
Appeal Decision

Site visit made on 3 October 2016

by Elizabeth Pleasant DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 15 November 2016

Appeal Ref: APP/T5720/W/16/3153298

Land to the rear of 34 Coombe Lane, Raynes Park, London SW20 0LA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Raynes 11 Limited against the Council of the London Borough of Merton.
 - The application Ref 15/P4001, is dated 23 October 2015.
 - The development proposed is retrospective application for minor alterations to ground floor of building to improve circulation, secure bin and cycle storage and car parking/drop off provision.
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Decision

1. The appeal is allowed and planning permission is granted for minor alterations to ground floor of building to improve circulation, secure bin and cycle storage and car parking/drop off provision at land to the rear of 34 Coombe Lane, Raynes Park, London SW20 0LA in accordance with the terms of the application, Ref 15/P4001, dated 23 October 2015 subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan, Scale 1:1250; Existing Elevations 004; Proposed Ground Floor Plan, 005 and Proposed Elevations, 005.
 - 2) Within two months of the date of this decision, the parking bays and pedestrian walkway shall be marked out and the bollards installed and operational in full accordance with approved Drawing No: Proposed Ground Floor Plan, 005 and shall thereafter be retained.

Application for costs

2. An application for costs was made by Raynes 11 Limited against the Council of the London Borough of Merton. This application is the subject of a separate Decision.

Procedural Matters

3. It is clear from both the Council's and the appellant's statement that the proposed development seeks to regularise the car parking layout, cycle and bin
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storage provision as an amendment to the planning permission granted for partial demolition of existing structure; ground and first floor rear extensions, four storey rear extension (top floor of accommodation in mansard style roof) with undercroft parking (6 spaces and cycle parking) and alterations to shopfront in connection with the use of the ground, and part of the first and second floors to the front of the site as a hairdressers; use of part of the first floor as a dance studio and the formation of 6 x 1 bedroom flats to the rear, Ref: 05/P0164, dated 4 May 2006.

4. Furthermore, it was also clear from my visit to the site that the proposed development is substantially complete. The cycle and bin stores have been constructed and the parking area constructed and surfaced. However, the collapsible bollards and hatched markings to delineate the pedestrian areas have not been provided, and there was no doorway between the lobby and parking area. I have determined the appeal on the basis that the development has occurred.

Main Issues

5. From the evidence I have before me, I consider the main issue in this case is whether or not the proposed scheme provides usable and accessible car parking space, cycle and refuse storage facilities.

Reasons

6. The car parking area is generally level and surfaced in concrete. Although there is a short ramp into the 3-bay parking area which adjoins the lobby, the spaces themselves are level, and at the time of my visit to the site there were two cars parked comfortably within this area. There is adequate space for vehicles to manoeuvre in and out of the parking bays and the parked cars I saw had reversed into the spaces and would therefore be able to exit the building in a forward gear.
7. Similarly, despite the block and rendered wall which has been constructed around the north western corner of the site, and which is clearly shown on proposed Drawing Ref 005, the additional 3 parking spaces provided adjacent to the bin and cycle store are level and easily accessible. There is also adequate space within this area for the loading and unloading of vehicles.
8. A self contained bicycle store has been provided to the rear of lobby and is accessible from both the lobby area and the car park. It is of a sufficient size to accommodate six bicycles and is secure and readily accessible for the occupants of this building.
9. The Council are concerned that the bin stores are not easily accessible for either the occupants of the building or for the waste collection team. They are located in two separate stores at the rear of the car parking area. Although they are at the rear of the parking area, they are positioned relatively close to the pedestrian access for the building. The appellant has produced a waste disposal strategy and the appeal proposals show that there would be a dedicated pedestrian route through the parking area to provide access to the bin area. Correspondence from Merton's Waste Operations Officer provided by the appellant indicates the arrangements for bin collection are operating in a satisfactory manner, and I have no substantive evidence before me to indicate otherwise.

10. I therefore conclude that the proposed scheme provides usable and accessible car parking space, cycle and refuse storage facilities. I therefore find no conflict with Policy CS18 or CS20 of the London Borough of Merton's Local Development Framework, Core Planning Strategy, 2011 and Policy DMT1 of the London Borough of Merton's Local Plan, Site and Policies Plan and Policies Map which seek to encourage, amongst other things, covered cycle storage and to incorporate on-site parking and manoeuvring, refuse storage and collection facilities and service and vehicle delivery services. I also find no conflict with Policy 6.13 of the London Plan which aims to ensure that there is an appropriate balance between parking provision and promoting sustainable transport methods.

Other Matters

11. I have had regard to the concerns raised by the Metropolitan Police Service's Designing Out Crime Officer. However, the car parking area is open to natural surveillance from neighbouring properties and there is no substantive evidence before me that would lead me to conclude that the bins would not be used by the occupants of the building. I therefore give these considerations limited weight.
12. I have considered the Council's request for the appellant to provide a planning obligation for the development to be permit free. However, this is a matter that should have been secured as part of the original planning permission, Ref: 05/P0164. The appeal proposal is for minor alterations to ground floor of the building to improve circulation, secure bin and cycle storage and car parking/drop off provision; it is not an application for new residential development. To require the appellant to enter into a Section 106 agreement to secure a permit free development would not be directly relevant to the appeal proposal and would not therefore comply with the provisions of paragraph 205 of the National Planning Policy Framework or Regulation 122 and 123 of the Community Infrastructure Levy.

Conditions

13. The Council has suggested a number of conditions which I have considered against the National Planning Policy Framework and Planning Practice Guidance. As a result I have amended some for accuracy, consistency and omitted others.
14. I have imposed a condition to specify the approved plans as this provides certainty. A condition is necessary to secure the marking out of the parking bays and pedestrian walkway and ensure that the bollards are provided in the interests of highway and pedestrian safety and to ensure that appropriate waste management arrangements are secured.
15. It is not necessary to impose a condition requiring the cycle parking facilities to be provided as they are already in place and a condition attached to planning application ref: 05/P0164 secures their retention. Similarly, the three bay parking area has been constructed and surfaced and is available for use. A condition is not therefore required to secure these works.

Conclusion

16. For the reasons given above and taking into account all other matters raised, I conclude that the appeal should be allowed and planning permission granted.

Elizabeth Pleasant

INSPECTOR