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## PLANNING APPLICATIONS COMMITTEE

22 SEPTEMBER 2022

(7.20 pm - 10.50 pm)

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

**ALSO PRESENT** Councillor John Oliver; Jonathan Berry (Interim Head of Development Management and Building Control); Tim Lipscomb (Planning Officer); Tara Butler (Programme Manager); Richard Seedhouse (Democratic Services Officer)

**ATTENDING REMOTELY** Councillor Hina Bokhari; Councillor Robert Page

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

Apologies for absence were received from Councillor Simon McGrath. Councillor Kirsten Galea attended as substitute.

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

There were no declarations of interest.

Councillor Sheri-Ann Bhim informed the Committee that a declaration of interest in LESSA Sports Ground given at a previous meeting no longer applied.

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

**RESOLVED:** That the minutes of the meeting held on 18 August 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 published agenda order.

### 5 LAND AT THE FORMER LESSA SPORTS GROUND, MEADOWVIEW ROAD, RAYNES PARK, SW20 9EB (Agenda Item 5)

The Planning Officer presented the report and noted that the Committee needed to determine if the reasons for the refusal of the previous application had been overcome. The proposal was acceptable within planning terms. At the time of

assessing the application, sporting use of the entire site had not been shown to be achievable, due to funding gaps.

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

- This was the same application resubmitted with minor changes
- There were two proposals on the table, one from Surrey Cricket and a Cricketing Consortium, fully funded, and with the support of the ECB, Sport England and the RFU.
- Sport England has said that as long as there is demand for the ground, it should not be considered for development
- The Consortium have not received engagement from Bellway
- There has not been further consultation with the community or interested sporting bodies
- There is no evidence that increased use of other sporting facilities in the area is more beneficial than retaining this sports ground
- The land has been fenced off and unavailable for use, the Consortium is keen to take a long lease, and believe long term sporting use is deliverable.
- There is another development of 450 flats on a nearby site which meets the Council's commitment to development in the area

Ward Councillors presented to the Committee and raised the following points:

- Sporting and community use have to be proven to be undeliverable before any other use is considered
- The burden of proof is on the applicant to show that sport is undeliverable, not on the objectors to show that it is.
- There has been plenty of agreement to the development of the nearby Tesco site, and these new residents will need open space, if the LESSA fields remain, they will provide for this development as well
- The application is substantially the same
- There is no assessment of what additional funding would bring to the other sites
- The Consortium has not had sufficient time to respond to plans, they believe they have the resources in place. The timeline appears to be set by the developer which is not helpful to the Consortium
- There needs to be more time for Councillors and residents to consider the offer from the Consortium.
- The Council needs to show its commitment to sport.

The Applicant spoke in response and raised points including:

- The revised application expanded the sporting facilities onsite and doubled the funding for sport off-site
- The site has not previously been open to public use, it was a private club ground, therefore there is not loss of sporting use by the development.
- There is a maintained commitment to 41% of the development being affordable housing.

- Officers have agreed that this is a better plan, opening half of the site to public use and providing £1.8million in funding to sport within the borough
- The applicant believes that the Consortium proposal is £500,000 short of the true cost of their proposal, there are no costs for flood prevention, cricket nets, and no evidence of a sponsor committing to this, or that funds are ready and available.
- The applicant's plan is fully deliverable, including sporting facilities and housing.

In response to the comments received, the Planning Officer confirmed that 456 units were permitted at the Tesco site, to be delivered over several years, rather an immediate delivery. The planning team have to assess the applications on the basis of the evidence available at the time. The land has not been previously available for public use, and neither Kings College or the Council took the s106 provision to use the land.

In response to questions, the Interim Head of Development Management and Building Control confirmed that an agreement was in place that if this application were to be granted, the previous decision would not be appealed, if all paperwork sorted before the 1 December deadline required to appeal the previous decision. If this application is declined, and appealed, it is likely that both appeals would be considered together.

The Planning Officer confirmed that the affordable units are contained with separate blocks, as shown on the plan. The amenities will be available to all.

The spending plans for the contribution are indicative, the Council reserves the right put the money into other sporting facilities. Bellway had approached the council to identify sites that needed upgrading.

The Environment and Regeneration Programme manager informed the Committee that in 2017, the playing pitch strategy began, with Sport England and others. It last two years, the LESSA site was included in that consideration, and a further 6 months was added to allow proposals for the LESSA site to be submitted, the sporting bodies did not put forward proposals for the site, so while it may seem like little time has been in given in 2022, the site has been under discussion since 2017.

The Planning Officer confirmed that the NPPF gave a greater weight to the delivery of housing. There is a tilted balance between economic, social and environmental considerations where a negative in one category must significantly outweigh the benefits.

In terms of flooding concerns, the majority of the site is in Floodzone 1, at a low risk of flooding, the sports pitches have their own additional drainage and the surface water drainage strategy has been improved. Modelling shows an overall reduction of risk.

Members commented on the application, highlighting that once the space is given over to development, it's gone, and that's an environmental negative.

Merton is at risk of presenting itself as a borough where applicants can simply resubmit duplicate applications and get them through with persistence.

The enhanced funding to sporting facilities in the area are welcome, it has always been a private site, not open to public use, so the site does assist in providing facilities to residents in the borough.

There is requirement for affordable housing, this site provides a good number of units, the proposal provides alongside housing, sport facilities for the wider community.

The borough needs more affordable homes, it can't be said that the Council is committing to affordable homes for residents if applications like this are refused.

The recommendation was put to the vote and it was

RESOLVED:

That the Committee GRANTED planning permission subject to conditions and S106 agreement

6 242 MORDEN ROAD SOUTH WIMBLEDON LONDON SW19 3DA (Agenda Item 6)

The Planning Officer presented the plan and recommendations, noting the addition of CCTV and lighting, higher fencing, increased electric charging to 5 of 12 parking spaces.

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

- There were concerns around the height of the fencing, 3m would be better for security
- There were concerns around loss of light
- There were concerns around loss of screening, there is currently ivy, the residents don't want to look at 4m of steelworks, and would prefer green screening, such as tall trees along the length of the property line
- There were concerns around noise coming from a 24 hour facility

The Agent for the Applicant spoke in response and raised the following points:

- The company has built across London, the site is balanced and includes some housing
- The upmost storey of the development has been amended to be set further back, the building height is the same as the existing property
- Security is important, since the garage on the site closed, there have been two instances of trespass, the proposed development brings back permanent use to the site and will prevent similar incidents in the future.

The Planning Officer responded to the points raised, and confirmed that the proposed building was set further back from neighbouring properties, with a reduced upper floor which should address lighting concerns.

In response to questions from the Committee, the Planning Officer confirmed that:

- The building would have a more utilitarian look with treetops above. Part of the existing boundary wall would be retained.
- There are issues around fast charging, which could need an additional substation, there is a willingness to investigate further.
- It would be possible to apply condition to assess the feasibility of planting trees on the upper floors and/or a green wall.
- There aren't issues with a higher wall/fence along the length of the site, the existing building is higher than the proposed fence.
- There are no windows from the new building overlooking neighbouring properties.

Members commented on the application and noted that the developer had been liaising with residents and made some adjustments. The empty site had been a problem.

The application was an example to other developers.

With additional conditions to ensure a standard EV charging point in the disabled spot, 100% electric charging with fast charging where not unreasonable, 3.5m wall with hedgehog tunnels, greening, landscape and commitment to best endeavours to input a green wall and greenery of the upper tier, and a condition on fire safety as per building regulations, the recommendation was put to the vote and it was

RESOLVED:

That the Committee GRANTED planning permission subject to conditions and S106 Agreement.

## 7 DEVELOPMENT MANAGEMENT AND BUILDING CONTROL UPDATE ON THE GALPINS ROAD MAJOR INCIDENT (Agenda Item 7)

The Interim Head of Development and Building Control presented the report on Galpins Road.

Members of the Committee noted the contents of the report, the ongoing work and £1million spent so far.

The Committee also noted a vote of thanks to all Council Officers for their work.

RESOLVED:

The Committee noted the contents of the report and gave a vote of thanks to Council Officers for their work.

8 CLARION - EDDIE KATZ 42 STATION ROAD SECTION 106 AGREEMENT UPDATE (Agenda Item 8)

The Planning Officer presented the proposal. A statement from Ward Councillor, Councillor Brunt was taken as an informative.

In response to questions from the Committee, the Planning Officer made the following points:

- There's no maximum time to apply for the pursuit of best endeavours in finding a resolution, it could be tied to the development programme plan and say that the bridge should be in place by first occupation
- The applicant could be asked to review and recost at each six month review.

RESOLVED:

That the Committee agreed the proposal with the conditions discussed, that the applicant should make best endeavours (rather than reasonable endeavours) to build the bridge within the lifetime of the development plan and report to the Planning Applications Committee every six months, in writing and in person when required, explain the mitigation against cost and informative of the points made by Councillor Brunt.

9 PLANNING APPEAL DECISIONS (Agenda Item 9)

The report was noted.

10 PLANNING ENFORCEMENT - SUMMARY OF CURRENT CASES (Agenda Item 10)

The Interim Head of Development Management and Building Control provided a brief update, the item will be brought back in greater detail at a future meeting.