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PLANNING APPLICATIONS COMMITTEE

15 NOVEMBER 2018

(7.15 pm - 0.28 am)

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

ALSO PRESENT Neil Milligan – Planning Manager
Jonathan Lewis – Planning Team Leader South
Tim Bryson – Planning Team Leader North
Tim Lipscombe – Planning Officer
Jason Andrews – Pollution Manager
Chris Chowns – Transport Planning Officer
Lisa Jewell – Democratic Services Officer

1 DECLARATIONS OF PECUNIARY INTEREST (Agenda Item 2)

There were no declarations of pecuniary interest.

2 APOLOGIES FOR ABSENCE (Agenda Item 1)

Apologies for absence were received from Councillor Marsie Skeete and Councillor David Chung.

Councillor Dennis Pearce and Councillor Rebecca Lanning were welcomed as Substitutes

3 MINUTES OF THE PREVIOUS MEETING (Agenda Item 3)

A correction was made to the Minute of the Enforcement Officer's report; the address mentioned should have been 208 Bishopsford Road, not 299.

RESOLVED: That the minutes of the meeting held on 18 October 2018 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 5, 9 and 10.

Order of the meeting – The Chair announced that the items would be taken in the following order 10, 5, 7,8,9, 6,11,12,13,14 and 15

However following the disturbance to the meeting described below, and the subsequent late running of the meeting the actual order of items was:
10,5,7,8,9,13,11,6,12,14 and 15.

Fire Evacuation: During the hearing of the first item (Item 10) the Fire Alarm sounded and the Council Chamber was evacuated. Once it was safe to return the meeting resumed. This process took approximately 35 minutes.

5 32-34 BUSHEY ROAD, RAYNES PARK, SW20 8BP (Agenda Item 5)

Proposal: 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 officer's report and presentation and additional conditions in the Supplementary Agenda; Modifications 2.

The Committee received verbal representations from two objectors, who made points including:

- The proposal is too big and entirely out of character with the area. In the past there have been attempts to declare this area as an area of distinctive quality
- The entrance should not be in Edna Road, but should be in Bushey Road. Do not understand why it is in Edna Road as this is a narrow cu-de-sac.
- There were problems previously when this site was a garage with no access to Bushey Road. This proposal will create a dangerous traffic black spot

The Applicant's Agent made points including:

- We have worked closely with Merton Officers to provide much needed private and affordable homes
- Some residents on Edna Road support this scheme as it will be much better for them than the garage
- In response to concerns about massing, one storey was removed
- The scheme does not cause any breaches to daylight or sunlight, and will improve the local environment
- The development will be car free. The primary access will be Edna Road, but as the development is car free this will result in fewer car visits than the Car Sales and Service business received
- The design will improve Edna Road as a new turning head will be introduced

The Committee received a verbal presentation from Ward Councillor Anthony Fairclough, who made points including:

- There is a need for affordable homes, but not at any cost.
- The Density of this development is nearly double that recommended by the London Plan
- Parking and Traffic on Edna Road will be increased as there will visitors, contractors and delivery vehicles visiting the site.

Members asked why the access to the site was on Edna Road. The Transport Planning Officer replied that Bushey Road was a very busy road with a 40mph speed limit, and this was done to reduce conflict. The scheme is permit free so traffic from

the site will be low. The Car Showroom does not generate significant movements at peak times.

Members asked about the previously refused scheme for the site (2007) and how this proposal has overcome the previous reasons for refusal. Officers explained that the previous scheme used Bushey Road for access and parking was proposed on that scheme. The current scheme is permit free and so has less impact. It should also be noted that this previous scheme was a number of years ago, and that the current scheme must be judged on its own merits.

Members asked about the Zip Car Scheme, and whether there is a problem with these cars being left on Edna Road. The Transport Planning Officer replied that the Zip Car Flex Scheme aims to keep their cars moving as much as possible. If there are problems Officers can ring the operators and the cars are moved.

Members asked about the density of the proposal. Officers acknowledged that this scheme has a density above the recommendation in the London Plan but explained that in the officers view this did not cause any harm as the development is of good design, each unit had access to outdoor space, the development is set back from the road and there is landscaping.

Members asked about vehicle movements in Edna Road as these will be increased by demand for internet shopping deliveries when the scheme is occupied. The transport Planning Officer explained that the trip rates are determined from a national database which includes all service vehicles. Edna Road does have the capacity to deal with these deliveries.

Members asked about the number of affordable units, and that the viability assessment suggests that there could be 2 more affordable units in this development. Officers asked Members to note that the developer already had a provider on board for the affordable units, and that this was proposed as 10 units. Members asked for a 'claw-back mechanism' to be added to review this provision in the future.

Members asked about noise and the potential for pollution from Bushey Road, but Officers explained that the development is set back from the road and has landscaping to the front.

Members noted that the site meets all cycle requirements and has lifts for residents use.

A member commented that the area does not have any space for deliveries, and that even if it is permit free people will always find a way to obtain a permit. It is not too near the station, it is too dense, there is a lack of parking, the CPZ only works half of the time.

A motion to refuse the application by reason of the application's bulk and massing was proposed and seconded. This was not carried by the vote

A further motion to refuse the application by reason of the application being contrary to Merton policies CS20 and DMD3 was proposed and seconded. This motion was not carried by the vote.

RESOLVED

The Committee voted to GRANT Planning Permission subject to conditions and S106 agreement.

In addition the Committee agreed that a clawback mechanism should be imposed on the scheme. The details of this should be delegated to the Director of Regeneration and Environment

6 27 COCHRANE ROAD, WIMBLEDON, SW19 3QP (Agenda Item 6)

Proposal: Conversion of single dwellinghouse into 3 x self-contained flats, involving the erection of a single and two storey side extensions and a single storey rear extension, plus the erection of a hip to gable with L-shaped rear roof extension with two new velux windows to the front roof slope.

The Committee noted the officer's report and presentation.

Members commented that making a development permit free did not necessarily prevent residents from finding a way to get a permit

A motion to refuse was proposed and seconded, with reasons for refusal given as overdevelopment, bulk and massing and the small size of the flats. This motion was voted on and the vote was tied, the Chair used her casting vote to Refuse the application.

RESOLVED

The Committee agreed to:

1. REFUSE the application for the following reasons:
 - The proposal constitutes overdevelopment of the site contrary to LBM policy
 - The bulk and massing, of the proposal are too great, contrary to LBM policies.
 - The design of the building provides very small flats
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

7 41 COTTENHAM PARK ROAD, WEST WIMBLEDON, SW20 0SB (Agenda Item 7)

Proposal: Demolition of single dwellinghouse and erection of a semi-detached pair of 4 bedroom dwellings, with accommodation on four floors (two storey, with basement

level and accommodation at roof level), with two off-street parking spaces with associated crossovers and terraces to the rear.

The Committee noted the officer's report and presentation.

The Committee received verbal presentations from two objectors who made points including:

- This is a serious overdevelopment of the site. A single storey building to be replaced by two 4 storey buildings
- It is dominant and out-of-keeping with the area
- It has a poor design and is visually intrusive
- There should be a restriction on the use of the terraces, they should not be no social use
- Site is more suitable for a single house
- Not opposed to development, but this application is too intensive, there should be a more sympathetic development
- The Parking spaces are insufficient for the size of the houses, and there will be an increase in traffic
- Trees are being removed
- The basement work will cause structural damage
- Cottenham Park Road does have a character of its own
- There will be no gap between the east wall and number 39

The Applicant's architect made points including:

- The proposal replaces a dwelling with no architectural merit with two environmentally sustainable houses
- The design takes reference from local buildings
- Amendments were made following comments from neighbours and Officers
- The sloping nature means that 3 or 4 storeys are in keeping. The ridge height is designed so that they appear as 2 storey houses
- Understand the concerns of neighbours but the applicant is experienced at building basements
- There is ample parking
- Concerns on the massing were addressed by reducing the upper floor and setting back
- Not uncommon to have small distances between boundaries. Number39's boundary is next to the garage

In reply to objectors comments The Planning Team Leader South said that there is an acknowledgement that the character of Cottenham Park Road is changing, and that the quality of accommodation exceeds housing standards.

The Committee received a verbal presentation from Ward Councillor Stephen Crowe, who made points including:

- The existing property was built as a single storey bungalow so as to protect the amenity of other homes in the area, given the sloping nature of the site

- This proposal is contrary to Merton Policy DMD2 in a number ways including; it does not protect visual intrusion, it does not relate positively to its surroundings, it fails to meet basement standards as the basement exceeds 50% of the garden

In reply to Members questions, Officers made points including:

- The boundary distances are considered acceptable, amendments have reduced the visual impact of the proposal, and new homes are needed in the borough
- The boundary with number 39 is mainly with the garage, the relationship between the two properties is staggered, with the upper floors set back

Members commented that this proposal appeared to be overdevelopment of the site. A motion to refuse owing to overdevelopment was proposed and seconded. This motion was voted on but not carried.

Members asked about the basement size and whether it was over 50% of the garden. Officers explained that it was difficult to determine as the lower floor was not all basement owing to the level changes of the site, but that the amount of the site requiring excavation was roughly two thirds of the site. However, in Officers view there was no harm arising from this, drainage and technical issues were acceptable and precedent was not an issue.

RESOLVED

The Committee voted to GRANT Planning Permission subject to conditions

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

Proposal: Erection of an end of terrace dwelling with basement level incorporating new vehicular crossover to Wydell Close.

The Committee noted the officer's report and presentation.

The Committee received verbal representations from two objectors who raised points including:

- This area has a flood risk and overflow drainage should be considered.
- The capacity of the sewers should be considered.
- Local properties are already affected by vibrations from heavy vehicles crossing the speed bumps in Garth Road. Concerned about the basement
- The road access should be onto Garth Road, not Wydell Close
- This proposal will add to parking and road traffic problems in the area

The Committee received a verbal representation from the Applicant's agent who made points including:

- We have worked very hard to ensure an acceptable design, and there are no objections from Officers

- There is no change to the property size above ground
- This proposal will help with additional housing needs

In response to Members questions Officers made comments including:

- The width of Wydell Close is a very restricted with many dropped kerbs and crossovers
- The natural light to the basement is considered acceptable
- Objectors are often concerned about potentially intrusive building work, but this is the nature of building work. However controls ensure that the basement is built correctly

Members made the following comments:

- This proposal is not great, but are there grounds for refusal
- Considering the housing need in the borough this proposal does create a relatively small new dwelling
- Concerned about the quality of the living accommodation for future residents
- Concerned about the absence of natural light in all the living accommodation, the restricted outlook of the small patio.

A motion to refuse was proposed and seconded, on the grounds of sub- standard accommodation in terms of natural light and amenity.

This motion was put to the vote and carried.

RESOLVED

The Committee agreed to:

1. REFUSE the application for the following reasons:

- The proposed accommodation would have restricted light and outlook and would provide a poor quality of environment for future occupiers

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

9 6 GRANGE PARK PLACE, WEST WIMBLEDON, SW20 0EE (Agenda Item 9)

Proposal: Erection of part two storey, part first floor extension.

The Committee noted the officer's report and presentation and additional information in the Supplementary Agenda: Modifications 2.

The Committee received a verbal presentation from two Objectors who made points including:

- Our properties will be directly affected by this proposal. It will overlook our properties and block daylight and sunlight and destroy our privacy
- The reports states that our light and sunlight will not be affected, but this is not correct
- No site notice was displayed and relevant neighbours were not consulted, rendering application invalid
- Number 6 is already a large house and this extension will make it considerably larger than any other house in the close. It will have an additional staircase
- Neighbour will have a two storey extension hard on their border.
- Neighbours on Wolsey close are at a lower level and would be overlooked
- Trees are visible from neighbours house and they do have aesthetic value
- Would like the western trees maintained by condition
- Construction will cause wear and tear on the close.
- Restrictive Covenants Exist

The Committee received a verbal presentation from the Applicant who made points including:

- This proposal is for one family home, nothing more. It will continue to be a family home
- 11 of the 15 homes on the close have already extended
- Used an Architect who has already worked on this Close, tried to be considerate
- There 16m between the proposed new small windows and number 2
- Wolsey Close is 32m away and screened by trees
- Everybody in the close knew about this proposal
- Restrictive Covenants are not a planning issue

In reply to points raised by Objectors the Planning Team Leader made points including:

- The extension is set far back, on the same building line as the existing garage
- Might be some views of the extension from across the road.
- The application was notified and neighbours informed
- Restrictive covenants are not material planning considerations.

RESOLVED

The Committee voted unanimously to GRANT Planning Permission subject to conditions

10 HARRIS ACADEMY, 59-63 HIGH PATH, WIMBLEDON, SW19 2JY (Agenda Item 10)

Proposal: Erection of a five storey building to provide a school, with sixth form facilities, associated parking, play area and landscaping, following demolition of existing community and commercial buildings on site.

The Committee noted the officer's report and presentation and the additional information in both Supplementary Agendas.

The Committee received verbal representations from two objectors, who made points including:

- Air Quality at this site is toxic, and will worsen in the future
- Building a School on this site goes against the Cabinet decisions on Air Quality
- Merton Abbey Primary School already suffers from the poor air quality. Children's' health is endangered by the air quality in this area
- The sports provisions are not adequate
- The DRP have given the design an Amber on two occasions
- Additional Car Journeys will be generated by this development
- The site is very tight.
- There is a campaign to stop building Schools in toxic hotspots such as this one
- The Developers suggest that the air quality will improve, but it won't it will just get worse, particularly during construction
- The mitigation measures do not remove the problems they just make them less bad

The Head teacher of the new Harris Wimbledon School spoke and made points including:

- Harris are experienced education providers, who know how to make education work. This site is perfectly acceptable and meets all the School's needs
- Demand for places at the school has been so high that extra places have been added
- Extensive consultation with the local community was carried out. Harris believe in collaboration with the community and all the proposed facilities will be available for community use
- The school will operate staggered break times, which is acceptable within the guidelines
- There is confidence about the journey to and from the Playing Fields
- The majority of students will walk or cycle to school, and students will be rewarded for sustainable travel

The Applicant's agent spoke and made points including:

- The School has opened in temporary accommodation and only 10% of students arrive by car
- The school has a robust travel plan, only minibuses and disabled parking will be allowed on site.
- A financial contribution will be made to improve the local bus service
- The site is highly sustainable being near to Tube station and tram stops
- Air Quality has been monitored and is acceptable, the assessment is accurate and up to date. The development will be air quality neutral and the construction phase will be strictly controlled.

The Planning Team Leader South responded to Objectors points about Air Quality with reference to section 7.5 of the Officer's report which detailed how the proposal sought to meet the requirements of the London Plan policy 7.14. The proposed development has a robust travel plan, it promotes a sustainable design and will be air quality neutral. He also asked the Committee to note that Merton policy CS11 part c underpins the assertion of the need for the School.

The Committee received a verbal representation from Councillor Ed Gretton, who made points including:

- The Officer's report says that there increased demand for school places, but it does not reference that this demand will drop over the next 4 to 5 years
- The possibility of an alternative site has not been considered. The ex Virgin Active site would be a viable alternative and is large enough
- Relevant Air Quality data does not appear in the Officers report

The Committee received a representation from Ward Councillor Nigel Benbow, who made points including:

- Not against a new school, but concerns about this site; it is small and unsuited to its proposed size, TfL are concerned about the narrow pavements in the area, there is significant traffic congestion, it is very close to the major High Path regeneration site.
- The development did not achieve a green from the Design Review Panel
- It will have a serious impact on Merton Abbey Primary School next door. The Mayor of London has just published a report naming Merton Abbey as one of the worst polluted schools in London
- Disappointed in Council's planning process
- Why weren't the air pollution reports in the agenda?

The Committee received a verbal representation from Ward Councillor Eleanor Stringer, who made points including:

- Must not ignore the need for a new school in this area - this application addresses the need to supply additional school places
- Need to take into account the concerns of local residents about the impact on Merton Abbey School, traffic and community use of the school
- There will be an improvement of Morden Road crossing
- Glad to see the report on air quality
- There are potential benefits to the South Wimbledon local centre from this development

Members' Questions and Comments were made under the headings of the Planning Considerations.

1. Proposed Development:

In answer to Members Questions the Planning Team Leader replied:

- Merton Policy CS11 supports proposal for an increase in the number of school places in the borough

- This scheme, at this site, has the funding support of the Department of Education. If another site was used instead it would have different funding arrangements.
- Members suggested that there will be fewer children requiring secondary school places in the borough in the future. But it has to be noted that this scheme is next to The High Path Estate which is being regenerated creating up to 1057 residential units. Also it must be taken into account that in the draft London Plan the council's housing targets have increased. This could result in 13000 new homes in the borough within 10 years

2. Impact on Character of the Area:

In answer to Members' Questions the Planning Team Leader replied:

- The Design Review Panel (DRP) saw the proposal twice and twice gave it an amber; they did have some concerns regarding the elevations and architecture. Many of the DRP comments applied to the internal layout of the building, and these contributed to the amber rating. However the site is constrained, Officers do not need a green from DRP to support a scheme, and Planning Officers must follow the NPPF
- The roof will not be used as a play area. The roof will house solar panels and plant equipment.

3. Trees:

Officers confirmed that the proposal will result in a loss of trees on the site. However the site is not big and the footprint occupies a significant proportion of the site. There is infill planting proposed in the more sensitive parts of the site, the boundary screening is to be maintained

A member commented that a significant number of new trees were needed on this site. Trees reduce air pollution and there should be proper consideration of which trees are best at reducing pollution.

4. Impact on neighbouring amenity:

In answer to Members' Questions the Planning Team Leader replied:

- Nursery Road Playing field is a separate parcel of land, and the Green Flag status of the Abbey Recreation Ground would not be affected by this scheme
- There is written confirmation of the arrangements for the School to use Nursery Road Playing Fields. The Council has the lease until 2059, the school has use between 9am – 6pm for one football pitch for 26 weeks and one cricket pitch for 13 weeks per year
- There has been a noise impact assessment, and this shows that the average noise levels within the school would not breach the relevant British Standards.

5. Transport and Highways Issues:

The Transport Planning Officer made comments in answer to members' questions:

- Site is very accessible for bus tube and tram and will encourage children to travel by public transport
- Secondary School children are more independent than primary school children are more able to travel independently to school.
- The Whately Avenue site is much less accessible by public transport and yet still has only 10% of children travelling to school by car
- Teachers will not be eligible for permits, the scheme will be car free, except for one disabled parking space on site.
- Trip figures are derived from the figures of similar schools in the borough. We do not have problems around any secondary school in the borough

A member commented that the proposal by TfL to increase the 93 bus by only one may not be adequate.

6. Air Quality:

The Council's Pollution Manager answered members' questions, and made points including:

- Air Quality is a challenge across LBM, as it is in other London Boroughs. We have an Air Quality Action Plan, and automated monitoring is carried out via a diffusion tube network. There are upper limits for each type of pollutant. The diffusion tubes measure pollution on the kerbside and from this data the levels of pollutant can be calculated at distances away from the kerb, and within a site. The estimates for this application site show that levels of pollutants within the site are likely to be within the allowed limits. Similar monitoring for Merton Abbey primary School also shows that within the school site air quality is acceptable.
- It was noted that the Mayor of London has said that Merton Abbey School is in a pollution hotspot. We do monitor around schools, but exposure to air pollution is usually around travel to School. The School itself does not generate air pollution, and levels of pollutants drop within a site away from the kerbside.
- Officers are optimistic that the diesel levy will help to reduce levels of air pollution, this will be helped by the move away from diesel vehicles
- The DEFRA guidelines say that using an annualised figure for pollution levels is acceptable
- The people on the site could only contribute to air pollution if pupils were being driven to school by car. Air pollution is produced by transport and fuel use
- There is conflicting evidence on whether a 20 MPH zone would make a difference to air quality, but anything that promotes active travel will help to reduce air pollution.
- The construction phase will be closely regulated by the Council

- Help is given to community groups who wish to monitor air quality, but it is the measurements taken in compliance with the guidance, by the Council that are used for assessment purposes
- If levels of air pollution do not reduce then the Council will need to consider taking action and extending monitoring.

Members made final comments including:

- Wider Community use should be secured by condition
- There should be more mitigation for the loss of trees. Preferably there should be additional trees on site of a type that is best at reducing air pollution.

RESOLVED

The Committee voted to GRANT Planning Permission subject to completion of an S106 agreement and conditions.

The Committee asked Officers to pursue two further matters with the applicant:

1. Mitigation for the loss of trees
2. Assurance that the Community use is as accessible as possible

11 UNIT 12 MITCHAM IND ESTATE, STREATHAM ROAD, CR4 2AP (Agenda Item 11)

Proposal: Continued use as an industrial storage unit (class B8) with additional use as a gym (class D2) (as amended by plans received 27/09/2018)

The Committee noted the officer's report and presentation

RESOLVED

The Committee voted to GRANT Planning Permission subject to conditions

12 2 VECTIS GARDENS, TOOTING, SW17 9RE (Agenda Item 12)

Proposal: Construction of a single storey rear extension and side extension with dormer window to the property and the construction of 1 x self contained flat above the side extension

NOTE: Councillor Linda Kirby left the Chair, and the dais, for the duration of this item. She spoke from the floor of the chamber and declared that she would not vote on the item.

Councillor Najeeb Latif took the Chair for the duration of this item

The Committee noted the officer's report and presentation and noted that at the last PAC members had decided to defer this item so that Officers could re-examine the

parking to the front of the property and the lack of amenity space for the one bedroomed flat.

Officers reported that they had re-examined the parking arrangement at the front of the property and could now confirm that this arrangement could achieve a layout that was safe.

With regards to the lack of amenity space to the one bedroomed flat, the Planning Officer reminded the Committee that the majority of the development proposed has previously been found acceptable and granted planning permission and that they still did not see that the absence of this space could reasonably justify a refusal.

RESOLVED

The Committee voted to GRANT Planning Permission subject to conditions

13 TPO NO.730 - 10 MURRAY ROAD, WIMBLEDON, SW19 4PB (Agenda Item 13)

The Committee noted the Officer's report and recommendation to confirm the Tree Preservation Order (No.730).

RESOLVED

The Committee Confirmed without modification Merton (No. 730) Tree Preservation Order 2018

14 PLANNING APPEAL DECISIONS (Agenda Item 14)

RESOLVED

The Committee noted the Officer's Report on Planning Enforcement

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

RESOLVED

The Committee noted the Officer's report on Planning Enforcement