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## PLANNING APPLICATIONS COMMITTEE

18 JULY 2019

(7.15 pm - 10.39 pm)

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

ALSO PRESENT Tim Bryson – Planning Team Leader North  
Jonathan Lewis – Planning Team Leader South  
Lisa Jewell – Democratic Services

### 1 APOLOGIES FOR ABSENCE (Agenda Item 1)

Apologies for lateness were received from Councillor David Dean who arrived at 19.25

Apologies for absence were received from Councillor Billy Christie, his substitute was Councillor John Dehaney.

Councillor Najeeb Latif apologised as he had to leave at 10.30. He was not present for items 10, 12 and 13

### 2 DECLARATIONS OF PECUNIARY INTEREST (Agenda Item 2)

There were no declarations of pecuniary interest.

In the interests of openness and Transparency Councillor Najeeb Latif said that both he and Councillor David Dean had been involved with the applicant for 141 The Broadway and therefore neither would not speak or vote on this item.

### 3 MINUTES OF THE PREVIOUS MEETING (Agenda Item 3)

RESOLVED: That the minutes of the meeting held on 19 June 2019 were 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, 6, 8, 9, 11, and 13.

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

5 141 THE BROADWAY, WIMBLEDON SW19 1NE (Agenda Item 5)

Proposal: Redevelopment of site to create 20 x self-contained flats within a six storey residential block with new frontage to ground floor commercial unit

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

The Committee received verbal presentations from three residents, who shared 6 minute speaking time, and from the applicant's agent and architect who shared six minute speaking time.

The comments of the Objectors are summarised as follows:

- The Planting and Landscaping proposed are not sustainable. The proposed species are not suitable and wrong for the proposed planting areas and methods.
- The Development proposed does not include any of the recommendations from the Wimbledon Green Coffee Checklist for Sustainable Buildings.
- The proposal is poorly designed, it only achieved Amber at DRP, and still ignores policy
- The Metropolitan Police have asked for the residents' entrance to be moved from the side to the front
- There is no separation between commercial waste and domestic waste
- There is no affordable housing, at least the previously granted application did provide affordable housing

The Applicant's Agent and Architect made points including:

- There is no affordable housing because sales values have decreased in the last 3 to 4 years. This is a larger building and so has bigger build costs
- An Amber from DRP does not preclude planning permission being granted. Since the last DRP meeting applicants have worked closely with the Council's Design and Case Officers to improve the design
- Applicants have also sought to improve the design from that of the extant proposal
- The Agent accepted the comments made by the objector regarding the landscaping and planting proposals and will be happy to work with the Tree Warden to improve this
- The proposal has many sustainable features including solar cells on the roof, a 35% reduction of carbon emissions, higher than recommended insulation, recycling has been considered and ventilation systems considered.

In answer to Members Questions the Planning Team Leader North gave replies including:

- The Balconies project 1.5m
- In terms of privacy the development has other residential developments around it. Privacy screens at the back will be secured by condition, as will obscure glazing to secondary windows

- The Commercial servicing will be down the side of the building, and this is a shared space with the residential use
- We can't say if this application would achieve the Secured by Design Certificate, but as the extant application has a similar entrance on the side of the building it would be difficult to enforce a change. We have not asked the applicant to move the entrance. The Police advice is included in the report
- If the applicant is not following the Police advice, this would be a difficult reason to refuse on, especially as the extant application has the entrance in the same place.
- The building does not need a separate disabled access as it would have level access to the entrance and then has lifts. A disabled parking space has not been sought owing to space limitations
- Servicing and refuse collections will be done on the street, as they are for the current building.
- There have been extensive negotiations with the design officer since the DRP Amber rating
- The viability assessment for this application concluded that the proposal could not support affordable housing or contribution. However, in –line with current guidance for the Mayor of London, a clawback mechanism is included, so that the provision of affordable housing will be reviewed prior to occupation
- The Broadway has a variety of residential and commercial buildings, and this application is suitable for the area.

Members made comments including:

- Concern was expressed about position of the entrance, and that this should be considered by the applicant.
- Concern was expressed about the Police advice, and the fact that it this advice had been requested but not acted upon.
- It was noted that the applicant had done work on the design and had listened to comments made this evening regarding landscaping, but they had not done anything about the entrance and the police advice.

A member expressed the view that the 20 homes proposed by this scheme were excellent for the area, close to public transport and employment and so highly sustainable. He was concerned about the lack of affordable housing but noted the clawback scheme.

The Committee discussed if they could refuse the scheme or if they should defer for the entrance issue to be resolved. The Committee noted that the advice from the Police was not available last time the application was at Committee, and that some members wanted to defer the application to give the applicant a chance to consider the Police conditions and the entrance position. This was not unanimous as other members thought a decision should be made.

The Committee voted, and agreed to Defer the application so that further consideration could be given to the Police Conditions and proposed side entrance

The Committee noted that if this scheme was refused then the extant scheme could still be built, with the entrance on the side

## RESOLVED

The Committee voted to Defer this item so that there can be further consideration of the Metropolitan Polices advice regarding the entrance

### 6 FOSTER'S AUTO CENTRE, 96 CHURCH ROAD, MITCHAM CR4 3BW (Agenda Item 6)

Proposal: Outline application (with landscaping only as a reserved matter) for the redevelopment of the site involving the erection of a 4 storey residential block to provide 20 x flats.

The Committee noted the officer's report and presentation and information in the Supplementary Agenda – Modifications

The Committee received a verbal representation for one objector who made comments including:

- The application building will be 4 storeys and then proposed roof terraces will overlook the small properties on Sycamore Gardens and cause noise problems.
- The area is low in public transport with only one bus stop
- There is no spare parking in Sycamore Gardens, all spaces are taken in the evenings and there are problems with parking across driveways
- There is no disabled parking bay
- The recycling and refuse are not adequate

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

- This site can comfortably accommodate a 4 storey building
- Happy to accept the condition requiring some obscured glazing
- The roof terraces are 22m from neighbouring properties but we can pull the balustrades back by 1.5m
- The parking survey shows that the parking stress levels in the area are 60%, we would not expect residents to use Sycamore Gardens for parking
- We cannot accommodate a disabled parking bay in addition to the proposed loading bay because of the location of a pedestrian refuge
- Refuse bins have been integrated
- Ask Members to note the high number of affordable homes offered by the application

The Planning Team Leader South asked Members to note that the application site is separated from Sycamore Gardens by Foxes Path and commercial units and that the

separation distance are 21m to 31m. The application meets the requirements for disabled access within the building. Not just parking has to be considered.

In reply to members' questions the Planning Team Leader replied:

- There is a condition requiring obscured glazing to prevent overlooking
- Application before you tonight is for 50% affordable housing, but the developer is in discussion with Moat Housing and if they buy the block it will be 100% affordable
- The units will contain storage, it is up to residents to decide how to use it and it would be unreasonable to condition the provision of storage specifically for prams
- There are 2 street trees in front, they are not shown on the plans but they are to be retained

Members commented that they were pleased to see this high level of affordable housing but noted that viability tended to exclude affordable from one part of the Borough.

## RESOLVED

The Committee voted unanimously to Grant outline planning permission subject to the completion of a S106 agreement and conditions.

### 7 59 COLWOOD GARDENS, COLLIERS WOOD SW19 2DS (Agenda Item 7)

Proposal: Demolition of existing house and the construction of a new two storey building comprising 4 x self-contained flats

The Committee noted the officer's report and presentation

The Committee received a verbal representation from one objector to the application whose points are summarised as:

- This application site backs onto my garden, and will steal the light from 3pm onwards, and will cause restricted plant growth in our
- The Plans are not accurate
- This application triples the footprint on the site
- All spare land in the area has already been built on with flats
- This is a quiet residential area, and the total demolition will be disruptive
- The application does not allow a big enough area for bins
- The application looks directly into the infant playground of Singlegate School

The Committee received a verbal representation from the Applicant's Agent who made comments including;

- The scale of the proposal has been reduced to 4 flats
- The site is a double plot with a large garden
- We have worked with planning officers to address the concerns raised

- The Daylight study shows that on 21 March all the neighbouring gardens have 100% sunlight for 10 hours, and so this application passes the BRE requirements
- There will be a construction management plan to control noise and disruption during the construction phase

In reply to the objectors comments the Planning Team Leader South said that Officers were entirely happy that this application was not visually intrusive. He also confirmed that there was enough space to at the frontage to accommodate the refuse area and parking.

Members asked the Planning Team Leader South to explain the term 'cannot be addressed by condition'. He explained that the Council's Scheme of delegated authority states that where an objection to a planning application can be met by condition then the application does not necessarily need to be decided by the Planning Committee, but if the objections cannot be met by condition, for example objections to bulk and mass, then the application will normally come to Committee for decision.

In answer to Members' questions the Planning Team leader replied:

- As part of the consultation process Officers seek input from Thames Water. In this case their advice forms an informative
- This scheme will not have permitted development rights, so if more of the front garden was used for parking this would be a breach of planning and would breach highway law if vehicle were driving across the kerb
- Provision for cycle storage is ensured by condition

## RESOLVED

The Committee voted to GRANT Planning Permission subject to a section 106 agreement to secure a "permit free development" and relevant conditions.

## 8 110 GLADSTONE ROAD, WIMBLEDON, SW19 1QW (Agenda Item 8)

Proposal: Single storey flexible outbuilding, the garden outbuilding will replace the existing shed and be positioned to the rear of the garden facing back towards the principal dwelling. The outbuilding is to be used as a fitness room/ gym.

The Committee noted the officer's report and presentation and additional information in the supplementary agenda

The Committee received a verbal presentation by one objector to the application, who made points including:

- The density and depth of housing on Gladstone Road is different to other roads in the area
- There is currently substantial development at specific properties in the area

- I am concerned about the number of applications for outbuildings being submitted to Merton Council
- The building is 15m<sup>2</sup> making it more suitable for additional use rather than ancillary use.
- The depth and height of this building will have a serious impact on my property
- There is no material information from the applicant on the Merton Website regarding the impact on neighbours
- The applicant has stated that they will use the outbuilding as a gym, and that it will be used at anti-social hour both early in the morning and late at night. This will impact on children's sleep.
- The positioning of this building and access makes it more attractive for additional use rather than ancillary use

In reply to the objectors comments the planning team leader made comments:

- Confirmed that he had received the objectors emails
- The application is for an ancillary outbuilding.
- The roof height is higher than allowed under permitted development rights but the ridge is set away from the boundary
- The application is not harmful
- Conditions are applied that the use is ancillary, if this becomes anti-social then this can be reported to Environmental Health

In reply to members' questions The Planning Team Leader North made comments including:

- The application building will cover 35.6% of the Garden
- There is no bathroom in the building
- The building is to be used as a home gym which is a typical use of such outbuildings
- Under permitted development rights a building with a height of 2.5m could be built without planning permission. This application is 3m high at the highest point and therefore requires planning permission.
- Noise disturbance is covered by environmental health legislation, and can be reported to Environmental Health to investigate
- The application is already ancillary to the main home, and so could be used for a family member to sleep in, but the use condition could be tightened to specify the use as home gym and storage only

Members made comments including:

- Concerned about the size of this building and the amount of the garden it covers
- Concerned about future usage of the building, this application sets a precedent
- Support for the family having its own gym; we don't know the family members circumstances
- We have to consider this a gym but concern about size.

One member proposed that the use condition be tightened to limit use to that of a home gym and storage only. However another member spoke against this saying that it was unreasonable to limit the use of this outbuilding and that as long as it was being used 'ancillary' to the main home then the Committee should not seek to limit the use.

The Chair declared that she would take the vote for the Officer's Recommendation as it stood without any amendments to the conditions, and that if this was not passed then amending the condition could be considered. The vote was taken and the Officer's Recommendation, without any amendment to the condition was agreed.

## RESOLVED

The Committee voted to GRANT Planning Permission subject to conditions

### 9 43 LANCASTER ROAD, WIMBLEDON SW19 5DF (Agenda Item 9)

Proposal: Erection of a two storey rear extension, single storey rear and side extensions, provision of accommodation at basement level and conversion of roof space including rear roof extension, erection of garage, new vehicular access onto Lancaster road, together with associated landscaping works.

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

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

- The application needs to respect the privacy of neighbouring locally listed property. This can be done by adding a condition to increase the height of the wall by screening or trellis.
- The application seeks to remove a group of trees to make way for the garage. However if this garage was moved to the other side of the house the trees could be retained or replaced thus preserving the privacy of the neighbouring property.
- This application will increase the floorspace and value of the property and it is not unreasonable to expect the applicant to respect the privacy of neighbours
- A further condition is required to mitigate traffic problems as the new car entrance will be on a single track road.

The Committee received a presentation from the applicant's agent, who made points including:

- The property requires modernisation
- We have met with Council Officers
- The External finish on the building will be high quality and will complement the Conservation area



- The Council's tree Officer has visited and given full approval to the landscaping plans. Some of the trees being removed are diseased, and the remaining trees will be protected by the plan and by TPO
- Removal of 2.5m of the boundary wall will not harm the conservation area, will allow cars to be parked on site and will ease demand for on street parking in the area.
- The house is a positive building in the Conservation area, and the removal of the wall will open up the view of the house
- The Conditions include some obscure glazed windows to ensure privacy

In reply to the neighbours suggested conditions the Planning Officer said that;

- It would be difficult to raise the boundary wall height within this scheme,
- Moving the position of the garage could not be done by condition
- A construction Traffic Management Plan could be requested

In reply to members' questions the Planning Officer made points including:

- The current door in the wall will remain
- In planning terms trees are not considered as screening because they change size and cannot be relied on in perpetuity. There is a condition to provide further landscaping. The condition on Boundary treatment could include the requirement for a trellis to increase height

Members commented that that the proposed opening in the wall was appropriate in the light of the visual aspect of the house it would afford.

Members asked officers to include a condition to ensure that this opening contained gates that could be seen through.

## RESOLVED

The Committee voted unanimously to GRANT Planning Permission subject to conditions in the officer's report and additional and amended conditions regarding the wall, gate and construction traffic management plan. The wording of these additional and amended conditions is delegated to the Director of Environment and Regeneration

10 34-40 LINKS AVENUE, MORDEN SM4 5AA (Agenda Item 10)

Proposal: Erection of a three bedroom semi-detached dwellinghouse. Erection of roof extension and conversion of roof space to extend existing first floor flats (2 x 1 bedroom to 2 x 2 bedroom).

The Committee noted the officer's report and presentation.

Members commented that the proposal is a vast improvement on the current building, however there was some concern regarding the separation distances to

Hatherleigh Close. Members were pleased to note that the development will be permit free and so will not add to parking pressure in the area

## RESOLVED

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

### 11 WILLINGTON SCHOOL, 18 WORCESTER ROAD, WIMBLEDON SW19 7QQ (Agenda Item 11)

Proposal: Removal of existing boundary fence, replacement with new boundary brick wall/gate, new playground timber fence/gate and erection of a single storey detached building within playground area (between new wall & fence).

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

The Committee received verbal objections from two residents, whose points are summarised below:

- This is referred to as a temporary kitchen, but there is no application for a permanent kitchen. Residents are concerned that it will be made permanent
- Deliveries to this kitchen will add to the traffic congestion in the area, which is already made worse by parents taking their children to the school
- The proposed extraction will not eliminates smells from the kitchen.
- The School has already commenced work on this building, before receiving any permission
- Why can't the school buy food in from neighbouring schools
- The plans do not show the levels, also there is not a safe area shown for storage of bottled gas
- The wall is a concern
- Residents are concerned that they will lose their parking bays

The Committee received a verbal representation from The Head teacher and School Bursar, who made points including:

- We are in the process of upgrading the school and this temporary kitchen is part of our spending plan
- We are concerned about the health and wellbeing of the children and believe it is important to provide a hot lunch to the pupils, which cannot be done at the moment
- Our Architect has given careful consideration to this temporary solution. A permanent solution will be considered in the future.
- The School is more than happy to meet the conditions attached to this application
- We have building contractors on site during most Summer Holidays
- We have lowered the wall at the request of the neighbours

- We do seek to consult with parents regarding their parking, we will work with the Council on this.

In reply to points raised by the Objectors, the Planning Team Leader North answered:

- The Kitchen and timber screening are temporary and this is ensured by Condition
- The proposed extraction system meets legislation. If there are problems then residents can complain to the Council's Environmental Health Team who have the power to investigate

The Ward Councillor, Daniel Holden, addressed the Committee and made points including:

- This application should be rejected
- Work has started before a decision has been made
- The application will reduce the playground by 15%
- The extractor fans will be detrimental to the neighbours, they will be noisy and will affect neighbour amenity
- Traffic and services in the area will be affected, where will delivery vans turn

In reply to Members' questions, Officers made points including:

- We don't know the exact amount of play space that will be lost, but this permission is for a temporary building. It is modular and has no foundations. The site will be restored after 3 years, with the building and fencing being removed.
- Environmental Health have provided the conditions regarding extraction and noise. The building has been kept as close to the School as possible to mitigate for such issues. Environmental legislation is in place if neighbours do have issues with noise and/or extraction of fumes.
- The days of use of the kitchen are, by condition, Monday – Friday only. The extractor fans can only be operated 8am – 3pm by condition.
- The existing work on site is related to a sports pitch. If there is evidence of premature work on this application then it can be passed to the Enforcement team
- By Condition the building and fencing has to be removed after 3 years

Members made comments including:

- Concerned that this is not an application for a temporary structure and that this is about a long term application
- Concern about taking away play space
- Support for providing healthy hot meals for children

RESOLVED

The Committee voted to GRANT Planning Permission subject to conditions

12 PLANNING APPEAL DECISIONS (Agenda Item 12)

RESOLVED: The Committee noted the report on Planning Appeal Decisions

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

The Committee noted the report on Current Enforcement cases and the updated information in the Modifications sheet. Comments were made regarding 227 London Road, and members were asked to put their concerns in writing to the Enforcement Officers.

RESOLVED: The Committee noted the report on Current Enforcement cases