

Planning Applications Committee 11th February 2021 Supplementary Agenda Modifications Sheet.

Item 5. 94 The Broadway Wimbledon SW19 – 20/P3088 – Trinity Ward.

Insert two bullets under Para 5.1:

- An additional representation was received from the occupier of no. 41 South Park road noting the following:
 - Yet again, another extension to the Broadway is affecting my light. I have elderly neighbours in South Park Road who do not use computers yet would also like to voice their disapproval.

- An additional representation has been received from the occupier of no. 2 Cobden Mews, 90 The Broadway raising the following points:
 - The proposal is relying on the precedence first set by no 94-96 and 100 The Broadway which have an overbearing affect and in my opinion an aberration on the part of Merton Councils and in contradiction of Merton's stated policies DMD2.
 - The development will have a huge overbearing impact on Cobden Mews. It will be invasive and visually out of character with the surrounding properties. It will destroy the character of Cobden Mews and Printers Yard.
 - The property will neither conserve nor enhance Merton's heritage.
 - When number 100 The Broadway was allowed to be built, it stopped over two hours of quality sunlight in the mornings bathing the properties in Cobden Mews (especially numbers 1 and 2 Cobden Mews) and likewise in Printers Yard in the evenings. With 96-98 being given the go ahead as a result of precedence once built it will prevent further quality sunlight for possibly another four to five (six to seven hours) in total a day.
 - If no. 94 goes ahead, it will prevent further quality sunlight for possibly another four to five (six to seven hours) in total a day. There will be an unreasonable sense of enclosure with no quality sunlight bathing the Mews. As a consequence the development will not conserve or enhance the natural environment of Cobden Mews and Printers Yard which will now end up being depressing.
 - Even though space is allocated for bicycle storage from experience of residents of the other flats in Cobden Mews and Printers Yard tenants seem to ignore whatever agreements they may have signed and revert to use of vehicles. This puts severe pressure on the parking in Cobden Mews, Printers Yard and in generally the surrounding area.
 - Concerns over congestion on Printers Yard and illegal parking which would be worsened by the development.
 - The development will mean there is a loss of an existing four bed family sized property without an adequate replacement of at least one at a minimum of a three bed property. The proposed development would not

appear to provide minimum garden or open space for each flat especially in these periods of the Covid-19 pandemic.

- The one – two bedroom development encourages tenants of a short term let nature and there will naturally be an increase in foot-fall. The increase in footfall of non-family type occupancy would increase this kind of anti-social behaviour.

Item 6. Vista House and Prospect House, Chapter Way Colliers Wood SW19 – 20/P2841 – Colliers Wood Ward.

Consultation (page 40):

Seven additional representations have been received raising the following new grounds:

- Request that this application be deferred to a later committee meeting as the residents of the flats on site are currently in the midst of dealing with a problem with the cladding on the exterior of the building (in relation to fire safety - EWS1 cladding inspection has failed and has received a B2 rating which is affecting residents who are trying to sell or remortgage). In addition, there has been insufficient time to prepare for the committee meeting and appoint a spokesperson.
- Photos submitted showing the poor condition of the private access road.

Officer comment:

The above point is noted by officers. As set out in the report, issues of fire safety would be assessed at the Building Regulations stage and cannot reasonably form a material planning consideration in this assessment. Notwithstanding that, the majority of the existing building is red brick, with the top floors being largely glazed. However, parts of the building are clad (around lift shafts). It is noted that the proposed flats would not feature external cladding, as they would be glazed roof top units. The existing lift shaft enclosures would be extended and therefore it will be necessary to ensure that any new materials are suitable in Building Control terms. However, critically, as set out above and in the report, issues of fire safety are not a material planning consideration in this assessment and would be addressed at the Building Control stage of the development.

The poor condition of the access road is noted. However, this is a private access road and not a Council maintained highway. Therefore, this is an on-site management issue and not a matter that could reasonably form a reason for refusal in this assessment.

The planning agent has made a submission in support of the application, in relation to fire safety, which sets out:

“As one of the country’s largest freeholders, we take this very seriously and we are working to quickly resolve issues with any of our buildings where there are fire safety concerns in the aftermath of the Grenfell tragedy.

We have already confirmed to you that Independence and Vista House have been subject to an Inspection by the BRE which confirms that it does not include any ACM cladding.

A further detailed review of our buildings is currently underway to identify any other fire safety issues. This process is on-going, and we have recently received initial feedback from that further investigation, which has identified that there is PiR insulation within the cladding on the cores of the buildings.

The fire engineer was unable to confirm the exact insulation material used in these panels and we have therefore re-appointed the BRE to undertake a further test on the insulation to ascertain the calorific value. Upon receipt, the fire engineer will be able to determine whether the panels require replacement.

The current classification of B2 on the EWS1 form is misleading and represents a 'holding' position until such time as the test results are returned.

The leaseholders have not received the full report but have been advised that further investigations are required and ongoing.

Whilst this matter is being dealt with outside of the scope of the prior approval process against which this application is assessed, the position is expected to be fully resolved before the development is implemented.

The application proposals will include the extension of the existing stair core. Materials are to be identified that work aesthetically and are to be agreed in advance with the Council through the discharge of planning conditions. The development will be subject to approval of the most recent Building Regulations requirements and if it does not comply, it will not be able to proceed.

We would like to reiterate that Regis take issues around fire safety extremely seriously and we are working as quickly as possible to get these resolved.”

Officer comment:

These comments are noted. However, as set out above, issues of fire safety would be dealt with at the Building Control stage and cannot form a material consideration in this assessment.

Item 7. Fair Green Parade, London Road Mitcham CR4 – 20/P0823 – Cricket Green Ward

Drawings

The plans were amended on 28/01/2021. The Committee report refers to the latest version of the drawings in the “Drawing No’s” section at the beginning of the report.

The plans included in the agenda were those amended 22/01/2021. However, the only changes in those dated 28/01/2021 are: the red boundary line being amended to include the rear courtyard and the security gate facing Raleigh Gardens being set back further from the footpath to comply with the Transport officer’s comments.

The most up to date plans comprise the presentation for the Committee meeting.

Representations

A late representation was received 10/02/21 raising the following:

- Equality impacts and whether an Equality Impact Assessment has been conducted;

- How negative impacts on rough sleepers could be mitigated;
- Has the Council's rough sleeping or Homeless team been informed of the application and/or commented;
- Design and Access Statement has not been published;
- Publication London Plan states: 3.6.8 Development should help create a more socially inclusive London. Gated forms of development that could realistically be provided as a public street are unacceptable and alternative means of security should be achieved through utilising the principles of good urban design and inclusive design (see Policy D5 Inclusive design).

Equality

The Council's Equality Strategy 2013-17 provides a framework for Merton's equality objectives and aims to integrate equality and fair treatment issues into the council's day-to-day business. The Equality Strategy provided an integral document to the formulation of the Council's Planning policies against which planning applications are assessed and determined.

[The Equality Impact Assessment Report](#) (EqIA) for the London Borough of Merton Sites and Policies Plan; and Policies Map is part of Merton's Local Plan. The purpose of the EqIA is to identify the likely impact of this plan on the diverse communities and to take action to improve policies where appropriate.

The objectives of the Council are identified on pages 2 and 3 of this document. Core objectives are:

- Everyone having an opportunity to fulfil their potential.
- Individuals having choice and control to improve life chances and outcome.
- Everyone having ways to tackle the barriers that lead to inequality.

While the EqIA Report goes into a lot more detail, these core objectives have informed its planning policies. The application of the correct policies to the assessment of a development proposal would enable the core objectives to be effectively pursued.

The officer's report comprehensively identifies the planning policies relevant to the assessment, thereby enabling the core objectives to be pursued, and while no unique Equality Impact Assessment has been undertaken on this application, officers consider this does not detract from or undermines the decision-making process.

Design and access statement

The Design and Access statement is publicly viewable on Merton's Planning Explorer, and has been available for view since the registration of the application online in February 2020. Further noted, the application was consulted and re-consulted a total of 3 times, the Council have ensured transparency throughout the progression of the application by notifying neighbours of the changes.

Excerpt from the Publication London Plan and rough sleeping

The text quoted from the Publication London Plan is that from the new Draft London Plan, para 3.6.8 falls under Policy D6 (Housing quality and standards). However, this assessment is not entirely applicable for this proposal as the application building is not a "gated development", in the traditional sense where

there is a public street. The flats are accessed from the main street with the courtyard at the rear providing parking spaces, with cycle and refuse storage for the residential flats and ground floor commercial premises. The improved security gate is not a purposeful deterrent to exclude a public right of access, which the objector has raised is a negative impact on rough sleepers, as the courtyard is in private ownership. The security gate would provide enhanced security to the building's users and an opportunity for improved maintenance. For this application, officers did not seek comments from the Council's Rough Sleeping or Homeless Team.

Item 8. 3 Hamilton Road, South Wimbledon, SW19 1JD – 20/P2774 – Abbey Ward.

Consultation (Page 121)

Insert at paragraph 5.1 - Correction: 24 representations have been received

Insert at paragraph 5.5 - Environmental Health additional comments.

Concerns regarding this development mainly due to the demolition and construction phase and the impact this could have on the neighbouring occupiers. There are no details submitted regarding these phases and how the occupiers of neighbouring properties would be protected against the environmental impacts. I do not support the application.

However, should you be minded to approve the application then I would recommend the following planning condition:-

13 Condition: No development shall take place until a Demolition/Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the demolition and construction period.

The Statement shall provide for:

- hours of operation
- the parking of vehicles of site operatives and visitors
- loading and unloading of plant and materials
- storage of plant and materials used in constructing the development
- the erection and maintenance of security hoarding
- measures to control the emission of noise and vibration during demolition and construction. (including the methodology for the basement excavation and any 24 hour generator/pumping)
- measures to control the emission of dust and dirt during construction/demolition
- a scheme for recycling/disposing of waste resulting from demolition and construction works

Insert at paragraph 5.6 - Council's Tree and Landscape Officer.

The tree is likely to be affected. The submission does not explain how the work is to be carried out to the front and it is likely to be more extensive than shown on the plans. The foundation construction drawings are 'preliminary' only and therefore likely to change once they have properly assessed the site. It is a small tree, possible a Crab Apple tree. In the absence of any comments on the Street Trees side, I would suggest that the following conditions should be attached:

- **Condition:** No development [including demolition] pursuant to this consent shall commence until an Arboricultural Method Statement and Tree Protection Plan, drafted in accordance with the recommendations and guidance set out in BS 5837:2012 has been submitted to and approved in writing by the Local

Planning Authority and the approved details have been installed. The details and measures as approved shall be retained and maintained, until the completion of all site operations.

Reason: To protect and safeguard the existing retained 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 policy O2 of Merton's Sites and Policies Plan 2014.

- **Condition:** No work shall be commenced until details of the proposed design, materials and method of construction of the foundations to be used within 4m of the existing retained tree(s) shall be submitted to and approved in writing by the Local Planning Authority and the work shall be carried out in accordance with the approved details.

Reason: To protect and safeguard the existing retained trees in accordance with the following Development Plan policies for Merton: policy 7.21 of the London Plan 2016, policy CS13 of Merton's Core Planning Strategy 2011 and policy DMO2 of Merton's Sites and Policies Plan 2014.

- **Condition:** Site supervision: The details of the Arboricultural Method Statement and Tree Protection Plan shall include the retention of an arboricultural expert to supervise, monitor and report to the LPA not less than monthly the status of all tree works and tree protection measures throughout the course of the construction period. At the conclusion of the construction period the arboricultural expert shall submit to the LPA a satisfactory completion statement to demonstrate compliance with the approved protection measures.

Reason: To protect and safeguard the existing retained trees in accordance with the following Development Plan policies for Merton: policy 7.21 of the London Plan 2016, policy CS13 of Merton's Core Planning Strategy 2011 and policy DMO2 of Merton's Sites and Policies Plan 2014.

Paragraph 5.7 Street Trees Officer

No comments have been received.

Item 9. 25-27 Landgrove Road Wimbledon SW19 – 20/P3071 – Wimbledon Park Ward.

Page 151 - Consultation

Additional letter of objection received from occupiers of 23 Landgrove Road on the following grounds:

- Officer report is inconsistent with Appeal Inspectors report.
- Previous conditions limited the use of the outbuilding for parking and storage, but further applications converted it to home office space.
- Use as a residential unit would cause harm to surrounding neighboring amenity.
- Proposal results in shortened gardens for the flats at 25-27 Landgrove Road.
- Floorspace standards haven't been applied correctly.
- The Inspector imposed a condition requiring obscured glass to the roof windows in the outbuilding and the roof windows present are not compliant with this condition.
- Other ground floor windows have been added on the side elevation.

Officer response:

The proposal does result in shortened gardens to the two ground floor flats at 25-27 Landgrove Road, however, these outdoor spaces would remain of good size in compliant with current Council policy on outdoor amenity spaces for flats. Officers have received a section drawing showing the first floor and have revised the accommodation table as set out below. The proposal would remain compliant with the space standards. Condition 8 of the appeal planning permission 07/P1131 required the rooflight windows in the building to be obscurely glazed in order to restrict overlooking to neighboring properties. Officers have reviewed the planning history further and confirm that this condition has not been varied. Therefore, officers consider it necessary to add an additional condition to the recommendation to ensure that the rooflight windows are obscurely glazed prior to first occupation. An additional elevation and section plans have been received to provide full elevations to reflect the existing building on site.

Page 150 – Current Proposal

Accommodation table to be amended with the following:

	Dwelling type	GIA	Private external amenity space	Car Parking	Cycle Parking
New dwelling	1b / 2p	60.4sqm	58sqm	No	Yes - 2no

Page 157 – Standard of Accommodation

This table should replace existing table:

Dwelling No.	No. of beds	No of persons	No. of storey's	Required GIA (sqm)	Proposed GIA (sqm)	Compliant
1	1	2	2	58	60.4	Yes

Page 149

Approved drawing numbers to be amended to include the following:

533-P211 – Proposed Side Elevation

533-P212 – Proposed Rear and Side Elevation

11 / 533 / P230

Page 162 – Conditions

Additional Condition 10 proposed:

Condition 10: Before the development hereby permitted is first occupied, the windows in the north facing roof elevation shall be glazed with obscured glass and shall be maintained as such thereafter.

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.

Item 10. 49 Queen's Road Wimbledon SW19 – 20/P2779 – Trinity Ward

No modifications.

Item 11. Planning Appeal Decisions.

No modifications.

Item 12. Planning Enforcement Summary.

No modifications.

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