

Merton Council

Planning Applications Committee

14 July 2022

Supplementary agenda

3 Minutes of the previous meeting

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Agenda Item 3

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PLANNING APPLICATIONS COMMITTEE

16 JUNE 2022
(7.15 pm - 11.00 pm)

PRESENT Councillors Councillor Aidan Mundy (in the Chair),
Councillor Edward Foley, Councillor Thomas Barlow,
Councillor Sheri-Ann Bhim, Councillor Caroline Charles,
Councillor Susie Hicks, Councillor Dan Johnston, Councillor
Michael Butcher, Councillor Matthew Willis, Councillor Martin
Whelton and Councillor Gill Manly

ALSO
PRESENT Jonathan Berry (interim Head of Development Management &
Building Control) Tim Bryson (Development Control Team
Leader North)
Stuart Adams Area Manager - Development Management -
South
Team) Tara Butler (Programme Manager • Environment and
Regeneration, Amy Dumitrescu (Democracy Services Manager)
and Bola Roberts (Democratic Services Officer)

ATTENDING Tim Lipscomb Planning Officer (Environment and
REMOTELY Regeneration)

1 APOLOGIES FOR ABSENCE (Agenda Item 1)

Apologies for absence were received from Councillor Simon McGrath who was substituted by Councillor Matthew Willis.

2 DECLARATIONS OF PECUNIARY INTEREST (Agenda Item 2)

A declaration of interest was made by Councillor Sheri-Ann Bhim in relation to West Barnes Ward application 21/P4063 and Wimbledon Park Ward application 21/P1780 (Items 10 and 11) advising that her employer had worked for these applicants. Councillor Bhim advised she would recuse herself from those items, and Michael Butcher would stand in as a substitute.

3 MINUTES OF THE PREVIOUS MEETING (Agenda Item 3)

RESOLVED: That the minutes of the meeting held on 28th April 2022 are agreed as an accurate record.

4 TOWN PLANNING APPLICATIONS (Agenda Item 4)

The Committee noted the amendments and modifications to the officer's report. The Chair advised that items would be taken in the following order: Items 10,

11,14,8,13,15,9,12,16,17,18 and 5. For the purposes of the minutes, the items are minuted in the published agenda order.

- 5 ADVERTISING PANEL OUTSIDE 87 THE BROADWAY, WIMBLEDON, SW19 1QE (Agenda Item 5)

Deferred to next meeting

- 6 SANDHAM HOUSE, BOUNDARY BUSINESS COURT, 92 - 94 CHURCH ROAD, MITCHAM, CR4 3TD (Agenda Item 6)

Deferred to next meeting

- 7 SANDHAM HOUSE, BOUNDARY BUSINESS COURT, 92 - 94 CHURCH ROAD, MITCHAM, CR4 3TD (Agenda Item 7)

Deferred to next meeting

- 8 THE PAVILIONS (17-40 GREENVIEW DRIVE), RAYNES PARK, SW20 9DS (Agenda Item 8)

The Planning Officer presented the report and brought to members' attention that the application was a prior approval rather than a planning application and page 66 of the report set out what the application could be assessed on.

The Committee received a verbal representation from one objector who made points including:

- The elevation images do not fully reflect the impact to the environment
- Gardens enjoyed by the residents will be reduced in size
- Parking space would need to be used to accommodate the crane used during construction
- Construction would make any fire risk more apparent
- The Objector expressed concerns that there was only one fire escape staircase available and this would risk the safety of residents
- The fire risk support statement states that the balcony poses a risk
- Developers did not consult with residents
- The site is at risk of flooding as written in the environmental report
- The previous poor record of the developer would put lives at risk

The Agent statement was read out by The Democracy Services Manager as follows:

- The application followed the approval of a similar two storey scheme last year which I was told is being implemented soon and work to start shortly
- Work delivery would be carried out by an experienced contractor in terms of airspace development

- It was not clear whether the two-storey scheme would have been considered and this application had been submitted to the council as a fall back
- Officers confirmed that the scheme is fully compliant and fell within the remit

Councillor Page, Ward Councillor commented and raised questions on the scheme and mentioned that the scheme is under the permitted development order of 2020 and questioned whether the tenants were made aware or signed an undertaking about an outward wall when the flats were marketed. Councillor Page raised concerns that access to green space would be lost and stated that indemnities should be in place as residents should not be out of pocket.

Councillor Oliver, Ward Councillor commented on the lack of protection by the extension and if the application was approved, then conditions be put in places to ensure residents are not out of pocket.

Councillor Bokhari, Ward Councillor focussed on fire safety noting that it should be made clear there was a route to egress the building in an emergency. Residents are concerned about the strength of the building. The lift would be disabled during the development and no consideration had been given to the elderly and disabled residents. Councillor Bokhari urged the committee to delay a decision on the application until the Fire brigade carried out fire risk analysis.

The Planning Officer responded to members comments and questions and made points including

- Planning permission does not give the right to restrict work. Some of the requests are not planning considerations; however, conditions can be included to restrict work hours during the day, weekends and bank holidays, not unusual times
- Loss of green space is inevitable in planning terms; this is not something planning can raise objections on
- Prior approval does not convey a legal way of putting restrictions on the development
- Fire safety is subject to building control and stringent controls and not a material consideration
- Additional floors cannot be considered as prior approval

In response to questions from members, officers advised:

- The Planning Officer confirmed that an informative requesting swift boxes could be added on
- In terms of parking this is possible to remove parking, if this was volunteered by the applicant, then it could be considered.
- The points raised were not grounds for a refusal of the application
- Merton monitors air quality, but on the application, there were no grounds for it to be covered

Members commented on the application. And thanked the officers for the report

The Chair moved to the vote and it was

RESOLVED:

That the Committee granted prior approval subject to conditions

9 9 LANCASTER ROAD, WIMBLEDON VILLAGE, LONDON, SW19 5DA
(Agenda Item 9)

Deferred to next meeting

10 LAND AT THE FORMER LESSA SPORTS GROUND, MEADOWVIEW
ROAD, RAYNES PARK, SW20 9EB (Agenda Item 10)

Councillor Bhim recused herself from the Chamber for this item and Councillor Butcher was present as substitute.

The Planning Officer presented the report.

The Committee received a verbal representation from two objectors who raised concerns:

- The land should be used as open space and sports as previously agreed under the 2009 appeal decision (ref. 08/P1869); they are under the impression assurances was previously given that LESSA sports grounds would be approved and maintained for junior sports
- Residents who bought their homes with the proposed site use for sports had been misled
- Bellway developers had not robustly consulted with residents, clubs, or schools for the land to be used for junior sports
- Bellway had fenced off the land and made it inaccessible for several years to extract profit and should not be permitted to do this
- Sporting groups had expressed interest in using the land and set out costed and viable proposals, fully supported by Sports England, but these had been refused by Bellway Homes
- Brownfield sites should be developed before greenfield sites are considered
- The application if granted should be referred to the Secretary of State as recommended by Sports England
- The prevention of loss of green space should be protected for the future generations of young people
- A proposal had been submitted by Surrey Cricket Club to use the space at a cost of Ten thousand pounds and annual maintenance would cost Four thousand pounds.

The Applicant spoke in response and made points including:

- The site had been unused for 22 years and it would be used for repurposing positive development
- The scheme would provide open spaces and recreational grounds for the public There would be provision of 41% affordable housing, that would benefit the borough and meet 12% of the housing target for Merton
- The housing would have accessibility and provide sustainable heating that would be low in carbon emissions as well as a percentage of wheelchair access for users
- The scheme would have an Infrastructure levy of 2.2 million and a Section 106 contribution of £1.2 million
- The Applicant and Council officers had agreed that the scheme would be used for mixed purposes and not solely for sports, providing housing and recreation such as two tennis courts and a play area
- The proposal would provide 44 affordable homes and met the urban plan with no risk of flooding
- The tennis club membership had increased, and the club had to close membership to adult players who wished to join the club, the current waiting list is 60 people; the scheme would provide more courts that could be used by members and the community who wished to pay and play and not pay an annual membership subscription fee.
- The Applicants asked The Committee to approve the application.

The Chair noted representations from Ward Councillors.

Councillor Oliver gave a verbal presentation to the Committee on the Planning Framework which consisted of three levels:

National - Guidance from The Planning Policy Guidance was read out to the Committee to illustrate points The Local Plan is specific on use of open space

Regional –. Open spaces should be protected and expanded.

Local – The current plan has been adopted and states that new housing will occur on previously developed land.

Councillor Page reminded the Committee why the application existed which is sports use and to note that the Cricket club who had submitted an application was found unviable by Bellway homes. Sport England noted that the criteria for sporting financial viability placed on clubs and consortiums was unreasonable.

Councillor Bokhari expressed concerns at the developer's failure to keep promises of the land for sports use. There were issues with flood risks, roads in West Barnes, West Way and Green Way had experienced flooding. Residents spoken to were adamant that green spaces could not be lost.

The Planning Officer clarified to the Committee in relation to Councillor Bokhari's point on carbon emissions reduction, that the site was in green field so there were no carbon emissions currently, although the planning policy through building control, only required a certain amount of improvement when developing. Carbon reduction in the creation of new builds would be significantly less.

In response to Members question the Planning Officer advised that:

- In terms of land cost, this would be a proportion of the site coverage amounting to half of the site
- In relation to community access 500 hours requirement is not enforceable as the S106 was never implemented because Kings College did not proceed with the application, this relates to the previous application and is historic. This current application poses no time limit.
- In terms of capital viability, the capital funds are of a sufficient level for the bidder to deliver on their offer, are available

In response to Members further questions the Planning Officers advised that:

- S106 set out in the report shows there is no contribution from Bellway to a third-party use
- In relation to the electrical charging point capacities, planning cannot act ahead of the policy to provide a greater provision of car charging points
- There is no time limit in identifying delivering a sporting use of the plan pitch strategy, this would be a material consideration
- In terms of the cost implications on affordable housing, this is not a planning consideration
- Flooding to the south should be less, the applicant can be encouraged to do more and there is no policy to impose more than what has been proposed in the application
- The tennis court would be pay per play as part of green space and the space would provide a range of needs for the community
- In relation to the site used as sporting facilities two points were taken from Merton's playing pitch strategy, The Council consulted with Sports England and other governing sporting agencies and meetings are ongoing about it's delivering

Two recommendations are:

- G4 – That sites need ancillary unchanging pavilions
- G5 – That sites need pitch drainage

Merton's playing pitch study contains costings based on Sports England's provision

The Planning Officers wrote to the sporting organisations for costs in August 2021 and a further chase in December 2021 as a result of the number of representations on the application doubting the engagement of the sporting bodies.

The question on green space loss being set as precedence was not considered as a planning consideration and The Head of Development Management advised Members to consider the application on merit.

Members commented on the proposal noting the provision of positive housing and also expressing concerns that the appropriate use of the site should be for sports.

The Chair put to the vote on the officer's recommendation within the report and it fell.

RESOLVED:

The Committee agreed to:

1. REFUSE the application for the following reasons:

That the loss of open spaces and potential sporting facilities outweighs the benefits that the proposed scheme would bring.

2. DELEGATE to the Director of Environment & Regeneration the authority to make any appropriate amendments in the context of the above to the wording of the grounds of refusal including references to appropriate policies

The Chair requested that his vote to grant the application be recorded.

11 RUFUS BUSINESS CENTRE, RAVENSBURY TERRACE, WIMBLEDON PARK, LONDON, SW18 4RL (Agenda Item 11)

Councillor Bhim recused herself from the Chamber for this item and Councillor Butcher was present as substitute.

The Development Control Team Leader (North) presented the report.

The Committee received verbal presentations from one objector who made points including:

- The objector felt that the developers lack transparency and fail to maximise development in Merton
- Social segregation- social housing in one block and private residents in another would be discomforting
- Affordable housing should be redistributed across the development
- The costings of the development were high and the developer did not take into account key features such as height and bulk and the access link to Wellington Works, which affect residents
- The Developers had used costings from adjacent Hazelmere and not from Rufus site
- The Development does not enable any vehicle access to Wellington Works via Rufus Estate
- The excessive height was not in keeping with the local area and the maximum height should not be higher than other buildings
- The result of the radiation investigation which had been conducted had not been disclosed
- There will be a huge loss of light to existing homes

- Eight storey developments would look too much of an eyesore overlooking the park and the green space
- Consideration should be given to urban greening, the applicant should reduce the height of the building and increase green spaces
- 400 people wrote against the proposal, whilst only one letter of support was received
- The application should not be granted, due to lack of urban greening consideration.

The Applicant spoke in response and made points including:

- Members to note that the same objections were not considered to be material considerations by the previous Committee Members and Planning Officers
- Questions raised by the previous Committee contributed to the application being deferred as these were complex matters
- The previous application was deferred due to a lack of affordable housing
- Costings are contained in the account
- The contamination was a historical issue caused by fluorim 232 previously used for gas mantles
- An accurate account of costs can only be achieved once remedial works are completed
- Financial viability assessments costs contain all estimated costs including construction and timelines; The Council will get this looked at for viability
- The Applicant is aware that Members wish to see all contamination cleaned up
- The outward costs of building will affect the amount of affordable houses a developer can achieve; the outcome is based on actual and not estimated costs
- A late - stage review will be brought in if a percentage of affordable housing is not reached, the development will provide an entire block A for affordable renting
- Until all contamination clean-up is achieved the developer cannot give a full quota of affordable housing; a late - stage review will be carried out by The Council's experts
- The developer is ready to build more affordable flats from surplus revenue and these flats will be in block B to encourage integration
- The Council has accepted the designs and the housing association want a separate door entrance for renters
- Everyone shares amenities and all door entries are the same; parking is nearer to the social housing area
- The developer is providing energy efficient homes in line with climate change and it would be cost effective for tenants
- The Applicant advised there would be provision of jobs and housing on clean land.

The Development Control Team Leader (North) responded and made points including:

- The applicant had carried out further bore hole investigation and the information is contained in the committee agenda
- The links to Wellington works whilst examined at pre planning stage is not considered as a mandatory requirement for the developers
- There are 8 affordable housing in block B which is considered a positive and the housing association wrote about the benefits necessity for it
- Scale and massing in the Northeast corner of the recreational ground and the scale is accessible
- Homeownership is welcome and will come out in the S106 agreement

The Development Control Team Leader (North) responded to Members questions including

- In terms of the viability assessment there was some discrepancies challenges in cost and the report notes this; the council has applied their figures within the assessment
- The late and early-stage review captures the developer to submit to the council financial sales of flats after 75% of completion
- The legal agreement secures the affordable housing and not the housing association; it is also important to attract registered users and to have them on board
- The lack of three beds stems from the size of the site compared to the north side site which were able to deliver 3 bedrooms; the housing association confirmed the need for 3 bedrooms for social renting
- The site is in the flood risk zone
- In terms of the security fencing boundary treatment is being conditioned the officers can take this away and liaise with developers

The Development Control Team Leader (North) responded to further questions and advised that:

- In relation to the contamination this is not a material planning consideration
- In terms of access for fire vehicles via the under cross to be made wide enough, it would not be necessary for the vehicle to go right up for access; building control would take this on board; a fire safety report submitted has been conditioned
- In terms of ownership of the access track, a management company would maintain the track
- Conditions have been built in to maintain the green wall and it is enforceable, residents can call the council to complain if it was not being maintained
- In terms of mitigating linkage risk, the plans show the conditions and S106 could have more conditions built in if there were concerns on antisocial behaviour and cost

- If housing providers show no interest in taking on managing affordable housing, the unit would be turned into a financial contribution and evidence of why there was no uptake must be provided by the applicant
- There is a condition attached to the site they have to provide the turning point for refuse truck.
- In terms of access to the rear track fire and refuse vehicles can access in an emergency the road is privately owned and cannot be fully relied on
- In terms of the petition request the application must be looked at on its merits; the access is not related to the site.

Members commented on the report noting the separate blocks for affordable housing, whilst this was not welcomed it was recognised that it was the social housing providers preference. The new possibility of providing more affordable housing was noted. Members expressed concern on radiation and recognised that further tests would be going ahead.

The Chair moved to the vote and it was

RESOLVED: that the Committee Granted Permission subject to conditions and completion of a S.106 legal agreement.

12 HADLEY ROAD COMMUNITY ALLOTMENT, NEW BARNES AVENUE,
MITCHAM, SURREY, CR4 1LG (Agenda Item 12)

Deferred to next meeting

13 LAND REAR OF 20 PELHAM ROAD, WIMBLEDON, SW19 1SX (Agenda
Item 13)

Deferred to next meeting

14 2A TRINITY ROAD, WIMBLEDON, SW19 8RL (Agenda Item 14)

The Development Control Team Leader North Presented the report.

The Development Control Team Leader North in response to members questions advised that:

- Regarding condition 19 in the modification sheet the amendment could be made
- In terms of the gap between the building it has been designed to stagger away from the property and the gap between the garage is 6 meters and the width between the access way is 3 and a half meters away from the flats
- In terms of harvesting rainwater this could be beneficial and the request could be taken away and officers would liaise with the applicant if the application was granted

- In terms of affordable units these were based on the western side of the building unit 4 and 8 in the report and only two can be provided as shown in the viability report
- There is dual aspect that affords good lighting.

The Chair moved to the vote and it was

RESOLVED

That the Committee granted planning permission subject to conditions and completion of a S.106 Agreement.

15 43 WOODSIDE, WIMBLEDON, SW19 7AF (Agenda Item 15)

Deferred to next meeting

16 OBJECTION TO THE MERTON (NO.777) TREE PRESERVATION ORDER 2022 AT 5 PARKSIDE AVENUE, WIMBLEDON, SW19 5ES (Agenda Item 16)

Deferred to next meeting

17 OBJECTION TO THE MERTON (NO.772) TREE PRESERVATION ORDER 2022 AT 1 WEIR ROAD, SW19 8UG (Agenda Item 17)

Deferred to next meeting

18 OBJECTION TO THE MERTON (NO.773) TREE PRESERVATION ORDER 2022 AT 296 COOMBE LANE, RAYNES PARK, SW20 0RW (Agenda Item 18)

Deferred to next meeting

19 PLANNING ENFORCEMENT - SUMMARY OF CURRENT CASES (Agenda Item 20)

The Committee noted the report.

20 PLANNING APPEAL DECISIONS (Agenda Item 19)

The Committee noted the report.

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