

Merton Council
Planning Applications Committee
2 July 2020
Supplementary agenda

3 Minutes of the previous meeting

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Agenda Item 3

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PLANNING APPLICATIONS COMMITTEE

18 JUNE 2020

(7.15 pm - 11.35 pm)

PRESENT: Councillors Councillor Linda Kirby (in the Chair),
Councillor Najeeb Latif, Councillor Billy Christie,
Councillor David Dean, Councillor Joan Henry,
Councillor Rebecca Lanning, Councillor Russell Makin,
Councillor Simon McGrath, Councillor Peter Southgate and
Councillor Dave Ward

ALSO PRESENT: Councillors Daniel Holden

Sarath Attanayake (Transport Planning Project Officer), Tim Bryson (Development Control Team Leader (North)), Jonathan Lewis (Development Control Team Leader (South)), Neil Milligan (Development Control Manager, ENVR), Louise Fleming (Senior Democratic Services Officer) and Amy Dumitrescu (Democratic Services Officer)

1 APOLOGIES FOR ABSENCE (Agenda Item 1)

There were no apologies for absence received.

2 DECLARATIONS OF PECUNIARY INTEREST (Agenda Item 2)

There were no declarations of interest.

Councillor Linda Kirby made a statement to inform the Committee that she and Councillor Najeeb Latif had both Chaired recent Design Review Panel meetings. At these meetings neither take any part in the debate nor vote on the proposal.

3 MINUTES OF THE PREVIOUS MEETING (Agenda Item 3)

RESOLVED: That the minutes of the meeting held on 28 May 2020 are 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 7, 8 and 10.

The Chair advised that the order of the agenda would altered and items taken in the following order:

Item 7, 8, 11, 9, 10 and 6.

For ease of reference, items are listed below in the order they appear in the agenda.

5 TOOTING & MITCHAM FC, BISHOPSFORD ROAD, SM4 6BF (Agenda Item 5)

NOTED that the item had been withdrawn and would be considered at a future meeting.

6 UNITS 2, 3 AND 3A, 32-34 BUSHEY ROAD, RAYNES PARK, SW20 8BP (Agenda Item 6)

Councillor Dean advised that he would not be participating in the discussion or vote on this item and removed himself from the meeting for the duration of the item.

Proposal: Deed of variation to s106 agreement attached to London Borough of Merton planning permission 18/P2619 relating to the demolition of existing buildings and erection of a part three, part four storey residential building comprising 32 self-contained flats (6 x studio, 11 x 1 bed & 15 x 2 bed).

The Committee noted the report and presentation of the Planning officer.

In response to Members questions, the Development Control Team Leader (North) clarified the process for arriving at the value of the contribution in the S106 agreement for provision of affordable housing, which had been based on information provided by valuers in the viability assessment and the comments of the Council's S106 officer had been incorporated. The Development Control Manager clarified the process for clawing back any excess profit from the developer and that this was set out in the detail of the existing agreement.

At the conclusion of the debate the Chair called for a vote and it was

RESOLVED that a variation of S106 agreement in respect of Application 19/P3746 be GRANTED subject to the following:

- a) That in place of the provision of 10 affordable units on site the amended S106 Agreement provides for the payment to Merton Council of a financial contribution of not less than £266,468.
- b) That in place of the carbon off-set financial contribution of £34,951 a clause is added to secure as-built calculations to be submitted prior to first occupation of any residential unit.
- c) The applicant agrees to meet the Council's costs of preparing (including legal fees) the amended S106 agreement; and
- d) The developer agreeing to meet the Council's costs of monitoring the S106 obligations.

7 1 - 4 FRANCIS GROVE, WIMBLEDON, SW19 4DT (Agenda Item 7)

Proposal: Demolition of existing building and erection of a new building comprising two basement levels, ground floor, and nine storeys above for the provision of Use

Class B1 Office space with ancillary leisure and café facilities (Total GIA 8,638sqm), creation of vehicle servicing bay.

The Committee noted the report and presentation by the Planning officer, including the additional information set out in the supplementary agenda.

Two objectors had registered to speak in objection and at the invitation of the Chair made the following points:

- The proposed building was too high and would tower over three conservation areas and there was no policy justification for such a high building. There were concerns over the issue of carbon reduction and that designing out crime had not been addressed.
- The height of the building was out of keeping with the heights of buildings in the surrounding area and would be the tallest building in Wimbledon.
- The building would sit on a busy narrow corner and there were concerns over safety due to the width of the footpath and the increased traffic movements associated with the proposed development.

The applicant addressed the points raised by the objectors and outlined the consultation which had taken place and the changes which had been made to the design in response to comments received. He highlighted the measures taken to address carbon reduction targets and the benefits the proposal would bring to the area both in terms of design and support to the local economy. He was followed by a representative of Wimbledon Business Improvement District who spoke in support of the application who addressed the benefits the development would bring to the local economy.

The Development Control Team Leader (North) addressed the points raised by the objectors and highlighted the relevant planning policies in relation to intensification of office use and design. Officers felt that the proposal was in keeping with current and emerging policies and that the height was acceptable in this location due to the high quality design.

At the invitation of the Chair, Councillor Daniel Holden addressed the meeting on behalf of the residents in objection. He was concerned that the Wimbledon Masterplan had been referred to in the officers report despite it not yet having been adopted by the Council. He felt that the proposal represented overdevelopment on the site and was contrary to a number of planning policies.

In response to questions from Members, the Development Control Team Leader (North) advised that:

- The width of the pavement was not known, although the layby was designed to be dual use.
- The Designing out Crime officer would only be consulted if officers felt it necessary, and it was not felt to be in this case.
- Although the Wimbledon Masterplan had not been adopted by the Council, it was an emerging policy which had been through extensive consultation and therefore officers had to give it limited weight when making their

recommendations. Whilst the proposed building was taller, it was felt that the policies and guidance supported tall building in this area.

- Cycle storage was in two locations in the ground floor and first basement with both short and long stay spaces.
- One on street tree was proposed for removal and additional soft landscaping was proposed.
- A condition was proposed to mitigate flood risk during and post construction.

The Transport Planning Officer advised Members that a width of 2.5m was required for HGV vehicles to pass and a minimum of 1.8m was required for the cycle route.

At the invitation of the Chair, Members made the following comments:

- The current building was unattractive and although the applicant had worked hard to bring a proposal which was improved, there were a number of issues for concern. The cycle route which passes by the proposed building, the bus station opposite, the position of the layby and the width of the pavement were all a safety concern and there would not be enough room for social distancing or a pram or wheelchair to pass safely.
- The congregation of approximately 200 employees on a narrow corner in the event of a fire evacuation was not acceptable.
- There were concerns over getting such a large number of cycles in and out of the building easily.
- A building of this height should not be built within 20m of people's homes and the application should be refused on the grounds of height and massing, with a new application submitted which addresses the safety concerns and removes the layby.
- Although the proposed offices would be useful for the area and boost the economy, it was felt that the building was too tall and benefits could still be delivered with one less storey.
- There were concerns that the planning officers were relying on an un-adopted Masterplan for the area; the overall height of the building was too tall; in relation to the flood risk and should be refused.
- There were concerns over height and road safety and would like to see those issues addressed.
- The building was too high and the Masterplan had not yet been agreed by full Council and therefore the application should be rejected.
- Small, medium and large businesses in Wimbledon should be supported to bring jobs and footfall to Wimbledon. The building was not perfect but had been given a green rating by the Design Review Panel and therefore the application should be approved.
- Tall buildings were not inherently bad and that Wimbledon was a major commercial hub with a need for good quality office space. The draft Masterplan had been through extensive consultation and it was reasonable to refer to the document. The application should be approved.

A motion to refuse the application on the grounds of bulk and massing was proposed and seconded. The Chair put the motion to a vote and there were 4 votes in favour,

4 against and 2 abstentions. The Chair used her casting vote and voted against the refusal and the motion was lost.

The Chair then moved to a vote on the officer recommendation and it was carried with 5 in favour, 4 against and 1 abstention*.

RESOLVED that Planning Permission for Application 19/P3814 be GRANTED subject to any direction from the Mayor of London, completion of a S106 agreement and conditions.

*NOTE – Following conclusion of this item, it was brought to the Clerk's attention that one Member appeared to raise their hand twice on the substantive vote. The Clerk advised the Chair that for clarity Members should confirm their vote. This took place at the end of the meeting and the decision was confirmed with 5 votes in favour, 4 against and 1 abstention.

8 BENEDICT WHARF, HALLOWFIELD WAY, MITCHAM, CR4 3BQ (Agenda Item 8)

Proposal: outline planning application (with all matters reserved) for the redevelopment of the site comprising demolition of existing buildings and Development of up to 850 new residential dwellings (class c3 use) and up to 750 sqm of flexible commercial floorspace (class a1-a3, d1 and d2 use) together with associated car parking, cycle parking, landscaping and infrastructure.

The Chair adjourned the meeting at 8.28pm to allow planning officers to resolve technical issues. The meeting resumed at 8.38pm.

The Committee noted the report and presentation by the Planning officer, including the additional information set out in the supplementary agenda.

One objector had submitted a written speech and the Senior Democratic Services Officer read this out at the invitation of the Chair. Another resident had registered to speak in objection and at the invitation of the Chair addressed the Committee. The following points were raised by the objectors:

- The number of homes proposed and potential numbers of additional residents would have a negative impact.
- The access to the site and local amenities are poor. The trams are overflowing at peak times and parking provision was not realistic.
- The proposal would be a departure from the current local plan policy and therefore needs to demonstrate that it is suitable, so there are grounds for refusal.
- The visual impact was negative and would harm the conservation area.
- The proposal represented overdevelopment.

The applicant addressed the Committee and responded to the points raised by the objectors. He outlined the background to the site and the extensive consultation which had taken place. He felt that the design was of a high quality and would

provide almost one year's supply of new homes. There is a requirement for the Council to maximise density on brownfield sites and the previous application for fewer homes was not deliverable. He outlined the benefits of the scheme, including affordable housing, environmental improvements and reduced HGV movements.

Councillor Owen Pritchard had submitted a written statement on behalf of the residents and this was read out by the Senior Democratic Services Officer. He recognised the need for new homes and supported the repurposing of the site from industrial usage to residential. However, he felt that the proposal for 850 new homes would detract from the sense of place that the conservation area brought and create congestion and air quality problems. He felt that the Mayor of London's intervention was ill advised and that 600 homes would be closer to the optimal development than 850.

The Chair asked Members if they had any questions relating to the change of use from industrial to residential.

In response to Members' questions, the Development Control Team Leader (South) advised that:

- If the site remained as commercial/industrial use, officers would need to balance the job creating opportunities with the environmental impacts.
- The draft London Plan indicated an increase in Merton's housing target from 411 to 918 units per year. The current London Plan makes clear that the objective is to optimise the housing output from sites, which was a judgement taking all other planning policies into consideration. It was felt that the benefits of the proposal outweighed the loss of the waste site.
- The scheme was considered by the Design Review Panel a number of times and explained the remit and Panel's comments.
- Conditions had been proposed to address decontamination of the land as part of the construction.
- Just because a building is tall, it will not necessarily have a negative effect and it is often the management of the building which contributes to a successful sense of community.
- The report included an indicative mix of units, 2% of the houses would be 3 bed homes and over 100 units would be 3 bed flats and it was stressed that the application was outline. 14 houses would have private gardens.

Members made the following comments:

- A proposal for housing, including affordable housing, was welcomed for this site, however it was felt that the buildings are too tall and the development too dense particularly in such a low PTAL area and does not meet the housing mix set out in planning policy. The proposal would also impact on the conservation area, which has a village feel.
- There was a concern that the original application for 650 units had been rejected by the GLA who had determined that there should be more units on the site; and that if the Committee rejected the application the application would come back to the Committee again due to the GLA requirements being imposed on it.

- There was a concern that the Committee was being forced into a position by the GLA and it was felt that the Committee should be able to indicate what it felt was an acceptable density for the site.
- It was felt that due to the proposal being outline, approving the recommendation would enable discussions to continue with the GLA and the developer to reach an agreement over an acceptable density for the site; and that if the full application was not considered to be acceptable it could be rejected at that stage.
- There was also a concern expressed that by approving the outline application for 850 units, this was giving tacit approval to that density when a full planning application was submitted.
- It was felt that the application was not up to standard, there was not a good enough mix of housing and should be rejected on the grounds of bulk and massing.

In response to Member comments, the Development Control Team Leader (South) advised that the Committee was being asked to pass a resolution which would then be passed to the Mayor of London. The Committee could only refuse this application if the Mayor of London feels that the decision of the Committee is acceptable.

The Chair summarised the concerns raised by Members and the decision to be made. There was a discussion around reasons for refusal and the Development Control Team Leader (South) clarified on what grounds the Committee could refuse the application if it was minded to do so. Members asked that the minutes note the Committee's concerns that the indicative housing mix did not include enough family sized homes and there was insufficient garden and amenity spaced proposed.

A motion to refuse the application on the grounds that the applicant had failed to satisfy the Committee that the outline application could deliver a scheme, by virtue of its likely height, bulk and massing, that would not do harm to the visual amenities of the area and to the local conservation area was proposed and seconded. The motion was put to a vote and was carried and it was

RESOLVED that

1. Planning Permission for Application 19/P2383 be REFUSED on the grounds that the applicant had failed to satisfy the Committee that the outline application could deliver a scheme, by virtue of its likely height, bulk and massing, that would not do harm to the local conservation area.
2. Authority to finalise the exact wording of the refusal be delegated to the Development Control Manager, after consultation with the Chair and Vice-Chair.

9 271-273 HAYDON'S ROAD, SOUTH WIMBLEDON, SW19 8TX (Agenda Item 9)

Proposal: Demolition of car tyre shop (class b1) and the erection of three storey residential building containing 5 x self-contained flats (class c3).

The Committee noted the report and presentation of the Planning officer.

A resident had submitted a written statement in objection and at the invitation of the Chair, the Senior Democratic Services Officer read out the statement to the Committee. The objector made the following points:

- The proposal would overshadow would impact the light to the gardens adjacent and to the rear, and the proposed balconies would impact privacy of those properties.
- The previous application had been refused and dismissed at appeal on the grounds of bulk and contrast to the existing roofscape. The new application, although reduced, was still larger than the current building.
- There were concerns over the location of the bin storage and the associated problems with noise and attracting vermin.
- The roof terraces could cause a disturbance for neighbours if used for socialising and the noise from construction would impact on home working. There was also a potential for damage to the adjacent property from construction.

At the invitation of the Chair, the applicant addressed the Committee and addressed the points raised by the objector, which he felt had been addressed by the amended application. He felt that the obscure glazed screens would be sympathetic and neighbourly.

The Development Control Team Leader (North) responded to the points raised by the objector in relation to the previous planning appeal. It was felt that the views across the boundary would be at an oblique angle and therefore acceptable. The bin storage had been moved and the concerns over the design were for the committee to make a judgement.

In response to points made by the objector and questions from Members, the Development Control Team Leader (North) advised that:

- The previous planning appeal had not been dismissed on the grounds of impact to 1 Tennyson Road or 275 Haydon's Road, but on character and appearance.
- Officers were of the view that a refusal could not be supported on the grounds of the shortfall between the applicants and officer's measurements.

One Member commented that it was a good example of where an applicant had addressed the previous concerns of the Committee by bringing forward an amended scheme which would still provide housing.

At the conclusion of the debate, the Chair moved to a vote and it was

RESOLVED that Planning Permission for Application 20/P0906 be GRANTED subject to conditions.

10 33 LINGFIELD ROAD, WIMBLEDON, SW19 4PZ (Agenda Item 10)

Proposal: Demolition of existing dwellinghouse and erection of three-storey residential block with lower ground level, creating 4 x 3 bed flats and involving the removal of 2 x trees and alterations to existing access.

The Committee noted the report and presentation of the planning officer and the information contained in the supplementary agenda.

One resident had registered to speak in objection and addressed the Committee at the invitation of the Chair, making the following points:

- The application had been invalidated due to incorrect certificates being submitted stating a different owner.
- Objections had been received in relation to conservation, size of development, overshadowing, parking, and tree removal.

The applicant addressed the Committee and advised that the application had been reduced in size following discussions with officers. It was not felt that the proposal would impact on the light of properties opposite and the correct notices had been served. It was requested that the proposal be granted the same number of parking permits as the current development as the developer was not aware of any current issues with parking.

The Development Control Team Leader (North) responded to the points raised as follows:

- New signed certificates had been received and were on the planning file and officers were satisfied with those.
- The tree officer had recommended conditions to address concerns over tree removal.
- As the proposal would result in a net increase in 3 bed units and in light of comments received relating to parking, officers had consulted the Parking Manager who had advised that there was pressure on parking in the area. Therefore officers felt that the proposed car free development was reasonable.

Members made the following comments:

- The proposal was excellent and should be supported and would provide needed housing.
- There will still be space between neighbouring properties and the design fit well in the area.

The Chair moved to a vote and it was

RESOLVED that Planning Permission for Application 19/P2611 be GRANTED subject to conditions and S106 Agreement.

11 1 MONTANA ROAD, RAYNES PARK, SW20 8TW (Agenda Item 11)

Proposal: Installation of basement swimming pool.

The Committee noted the Planning officer's report and presentation.

Two residents had registered to speak in objection and at the invitation of the Chair, addressed the Committee making the following points:

- Despite drainage provision being requested, the gardens of neighbouring properties had flooded. There had not been a problem with flooding to these gardens in the past.
- The applicant had exceeded the previous permission and flouting of planning guidelines should not be condoned. There were also concerns over persistent noise, flooding, privacy and damage to trees and gardens.
- The application should be objected on the grounds of not being compliant with policy DM D2.

The applicant addressed the points raised by the objectors. The concerns raised had all been addressed by the amended application and through a number of conditions. The applicant had worked hard to ensure that the application was in compliance with policy DM D2 and that the Council's planning and environmental officers were satisfied.

The Development Control Team Leader (South) addressed the concerns related to flood risk and advised that the Council's flood risk adviser had been consulted and it was felt that the concerns relating to noise could be addressed through condition. In response to Member questions, he advised that

- the applicant would be required to make changes to the parts of the construction which had not been authorised as part of the previous planning permission and officers felt that the scheme as proposed could be supported.
- If the Committee was minded to refuse, it could also consider whether enforcement action should be taken.

A motion was proposed to refuse the application on the grounds of being overbearing and causing a nuisance to neighbouring properties. The motion was not seconded.

One Member suggested that the application was not too different from the previous application and should be approved.

At the conclusion of the debate, the Chair moved to a vote and it was

RESOLVED that Planning Permission for Application 19/P4208 be GRANTED subject to conditions.

12 PLANNING APPEAL DECISIONS (Agenda Item 12)

The Committee noted the report on planning appeal decisions.

13 PLANNING ENFORCEMENT - SUMMARY OF CURRENT CASES (Agenda Item 13)

The Committee noted that there were no planning enforcement cases reported.