A rear car park to the rear of 2 & 4 Palmerston Road also provides a visual barrier between the application site and these neighbours. Towards the rear of the building, massing is reduced by stepping back floors 4, 5 and 6. The use of alternative materials (brick, glass and powder coating grey aluminium) on the flank elevation, combined with flank window treatment would also assist in reducing the mass of the building when viewed from these neighbouring properties.
- 7.6.6 It is acknowledged that the flank elevation does include a number of side facing windows and external rear balconies. Therefore, in order to mitigate overlooking and the sense of being overlooked, planning conditions requiring obscure glazing to the side windows serving the flats (rear part of the building) and 1.7m high side screens to the rear balconies would ensure that there would be no undue loss of the amenity.
- 7.6.7 It is considered that the proposed building would have no undue impact upon these neighbours' amenity. The proposed building would be seen in context to the larger CIPD building behind. There would be no undue loss of light or overshadowing given the siting and degree of separation.
- 7.6.8 Overall, in comparison to the previous scheme, the overall bulk and mass would not be dissimilar and would not cause material harm.

#### 10 – 26 Palmerston Road

7.6.9 10 – 26 Palmerston Road are located to the south of the application site, backing onto the rear car parking area serving the CIPD building. All the rear windows/doors are directed towards the CIPD car parking area, therefore within the proposed flats there would be limited views of the properties on Palmerston Road. Whilst there would be some overlooking from the proposed rear balconies, it has to be noted that this is a town centre location, the rear balconies are directed towards the CIPD car park, the side screens to the balconies would also discourage/partly prevent sideward views and the neighbours are well distanced away from the balconies to ensure that there would be no undue loss of amenity to justify refusal of planning permission.

## 8. **Trees**

8.1 The application site is not located within a Conservation Area and no trees on the site are protected by tree preservation orders. The two trees at the far end of the application site have limited public amenity value and are not protected so they can be removed without any permission. In any event, the proposed building would be set away from these trees which would provide a suitable level of separation for their retention.

## 9. **Traffic, Parking and Highways**

9.1 The high PTAL rating of 6a would mean that future occupants would have very good access to a number of alternative public transport options. The area is located within Wimbledon town centre which is controlled by various CPZ's and on street car parking is already very limited. Given the relative modest size of the proposal in a town centre location, it is considered that there would be no undue impact upon existing highway conditions in the vicinity. However, the site is located within a CPZ which is already oversubscribed, therefore given the very good level of public transport options within the area, the development would be required to be car parking permit free which can be controlled via a Section 106 agreement.

9.2 Secured cycle parking is provided within a bike store within the building at levels from second floor to floor six and within the existing outbuilding at the rear of the site. The cycle storage at each floor would accommodate 6 cycle spaces (30 in total) and 10 cycle spaces are shown within the existing ground floor outbuilding. The stores would be safe & secure and can be accessed via the communal corridor and lift facility or from ground floor level. The 40 cycle spaces proposed would meet London Plan requirements.

## 10. **Affordable Housing**

- 10.1.1 Planning policy CS 8 (Housing Choice) of Merton's Core Planning Strategy states that development proposals of 10 units or more require an on-site affordable housing target of 40% (60% social rented and 40% intermediate). In seeking affordable housing provision the Council will have regard to site characteristics such as site size, its suitability and economics of provision such as financial viability issues and other planning contributions.
- 10.1.2 The amount of affordable housing this site can accommodate has been subject of a viability assessment. Following extensive discussions, the Council's independent viability assessor states that the scheme cannot support any affordable housing provision. However, it is recommended that the Council applies the viability review mechanisms at early and late stages of development as outlined within the London Plan and Mayors SPG and Merton's Viability SPD.

## 11. **Sustainability**

- 11.1 Planning policy CS15 (climate Change) of Merton's adopted Core Planning Strategy (2011) seeks to tackle climate change, reduce pollution, develop low carbon economy, consume fewer resources and use them more effectively.
- 11.2 Planning Policy 5.2 of the London Plan (2016) states that development proposals should make the fullest contribution to minimising carbon dioxide emissions in accordance with the following energy hierarchy:
1. Be lean: use less energy
  2. Be clean: supply energy efficiently
  3. Be Green: use renewable energy
- 11.3 The applicant has submitted an updated energy statement. The Council's Climate Change Officer has confirmed that the development should achieve a 35 % improvement in CO2 emissions on Part L 2013. This meets the minimum sustainability requirements of Merton's Core Planning Strategy CS15 (2011) and Policy 5.2 of the London Plan (2106). A planning condition requiring evidence of compliance with CO2 reductions and water consumption can be imposed on the planning approval.
- 11.4 As the proposal is for a major residential development which was valid from 20-03-2017 a S.106 agreement for the carbon offset cash in lieu contribution will need to be finalised prior to planning approval in line with Policy 5.2 of the London Plan. Based on the carbon shortfall and offset contributions set out in the updated energy statement (20/02/2019) which has been reviewed by the Council's Climate Change Officer. In this

instance, the carbon off-set shortfall is £ 27,455.64, which would be secured within the S106 agreement.

## **12 Local Financial Considerations**

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

## **13. Sustainability and Environmental Impact Assessment Requirements**

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

## **14. CONCLUSION**

14.1 The proposed development will provide 20 new residential dwellings and retain the existing A3 unit at ground floor level. The principle of development is considered to be acceptable with a mixed use development retaining a source of employment and providing much needed new homes. The design of the development is considered to be of high quality in terms of appearance and accommodation being proposed. The proposed building would respect the context of the site and would have no undue impact upon neighbouring amenity, trees or highway considerations. The proposal is considered to be an enhancement over the previous appeal scheme and would provide an additional 4 more units over the previous scheme in a sustainable manner. The proposal is therefore considered to be in accordance with Adopted Sites and Policies Plan, Core Planning Strategy and London Plan policies. The proposal is recommended for approval subject to conditions and S106 agreements.

## **RECOMMENDATION**

### **GRANT PLANNING PERMISSION**

Subject to the completion of a Section 106 Agreement covering the following heads of terms:-

1. Designation of the development as permit-free and that onstreet parking permits would not be issued for future residents of the proposed development.
2. Affordable housing - viability review mechanisms at early and late stages of development
3. Zero Carbon shortfall – £ 27,455.64
4. The developer agreeing to meet the Councils costs of preparing, drafting and monitoring the Section 106 Obligations.

And the following conditions:

1. A1 Commencement of Development (full application)
2. A7 Approved Plans
3. B.1 Materials to be approved, including detailed plans at a scale of 1:20 of some of the typical details
4. B.4 Details of Surface Treatment
5. B.5 Details of Walls/Fences
6. B6 Levels
7. C07 Refuse & Recycling (Implementation)
8. C08 Other than the balconies/terraces as shown on the approved plans, access to the flat roof of the development hereby permitted shall be for maintenance or emergency purposes only, and the flat roof shall not be used as a roof garden, terrace, patio or similar amenity area.  
  
Reason: To safeguard the amenities and privacy of the occupiers of adjoining properties 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 Policies Plan 2014.
9. C10 The flats shall not be occupied until a scheme of details of screening of the balconies/terraces has been submitted 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 unless the scheme has been approved and implemented in its approved form and those details shall thereafter be retained for use at all times from the date of first occupation.

Reason: To safeguard the amenities and privacy of the occupiers of adjoining properties 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 Policies Plan 2014.

10. D02 Hours of Opening
11. D10 External Lighting
12. D11 Construction Times
13. F01 Landscaping/Planting Scheme including tree planting to front boundary
14. F02 Landscaping (Implementation)
15. H07 Hardstanding
16. H07 Cycle Parking to be implemented
17. H14 Garages doors/gates
18. C03 Obscured Glazing (fixed windows)
19. Construction Management Plan
20. Residential: 'No part of the development hereby approved shall be occupied until evidence has been submitted to the Local Planning Authority confirming that the development has achieved CO2 reductions of not less than a 35% improvement on Part L regulations 2013 / in accordance with those outlined in the approved plans (Energy Assessment – 20 February 2019), and wholesome water consumption rates of no greater 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.

21. Non-domestic elements: 'Unless otherwise agreed in writing by the Local Planning Authority, no part of the development hereby approved shall be used or occupied until Post Construction SBEM or BRUKL evidence demonstrating that the development has achieved not less than a 35% improvement in CO2 emissions reduction compared to Part L 2013 regulations, has been submitted to and acknowledged in writing by the Local Planning Authority.'

Reason: To ensure that the development achieves a high standard of sustainability and makes efficient use of resources and to comply 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.

### Planning 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

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:

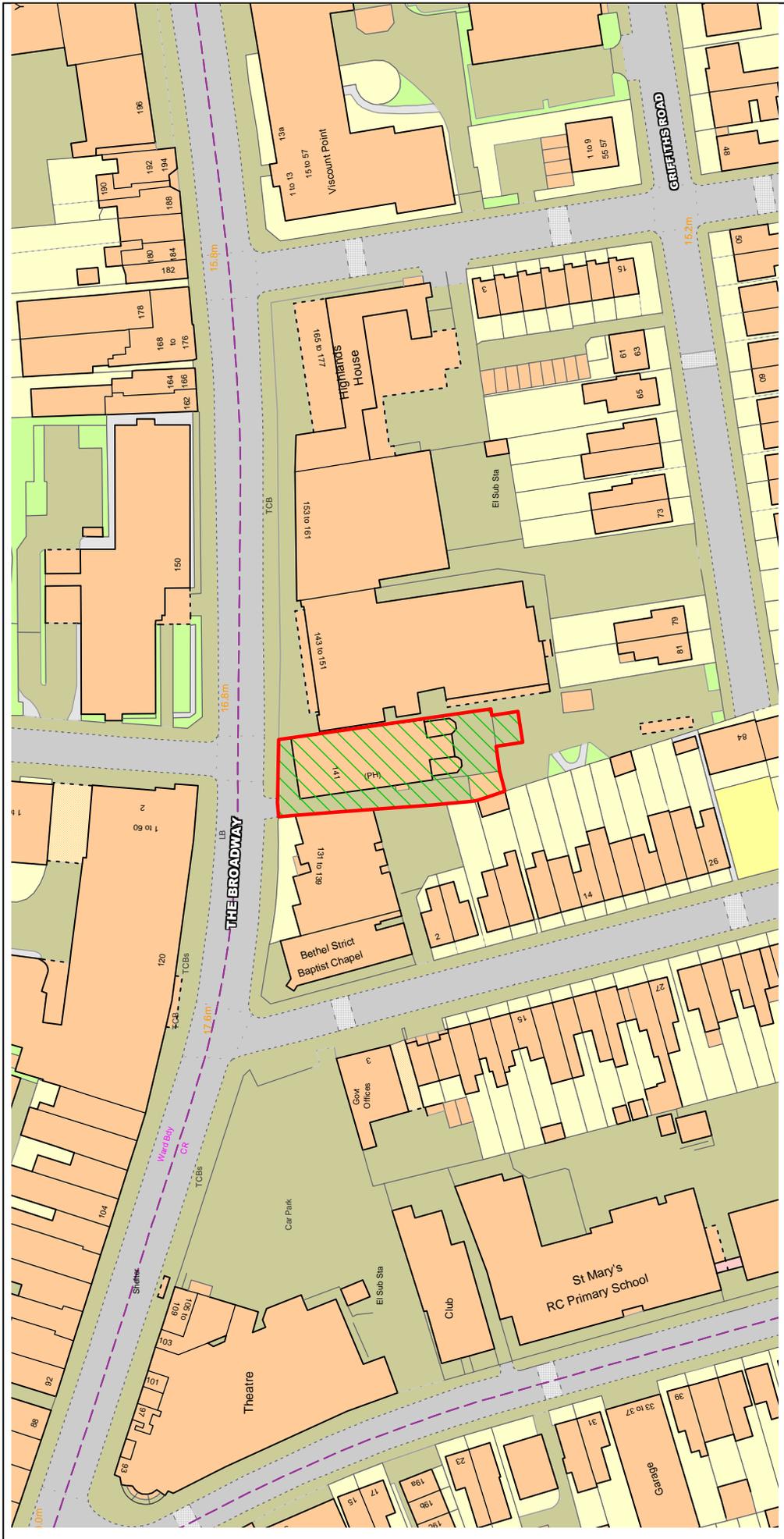
- Water Efficiency Calculator for New Dwellings; OR
  - Where different from design stage, provide revised Water Efficiency Calculator for New Dwellings and detailed documentary evidence (as listed above) representing the dwellings 'As Built'
2. Carbon emissions evidence requirements for Post Construction stage assessments must provide:
- Detailed documentary evidence confirming the Target Emission Rate (TER), Building Emission Rate (BER) and percentage improvement of BER over TER based on 'As Built' BRUKL model outputs; AND
  - A copy of the Building Regulations Output Document from the approved software. The output documents must be based on the 'as built' stage of analysis and must account for any changes to the specification during construction.
- 

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# NORTHGATE SE GIS Print Template



Text Details **141 The Broadway**

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**PLANNING APPLICATIONS COMMITTEE**  
**25<sup>th</sup> April 2019**

**APPLICATION NO.**

**DATE VALID**

19/P0693

12/02/2019

**Address/Site:** Former Atkinson Morley Hospital site, Copse Hill, Wimbledon, SW20

**Ward** Village

**Proposal:** Extension of existing play space

**Drawing Nos:** TM342-L21(A), 22(B), 23(B), 24(A), 26 (A) and 30.

**Contact Officer:** David Gardener (0208 545 3115)

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**RECOMMENDATION**

**GRANT Planning Permission Subject to Conditions**

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**CHECKLIST INFORMATION**

- Heads of agreement: None
- Is a screening opinion required: No
- Is an Environmental Statement required: No
- Has an Environmental Impact Assessment been submitted: No
- Press notice: Yes
- Site notice: Yes
- Design Review Panel consulted: Yes
- Number of neighbours consulted: 100
- External consultations: None

**1. INTRODUCTION**

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

**2. SITE AND SURROUNDINGS**

- 2.1 The application site comprises a recently built residential development which included the redevelopment and refurbishment of the former Atkinson Morley hospital. This formed part (phase 2) of a wider development which also included the redevelopment of the Firs (phase 1) and the Wolfson Neurorehabilitation Centre (phase 3). Phase 1 and 2 are complete and phase 3 is currently being

constructed. The redevelopment included the provision of an existing play space area of 101.5sqm which is located to the east side of the site.

- 2.3 The site is located on the south side of Copse Hill, Wimbledon and the whole of the site is within the Merton (Copse Hill) Conservation Area. The surrounding area is predominantly residential with residential buildings located to the north, east and west of the application site. The existing play space area as well as the part of the site earmarked for its extension is located in a wooded part of the site and is designated as Metropolitan Open Land (MOL) in the Merton Sites and Policies Plan and Policies Map July 2014. Land to the south of the site also falls within this designation.

### **3. CURRENT PROPOSAL**

- 3.1 The applicant seeks planning permission to enhance and extend the existing dedicated play space area. The proposed extension would involve extending the existing play space to the south.
- 3.2 The proposed extension would be 128.2sqm and it is proposed to offer dedicated provision for 0 – 3 year olds and 3+ year olds. The play equipment would be natural in character with the use of timber. The proposed play space would replace a proposed play space area which would have been located to the south of block D (adjacent to the north/south path) in phase 3.
- 3.3 Plans have been amended since the application was first submitted with two dedicated doorstep playable spaces (0 – 3 year olds) which will be located in the Block B courtyard of the phase 3 development now also proposed.

### **4. PLANNING HISTORY**

The following planning history is relevant:

- 4.1 11/P0346 - DEMOLITION OF EXTENSION TO FORMER HOSPITAL BUILDING, EXISTING OUTBUILDING ON SITE AND THE RESIDENTIAL ACCOMODATION AT THE FIRS. RESIDENTIAL REDEVELOPMENT, INCLUDING BOTH NEW BUILD AND THE CONVERSION AND REFURBISHMENT OF THE FORMER ATKINSON MORLEY HOSPITAL BUILDING, TO PROVIDE A TOTAL OF 79 RESIDENTIAL UNITS INCLUDING BOTH PRIVATE AND AFFORDABLE DWELLINGS, TO PROVISION OF 261M2 D2 (GYMNASIUM) USE, 144 CAR PARKING SPACE, NEW ACCESS POINTS FROM COPSE HILL, LANDSCAPING AND ASSOCIATED WORKS. RESURFACING OF EXISTING 27 CAR PARKING SPACES ADJACENT TO COTTENHAM PARK ROAD, REMODELLING OF EXISTING SPORTS PITCHES, REFURBISHMENT AND EXTENSION OF THE EXISTING SCOUT HUT, REPLACEMENT OF THE EXISTING SPORTS PAVILION WITH NEW CHANGING ROOM FACILITY, REBUILD AND RESITING OF EXISTING COTTAGE, LANDSCAPING, DRAINAGE WORKS AND OTHER ASSOCIATED WORKS. Granted - 08/12/2011

- 4.2 13/P2722 - APPLICATION FOR VARIATION OF CONDITION 2 ATTACHED TO LBM PLANNING APPLICATION 11/P0346 DATED 08/12/2011 (PREVIOUSLY AMENDED 12/P0537) RELATING TO THE REDEVELOPMENT OF THE FORMER HOSPITAL AND THE FIRS FOR RESIDENTIAL AND RECREATIONAL PURPOSES. VARIATION OF APPROVED DRAWINGS LISTED IN CONDITION 2 RESULTING IN AN INCREASE IN THE NUMBER OF RESIDENTIAL UNITS TO 102, SUBSTITUTING 8 DETACHED HOUSES TO THE SOUTH OF THE FORMER MAIN HOSPITAL BUILDING WITH 2 RESIDENTIAL BLOCKS PROVIDING A TOTAL OF 30 APARTMENTS, RELOCATION OF BASEMENT CAR PARK FROM IN FRONT OF THE FORMER HOSPITAL TO THE REAR, MINOR RECONFIGURATION OF APARTMENTS WITHIN MAIN HOSPITAL BUILDING RESULTING IN ONE ADDITIONAL UNIT AND REVISIONS TO THE LANDSCAPE MASTERPLAN INCLUDING ADDITIONAL CAR PARKING SPACES TO THE NORTH OF THE HOSPITAL. Granted - 31/03/2014

## **5. POLICY CONTEXT**

- 5.1 Adopted Sites and Policies Plan and Policies Maps (July 2014):  
DM O1 (Open space), DM O2 (Nature Conservation, Trees, hedges and landscape features), DM D2 (Design considerations in all development)
- 5.2 Adopted Core Strategy (July 2011):  
CS.13 (Open Space, nature, conservation, leisure and culture)
- 5.3 London Plan (2016):  
3.6 (Children and Young People's Play and Informal Recreation Facilities)
- 5.4 National Planning Policy Framework 2019
- 5.5 Merton's Draft Local Plan (2020)
- 5.6 Shaping Neighbourhoods: Play and Informal Recreation SPG 2012

## **6. CONSULTATION**

- 6.1 The application was originally publicised by means of a site notice and individual letters to occupiers of neighbouring properties. In response, 13 letters of objection were received on the following grounds:
- Proposed location of doorstep playspace is not appropriate and conflicts with the requirements in the NPPF due to large distance from phase 3
  - Proposed access routes are either not accessible for all residents or difficult to navigate
  - Unsafe
  - Potential impact on badgers, bats and birds due to woodland location
  - Security concerns for phase 2 residents

## 6.2 Planning Policy Officer – Child’s Play Space

The drawings provided shows further details on the two areas of play space around the public square in Phase 3. These areas will provide doorstep play space of 208sqm and will be located in a central location less than 100m walking distance from the residential units. The applicant has included details to indicate there will be seating provided around the play areas and climbable features, which are two of the examples provided in the Mayor’s Children’s Play and Informal Recreation SPG as suitable facilities for doorstep playable spaces. As long as all play areas in Phases 2 and 3 are provided with unrestricted access to all residents, the proposed play areas would be deemed suitable in accordance with the SPG.

## 7. PLANNING CONSIDERATIONS

### 7.1 Principle of Development

7.1.1 Policy 3.6 of the London Plan states that the Mayor and appropriate organisations should ensure that all children and young people have safe access to good quality, well designed, secure and stimulating play and informal recreation provision, incorporating trees and greenery wherever possible.

7.1.2 The proposed play space extension would replace the proposed play space which was to be located south of Block D in the phase 3 development. The proposed extension would be 128.2sqm and it is proposed to offer dedicated provision for 0 – 3 year olds and 3+ year olds. The play equipment would be natural in character with the use of timber. Although it would be located towards the eastern edge of the phase 2 part of the development, it is considered to be acceptable given there would be two unrestricted access routes from phase 3 to the play space extension i.e. via the acid lawn route or through the front of the phase 2 development from Copse Hill.

7.1.3 In addition to the play space extension, two areas of play space around the public square in Phase 3 will be provided. These areas will provide doorstep play space of 208sqm and will be located in a central location less than 100m walking distance from the residential units. The applicant has included details to indicate there will be seating provided around the play areas and climbable features, which are two of the examples provided in the Mayor’s Children’s Play and Informal Recreation SPG as suitable facilities for doorstep playable spaces. It is considered that a combination of all play areas proposed for Phases 2 and 3 would be deemed suitable and as such be in accordance with the Mayor’s SPG. It should also be noted that Morley Park Metropolitan Open Land sits immediately adjacent to the south of the phase 3 development and will offer good play opportunities and a large multifunctional open space providing a range of leisure and recreation opportunities for users of all ages.

### 7.2 Impact on MOL/SINC

7.2.1 Policy DM O1 states that the Council will continue to protect Metropolitan Open Land (MOL) and designated open spaces from inappropriate development. The proposed extended play space area would be located within MOL. It is considered that the proposal would comply with Policy DM O1 as play space

for children is considered to be an appropriate use within MOL. The proposed play space is also considered to be appropriately designed with bark mulch used on its surface whilst the play equipment would be natural in character through the use of timber.

- 7.2.2 Concerns have been raised following public consultation regarding the potential impact of the extended play space on nearby Badger setts. The applicant's ecology consultants have advised that the nearby 'outlier' badger sett was last surveyed in March 2016, whilst a desk-based assessment also suggests that this sett is no more active than when it was last assessed as receiving "some degree of use". It is advised that it strongly appears that this sett is not in constant use, nor would it appear to have changed its status from an outlier to a more intensively used category of sett in the intervening three years. It is considered that on the evidence submitted by the applicant and given there would be no significant excavations that the risk of disturbing badgers is low. Nevertheless, as a precautionary measure a condition will be attached requiring that the sett shall be properly surveyed by a suitably qualified badger specialist prior to works commencing on site with the findings of the survey plus any potential mitigation measures approved by the Local Planning Authority.

### **7.3 Residential Amenity**

- 7.3.1 Policy DM D2 of the Adopted Sites and Policies Plan and Policies Maps (July 2014) states that proposals for development will be required to ensure provision of appropriate levels of sunlight and daylight, quality of living conditions, amenity space and privacy, to both proposed and adjoining buildings and gardens. Development should also protect new and existing development from visual intrusion.
- 7.3.2 It is considered that the proposed play area extension would have an acceptable impact on neighbour amenity. The proposed play area extension would be located a sufficient distance from adjoining blocks within the development whilst there is high boundary treatment between the proposed play area and properties which back onto the development on Prospect Place. It is also considered that the play area would not be intensively used therefore further limiting any impact. The proposal therefore accords with policy DM D2.

## **8. ENVIRONMENTAL IMPACT ASSESSMENT**

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

## **10. CONCLUSION**

- 10.1 It is considered the principle of the proposed play space extension is acceptable, whilst its design, location and impact on the Metropolitan Open Land is also considered to be satisfactory. The proposal is considered to comply with all relevant planning policies and as such planning permission should therefore be granted.

## **RECOMMENDATION**

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

- 1) The development to which this permission relates shall be commenced not later than the expiration of 3 years from the date of this permission.

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

- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: TM342-L21(A), 22(B), 23(B), 24(A), 26 (A) and 30

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

- 3) B.3 (Materials as specified)

- 4) Prior to commencement of works a full survey of any Badger setts located within close proximity of the extended play space area shall be undertaken by a suitably qualified badger specialist with a report detailing the results of this survey including any potential mitigation measures submitted and approved by the Local Planning Authority prior to commencement of works.

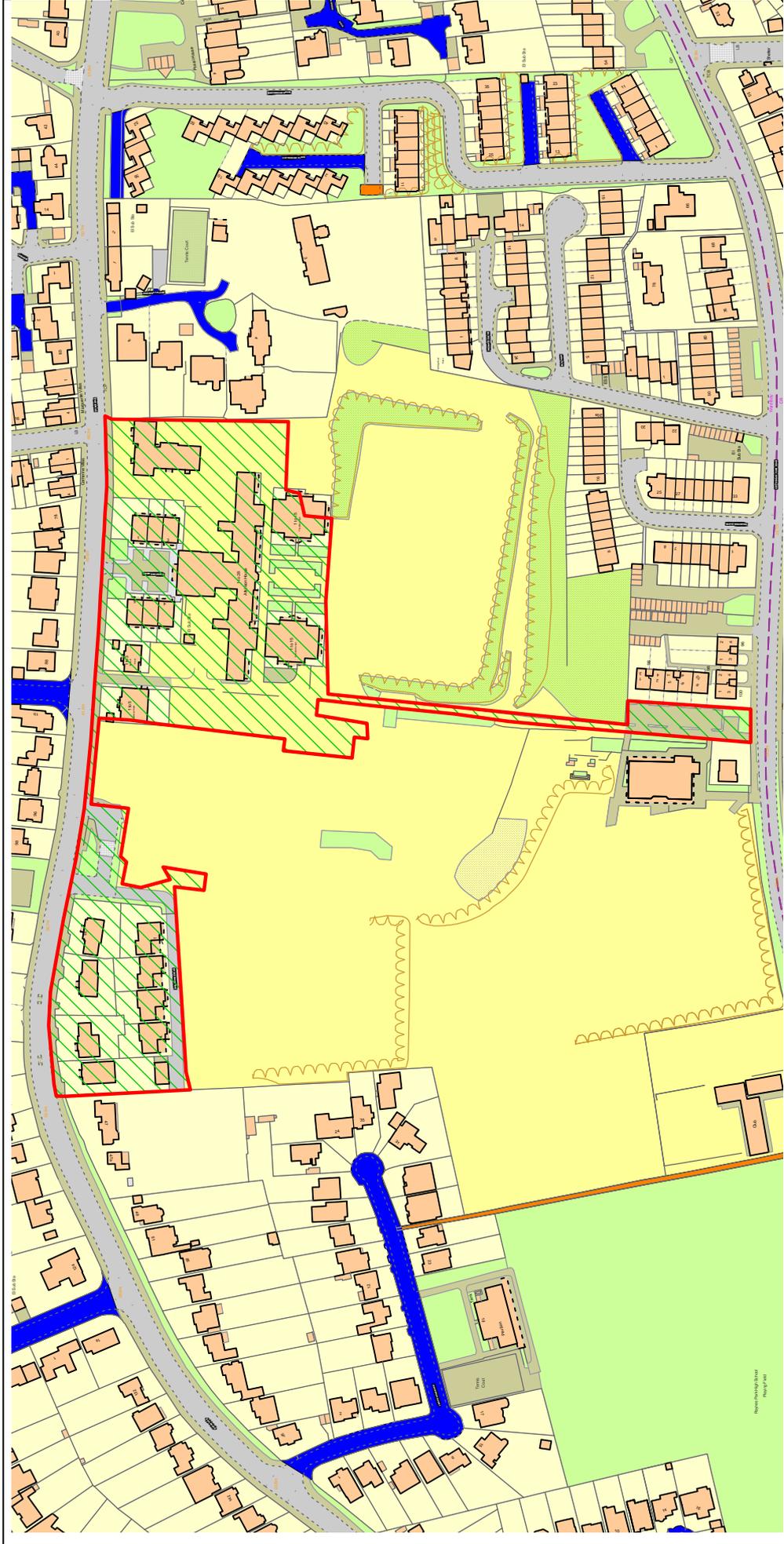
Reason: To protect a protected species in accordance with policy CS.13 of the Core Planning Strategy 2011.

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# NORTHGATE SE GIS Print Template



Text Details **Former Atkinson Morley Site**

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## PLANNING APPLICATIONS COMMITTEE

25<sup>th</sup> April 2019

**APPLICATION NO.**

**DATE VALID**

18/P4132

16/01/2019

**Address/Site**

36 Durham Road, West Wimbledon, SW20 0TW

**Ward**

Raynes Park

**Proposal:**

ERECTION OF A TWO BED DWELLINGHOUSE WITH "GREEN ROOF" AT REAR OF GARDEN INCLUDING CONSTRUCTION OF BASEMENT. ERECTION OF A TWO STOREY REAR EXTENSION TO EXISTING DWELLING, AND FIRST FLOOR SIDE EXTENSION AT THE STREET FRONT, RESULTING IN 1 X 1 BED FLAT AT GROUND FLOOR AND 1 X 2 BED FLAT AT FIRST FLOOR. SHOP AT FRONT TO BE RETAINED.

**Drawing Nos**

310 – Rev N, 210 – Rev N, 211 – Rev N, 212 – Rev N, 213 – Rev N, 214 – Rev N, 215 – Rev N, 216 – Rev N, 217 – Rev N, 218 – Rev N, 219 – Rev N, 220 – Rev N, 222 – Rev N.

**Contact Officer:**

Anna Woodward (020 8545 3112)

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**RECOMMENDATION**

**GRANT Planning Permission subject to conditions and Section 106 agreement**

**CHECKLIST INFORMATION.**

Heads of agreement: - Section 106 agreement – Parking permit free development

Is a screening opinion required: No

Is an Environmental Statement required: No

Has an Environmental Impact Assessment been submitted – No

Press notice – No

Site notice – Yes

Design Review Panel consulted – No

Number of neighbours consulted – 16

## 1. **INTRODUCTION**

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

## 2. **SITE AND SURROUNDINGS**

- 2.1 The application site comprises a two-storey semi-detached building with a shop in the ground floor and a flat above it. The rear of the site is occupied by an outbuilding which is used as office space, and a store room/workshop space in association with the shop. There is also an open lean-to to the rear of the existing main building. There is a forecourt in front of the shop for shop parking. There is a vehicle access along the south of the building which leads to a courtyard area at the rear.

The surrounding area is a mixed use environment. There are terraced dwellings and rear gardens directly to the east of the site, and a mix of uses along Durham Road.

The site is not within a designated shopping frontage or a town centre.

The site is located within a Controlled Parking Zone (RPC). It is within an area with a PTAL rating of 5.

## 3. **CURRENT PROPOSAL**

- 3.1 This application seeks planning permission for the demolition of the existing lean-to to the rear of the main building and the erection of a two storey rear extension to this. This building would then be converted into 1 x 1 bed flat at ground floor and 1 x 2 bed flat at first floor, along with the existing shop to be retained in the ground floor at the front of the building.
- 3.2 The existing porch to the front of the shop would be demolished and replaced with a solid structure with an additional depth of 0.2m. The shop front window and door would be replicated on the new front elevation.
- 3.3 It is proposed to extend the first floor to the side of the main building at the street front to adjoin 34 Durham Road. Access to the rear of the site would still be available beneath this extension.
- 3.4 It is proposed to demolish the existing buildings at the rear of the site

associated with the shop, and replace these with a new single storey two-bed dwellinghouse with a basement containing a cinema/games room, shower room and utility room.

3.5 The scheme would provide the following accommodation:

Rear two bed house: 2 bed/4 people/two storey: 139m<sup>2</sup>  
Front ground floor flat: 1 bed/2 people/single storey: 46m<sup>2</sup>  
Front first floor flat: 2 bed/4 people/single storey: 72m<sup>2</sup>

3.6 There are three different outdoor courtyards proposed for the dwellings. The ground floor front flat would have one courtyard of approximately 7m<sup>2</sup> and the rear dwelling would have two separate areas of approximately 34m<sup>2</sup> total. The first floor flat wouldn't have any outdoor space.

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

4.1 07/P3196: DEMOLITION OF OUTBUILDING, RETENTION & EXTENSION OF EXISTING FRONT BUILDING TO FORM 5 x 1 BED AND 1 x 2 BED FLATS PLUS RETAIL/GENERAL PREMISES – Permission refused 16/01/2008, Appeal dismissed 29/07/2008.

4.2 The above scheme was significantly different to the current proposal. The Council and the Appeal Inspector raised objection to a large mansard roof extension at the front and the impact of a two storey building at the back of the site on the amenities of neighbouring properties. Officers have considered this previous appeal decision in light of the current scheme and are happy that the current scheme does not conflict with this previous decision.

#### 5. **CONSULTATION**

5.1 The application has been advertised by standard site notice procedure and letters of notification to the occupiers of neighbouring properties.

5.2 In response to consultation, 9 letters of objection to the original plans were received. It is noted that two of these letters were received from the same objector. A letter was received from the Amity Grove Residents Association, and another from the Secretary of the Association. The letters raised the following concerns:

- The proposal constitutes a backland development and would set a precedent;
- The proposal represents an overdevelopment of the site that is out of character with the area's Victorian and Edwardian heritage;
- The privacy of several gardens and houses in Amity Grove will be

affected by overshadowing and overlooking;

- The flying first floor will create a terrace;
- Plans don't provide adequate provision for amenity, car or cycle parking or storage of refuse;
- With the absence of car parking on the site there should be a permit free agreement;
- Plans don't indicate how the side alley would be utilised;
- Measurements on plans inaccurate indicating bigger residential units than reality;
- Light pollution to Amity Grove gardens from rooflights;
- Concerns around the height of the rear wall (double in height) and its impact on the rear gardens of properties along Amity Grove – block view and light and overlooking impacts,
- Overlooking impacts from roof terrace proposed;
- Irregularities in the application: site area smaller than stated, the ground floor one bed flat doesn't meet the NPPF standard, the bedroom in the first floor apartment doesn't meet the minimum area for a double bedroom;
- Concerns around the safety of accessing the proposed dwellings;
- Inadequate access to sunlight/daylight for the proposed flats and their outdoor spaces as they are not north facing and are enclosed;
- Excavation of basement within enclosed site would disrupt residential amenity in the surrounding area;
- Basement and development extends to the rear of No. 38 Durham Road;
- Concerns around which properties were consulted;
- The proposed building at the rear is not subordinate to the existing;
- Concerns around the boundary wall at No. 19 Amity Grove being demolished.

5.3 It is noted that all adjoining properties were consulted on the application.

## 6. **Amended plans**

6.1 The plans were subsequently amended to remove the first floor of the rear building and reduce the size of that unit from three bedrooms to two. Two objections were received from one objector following this. This outlined the following additional points:

- Not clear on the revised plans, the height of the replaced boundary wall at No. 19 Amity Grove;
- Would also want to ensure that the proposed dwelling would have a similar exterior finish in terms of materials.

6.2 Two objections were withdrawn following further discussions between the applicant and neighbouring occupiers after the amendments were made to

the plans and the re-consultation undertaken.

6.3 The Council's Transport Planner was consulted and provided the following comments:

**“Observations:**

*The location of the property has a Public Transport Accessibility Level rating of 5, which indicates a good level of connections and accessibility to public transport for current and future occupiers.*

*The local area forms part of Controlled Parking Zone RPC. Restrictions are enforced on both sides of the carriageway at different times of the day. On the east side of Durham Road, the Parking is restricted to resident permit holders Mon- Sat between 10am- 4 pm with pay and display for 1 hour and no return within 2 hours. On the western side of Durham Road, parking is restricted to permit holders on Mon- Noon between 11am-Noon.*

*The development is to be ‘Permit Free’ in line with policy CS.20 of the Core Planning Strategy, which seek to reduce reliance on private motor vehicles in locations with good access to public transport facilities.*

*The development be designated ‘permit free’ secured through a S.106 Agreement.*

*No occupant whilst residing using and /or occupying the development shall purchase or procure the purchase of a parking permit for a residential Parking Bay within the CPZ*

**Cycle Parking:** *The proposed plans do not show cycle parking provision. The London Plan and London Housing SPG Standard 20 (Policy 6.9) states all developments should provide dedicated storage space (secure and undercover) for cycles at the following level:*

- *1 per studio and one bed dwellings;*
- *2 per all other dwellings and*
- *1 short term visitor space per 40 residential units.*

**Refuse:**

*Waste collection points should be located within 30 metres of residential units and within 20 metres of collection vehicles.*

**Recommendation:** *Raise no objection Subject to:*

- *No occupant whilst residing using and /or occupying the development shall be eligible to purchase or procure the purchase of a parking permit for a Parking Bay within the CPZ to be secured by via S106 legal agreement.*
- *Cycle parking in accordance with the London Plan should be submitted to LPA for approval before commencement of work.*

- *Demolition/Construction Logistic Plan (including a Construction Management plan in accordance with TfL guidance) should be submitted to LPA for approval before commencement of work.”*

6.4 The Councils Flooding and Drainage Engineer was consulted and provided the following comments as well as recommending conditions which have been included in the recommendation at the end of this report:

*“I have reviewed the details submitted for 36 Durham Road 18/P4132 and have the following flood risk and drainage comments.*

*The site is located in Flood zone 1 and is not shown to be at risk of surface water flooding.*

*The existing site is covered with roofs or impermeable hard surfacing. No detailed drainage strategy, including drainage design calculations and pipe layouts have been submitted to support the application.*

*The CMS does include some details on the proposed drainage and groundwater issues at the site. The proposed roof will be green roof which will provide some rainwater storage in peak rainfall events, subject to the depth of the sub-base being designed appropriately. Furthermore, we would support some areas of the ground floor layout being allocated to gardens covered with topsoil. This will serve to decrease surface water runoff rates from the site and therefore the demands on the existing sewer system.*

*The CMS states that if existing groundwater levels and soil conditions found by investigation permit, consideration will be given to resurfacing the driveway with permeable paving, further decreasing surface water runoff. We would wish to ensure that permeable paving of the driveway is secured as this can act as either a lined attenuation system or via infiltration.*

*There is a separate foul and surface water sewer network at the site, not combined as stated. Consultation is required with Thames Water and TW consent will be required, as the site appears to be over the sewer so either a build over or diversion will be required.*

*In terms of groundwater, Durham Rd, slopes down to Raynes Park. There is potential for perched groundwater to exist within the gravels indicated in the BGS data to underlie the site. Therefore it is considered that the basement may project into groundwater zone, any risk to a potential rise caused by a backwater effect behind the structure should be mitigated appropriately. The CMS states that any displacement of ground water will be so marginal as to be negligible, hence the proposed development is*

*anticipated to have no effect on the risk of ground water flooding within the site and to neighbouring properties.”*

## 7. **POLICY CONTEXT**

- 7.1 Merton Core Planning Strategy (July 2011)
  - CS.6 Wimbledon Sub-area
  - CS.8 Housing Choice
  - CS.9 Housing provision
  - CS.11 Infrastructure
  - CS.14 Design
  - CS.15 Climate change
  - CS.17 Waste management
  - CS.18 Transport
  - CS.20 Parking servicing and delivery
- 7.2 Adopted Merton Sites and Policies Plan (July 2014)
  - DM D2 Design Considerations in All Developments
  - DM D3 Alterations and extensions to existing buildings
  - DM E3 Protection of Scattered Employment Sites
  - DM T1 Support for sustainable transport and active travel
  - DM T2 Transport impacts of development
  - DM T3 Car parking and servicing standards
- 7.3 London Plan (July 2016)
  - 3.3 Increasing Housing Supply
  - 3.4 Optimising housing potential
  - 3.5 Quality and design of housing developments
  - 3.8 Housing Choice
  - 5.1 Climate change mitigation
  - 5.2 Minimising carbon dioxide emissions
  - 5.3 Sustainable design and construction
  - 5.17 Waste Capacity
  - 6.3 Assessing effects of development on transport capacity
  - 6.9 Cycling
  - 6.13 Parking
  - 7.4 Local character
  - 7.6 Architecture
- 7.4 NPPF 2019

## 8. **PLANNING CONSIDERATIONS**

- 8.1 The principle planning considerations in this case relate to the loss of some of the shop space and storage space, extensions to the main building and the conversion into two flats, and the construction of a new single storey building (with basement) at the rear of the site for a new

dwelling, impact on visual amenity, the impact on neighbour and occupier amenity as well as the provision of living accommodation to a suitable standard.

8.2 Policy DM E3 of the Council's Sites and Policies Plan aims to ensure that there is a diverse mix of size, type, tenure and location of employment facilities which can support a range of employment opportunities towards creating balanced mixed use neighbourhoods in Merton. The policy states that proposals that result in the loss of scattered employment sites will be resisted except where:

- i. the site is located in a predominantly residential area and it can be demonstrated that its operation has adversely affected the amenity of the residential area;
- ii. the site characteristics make it unsuitable and financially unviable for the whole site to be in employment use; and
- iii. where marketing of the site for employment or community use for a period of 30 months has been presented.

8.3 The surrounding area is predominantly residential with a few shops. It is considered that the loss of some of the shop floor space and the storage space at the rear for the shop will not cause harm to the operation of the shop as A1 use. It is also noted that the subject site is not located within a designated shopping area or commercial area, and therefore the size of the unit is not considered to be important in this instance. However, it will still be a functional size and shape for A1 use.

8.4 Currently Policy CS.9 within the Council's Adopted Core Strategy and policy 3.3 of the London Plan state that the Council will work with housing providers to provide a minimum of 4107 additional homes (411 new dwellings annually) between 2015 and 2025. This proposal will provide one new house and one new flat and is therefore considered to accord with these policies. There will not be a loss of an employment use from the site as the shop will remain, however it will be of a smaller size.

#### 8.5 Amendments

8.5.1 Following discussions with the applicant, the scheme was amended. The first floor on the rear dwelling was removed and therefore the wall along the rear boundary reduced in height and the dwelling reduced from three bedrooms to two.

#### 8.6 Character and appearance

- 8.6.1 London Plan policies 7.4 and 7.6, Core Strategy policy CS14 and SPP Policies DMD2 and DMD3 require well designed proposals that will respect the appearance, scale, bulk, form, proportions, materials and character of the original building and their surroundings.
- 8.6.2 The proposal introduces only a small area of additional building coverage above the existing situation. The site is mostly hardscaped currently with a small area of landscaping along the south boundary. Therefore, the overall principle of the additional area of building, and the general hardscaped character of the proposal is considered to be acceptable.
- 8.6.3 Due to its low roofline and the slight setback from the front elevation of the host dwelling, the proposed first floor side extension at the street front of the site is considered to look subordinate and sympathetic to the host building. It is particularly noted that there is no uniformity in the streetscape of Durham Road along this side of the road. The addition of this extension over the vehicle accessway and the partial enclosing of the gap between the buildings is not considered to cause harm to the streetscape or the character of the surrounding area.
- 8.6.4 The proposed ground floor extension to the front of the shop is considered to be in keeping with the existing character and scale of the host building. It will project 0.2m further forwards which will not be easily noticeable. There is an existing roof on this structure and a side wall along the boundary. Therefore, the difference will be the shopfront will be extended closer towards the road and a side wall erected. Due to these reasons and the setback of the building from the road, this will not cause harm to the streetscape.
- 8.6.5 The proposed rear extension to the main building will not be visible from Durham Road, therefore not impacting on the streetscene. It will be visible from neighbouring properties, however, it is considered that due to its flat roof design, will generally be subordinate to the host dwelling. It is also considered to generally be in keeping with the scale of development along the east side of Durham Road.
- 8.6.6 The proposed single storey dwelling at the rear of the property, due to its minimal scale, with part of it having a pitched roof similar to existing, is considered to be in keeping with the existing scale and general character of development on the site, and in the surrounding area. A green roof is proposed over part of the building which will soften the appearance from the upper floors of the buildings along Durham Road and Amity Grove. The height of this building (approximately 3.7m) ensures that the visual impact will be low.
- 8.6.7 As such, the proposed extensions and new building at the rear are considered to be in keeping with the character and scale of development

in the surrounding environment and therefore complies with SPP Policies DMD2 and DMD3.

## 8.7 Neighbouring amenity

8.7.1 SPP policy DM D2 states that proposals must be designed to ensure that they would not have an undue negative impact upon the amenity of neighbouring properties in terms of loss of light, quality of living conditions, privacy, visual intrusion and noise.

8.7.2 Impacts on properties to the north of the subject site (No. 38 Durham Road, 40 Durham Road and 46A Durham Road) will be negligible because there is an existing single storey building (of approximately 3.73m height) at the rear of the site adjoining the north boundary. The proposed wall along this boundary will be a similar height. The proposed rear two storey extensions to the main building will adjoin a single storey building at No. 40/46A Durham Road to the north. It will not result in harm to the main building on this site as there are no rear facing windows which is will enclose.

8.7.3 Due to its location on the site, the proposed two storey rear extension is not considered to cause harm to the amenity of any property. It may reduce some outlook from No. 34 Durham Road across the rear of the buildings. However, due to its setback from the south boundary and the presence of a 1.5-2 storey building adjoining it to the north, this is not considered to cause material harm. There is a window proposed on the southern side which will overlook the rear of No. 34 Durham Road. However, it will mostly be overlooking roofs, rather than outdoor amenity areas, and is therefore not considered to cause harm.

8.7.4 There is a window proposed at first floor level at the rear of the first floor rear extension which will provide some views towards the rear of the properties along Amity Grove. It is considered that as this would be set back from the windows at these properties by approximately 27m, it will not cause material harm to the privacy of these properties.

## 8.8 Standard of Accommodation

8.8.1 London Plan policies 3.3, 3.4 and 3.5, Sites and Policies Plan Policy DMD2 and Core Strategy 2011 policy CS14 all seek to ensure good quality residential accommodation with adequate space, levels of privacy, daylight and sunlight for existing and future residents, the provision of adequate amenity space and the avoidance of noise, vibration or other forms of pollution. London Plan policy 3.5 sets out the minimum Gross Internal Area requirements for new housing.

8.8.2 Table 3.3 of the London Plan (2016) requires a minimum gross internal area (GIA) of 79m<sup>2</sup> for a two bed, four person, two storey dwelling, 50m<sup>2</sup> for a single bedroom, two person, single storey dwelling and 70m<sup>2</sup> for a two bed, four person, single storey dwelling. All but one of the flats meet these requirements. The ground floor single bedroom dwelling would fall short of the 50m<sup>2</sup> required by 4m<sup>2</sup>. It is considered that this is acceptable in this instance as the flat doesn't comply by virtue of the bedroom being a double size. The plan shows the flat being laid out well with enough space for storage, furniture and circulation space. Further, the living area opens onto a courtyard of approximately 6.75m<sup>2</sup> which would add to the amenity of the flat. Officers therefore consider that reducing the bedroom size would not create a better living environment for the future occupiers.

8.8.3 The London Plan requires a minimum of 5m<sup>2</sup> of private outdoor space to be provided for 1-2 person dwellings and an extra 1m<sup>2</sup> for each additional occupant. The ground floor, one bedroom flat would exceed this with a courtyard of 6.75m<sup>2</sup> and the two bedroom dwelling at the rear would have two separate courtyards with a combined area of 36.1m<sup>2</sup>. The first floor flat wouldn't have any private outdoor space. As there is an existing flat in this location with no access to private amenity space, and there is a park (Cottenham Park) within a ten minute walk of the subject site, this arrangement is considered to be acceptable. It is not considered that Officers could reasonably recommend refusal on these grounds.

## 8.9 Landscaping

8.9.1 No protected trees or hedgerows would be removed as part of the proposed works and no objection is raised on this basis. The proposal will introduce a green roof and some small areas of landscaping on the ground. This is considered an improvement to a site which is mostly hardscaped currently.

## 8.10 Transport, parking and cycle storage

8.10.1 Core Strategy policy CS20 and London Plan policy 6.9 aim to ensure pedestrian movement and safety is not compromised by development, consideration is given to the parking requirements of a proposed development.

8.10.2 Core Strategy Policy CS 18 promotes active means of transport and the gardens of the houses provide sufficient space for the storage of cycles without the need to clutter up the front of the development with further cycle stores. Core Strategy Policy CS 20 seeks to implement traffic management by supporting permit free developments in areas where CPZ's benefit from good access to public transport. The subject site is in

an area with a PTAL rating of 5 which means it has excellent access to public transport.

8.10.3 There would not be any impact on parking or highway safety as a result of the proposed works as the applicant has agreed to enter into a legal agreement which prohibits the occupants of the proposed additional two units (the 2-bed unit dwellinghouse and the additional flat) from obtaining parking permits. As such, it is not considered that the proposal would unduly impact upon parking pressure in the area.

8.10.4 Table 6.3 of the London Plan (2016) requires one cycle parking space for the single bedroom unit and two cycle parking spaces for the other two units. The proposed development therefore requires secure storage for 5 cycles. No cycle parking has been indicated on the plans. As such, a condition is recommended requiring details of this to be approved by LBM and implemented prior to occupation.

#### 8.11 Refuse storage and collection

8.11.1 Policy 5.17 of the London Plan and policy CS 17 of the Core Strategy require adequate refuse storage. There is a small bin store indicated on the plans. This does not conform to the Councils refuse storage requirements. As such, it is recommended that a condition is included on the permission requiring details of refuse storage to be provided and approved by LBM and implemented prior to occupation.

#### 8.12 Basement

8.12.1 SPP Policy DMD2(b) and (c) set out the requirements for basements.  
7.6.1 The basement will not cause harm to any heritage assets. It will be underneath an area where there is currently a building and will therefore not be under a garden. There are two open voids proposed to provide light to the basement. However, these will not cause harm to the character or amenity of the site and surrounding area, due to the locations of the lightwells within the site. It will not cause harm to any trees. A Construction Method Statement was submitted with the application which has been reviewed by the Councils drainage and flooding engineer, and is discussed further below. As such, it is considered that subject to appropriate conditions requiring further details of the basement scheme for approval, the proposal will meet SPP Policy DMD2(b).

#### 8.13 Drainage and Flooding

8.13.1 The Council's flooding and drainage engineer has reviewed the proposal in terms of drainage and flooding issues. As mentioned above, the Construction Method Statement provided by the applicant includes some details on the proposed drainage and groundwater issues at the site. The green roof proposed will provide some rainwater storage in peak rainfall events, subject to the depth of the sub-base being designed appropriately. Further, the proposed gardens should be laid with topsoil to decrease surface water runoff rates and demands on the sewer system. A condition is recommended requiring that the driveway is resurfaced with permeable paving to further decrease surface runoff. The permeable paving of the driveway can act as either a lined attenuation system or via infiltration.

8.13.2 There is a separate foul and surface water sewer network at the site, not combined as stated. Consultation is required with Thames Water and their consent will be required, as the site appears to be over the sewer. Either a build over or diversion will be required.

8.13.3 In terms of groundwater, Durham Road, slopes down to Raynes Park. There is potential for perched groundwater to exist under the site. Therefore it is considered that the basement may project into groundwater zone. Any risk to a potential rise caused by a backwater effect behind the structure should be mitigated appropriately. The Construction Method Statement submitted with the application states that any displacement of ground water will be so marginal as to be negligible, hence the proposed development is anticipated to have no effect on the risk of ground water flooding within the site and to neighbouring properties. A condition is recommended requiring a final scheme to reduce the potential impact of groundwater ingress both to and from the proposed development for approval by LBM.

#### 8.14 Sustainable design and construction

8.14.1 London Plan policy 5.3 and CS policy CS15 seek to ensure the highest standards of sustainability are achieved for developments which includes minimising carbon dioxide emissions, maximising recycling, sourcing materials with a low carbon footprint, ensuring urban greening and minimising the usage of resources such as water.

8.14.2 As per CS policy CS15, minor residential developments are required to achieve a 19% improvement on Part L of the Building Regulations 2013 and water consumption should not exceed 105 litres/person/day. It is therefore recommended to include a condition which will require evidence to be submitted that a policy compliant scheme has been delivered prior to occupation.

#### 9. CONCLUSION

- 9.1 It is considered that due to the proposed scale, design and positioning of the new building at the rear of the property, the two storey rear extension to the front building, the side extension at first floor level, and the ground floor front extension, it would not harm the amenities of neighbouring residents or the character and appearance of the surrounding area.
- 9.2 The development would provide good quality living accommodation for future occupants. The proposal would not have a detrimental impact on highway safety or parking pressure, subject to a section 106 agreement restricting occupants from obtaining parking permits. The proposal would result in two additional residential units and increased density in line with planning policy. The proposal would accord with the relevant National, Strategic and Local Planning policies and guidance and approval could reasonably be granted in this case. It is not considered that there are any other material considerations, which would warrant a refusal of the application.
- 9.3 Accordingly, it is recommended that planning permission be granted subject to the planning conditions and planning obligations set out below.

### **RECOMMENDATION**

Grant planning permission subject to the completion of a Section 106 Agreement for permit free development and the following planning conditions:

1. A.1 Commencement of Development
2. A7 Approved Plans
3. B3 External Materials as Specified
4. C01 No Permitted Development (Extensions) – New building at the rear
5. C02 No Permitted Development (Windows and Doors) – New building at the rear
6. C06 Refuse and Recycling (Details to be submitted)
7. C08 No Use of Flat Roof
8. D11 Construction times
9. H6 Cycle Parking (Details to be submitted)
10. Sustainability  
No part of the development hereby approved shall be occupied until

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

Reason:

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

11. No development approved by this permission shall be commenced until a detailed scheme for the provision of surface and foul water drainage has been implemented in accordance with details that have been submitted to and approved in writing by the local planning authority. The drainage scheme will dispose of surface water by means of a sustainable drainage system (SuDS) at the agreed runoff rate (no more than 2l/s), in accordance with drainage hierarchy contained within the London Plan Policy (5.12, 5.13 and SPG) and the advice contained within the National SuDS Standards.

Reason: 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.

12. 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 drainage and any groundwater will be managed during and post construction, based on site specific ground investigation and groundwater monitoring results via a standpipe.

Reason: 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.

13. 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: To ensure the risk of groundwater 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 policies, DM D2 and DM F2 of Merton's Sites and Polices Plan 2014.

14. Prior to the commencement of development, the detailed design and specification for the permeable paving and green roofs shall be submitted to and approved in writing by the Local Planning Authority. The design shall be carried out as approved, retained and maintained in perpetuity thereafter.

Reason: 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.

#### INFORMATIVES:

##### INF01 - Part Walls Act

INF02 - 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 or divert or build over a sewer, the prior written approval from Thames Water Developer Services will be required (contact no. 0845 850 2777).

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.

INF03 - Carbon emissions evidence requirements for Post Construction stage assessments must provide:

- a. Detailed documentary evidence confirming the Target Emission Rate (TER), Dwelling Emission Rate (DER) and compliance with the 19% improvement of DER over TER based on 'As Built' SAP 10 outputs (i.e. dated outputs with accredited energy assessor name; registration number, assessment status, plot number and development address); OR, where applicable:

- b. A copy of revised/final calculations as detailed in the assessment methodology based on 'As Built' SAP 10 outputs; AND
- c. Confirmation of Fabric Energy Efficiency (FEE) performance where SAP 10 section 16 allowances (i.e. CO2 emissions associated with appliances and cooking, and site-wide electricity generation technologies) have been included in the calculation

Water efficiency evidence requirements for post construction stage assessments must provide:

- a. Documentary evidence representing the dwellings 'As Built'; detailing:
- b. the type of appliances/ fittings that use water in the dwelling (including any specific water reduction equipment with the capacity / flow rate of equipment);
- c. the size and details of any rainwater and grey-water collection systems provided for use in the dwelling; AND:
- d. Water Efficiency Calculator for New Dwellings; OR
- e. 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'.

#### INF04 - Water pressure

Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

#### INF05 - Surface Water

Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should you require further information please refer to their website

[https://urldefense.proofpoint.com/v2/url?u=https-3A\\_developers.thameswater.co.uk\\_Developing-2Da-2Dlarge-2Dsite\\_Apply-2Dand-2Dpay-2Dfor-2Dservices\\_Wastewater-2Dservices&d=DwlFAw&c=HmJinpA0me9MkKQ19xEDwK7irBsCvGfF6AWwfMZqono&r=HVy2BaAHoy75Et42R7vHqVgBJr4jmCMnquJWjP-jOUE&m=z5ruUnEuYGiMo-r6qDhPLAc-1ufnPDjl6Q8yGbLofBA&s=2naDqgHu9QnPbgNRAOTE3NMcsB5z3tSrrCOhAffJR40&e=](https://urldefense.proofpoint.com/v2/url?u=https-3A_developers.thameswater.co.uk_Developing-2Da-2Dlarge-2Dsite_Apply-2Dand-2Dpay-2Dfor-2Dservices_Wastewater-2Dservices&d=DwlFAw&c=HmJinpA0me9MkKQ19xEDwK7irBsCvGfF6AWwfMZqono&r=HVy2BaAHoy75Et42R7vHqVgBJr4jmCMnquJWjP-jOUE&m=z5ruUnEuYGiMo-r6qDhPLAc-1ufnPDjl6Q8yGbLofBA&s=2naDqgHu9QnPbgNRAOTE3NMcsB5z3tSrrCOhAffJR40&e=)

#### INF06 - Waste Water

Thames Water requests that the Applicant should incorporate within their proposal, protection to the property by installing a positive pumped device (or equivalent reflecting technological advances) to avoid the risk of backflow at a later date, on the assumption that the sewerage network may surcharge to ground level during storm conditions. Fitting only a non-return valve could result in flooding to the property should there be prolonged surcharge in the public

sewer. If as part of the basement development there is a proposal to discharge ground water to the public network, this would require a Groundwater Risk Management Permit from Thames Water. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing [wwqriskmanagement@thameswater.co.uk](mailto:wwqriskmanagement@thameswater.co.uk). Application forms should be completed on line via [www.thameswater.co.uk/wastewaterquality](http://www.thameswater.co.uk/wastewaterquality)

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

Please note these web pages may be slow to load

# NORTHGATE SE GIS Print Template



Text Details **36 Durham Road**

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PLANNING APPLICATIONS COMMITTEE  
21<sup>st</sup> March 2019

<u>UPRN</u>	<u>APPLICATION NO.</u>	<u>Item No:</u> <u>DATE VALID</u>
	18/P4361	21/11/18
<b>Address/Site</b>	Wellington Works, Wellington Road, Wimbledon Park	
<b>Ward</b>	Wimbledon Park	
<b>Proposal:</b>	Single storey side extension to existing building to provide additional workshop space.	
<b>Drawing Nos</b>	00_0000, 00_1200, 02_2200, 04_2200.	
<b>Contact Officer:</b>	Anna Woodward (020 8545 3112)	

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## **RECOMMENDATION**

**GRANT Planning Permission subject to conditions and Section 106 agreement**

## **CHECKLIST INFORMATION**

Heads of agreement: - S106 agreement for permit free development  
Is a screening option required: No  
Is an Environmental Statement required: No  
Has an Environmental Impact Assessment been submitted – No  
Press notice – No  
Site notice – Yes  
Design Review Panel consulted – No  
Number of neighbours consulted – 38  
External consultations – Yes, Environment Agency  
PTAL Score – 4  
Flood Zone – 2  
Environmental Designations - WVRP Durnsford Recreation Ground 19, WVRP 400m Buffer Bangwyn Crescent, Durnsford Wetland SINC MeBII16, Wimbledon Park Green Corridor GC19, beside Durnsford Road Recreation Ground Open Space M010.  
CPZ – Yes, P3 – Restrictions in place Mon-Fri 9:30 – 16:30

1. **INTRODUCTION**

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

2. **SITE AND SURROUNDINGS**

- 2.1 The application site comprises a row of single storey industrial units which provide open plan workshop/storage space. The site is located to the east of Wellington Road which borders the east and south of Durnsford Road Recreation Ground. The surrounding area is occupied by various Industrial uses. The property adjoins the rail way line to the east and the Rufus Business Centre to the north. To the north-west of the site lies the residential road Dawlish Avenue.
- 2.2 There is an existing communications mast to the north of the building.
- 2.3 The site has access from both Wellington Road and Dawlish Avenue. However, the main access into the site for both vehicles and pedestrians is from Wellington Road.
- 2.4 There is room for approximately two cars to park at the north end of the site and three cars and one service vehicle at the south end of the site.
- 2.5 The site is located within an area with a PTAL rating of 4 which means there is average access to public transport. It is also within a Controlled Parking Zone (P3) with restrictions in place between 9:30am - 4:30pm Mon-Fri.

3. **CURRENT PROPOSAL**

- 3.1 The application seeks planning permission for a single storey extension to the north elevation of the existing building. The extension would provide an additional 82m<sup>2</sup> of floor space to the existing light industrial building. The existing communication mast would be removed to make way for the extension. It is also proposed to replace the existing hard surface on the site with new permeable paving.
- 3.2 It is proposed that servicing and refuse collection will take place as per the current arrangement. Service vehicles currently travel along Wellington

Road, through the Wellington Works industrial estate and turn in front of the southern end of the building. The replacement of the hard surfaces will mean that a service vehicle can travel to the northern end of the site and leave in a forward gear via Dawlish Avenue. Emergency vehicles could also move through the site from either access.

- 3.3 The application includes one additional Blue Badge parking space to the northern end of the proposed extension. The existing parking area at the southern end of the site will remain unchanged which will allow all vehicles to enter and leave the site in a forwards gear.
- 3.4 Two secure and covered cycle parking spaces for staff would be provided on the site.

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

- 4.1 The following is the relevant site history:

18/P1429: DEMOLITION OF INDUSTRIAL WORKSHOPS AND TELECOM TOWER AND ERECTION OF A PART 2, PART 4 STOREY BLOCK COMPRISING 307M2 OF FLEXIBLE B1 USE AT GROUND FLOOR AND 22 SELF-CONTAINED FLATS ABOVE WITH ROOF TERRACES, ASSOCIATED PARKING AND ENHANCED PEDESTRIAN/VEHICLE ACCESS FROM DAWLISH AVENUE (SIMILAR TO 17/P1400 BUT WITH UPDATED INFORMATION, INCLUDING FIRE STRATEGY AND TRANSPORT ASSESSMENT) – Yet to be determined.

18/P1163: CONVERSION OF COMMUNAL TOILETS AT COMMERCIAL SITE INTO WORKSPACE/ OFFICE – Permission granted subject to conditions 26/04/18;

17/P1400: DEMOLITION OF INDUSTRIAL WORKSHOPS AND TELECOM TOWER AND ERECTION OF A FOUR STOREY BLOCK COMPRISING 307m2 OF FLEXIBLE B1 USE AT GROUND FLOOR AND 24 SELF-CONTAINED FLATS ABOVE WITH ROOF TERRACE, ASSOCIATED PARKING AND ENHANCED PEDESTRIAN/VEHICLE ACCESS FROM DAWLISH AVENUE – Permission refused - Appeal Dismissed 13-08-2018;

17/P3060: PRIOR NOTIFICATION FOR PROPOSED DEMOLITION OF INDUSTRIAL WORKSHOPS – Prior Approval not required 11/09/17;

16/P2003: DEMOLITION OF EXISTING INDUSTRIAL WORKSHOP BUILDINGS AND TELECOMMUNICATIONS TOWER AND ERECTION OF 6 X THREE BEDROOM LIVE WORK UNITS WITH ASSOCIATED PARKING – Permission refused 12/07/16;

MER917/73(D): DETAILED APPLICATION FOR ERECTION OF BUILDING FOR LIGHT INDUSTRIAL USE AND TOILETS Application granted 01/11/1973;

MER917/73(O): OUTLINE APPLICATION FOR ERECTION OF BUILDING FOR LIGHT INDUSTRIAL USE AND TOILETS – Permission granted subject to conditions 01/11/1973;

WIM234: ERECTION OF OFFICES AND STORE SHED - Permission granted subject to conditions 16/05/1949;

WIM4768: ERECTION OF TWO STOREY BUILDING THE FIRST FLOOR BEING FOR OFFICE PURPOSES AND GROUND FLOOR AS A TOOL ROOM AND PROVISION FOR FORTY PARKING SPACES - Permission granted subject to conditions 09/02/1960;

WIM5760: DEMOLITION OF DILAPIDATED BUILDING AND ERECTION OF A SINGLE STOREY OFFICE BLOCK – Permission granted subject to conditions 11/07/1961.

## 5. **CONSULTATION**

5.1 The application has been advertised by standard site notice procedure and letters of notification to the occupiers of neighbouring and nearby properties.

5.2 In response to consultation, 23 letters of objection were received. The letters raised the following concerns:

- Access from Dawlish Avenue to the site is inappropriate as it is a cul-de-sac for residents and commercial traffic would create a dangerous environment for children in the area;
- The Dawlish Avenue access is inadequate being a narrow gravel drive which borders people's property, for some their front door;
- Increased commercial traffic and traffic in general means increased danger to the school and children using the park;
- Lack of provision of parking space onsite. Wellington Road is overpopulated with cars, lorries, vans, making it difficult for normal car household use. If there was an accident it would be difficult for emergency services to get through;
- Dawlish Avenue is also at capacity for parking;
- The car parking and cycle parking space should be relocated to the Wellington Road end of the plot;
- The turning circle in Wellington Works is tight in that deliveries are resulting in the knocking down of lampposts and railings. Previous

traffic calming and safety measures previously installed on Wellington Road have proven ineffective;

- Air pollution issues beside the school;
- Access to the site is via Wellington Works which is dangerous for both pedestrians and cyclists due to the single lane and absence of lighting;
- LBM Planning Officers should consider planning application 18/P4361 and should make a detailed site inspection;
- The access via Wellington Works is regularly blocked by commercial vehicles servicing the other units creating a hazard for pedestrians and blocking access for emergency vehicles;
- The Transport Statement states that priority should be given to people with restricted mobility and protected vulnerable road users. However, this wouldn't be possible given the nature of the site and surroundings;
- Given the nature of commercial activity in the adjacent Wellington Works industrial estate combined with the residential community and primary school, an increase in commercial traffic along Wellington Road should be actively avoided not encouraged;
- LBM have an obligation to prioritise existing communities over the financial goals of Goldcrest Land;
- Several issues in the surrounding area exacerbate the issue: Wimbledon Park First School expansion; Expansion of before and after school and holiday activities at the School and the Recreation Ground; expansion of plumbers merchants on Durnsford Road;
- The 'access' road seems to be used by the existing industrial business operations as the site is too narrow and small;
- Existing operation has noisy activity at unsociable hours;
- The 20mph speed limit is routinely ignored by vehicles going to the estate increasing danger in the area;
- Vehicles arrive at the site early in the morning waking up surrounding residents;
- Impacts on safeguarding of land for CrossRail 2;
- As per the previous case at the site which was appealed (17/P1400), any increase in traffic via Dawlish Avenue access isn't safe and having the parking space at the Dawlish Avenue end will likely increase this;
- Approving this case will form a precedent for future cases;
- There should be traffic monitoring to confirm the issues in the area;
- Existing use involves spraying of dangerous chemicals in the road which must breach health and safety. The Council should look into how contaminated waste is being disposed of;
- The possibility of access through the Rufus Business Centre should be considered;

An additional 12 letters of objection were received following a re-consultation to include the resurfacing of the site in the description. Three of these were from people who had previously objected. These outlined the following additional

matters:

- Application description doesn't accurately represent the proposed activity as it should include the new access to Dawlish Avenue which was not used previously.

The Environment Agency was consulted on the application due to its location within Flood Zone 2. It was requested that a condition be imposed requiring the floor level to be set no lower than 9.42m above Ordnance Datum (mAOD), to reduce the risk of flooding to the development and occupants.

The Councils Transport Planner was consulted on the application and provided the following comments:

*“Observations: The proposed development would involve an extension to the existing light industrial building to provide an additional 82sqm of floor space. The existing building comprises an industrial unit (B1c Use Class, 556sqm) which is approximately 71 metres long and 7.15 metres wide.*

*Access: The main access into the industrial estate for both vehicles and pedestrians to the site is from Wellington Road via an access road.*

*Wellington Road which runs from north to south connecting with Havana Road and Durnsford Road (A218) to the north. Wellington Road is a single carriageway road with footways on both sides.*

*An existing secondary vehicular/pedestrian access to the site is located at the far northern end of the site connecting with Dawlish Avenue.*

*Dawlish Avenue is a single carriageway road with footways on both sides. The road is subject to a 30mph speed limit and is lit accordingly.*

*Controlled Parking Zones: The local area forms part of Controlled Parking Zone P3 Monday to Friday between 9:30 am and 4.30 pm restricting parking for permit holders only between those times.*

*Car Parking: Parking is not currently marked on site, however, there is space for approximately 3 cars and 1 service vehicle to park at the southern end of the site. The site is in an area with a PTAL 4, which is good and well located for many services. The site is therefore suitable for car free development subject to the provision of 1 disabled parking space.*

*The applicant is willing to enter into a Unilateral Undertaking which would restrict future occupiers from obtaining an on-street residential parking permit to park in the surrounding controlled parking zones.*

*The proposal identifies one disabled parking space in accordance with the*

*London Plan.*

*Cycle parking: The proposal identifies two cycle spaces which satisfies the London Plan cycle parking standards.*

*Traffic Generation: The proposed use is predicted to generate just 1 additional vehicular movement during the evening peak hour due to the proposed extension to the industrial unit.*

*Therefore the impact on the proposed extension unit on the surrounding highway network would be minimal.*

*Refuse and servicing: All servicing, including private refuse collection (using an 8m vehicle) currently takes place on-site. Service vehicles travel along Wellington Road through the industrial estate and turn in front of the building.*

*Recommendation: The proposal is unlikely to have a significant impact on the surrounding highway network.*

*Raise no objection subject to:*

- *Permit free option would be acceptable subject to the applicant enters into a Unilateral Undertaking which would restrict future occupiers of the units from obtaining an on-street residential parking permit to park in the surrounding controlled parking zones to be secured by via S106 legal agreement.*
- *Condition requiring cycle parking (secure & undercover)*
- *Condition requiring Refuse collection.*
- *Service management plan to minimise the impact of service vehicles.*
- *Construction management plan.”*

*The Councils Drainage and Flooding Engineer was consulted on the application and provided the following comments along with recommended conditions which have been included at the end of this report:*

*“I have reviewed the FRA for the proposed extension to the workspace at Wellington Works under application number 18/P4361.*

*The FRA and drainage strategy is compliant with planning policy, namely the London Plan 5.13, Design and Construction SPD and Merton’s policies DM F1 an F2.*

*Finished floor levels of the proposed extension will be raised above the 1 in 100 year plus 35% climate change flood level. I note that the Environment Agency may have requested a planning condition to secure the finished floor level heights.*

*Users of the building will have a route of safe access and egress from the site during a 1 in 100 year plus 25% and 35% climate change fluvial flood event which should be maintained in perpetuity.*

*An unclassified drainage ditch (an ordinary watercourse) and culvert is present to the north and west of the site. As part of the wider redevelopment of the site, a potential blockage encountered immediately upstream of the site will ultimately be cleared by the applicant and this work should be secured through an appropriate planning agreement.*

*In terms of surface water drainage, extensive permeable paving has been proposed and it has been demonstrated that this will provide sufficient storage to reduce surface water runoff rates from the site to the lowest practical minimum runoff rate of 1 litre / second during a 1 in 100 year plus 40% climate change event. A total attenuation volume of 105.8m<sup>3</sup> will be required to achieve a reduction in run-off rates to 1 litre / second. The proposed development includes the incorporation of 996m<sup>2</sup> of permeable paving. Assuming a 400mm thickness and 30% void ratio, the proposed area of permeable will have the potential to provide 119.52m<sup>3</sup> of attenuation (996 x 0.4 x 0.3)."*

The Councils Environmental Health Officer was consulted on the application and provided the following comments:

*"Further to your consultation in relation to the above planning application, given that the site is already B1 use, I have no objections or observations concerning this application."*

The Councils Planning Policy Officer was consulted and provided the following comments:

*"The applicant has provided a Preliminary Ecological Appraisal (PEA) report dated January 2019. The report refers to the original Phase 1 Habitat Survey of the site (October 2016), while also providing details of a verification walkover study that was undertaken in October 2018 to revalidate the results of the previous study.*

*Given that the submitted application is not proposing to demolish any existing buildings, or remove any trees, the methodology and report provided are considered suitable.*

*The recommendations and mitigation measures outlined on pages 14 – 17 of the PEA (January 2019) should be included as part of any decision notice for approval, to ensure the protection of birds, badgers, bats and other flora and fauna on and around the site (specifically paragraphs 4.7, 4.9, 4.10, 4.16, 4.22 and 4.23).*

*Should you be minded to recommend approval, I would recommend that these be added as a suitably worded condition to ensure that mitigation measures are undertaken to protect and enhance biodiversity and minimise any effects on ecology and nature conservation in accordance with Policies CS13, DM01 and DM02.”*

The Councils Open Space Tree Officer was consulted and did not provide comment.

## 6. **POLICY CONTEXT**

### 6.1 London Plan (July 2016)

7.4 – Local Character

7.6 – Architecture

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

CS12 – Economic Development

CS13 – Open space, nature conservation, leisure and culture

CS14 – Design

CS15 – Climate Change

CS16 – Flood Risk Management

CS18 – Active Transport

CS19 – Public Transport

CS20 – Parking, Servicing and Delivery

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

DM E1 – Employment areas in Merton

DM O1 – Open Space

DM O2 – Nature conservation, trees, hedges and landscape features

DM D2 – Design considerations in all developments

DM D3 – Alterations and extensions to existing buildings

DM F1 – Support for flood risk management

DM T1 – Support for sustainable transport and active travel

DM T2 – Transport impacts of development

DM T3 – Car parking and servicing standards

## 7. **PLANNING CONSIDERATIONS**

7.1 The planning considerations for an extension to an existing building relate to the impact of the proposal on the character and appearance of the host building/site along with the surrounding area, the impact upon neighbouring amenity, the impact on highways and parking, the impact on flood risk and the impact on ecology/trees.

### 7.2 Principle

The application site is within an existing Industrial Estate known as Wellington Works. The application site is however not classified within the Councils Sites and Policies Plan (2014) as a designated employment site. The application site is therefore classified as a scattered employment site as classified under planning policy DM E3 (Protection of scattered employment sites). These sites are protected, and there must be justification for their loss to other uses. As such, the principle of the extension of the existing building in this scattered employment site is acceptable and in line with Policy DM E3.

### 7.3 Character and appearance

7.3.1 London Plan policies 7.4 and 7.6, Core Strategy policy CS14 and SPP Policies DMD2 and DMD3 require well designed proposals that will respect the appearance, scale, bulk, form, proportions, materials and character of the original building and their surroundings.

7.3.2 The proposed extension will be visible from the Rufus Business Centre, the back corner of the Durnsford Road Recreation Ground and from the railway line. It will only be partially visible at a long distance, from the cul de sac of Dawlish Avenue. It is considered that due to its single storey scale, and light industrial character which is in keeping with the existing building, it will have minimal impacts on the character of the host building and surrounding area. It will project on the same building line and ridge height from the host building, and will therefore not obviously appear as an extension.

7.3.3 The existing hardscaped surface would be replaced with a permeable paving to allow for better drainage. It is considered that on a commercial site, with limited views into the site from surrounding properties, this change will not cause harm in terms of character and appearance.

7.3.4 Overall, visually the proposal is considered to be of an appropriate design and scale, in compliance with policies of the local plan.

### 7.4 Neighbouring amenity

7.4.1 SPP policy DM D2 states that proposals must be designed to ensure that they would not have an undue negative impact upon the amenity of neighbouring properties in terms of loss of light, quality of living conditions, privacy, visual intrusion and noise.

7.4.2 Due to the single storey scale of the proposed extension, its location on the site, and the locality of the site with no directly adjoining residential neighbours, it is considered that it will not cause harm to any property in terms of amenity. The extension is the same height as the existing

building and would project on the same building line, therefore blending in with the existing development in terms of visual amenity. It will be setback from the boundary with the Rufus Business Centre to the north by approximately 10m, therefore not causing harm to the amenity of this property.

7.4.3 The proposal includes the resurfacing of the hard surfaces on the site, including the existing access route from Dawlish Avenue. The existing access lane is surfaced with loose gravel. This type of surface already generates some noise generation when in use by a vehicle. The proposed new permeable surface would be a fixed surface and it's likely noise generation with use of vehicles would not likely lead to an increase in noise and disturbance and neighbouring occupiers. Highways and parking impacts are considered further in the report. Overall, the proposal is not considered to cause harm to neighbouring amenity.

## 7.5 Transport, parking and highways

7.5.1 As discussed in the proposal description, the main access to the site would be from Wellington Road as per existing, with a secondary vehicular/pedestrian access from Dawlish Avenue. The application site has a right of access to both access points (Wellington Road and to Dawlish Avenue). The subject site is located within a Controlled Parking Zone (P3) with restrictions in place 9:30am - 4:30pm Mon-Fri, and within an area with a PTAL rating of 4 which means there is average to good access to public transport. Parking is not currently marked on the site, however there is space for approximately three cars and one service vehicle to park at the southern end. There are also parking spaces (circa 1 or 2) at the north end of the site which would be lost by the proposal.

7.5.2 The proposal identifies the provision of one disabled parking space at the north end of the site and two cycle parking spaces which satisfies the London Plan standards for an extension of this size. The existing three parking spaces and service vehicle spaces at the south end would remain. It is recommended that this be secured by condition of consent.

7.5.3 The proposed use is predicted to generate one additional vehicle movement during the peak hour, and no additional movements during other times, over and above the lawful use of the existing building. The impact on the surrounding highway network is therefore considered to be minimal.

7.5.4 The Councils Transport Planner has confirmed that the proposed extension of the existing use would be acceptable subject to the applicant entering into a Unilateral Undertaking to restrict future occupiers from obtaining on-street parking permits to park in the surrounding controlled

parking zones. This is due to the extension building over existing parking spaces, and the additional floor area provided. Further, the proposal would generate some additional employment generation, which could impact on parking stress in the surrounding roads.

- 7.5.5 Servicing including private refuse collection (using an 8m vehicle) currently takes place on site. Service vehicles travel along Wellington Road through the industrial estate and turn in front of the building. Due to the minimal extent of the extension proposed the existing situation is acceptable in regards to servicing and refuse collection. The proposal would allow for a refuse vehicle to enter the site from Wellington Road and leave via the Dawlish Avenue access route. Given the likely frequency of the refuse collection, it is not considered it would have a harmful effect on the surrounding highway network.

## 7.6 Ecological Impacts

- 7.6.1 Due to the location of the subject site, within and adjacent to various ecological designations, a Preliminary Ecological Appraisal was submitted during the course of the application. The report refers to the original Phase 1 Habitat Survey of the site, which was carried out in October 2016 for a previous scheme. It also provides details of a verification walkover study that was undertaken in October 2018 to revalidate the results of the previous study. As the proposed development doesn't include any demolition, or the removal of trees, the methodology and report provided are suitable. The report includes recommendations and mitigation measures to ensure the protection of birds, badgers, bats and other flora and fauna on and around the site. A condition is recommended which requires that these measures are implemented prior to the commencement of construction and throughout its duration, as confirmed by the Councils Planning Policy Officer.

## 7.7 Flooding

- 7.7.1 As the subject site is located within Flood Zone 2, the Councils Flooding and Drainage Engineer reviewed the proposal and the Flood Risk Assessment provided. It was confirmed that the floor levels of the extension would be raised above the 1 in 100 year flood level, plus the 35% climate change fluvial flood event. Users of the building would have a route of safe access and egress from the site during a 1 in 100 year event and the 25% and 35% climate change fluvial flood event. The Environment Agency have recommended a condition to secure the finished floor level above the flood level.
- 7.7.2 In terms of surface water drainage, extensive permeable paving has been proposed and it has been demonstrated that this will provide sufficient

storage to reduce surface water runoff rates from the site to the lowest practical minimum runoff rate of 1 litre / second during a 1 in 100 year plus 40% climate change event.

7.7.3 As such, the proposal is supported from a flooding and drainage perspective and conditions are recommended which require that the detailed scheme for the provision of surface and foul water drainage is implemented in accordance with the details provided. A condition is also recommended which requires detailed design and specification for permeable paving and surface water attenuation to be submitted to the LPA for approval prior to commencement. Further, it has been agreed between the Council's Flood Risk Engineer and the applicant that a culvert adjacent to the access road from Dawlish Avenue will be cleared. This is to be secured through a planning condition.

## 7.8 Trees

7.8.1 The proposed resurfacing of the site is within proximity to trees along Durnsford Road Recreation Ground. No objection has been made by Open Space Tree Officers to the proposed resurfacing of the site. The trees remain in Council control and will thereby remain unaffected by the proposal.

## 7.9 Other Matters

7.9.1 Officers have carefully considered the objections raised.

7.9.2 The planning history is a material considered and officers have assessed the recent appeal decision. The appeal scheme was for a significantly different form of development to that currently proposed. The appeal was dismissed on poor and unsafe access grounds for future occupiers, whom were largely residential.

7.9.3 The current proposal would provide an increase in floorspace to the existing lawful B1 use. The proposed access arrangements would be suitable for the existing B1 use and therefore Officers raise no objection on access and safety grounds.

## 8. **CONCLUSION**

8.1 The proposed extension to the existing industrial unit, by virtue of its form, design and materials would be in keeping with the character of the site and the surrounding area and will not cause harm to neighbouring amenity. The proposed extension will not have undue impacts upon trees, flooding or ecology. Transport impacts are considered to be acceptable subject to a section 106 agreement for permit free development.

Therefore, the proposal would comply with London Plan policies 7.4 and 7.6, Core Strategy policy CS14 and SPP Policies DMD2 and DMD3.

It is therefore recommended to grant planning permission.

### **RECOMMENDATION**

Grant planning permission subject to the completion of a Section 106 Agreement for permit free development and the following planning conditions:

1. A.1 Commencement of Development
2. A7 Approved Plans
3. B3 External Materials as Specified
4. D11 Construction times
5. H07 Cycle parking to be implemented
6. H13 Construction Logistics Plan to be Submitted
7. The mitigation measures set out in the Preliminary Ecological Appraisal by RPS, dated January 2019 shall be implemented prior to the commencement of works and maintained throughout works.
8. The finished ground floor level must be set no lower than 9.42 metres above Ordnance Datum (mAOD).
9. No development approved by this permission shall be commenced until a detailed scheme for the provision of surface and foul water drainage has been implemented in accordance with details that have been submitted to and approved in writing by the local planning authority and in consultation with Thames Water. The drainage scheme will dispose of surface water by means of a sustainable drainage system (SuDS) at the restricted rate of no more than 1l/s in accordance with drainage hierarchy contained within the London Plan Policy (5.12, 5.13 and SPG) and the advice contained within the National SuDS Standards.

Reason: 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.

10. Prior to the commencement of development, the detailed design and specification for the permeable paving and surface water attenuation shall be

submitted to and approved in writing by the Local Planning Authority. The design shall be carried out as approved, retained and maintained in perpetuity thereafter.

Reason: 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.

Informative 1:

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).

Informative 2:

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.

Informative 3:

INF 14: Demo of buildings and tree felling.

Informative 4:

If the drain on the subject site becomes blocked, it is the responsibility of the applicant to unblock it promptly.

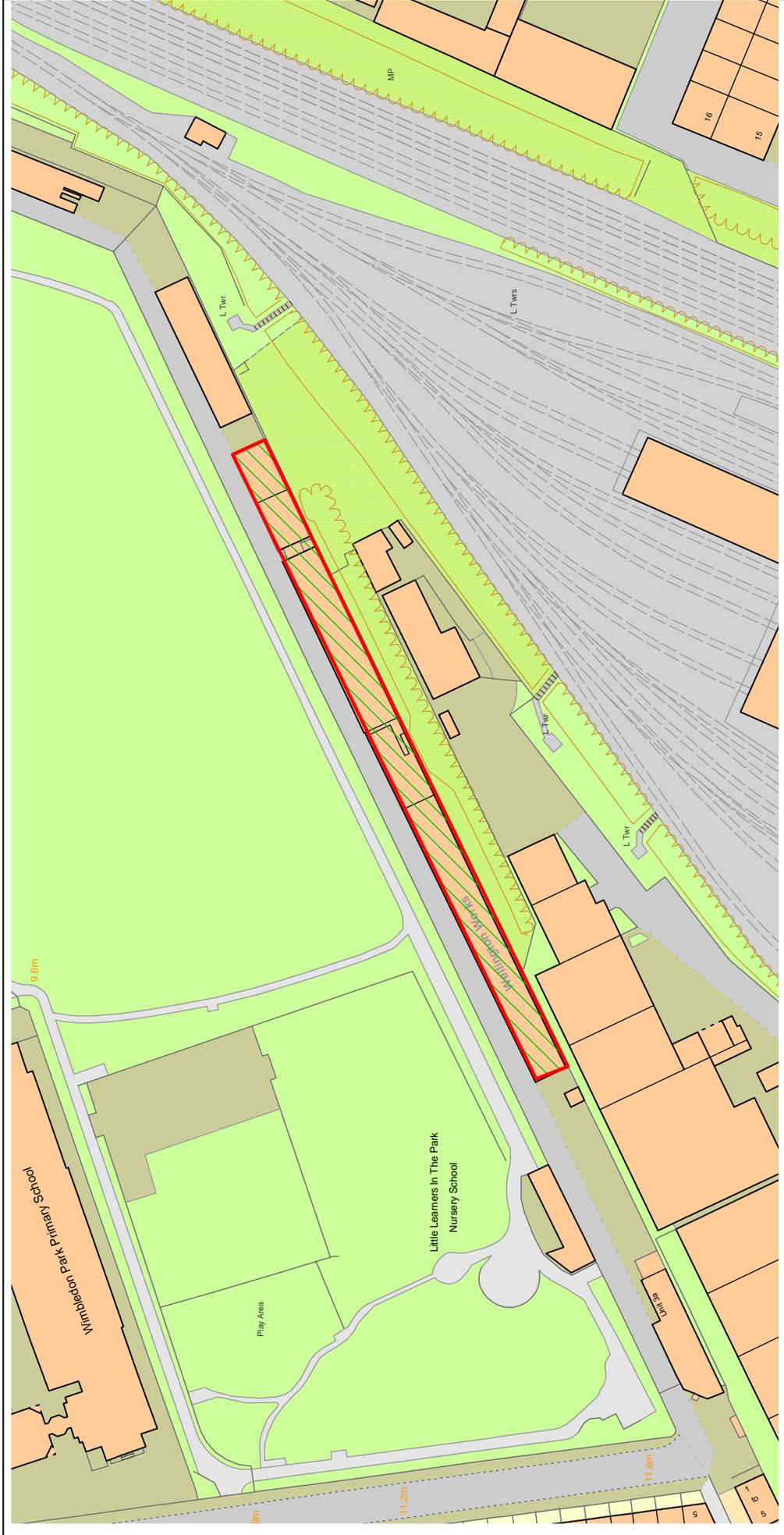
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[Click here](#) for full plans and documents related to this application.

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# NORTHGATE SE GIS Print Template



Text Details **Wellington Works**

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## PLANNING APPLICATIONS COMMITTEE

25 April 2019

**APPLICATION NO.**

**DATE VALID**

19/P0219 and 19/P0220 16/01/19

**Address/Site**

West Lodge, 4 West Side Common, Wimbledon, SW19 4TN

**Ward**

Village

**Proposal:**

LISTED BUILDING CONSENT AND PLANNING PERMISSION FOR THE ERECTION OF A SINGLE STOREY REAR EXTENSION/GARDEN ROOM AND EXCAVATION OF BASEMENT LEVEL SWIMMING POOL BENEATH REAR GARDEN WITH ACCESS VIA GARDEN ROOM; ERECTION OF A DORMER WINDOW TO REAR ROOF SLOPE; ERECTION OF A DETACHED TWO STOREY DOUBLE GARAGE WITH GUEST ROOM AND ACCESS FROM CHESTER ROAD; AND REALIGNMENT OF ENTRANCE GATES OFF WESTSIDE AND INSTALLATION OF RAILINGS TO FRONT BOUNDARY WALL (ALONG WESTSIDE). DEMOLITION OF EXISTING GARAGE.

**Drawing Nos:**

P01, P04 – Rev C, P05 – Rev C, P06 – Rev A, P07 – Rev A, P08 – Rev C, P10 – Rev A, PK02.

**Contact Officer:**

Anna Woodward (020 8545 3112)

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**RECOMMENDATION**

**GRANT Listed Building Consent subject to conditions**

**GRANT Planning Permission subject to conditions**

**CHECKLIST INFORMATION.**

Heads of agreement: - Nil

Is a screening opinion required: No

Is an Environmental Statement required: No

Has an Environmental Impact Assessment been submitted – No

Press notice – Yes

Site notice – Yes  
Design Review Panel consulted – No  
Number of neighbours consulted – 4  
External consultations – Historic England  
PTAL Score – 0  
CPZ – VSW  
Archaeological Priority Zone – Yes, Tier 2

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## 1. **INTRODUCTION**

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

## 2. **SITE AND SURROUNDINGS**

2.1 The application site comprises a large two storey (with loft space) detached dwelling located at the corner of West Side Common and Chester Road. There is a detached garage located on the south side of the site. Vehicle access is from both West Side Common (into a garage) and Chester Road. There are large brick walls surrounding the site.

2.2 The east of the site is bordered by a large grassed common area between the site and West Side Common.

2.3 There are several large trees on the site.

2.4 The dwelling is Grade II statutorily listed (entry list no. 1193969).

2.5 The site is located within the Merton (Wimbledon West) Conservation Area. The site is also located within the Tier 2, Cannizaro Park Archaeological Priority Zone.

## 3. **CURRENT PROPOSAL**

3.1 This application seeks listed building consent and planning permission for the demolition of the side lean-to at the rear and the erection of a single storey rear extension. The extension would be 5.2m wide and would project 9m from the existing rear wall, on the north side of the building.

3.2 The proposal also includes the excavation of a basement in the rear garden to be accessed via the proposed rear extension. The basement would contain a swimming pool, gym, WC, storage space, plant and lower garage.

3.3 A new detached double garage is proposed in the north west corner of the

site. This would also have a guest room in the roof space, and would provide access to the basement beneath.

- 3.4 A new vehicle crossover is proposed on Chester Road to provide access to the garage, and the kerb would be reinstated where there is an existing crossover closer to the intersection.
- 3.5 New railings are proposed to be installed to the wall along Westside.
- 3.6 The vehicle access from Westside Common is proposed to be moved along from the side boundary, and a new gate installed. The application does not involve the formation of a new vehicle access from West Side, over common land, to the site.
- 3.7 It is proposed to demolish the existing detached garage in the south west corner of the site.
- 3.8 A new dormer is proposed to be erected on the rear roofslope of the dwelling.
- 3.9 An outdoor fire place and patio is proposed on the north side of the site.
- 3.10 Minor internal works are also proposed to the dwelling.

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

The following applications are the relevant site history:

97/P1131: INCREASE IN HEIGHT OF SIDE BOUNDARY WALL FACING CHESTER ROAD – Permission granted subject to conditions 28/11/1997.

95/P1144: DEMOLITION OF EXISTING SINGLE STOREY KITCHEN AND ERECTION OF TWO STOREY EXTENSION AND CONSERVATORY – Permission granted subject to conditions 27/09/1996;

93/P0113: ERECTION OF KITCHEN EXTENSION ENLARGEMENT OF DORMER WINDOW AND ALTERATIONS TO ELEVATIONS – Permission granted subject to conditions 11/07/1993.

#### 5. **CONSULTATION**

- 5.1 Public consultation was undertaken by way of site and press notice and by post sent to neighbouring properties.
- 5.2 In response to consultation for the planning permission and listed building consent, 18 letters of objection were received to each (Listed Building and

Planning Permission). The letters raised the following concerns:

#### *Traffic/Highways*

- Lack of information provided at the outset of the application;
- Loss of parking in CPZ not justified. Parking is at a premium particularly during the weekends and during the week at drop off/pick up times;
- Concerns regarding visibility splays from the proposed garage, and a pinch point where exiting the garage;
- Proposal would alter traffic flows in Chester Road;
- The site already has access onto Westside Common and therefore doesn't need an additional access onto Chester Road.

#### *Heritage/Character*

- The proposed garage and part demolition of the existing boundary wall will adversely affect the Conservation Area;
- Proposed works will alter the appearance of the site from Chester Road and will permanently impact the character of the area;
- Proposal sets an adverse precedent in the area;
- Basement beneath historic garden will irreversibly impact the environment;
- Proposed rear extension will be visible from the street above the boundary wall and will cause harm to the view of the property;
- The garden room extension should not result in the removal of part of the original building;
- The relationship of the garden room extension to the rear bay window is unfortunate with the extension obstructing it;
- The design of the proposed garage doesn't relate to the host dwelling;
- The proposed dormer design on the garage is awkward and results in a boxy roof form. The proposed staircase would be visible from the street and is considered inappropriate to the site;
- The proposed garden room, garage and outdoor fire place will result in the northern boundary being dominated by built form;
- The proposed basement extends partially under the listed building;
- Insufficient detail relating to foundation design in terms of the wall and building;
- No public benefits have been provided by the applicant, and the development would cause material harm to the interests of the public;
- No justification for the substantial loss of trees and no details of planting provided;
- Loss of the trees will harm public amenity.

#### *Residential amenity*

- Residential quarters on top of the garage will overlook No. 2A Chester Road, particularly from the outdoor staircase;
- Windows at the rear of the proposed garage will overlook No. 2A

Chester Road.

*Procedural Matters*

- The application includes the provision of a new access over Council land, therefore Certificate B should be signed;
- The realignment of the accessway across the Wimbledon Common requires permission from the Conservators;
- Concern that property 50m away from the subject site was not consulted.

*Other*

- Concerns around the relocation of the street light and BT box.

5.3 Historic England were consulted on the application and gave their authorisation to LBM to approve the works if it see fit.

5.4 The Council's Conservation Officer was consulted and provided the following comments:

*"The plans have been amended to address the issues I raised.*

*The underground pool and basement has been moved away from the Listed Building in line with our Basement Policy and Guidance. The changes to the existing basement under the house have been minimise. The concerns regarding the position of the new garage and its impact on the street scene has been addressed by moving the garage away from the boundary in line with the neighbouring garage. The removal of the existing garage of no architectural merit on the other side of the garden is of benefit.*

*Internally the changes that are proposed are mainly to remove modern interventions when the house was divided into three separate dwellings. Other changes proposed will have little impact on the original fabric of the building.*

*Reinstatement of railings on top the wall on the front boundary will be an enhancement."*

5.5 The Council's Transport Planner was consulted and provided the following comments:

*"In order to create the proposed cross over the applicant would require:*

1. *Relocate one parking bay to the location of the existing crossing. The existing crossing will need to be reinstated to full width.*
2. *Relocate lamp column and telecommunication box to a new location. (contact relevant authorities for costs).*

3. *To raise a Traffic Regulation Order for the relocation of the parking bay. (approximate cost £3,600)*

*Informative: It is Council's policy for the Council's contractor to construct new vehicular access. The applicant should contact Council's Highway Team on: 0208 545 3829 prior to any work starting to arrange for this works to be done.*

*Recommendation: Subject to above I raise no objection for the proposed dropped kerb."*

- 5.6 The Councils Drainage and Flooding Engineer was consulted in relation to the basement and provided the following comments as well as recommending conditions which have been included in the final recommendation at the end of this report:

*"A site investigation was undertaken by Structa LLP between 8th and 21st August 2018. Groundwater was encountered at depths of 4.0m and 4.5m bgl during the intrusive investigation. During the subsequent monitoring programme, groundwater was recorded at depths of between 3.47m and 3.65m bgl. It should be noted, that groundwater levels will vary due to seasonal fluctuation.*

*In terms of proposed drainage, the infiltration rates are however considered adequate to provide permeable gravel construction for the new drive. The structural additions proposed will result in an increase in impermeable area in the region of 75m<sup>2</sup> and subsequent increase in surface water run-off. Therefore, to mitigate this it is proposed to attenuate flows for all storms up to and including the 1in100 year event + 40% allowance for climate change to 5.0l/sec."*

- 5.7 The Councils Structural Engineer was consulted in relation to the basement and provided the following comments in addition to the recommendation of a condition which has been included in the recommendation at the end of this report:

*"I have now reviewed the submitted CMS, SI Report and the supplementary drawings. These documents demonstrate that the proposed basement can be built safely without adversely affecting the surrounding natural and built environment."*

- 5.8 The Councils Tree Officer was consulted and provided the following comment in addition to the conditions included in the recommendation at the end of this report:

*"No arboricultural objection is seen to the proposed development provided*

*the trees are to be retained during the course of works.”*

## 6. **POLICY CONTEXT**

- 6.1 London Plan (July 2016)
  - 5.13 - Sustainable Drainage
  - 7.4 - Local Character
  - 7.6 – Architecture
  - 7.8 – Heritage and Architecture
- 6.2 Adopted Merton Sites and Policies Plan (July 2014)
  - DM D1 - Urban design and the public realm
  - DM D2 - Design Considerations in All Developments
  - DM D3 - Alterations and extensions to existing buildings
  - DM D4 - Managing heritage assets
  - DM F2 - Sustainable urban drainage systems (SuDS) and; Wastewater and Water Infrastructure
  - DM O2 - Nature Conservation, Trees, hedges and landscape features
  - DM T2 - Transport impacts of development
  - DM T3 - Car parking and servicing standards
  - DM T4 - Transport infrastructure
  - DM T5 - Access to the Road Network
- 6.3 Merton Core Planning Strategy (July 2011)
  - CS.13 - Open space, nature conservation, leisure and culture
  - CS.14 - Design
  - CS.15 - Climate Change
  - CS.16 - Flood Risk Management
  - CS.20 - Parking, Servicing and Delivery
- 6.4 NPPF (2019)
- 6.5 The Planning (Listed Buildings and Conservation Areas) Act 1990

## 7. **PLANNING CONSIDERATIONS**

- 7.1 The planning considerations for the proposal relate to the impact of the proposal on the character and appearance of the listed building along with the surrounding area including the Conservation Area, the impact upon neighbour amenity, impact on highways and parking, impact on trees and basement provision.
- 7.2 Paragraph 192 of the NPPF outlines that, in determining applications, local planning authorities should take account of:
  - a) the desirability of sustaining and enhancing the significance of

heritage assets and putting them to viable uses consistent with their conservation;

- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- c) the desirability of new development making a positive contribution to local character and distinctiveness.

### 7.3 Amendments

- 7.3.1 Following discussions with the applicant, the scheme was amended. The basement was relocated further away from the original building, the garage was adjusted to align with the neighbouring garage and the outdoor fire place was reduced in height.

### 7.4 Character, appearance and heritage

- 7.4.1 London Plan policies 7.4 and 7.6, Core Strategy policy CS14 and SPP Policies DMD2 and DMD3 require well designed proposals that will respect the appearance, scale, bulk, form, proportions, materials and character of the original building and their surroundings.

- 7.4.2 Policy DM D4 states that proposals affecting a heritage asset should conserve and enhance the significance of the asset as well as its surroundings. Policy DM D2 states that listed buildings are recognised for their exceptional heritage value and once a listed building is severely damaged, that historical connection is lost forever. Basements under a listed building are not acceptable whilst basements beneath the garden of a listed building are not permitted except on larger sites where the harm to the buildings structure or setting and the basement is substantially separate from the listed building, and the acceptability of such schemes will be assessed on a case by case basis.

- 7.4.3 The Planning (Listed Buildings and Conservation Areas) Act 1990 sets out at section 66 that in considering whether to grant planning permission [or permission in principle] for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

- 7.4.4 Sites and policies Plan policy DMD4 requires:
  - b) All development proposals associated with the boroughs heritage assets or their setting will be expected to demonstrate, within a Heritage Statement, how the proposal conserves and where appropriate enhances the significance of the asset in terms of its individual architectural or historic interest which it possesses.

- 7.4.5 The Wimbledon West Conservation Area Appraisal notes that West Lodge was built in 1894 during the Domestic Revival Manner. It also states that it is the tallest building on West Side and therefore makes a substantial contribution to the vista of West Side from the Common.
- 7.4.6 Due to its design and location, the proposed single store rear extension is considered to be subordinate to the host dwelling, and generally sympathetic to the existing building fabric. It would have a flat roof and large glass sliding doors at the rear. From Chester Road it would appear as a brick wall of approximately 1.45m height above the existing boundary wall and 8.45m depth. It would project from below the existing pitched roof of the single storey part of the dwelling, therefore leaving this characterful pitched roof fully intact. The pitched roof with the circular window facing Chester Road is a key visual element from this street which will remain.
- 7.4.7 The demolition of the existing garage is considered to be acceptable as it isn't considered to be of any particular architectural merit as confirmed by the Council's Conservation Officer. It is set back from the front boundary by 30m and from West Side Common by 50m. As such, it is not considered that it has a strong impact on the character of the streetscape or surrounding area and its demolition is not considered to cause harm to the Conservation Area or the setting of the Listed Building.
- 7.4.8 The proposed garage, due to its design and positioning on the site to be in line with the garage at No. 2A Chester Road, and 11m away from the listed building, is not considered to cause harm to the character of the subject site, the setting of the Listed Building or the streetscape of Chester Road. It has a traditional roof form and the scale is subordinate to the Listed building on the site. Materials would also match the host dwelling. It would be higher than the outbuildings at No. 2A, however, it is considered in the context of the scale of the host dwelling, and the varied streetscape it is in keeping with the character. The proposal is therefore considered to preserve the character of the Conservation Area.
- 7.4.9 To allow for the creation of the vehicle access towards the west side of the site, part of the boundary wall along the Chester Road frontage would be removed. It is considered that this will not cause harm to the appearance of the site, or the streetscape of Chester Road as it is at the western corner of the site, away from the Listed building and the common.
- 7.4.10 The proposed dormer to the rear roofline of the dwelling is considered to be minimal in scale and in keeping with the proportions and character of the host listed building. It is set low on the roofline, and would align with the windows below.

- 7.4.11 The proposed outdoor fireplace has been reduced in height during the process of this application so that the main structure won't be visible over the fence. It is considered that as this is a small structure in scale, and it is set away from the listed building, it won't cause harm to the appearance of the building, the subject site or the character of the surrounding area.
- 7.4.12 The basement beneath the garden is considered to be located far enough away from the listed building so as to maintain its integrity, as confirmed by the Council's Conservation Officer. The Council's Structural Engineer has considered the basement and is satisfied that it can be constructed safely.
- 7.4.13 The relocation of the access to West Side Common is considered to be a minor change, and will not substantially alter the character of this frontage. The principle of the proposed railings to be installed on top of the existing brick wall, and new access gate is considered to be acceptable as there was originally railings above this and therefore it will be an enhancement to the site. However, it is recommended that a condition is imposed requiring further details of the design/materials to be provided to LBM, approved and implemented prior to occupation to ensure the design is of a high quality and will be in keeping with the setting of the listed building.
- 7.4.14 The proposed internal changes to the listed building are mainly to remove modern interventions when the house was converted into three separate flats. The other changes proposed would have little impact on the original fabric of the building and are therefore considered to be acceptable. Historic England were consulted, and gave the authority to LBM's Conservation Officer to confirm if the proposal was acceptable or not.
- 7.4.15 As such, it is considered that the proposed works to the site and listed building will be in keeping with the character of the surrounding Conservation Area and will not cause harm to the character, setting and integrity of the Listed Building, therefore complying with Policies DMD2, DMD3 and DMD4 of the Sites and Policies Plan 2014, Policy 7 and 8 of the London Plan and the NPPF (2019).

## 7.5 Neighbouring amenity

- 7.5.1 SPP policy DM D2 states that proposals must be designed to ensure that they would not have an undue negative impact upon the amenity of neighbouring properties in terms of loss of light, quality of living conditions, privacy, visual intrusion and noise.
- 7.5.2 The proposed single storey extension to the host dwelling is located adjacent to the Chester Road boundary of the site. It will be separated

- from neighbouring properties by at least 21m. Due to this separation distance and its single storey nature, it is considered it won't cause harm to adjoining occupiers. Therefore not causing harm to adjoining occupiers.
- 7.5.3 The proposed dormer to the rear roof slope is not considered to result in unreasonable overlooking impacts to adjoining properties as it is sufficiently setback from boundaries. There is also already a window at roof level, therefore the additional overlooking from a bedroom will not be significant.
- 7.5.4 The proposed garage would be located 3m from the west boundary where there is an outbuilding in the front garden of No. 2A Chester Road. There are existing trees along this boundary to be retained which will partially screen the new structure. Due to its location, adjacent to the front garden of No. 21 which is not the main amenity area of this property, it is not considered it will cause unreasonable impacts on the amenity of this property. The window at roof level facing west towards No. 2A is proposed to be obscured glazed and a condition is recommended requiring this. As such, it is not considered there will be undue overlooking impacts from this. There is an external stairwell proposed up the west side of the garage but there is no terrace, therefore, it is not expected that undue overlooking impacts will result from this.
- 7.5.5 Overall, the proposal would result in additional built form well contained within the host site, without causing harm to the surrounding neighbouring occupiers, in compliance with Policy DMD2.
- 7.6 Transport, parking and highways
- 7.6.1 The proposal involves creating a new vehicle crossing at the north west corner of the site onto Chester Road and reinstating the existing crossing from Chester Road. This will result in the loss of two parking spaces where the new vehicle crossing is created, and the creation of a parking space where the kerb is reinstated. Therefore, resulting in a net loss of one space. The Councils Transport Planner has confirmed this will be acceptable in this location and will not cause material harm to the transport or parking environment as there is not a significant shortfall of parking spaces in the surrounding streets. This approval will be subject to the applicant covering the costs of relocating the existing lamp column and telecoms box as well as the relocation of the parking bay. Conditions are recommended to ensure this. No objection was raised by the Transport Planner to the relocation of the vehicle access to Westside Common.
- 7.7 Basements

7.7.1 SPP Policy DMD2(b) sets out the criteria that basement proposals must meet. The basement is sufficiently separated from the listed building so as to not cause risk to the foundations or the integrity of the building. It will not cover more than 50% of the garden of the site. No lightwells are proposed. It will not cause harm to any trees of particular value. A sustainable drainage scheme and ground investigation was provided and is discussed below. The Council's Structural Engineer and Flood Risk Engineer have raised no objection to the proposed works. As such, it is considered that subject to appropriate conditions requiring further details of the basement scheme for approval, the proposal will meet SPP Policy DMD2(b).

## 7.8 Drainage

7.8.1 A site investigation was provided with the application which indicated the depth of groundwater on the site. This was reviewed by the Council's Drainage and Flooding Engineer who recommended a condition requiring a final scheme to reduce the potential impact of groundwater ingress both to and from the proposed development to be submitted to and approved by the Council prior to development.

7.8.2 The proposed extensions will result in an increase in impermeable area of approximately 75m<sup>2</sup> and a subsequent increase in surface water run-off. Therefore, to mitigate this, the applicant proposes to attenuate flows for all storms up to and including the 1 in 100 year event + 40% allowance for climate change to 5.0l/sec. Subject to a condition requiring a detailed scheme for the provision of surface and foul water drainage, the proposed development was supported by the Council's Drainage and Flooding Engineer.

7.8.3 The Council's Structural Engineer reviewed the application including the Construction Method Statement and Site Investigation Report and confirmed that the basement could be built without causing harm to the surrounding natural and built environment. A condition was recommended requiring additional more detailed documents to be provided prior to commencement of development to ensure there won't be undue harm in terms of the stability of neighbouring land, buildings and the road.

## 7.9 Archaeology

As the subject site is within a Tier 2 Archaeological Priority Zone and as a basement construction is proposed, it is recommended that a precautionary condition is imposed requiring a desktop archaeological investigation to be submitted to LBM (in consultation with Historic England) for approval prior to the commencement of development.

## 7.10 Trees and Landscaping

The application includes a Tree Survey and Arboricultural Report which notes a number of trees for removal and protection measures for those to be retained. The trees for removal are not considered to offer significant amenity value, and as such, this is accepted. Mature trees on site are to be protected which includes the 'Tree of Heaven' Species standing at 18.5m in height. The Council's Tree Officer has confirmed support to the proposal subject to compliance with the details and measures for the protection of the existing trees in the Arboricultural Impact Assessment submitted. Suitable conditions are recommended to ensure compliance with these measures. Further, as the report identifies the removal of landscaping in the front garden, a condition is recommended requiring a landscaping plan to be submitted to LBM for approval prior to occupation. The landscaping plan will include new tree planting.

## 8. **CONCLUSION**

- 8.1 The proposed extensions, new outbuilding, changes to vehicle access arrangements and boundary treatments are considered to be sympathetic to the Grade II listed host dwelling, and the character of the surrounding Conservation Area. The changes to car parking and vehicle access is not considered to cause harm to the transport/parking environment as it will result in the loss of one parking space in an area that is not over capacity. Therefore, the proposal would comply with London Plan policies 5.13, 7.4, 7.6 and 7.8, Core Strategy policy CS13, CS14, CS16 and CS20 and SPP Policies DMD2, DMD3, DMD4, DMF2, DMO2, DMT2, DMT3, DMT3 and DMT5.
- 8.2 It is therefore recommended to grant planning permission and listed building consent subject to conditions.

### **RECOMMENDATION 1 (19/P0219)**

Grant planning permission subject to compliance with the following conditions:

1. A.1 Commencement of Development
2. A7 Approved Plans
3. B3 External Materials Samples to be provided
4. C04 Obscured Glazing (Opening Windows) – south elevation window Garage
5. C08 No Use of Flat Roof

6. E06 Ancillary Residential Accommodation
7. F01 Landscaping/Planting Scheme
8. Details of boundary treatment: Prior to the commencement of development, further details of the proposed boundary wall/railings to be installed shall be provided to and approved by LBM.

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 Policies Plan 2014.

9. Archaeology  
Prior to commencement of development of the extension and building works hereby permitted, 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.

10. Tree Protection  
The details and measures for the protection of the existing trees as specified in the approved document 'BS 5837:2012 Tree Survey, Arboricultural Impact Assessment, Tree Constraints Plan, Arboricultural Method Statement and Tree Protection Plan' dated February 2019 shall be fully complied with. The methods for the protection of the existing retained trees shall fully accord with all of the measures specified in the report and shall be installed prior to the commencement of any site works and shall remain in place until the conclusion of all site works.

Reason: To protect and safeguard the existing trees in accordance with the following Development Plan policies for Merton: policy 7.21 of the London Plan 2015, policy CS13 of Merton's Core Planning Strategy 2011 and policies DM D2 and DM 02 of Merton's Sites and Policies Plan 2014.

11. Site Supervision (trees)  
The details of the approved 'BS 5837:2012 Tree Survey, Arboricultural Impact Assessment, Tree Constraints Plan, Arboricultural Method Statement and Tree Protection Plan' shall include the retention of an arboricultural expert to monitor and report to the Local Planning Authority not less than monthly the status of all tree works and tree protection measures throughout the course of the demolition and site works. A final Certificate of Completion shall be submitted to the Local Planning

Authority at the conclusion of all site works.

Reason: To protect and safeguard the existing trees in accordance with the following Development Plan policies for Merton: policy 7.21 of the London Plan 2015, policy CS13 of Merton's Core Planning Strategy 2011 and policies DM D2 and DM 02 of Merton's Sites and Policies Plan 2014.

12. Drainage scheme

No development approved by this permission shall be commenced until a detailed scheme for the provision of surface and foul water drainage has been implemented in accordance with details that have been submitted to and approved in writing by the local planning authority and in consultation with Thames Water. The drainage scheme will dispose of surface water by means of a sustainable drainage system (SuDS) at the restricted rate of no more than 5l/s in accordance with drainage hierarchy contained within the London Plan Policy (5.12, 5.13 and SPG) and the advice contained within the National SuDS Standards.

Reason: 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.

13. Basement Groundwater

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: To ensure the risk of groundwater 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 policies, DM D2 and DM F2 of Merton's Sites and Polices Plan 2014.

14. Basement (structural)

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

- a) Ground Movement Analysis (Vertical and Horizontal) including any

heave or settlement analysis, and Damage Category Assessment with detailed calculations in relation to the highway and adjacent buildings;

- b) Detailed Construction Method Statement produced by the respective Contractor/s responsible for piling, ground anchors, temporary propping works, excavation and construction of the basement. This shall be reviewed and agreed by the Structural Engineer designing the basement;
- c) Detailed design calculations of the secant bored piled retaining wall supporting the highway and adjoining properties in the temporary phase, load bearing piles, ground anchors/butresses stabilising the southern retaining wall, and temporary propping works. The design of the piled wall retaining the highway boundary shall be carried out in accordance with Eurocodes. We recommend assuming full hydrostatic pressure to ground level and using a highway surcharge of 10 KN/m<sup>2</sup> for the design of the retaining wall supporting the highway;
- d) Detailed design calculations of the piles and the internal reinforced concrete lining retaining wall in the permanent phase;
- e) Propping and de-propping sequence of the temporary works produced by the appointed Contractor;
- f) Construction sequence drawings produced by the appointed Contractor;
- g) Temporary works drawings and sections of the designed basement retaining walls;
- h) Movement monitoring report produced by specialist surveyors appointed to install monitoring gauges to detect any movement of the highway/neighbouring properties from start to completion of the project works. The report should include the proposed locations of the horizontal and vertical movement monitoring, frequency of monitoring, trigger levels, and the actions required for different trigger alarms.

Reason: To ensure the basement is structurally sound, will not lead to instability and to protect neighbourhood amenity during all stages of the proposal, in compliance with the following Development Plan policies for Merton: policy DM D2 of Merton's Sites and Policies Plan 2014.

15. Parking and access

The applicant is required to cover the costs of the following and this must be completed prior to occupation:

- (a) Relocate one parking bay to the location of the existing crossing before creating the new crossing. The existing crossing will need to be reinstated to full width.
- (b) Relocate lamp column and telecommunication box to a new location. (contact relevant authorities for costs).
- (c) To raise a Traffic Regulation Order for the relocation of the parking bay. (approximate cost £3,600)

Reason: In the interests of the safety of pedestrians and vehicles and to comply with the following Development Plan policies for Merton: policy CS20 of Merton's Core Planning Strategy 2011 and policies DM T2, T3, T4 and T5 of Merton's Sites and Policies Plan 2014.

*Informative: It is Council's policy for the Council's contractor to construct new vehicular access. The applicant should contact Council's Highway Team on: 0208 545 3829 prior to any work starting to arrange for this works to be done.*

**INFORMATIVES:**

- 1. *You are advised to contact the Council's Highways team on 020 8545 3700 before undertaking any works within the Public Highway to obtain the necessary approvals and/or licences. Please be advised that there is a further charge for this work. If your application falls within a Controlled Parking Zone this has further costs involved and can delay the application by 6 to 12 months.*
- 2. *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).*
- 3. *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.*

**RECOMMENDATION 2 (19/P0220)**

Grant Listed building consent subject to the following conditions:

1. A.1 Commencement of Development
2. A7 Approved Plans
3. B1 External Materials to be Approved
4. Details of boundary treatment: Prior to the commencement of development, further details of the proposed boundary wall/railings to be installed shall be provided to and approved by LBM.

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 Policies Plan 2014.

*INFORMATIVES:*

1. INF 17 Listed Building – in conjunction with planning permission
2. INF18 Listed building – permission may be required for additional work

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[Click here](#) for full plans and documents related to Planning Permission application 19/P0219

[Click here](#) for full plans and documents related to Listed Building Consent application 19/P0220

Please note these web pages may be slow to load

# NORTHGATE SE GIS Print Template



Text Details **4 West Side Common**

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**Committee:** Planning Applications

**Date:** 25<sup>th</sup> April 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/P3037**  
Site: 227 Western Road, Colliers Wood SW19 2QD  
Development: Erection of a seven storey building with commercial use at ground floor & residential use over 6 floors, creating 18 flats  
Recommendation: Refused (Delegated Decision)  
Appeal Decision: **DISMISSED**  
Date of Appeal Decision: 22<sup>nd</sup> March 2019

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

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Application Numbers: **17/P4145**  
Site: 3 Thornton Hill, Wimbledon SW19 4HU  
Development: Erection of 2 x five storey semi-detached houses with associated parking and landscaping.  
Recommendation: (non-determined)  
Appeal Decision: **DISMISSED**  
Date of Appeal Decision: 11<sup>th</sup> March 2019

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

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Application Numbers: **18/P0167**  
Site: Hill Place House, 55a High Street, Wimbledon SW19 5BA  
Development: Erection of 4<sup>th</sup> floor extension to main building create additional B1 office space.  
Recommendation: Refused (Delegated Decision)  
Appeal Decision: **DISMISSED**  
Date of Appeal Decision: 15<sup>th</sup> March 2019

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

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Application Numbers: **18/P2076**  
Site: Flat 1, 237 Kingston Road, Wimbledon SW19 3NW  
Development: Erection of a single storey rear extension  
Recommendation: Refused (Committee Decision)  
Appeal Decision: **DISMISSED**  
Date of Appeal Decision: 27<sup>th</sup> March 2019

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

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Application Numbers: **18/P2779**  
Site: 233 Canterbury Road, Morden SM4 6QB  
Development: Erection of a two storey side extension  
Recommendation: Refused (Delegated Decision)  
Appeal Decision: **DISMISSED**  
Date of Appeal Decision: 19<sup>th</sup> March 2019

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

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Application Numbers: **18/P3908**  
Site: 23A Abbots Road, Mitcham CR4 1JS  
Development: Erection of a rear roof extension  
Recommendation: Refused (Delegated Decision)  
Appeal Decision: **DISMISSED**  
Date of Appeal Decision: 11<sup>th</sup> March 2019

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

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Application Numbers: **17/P3135**  
Site: 247 The Broadway, Wimbledon SW19 1SD  
Development: Erection of a 5 storey building with basement for office (B1) use  
Recommendation: dismissed (Committee Decision)  
Appeal Decision: **ALLOWED**  
Date of Appeal Decision: 3<sup>rd</sup> April 2019

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

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Application Numbers: **18/P2197**  
Site: 329 Cannon Hill Lane SW20 9HQ  
Development: Prior approval for a 5 metre single story rear extension  
Recommendation: dismissed (Delegated Decision)  
Appeal Decision: **DISMISSED**  
Date of Appeal Decision: 2<sup>nd</sup> April 2019

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

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Application Numbers: **18/P2648**  
Site: 31-39 Miles Road, Mitcham CR4 3DA  
Development: Erection of a third and fourth storey to existing building, following removal of plant room. To create 6 x self-contained flats  
Recommendation: dismissed (Delegated Decision)  
Appeal Decision: **DISMISSED**  
Date of Appeal Decision: 11<sup>th</sup> April 2019

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

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Application Numbers: **18/P3468**  
Site: 53 Heaton Road, Mitcham CR4 2BW  
Development: Erection of first floor rear extension  
Recommendation: dismissed (Delegated Decision)  
Appeal Decision: **DISMISSED**  
Date of Appeal Decision: 8<sup>th</sup> April 2019

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

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Application Numbers: **18/P3490**  
Site: 72 Dora Road, Wimbledon Park SW19 7HH  
Development: Erection of a hip to gable with floor rear extension, raising ridge height by 800mm  
Recommendation: dismissed (Delegated Decision)  
Appeal Decision: **DISMISSED**  
Date of Appeal Decision: 11<sup>th</sup> April 2019

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

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Application Numbers: **18/P3811**  
Site: 8 Burgess Mews, South Wimbledon SW19 1UF  
Development: Installation of 3 X conservation roof lights  
Recommendation: dismissed (Delegated Decision)  
Appeal Decision: **ALLOWED**  
Date of Appeal Decision: 10<sup>th</sup> April 2019

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

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Application Numbers: **18/P3842**  
Site: 38 Deburgh Road, Colliers Wood SW19 1DU  
Development: Erection of a rear roof extension  
Recommendation: dismissed (Delegated Decision)  
Appeal Decision: **ALLOWED**  
Date of Appeal Decision: 11<sup>th</sup> April 2019

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

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Application Numbers: **18/P4002**  
Site: 9 Griffiths Road, Wimbledon SW19 1SP  
Development: Erection of a single storey side and rear extension  
Recommendation: dismissed (Delegated Decision)  
Appeal Decision: **ALLOWED**  
Date of Appeal Decision: 11<sup>th</sup> April 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.

## Planning Applications Committee

25<sup>th</sup> April 2019

**Subject: PLANNING ENFORCEMENT - SUMMARY OF CURRENT CASES**

**Wards: All**

**Lead officer: HEAD OF SUSTAINABLE COMMUNITIES**

**Lead member: CABINET MEMBER FOR REGENERATION, HOUSING AND TRANSPORT COUNCILLOR MARTIN WHELTON AND 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.

<b>Current Enforcement Cases:</b>	<b>901</b>	<sup>1</sup> (889)	<b>New Appeals:</b>	(0)	(1)
<b>New Complaints</b>	43	(41)	<b>Instructions to Legal</b>	<b>0</b>	(0)
<b>Cases Closed</b>	<b>31</b>		<b>Existing Appeals</b>	<b>1</b>	(1)
No Breach:	16		<hr/>		
Breach Ceased:	15		<b>TREE ISSUES</b>		
NFA <sup>2</sup> (see below):	0		<b>Tree Applications Received</b>	<b>57</b>	<b>(69)</b>
Total	31	(29)	<b>% Determined within time limits:</b>	<b>97%</b>	
<b>New Enforcement Notices Issued</b>			<b>High Hedges Complaint</b>	<b>1</b>	<b>(0)</b>
Breach of Condition Notice:	0		<b>New Tree Preservation Orders (TPO)</b>	<b>0</b>	<b>(2)</b>
New Enforcement Notice issued	0	(1)	<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	(0)			
<b>Prosecutions: (instructed)</b>	<b>0</b>	<b>(0)</b>			

Note (**figures are for the period from 13<sup>th</sup> March 2019 to 12<sup>th</sup> April 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**

**20A Mitcham Park, CR4 4EG.** An Enforcement Notice was issued on 8<sup>th</sup> March 2019 relating to a high fence enclosing the front garden. The Notice requires the reduction of the height of the fence to no higher than 1 metre to any part of the adjacent to the highway. The Notice will take effect on 10<sup>th</sup> April 2019, with a compliance period of 1 month, no appeal was made and the Notice has now been complied with.

**74 Beeleigh Road, Morden, SM4 5JW.** An Enforcement Notice was issued on the property on 17<sup>th</sup> 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 20<sup>th</sup> 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 24<sup>th</sup> January 2019 with a compliance period of three months of this date unless an appeal is made. No appeal has been made to date.

**228 Lynmouth Avenue, SM4 4RP.** The Council issued a S215 notice on 23<sup>rd</sup> 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 609 square 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 11<sup>th</sup> October 2018. The Notice will take effect on 18<sup>th</sup> November 2018 with a compliance period of 12 calendar months, unless an appeal is made to the Planning Inspectorate before 18<sup>th</sup> 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. The first floor extension has now been removed and the Notice complied with.

**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 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 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. To date the Notice has not been complied and direct action is now under consideration.
- **19 Fernlea Road, Mitcham, CR4 2HF.** The council served an enforcement notice on the 19<sup>th</sup> June 2018 to require the following steps; - Cease the use of the Outbuilding as a self-contained residential unit; and remove all those fixtures and fittings that facilitate the unauthorised use of the Outbuilding including the permanent removal of the toilet and bath/shower facilities all cooking facilities, kitchen units, sinks, appliances, fridge, cooking facilities and food preparation areas. Remove from the Property all materials, machinery, apparatus and installations used in connection with or resulting from compliance with steps 5(i) and 5(ii) above. Due to the officer shortage, the compliance visit was delayed. However, this has now taken place and the enforcement notice was complied with. The case has now been closed.

### **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 29<sup>th</sup> 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 3<sup>rd</sup> 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 21<sup>st</sup> 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**

**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**