

Agenda Item 3

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PLANNING APPLICATIONS COMMITTEE

9 DECEMBER 2021

PRESENT Councillors (in the Chair) Councillor Stephen Crowe, Councillor Stephen Alambritis, Councillor Billy Christie, Councillor David Dean, Councillor Nick Draper, Councillor Carl Quilliam, Councillor Peter Southgate and Councillor Dennis Pearce

ALSO PRESENT Councillor Daniel Holden
Councillor Sally Kenny

Jonathan Lewis (Development Control Team Leader South) ,
Bola Roberts (Democratic Services Officer) and Richard
Seedhouse (Democratic Services Officer),

ATTENDING REMOTELY Amy Dumitrescu (Democracy Services Manager) Tim Bryson (Development Control Team Leader North), Jourdan Alexander Planning Officer (Environment and Regeneration),(Tim Lipscomb Planning Officer, (Environment and Regeneration) Lesley Barakchizadeh (Building and Development Control Manager, Environment and Regeneration)

(7.15 pm -12:20am)

1 APOLOGIES FOR ABSENCE (Agenda Item 1)

Apologies for absence were received from Councillor Dave Ward and Councillor Simon McGrath. Apologies were received from Councillor Joan Henry and Councillor Dennis Pearce attended as substitute.

2 DECLARATIONS OF PECUNIARY INTEREST (Agenda Item 2)

There were no declarations of interest.

3 MINUTES OF THE PREVIOUS MEETING (Agenda Item 3)

RESOLVED: That the minutes of the meeting held on 21 October 2021 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 agenda order with the exception of Item 7 which would be heard at the end of the meeting.

For the purpose of the minutes, items appear minuted in the published agenda order.

5 RO 274-320 CANNON HILL LANE SW20 9HN (Agenda Item 5)

Proposal: ERECTION OF A TWO STOREY-FOUR BEDROOM DWELLING, AND A TWO STOREY-TWO BEDROOM DWELLING, INSTALLATION OF DRIVEWAY WITH PARKING, LANDSCAPING, ALONG WITH ASSOCIATED WORKS

The Development Control Leader (South) presented the report.

The committee received a verbal representation from two objectors who made points including:

- The objector obtained 113 signatures of petition and submitted to the Committee, 55 of these are parents and the rest residents
- There was poor connectivity to the road
- There was no arboriculture impact assessment
- The Land is in flood risk zone 2 area
- The application was not in-keeping with surrounding areas, land and layout
- The proposal is contrary to DMO1 as it fails to meet open space policies
- There was failure to demonstrate adequate vehicle access
- Concerns that the application could compromise access to the existing school.

The Applicant spoke in response and made points including:

- The Applicant bought the land during lock down period, prior to that the land was used as a dumping site for refuse The Applicant had removed all fire hazards and used low level tools for maintaining the land
- The site's Open Space designation has been the subject of reassessment by Merton Council as part of its local plan review
- The Applicants felt disappointed that the application had been expedited to committee without trying to resolve issues with them first and that the three reasons could have been addressed prior to going to committee
- Concerns regarding waste collection could have been subject to planning conditions
- The Applicant informed planning officers that the arboriculture reports would be provided

Councillor Sally Kenny speaking on behalf of Forest Hill School and residents, gave a verbal presentation raising the following concerns:

Councillor Kenny had paid a site visit and spoke about the right of access, which belonged to the school and the access road would not enable big vehicles that would need to carry materials to and from the site

- The road leading to the site is part of a school street scheme to support health and safety for children Councillor Kenny maintained that the healthy outdoor approach would be severely affected
 - Building a two storey building compromises privacy. A large tree would be impacted as the roots would be damaged by vehicles going over it.
 - In conclusion Councillor Kelly said that the area was unsuitable as a construction site in close proximity to schools and a residential area.
- The Planning Officer responded that the application was not to change the site's open space designation (this could only be done through the local plan process).
 - The Council had commissioned an open space study and findings had shown that the land was surplus to requirements and that the draft local plan no longer identified it as an open space. The land owner has right of access and there would be no impact on the highway. The Council attach conditions to require construction management plans to address the issues of vehicle access.

The Development Control Team Leader (South) responded to councillors questions

- Only two houses are appropriate. There was no analysis by the applicant as to whether more than two houses could be built on the site. Whether housing output had been optimised in accordance with adopted policy had not been demonstrated.
- Development of the site has to be considered under adopted policies including DMO1. Officers concluded on the basis of the available information that the development of the land would not breach planning policy. Officers commented that the removal of the site from its open space designation was proposed in the draft the local plan. It would be for a Planning Inspector at the public examination of the draft local plan to determine whether or not the proposed removal of the open space designation was acceptable.
- Part H of Building Regulations refers to sewerage to ensure this is dealt with. This is statutory regulation.

Members commented on the proposal that refusal should be on the grounds of an approved local plan which says that the designation has not changed from current open space. The discussion on changing from green space to open space, should be on a Councillor level.

No motion was tabled by members to refuse permission on grounds that differed from the officer's recommendation.

The Chair moved to the vote on the officer's recommendation and it was endorsed.

RESOLVED:

The Committee agreed to refuse planning permission for the reasons set out in the officers' report:

6 18 CLIFTON ROAD. WIMBLEDON, SW19 4QT (Agenda Item 6)

Proposal: Home extensions to the dwelling new front porch single storey rear extension and replacement outbuilding, landscape and dormer windows in the roof.

The Development Control Team Leader (North) presented the report

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

- The proposal would reduce light to his property
- No daylight or sunlight assessment document has been produced

The Applicants' representative spoke in response:

- The plan is to reinstate the property that was hidden by trees
- Removal of trees on the boundaries opened up southern light to the property 20 Clifton Road, greatly improving their amenities and sunlight
- The property is north facing so a sunlight study was not appropriate

: The Development Control Team Leader (North) responded

- Home extensions did not usually require sunlight daylight studies
- The light is gathered from the applicants' site
- An assessment has been set out in the report in relation to amenities
- There was a tree application which is separate from the planning application
- The site includes tree retention and proposal to plant more trees to create formal gardens.

Members commented on the proposal and were for the improvement of the property. Members' sympathised with the loss of some light but felt this should not affect the application.

The Chair moved to the vote and it was

RESOLVED:

That the Committee granted planning permission subject to conditions.

7 441 COMMONSIDE EAST, MITCHAM CR41HJ (Agenda Item 7)

Proposal: DEMOLITION OF EXISTING SINGLE DWELLING HOUSE AND ERECTION OF 7 X TWO STOREY DWELLING HOUSES

The Planning Officer presented the report

The Planner responded to members' questions:

- The scheme is not a major development
- The planning officer said the developers optimised the site;
- The development would not be cramped and provides family sized dwellings.

The Chair moved to the vote and it was:

RESOLVED:

That the Committee granted planning permission subject to conditions and S106 agreement to secure private waste collection.

8 WIMBLEDON COLLEGE, EDGE HILL. WIMBLEDON. SW19 4NS (Agenda Item 8)

Proposal: to fit 3D astral turf for football and rugby

The Development and Control Leader (North) presented the report

The committee received verbal representations from two objectors

- The light columns are not retractable
- The objector said that it made a mockery of the conservation area having a commercial property
- Proposal would mean a loss of six thousand square metres of green space which would be replaced with steel, concrete and plastic
- An added increase in traffic by churches, scout and school users and parking is already an issue
- As there appears to be no business plan, council auditors should undertake a financial risk assessment and feasibility study to ensure no tax payers money is at risk in this project
- A full environmental report should have been prepared before the application had been lodged
- Section 6.5 of the revised drainage report says a full drainage survey has not been done and Thames Water has not yet accepted
- Crowd and participant audible noise including signal whistle will be ongoing for up to six and a half days every week with no respite for residents
- A noise impact statement should be undertaken
- The six 15 metre lighting towers are over four storeys high and taller than all the surrounding residential buildings
- The lights are not retractable and each require manual skilled intervention to lower them taking 45 minutes
- The hinged towers would therefore more than likely be left up as permanent feature
- Some properties affected by the towers has not been consulted
- The lights will be used mostly in the winter
- No testing has been done and glare calculations should have been done by the institute of lighting professionals
- Concerns raised on the extra use and change in noise direction of the pitch
- The council policies usually opposes restriction on impact, height

- The application conflicts on council policies on impact and conservation

The Applicants' spoke in response to objectors:

- The primary purpose of the proposal is to enhance the sports facilities for the pupils of the school Merton and further afield to enjoy physical activities
- The field due to daily use by pupils is in a state of degradation
- The purpose is to use the field regularly for physical activities on site there are off sites that can be used but the journey time limits the PE time
- There is within the application to hire the pitch in the evenings and weekends from 6-9pm week days and 9-6pm on Saturday and 9-1pm on a Sunday
- Additional information will be provided to the planning department for the telescopic lights and height needed
- The reason for the height is to reduce light spillage
- Parking facilities are onsite and buses that service the school routes
- Ask that consideration of the application be given to the wellbeing of the pupils
- The draining survey is available and will be given to the Council

Councillor Daniel Holden gave a verbal presentation to the committee on behalf of the residents, the application site is within the Wimbledon West conservation area. The 6ft tall lights, which causes light pollution, harm to the wildlife and community and would be detrimental to the neighbourhood. Councillor Holden raised further concerns on the extended hours of operation as 9pm was late and would cause extra ordinary traffic on roads that are normally quiet and would turn them into major roads with frequented vehicles and coaches. Noise was also as issue, as noise from the sporting activities at night would distress neighbours near and further down the hill. There would also be an increase in light flooding as seen down the hill and other surrounding roads. The application does not provide safe guarding against this. The scheme has no sufficient sustainable drainage. In conclusion Councillor Holden stated that the scheme should be refused under policy DMF1 and 2. Not enough considerations had been given to traffic problems caused by school based traffic and the application should therefore be refused under policy DMD1, 2 and 3 or finally refuse application under the general planning policy DMD1 and 2 causing harm to the neighbourhood.

The Development and Control Leader (North) responded to comments raised:

- Funding is not a planning consideration
- The draining scheme has been approved by the Councils flood risk Officer
- There is an existing noise generated from the youths using the sports facilities, the proposed use would be the same
- The pitch is used primarily for the school and a condition before for commercial use for a noise report
- The height for the lights is 15meters in use but retracted to no higher than 5 meters

In response to members' questions officers advised:

- 9pm at night use is not restricted by the school it is used by the daylight hours, perhaps in the summer it could be limited up to 9pm use
- In terms of open spaces it is designated within the local plan policy
- The pitch has been in existence for a long time
- Open space is allowed in recreation to put turf on the ground surface

Members commented on the application on the effect of the appearance of the green fence next to the listed buildings on this ground.

Members welcomed the pitch improvement and stated pupils will enjoy the schooling experience GS3 pitches.

Members also encouraged the changes to the improvement and multi-use of pitch, current and beyond.

Members also raised concerns that developments in a conservation area should enhance the grade 2 listed buildings and floodlight does not do so.

The Chair moved to the vote and it was

RESOLVED:

That the Committee granted planning permission subject to no objection from Thames Water and Conditions.

9 290-302A KINGSTON ROAD.SW20 8LX 20P3165 (Agenda Item 9)

Proposal: REAR INFILL EXTENSION AT 2ND, 3RD AND 4TH FLOOR LEVEL TO PROVIDE 1 FLAT

The Planner presented the report and brought to members' attention that objections raised concerns on construction disturbance which officers noted.

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

- The residents agreed that the development presents an overpopulation of current site
- Noise pollution and inadequate communal facilities with the added floor
- There is a dispute with the developers with a resident regarding poor electrical works and flooring carried out on the top floor of the building, which should be addressed before any more work is carried out
- The building has not been adequately sound proofed and should be addressed before further works
- Summer sunlight will be restricted by the balcony as demonstrated by the balcony analysis
- The issue of privacy as the balcony will overlook downstairs flats and reduce sky light

- The development would disrupt users of essential services
- There are no plans to improve the lift.
- There is currently an issue with bin storage. Added units will produce more residences and impact on the bin storage capacity.
- Fewer parking spaces will lead to parking in other residential areas
- The Applicants spoke in response and made points including:
 - The Applicants have worked closely with Merton Council officers in the design, waste management and all areas were addressed. A number of changes were made from the original planning application
 - The new homes will comply with adopted standards in terms of space and amenities and overall quality.
 - The design team have fully updated Officers.
- The Applicants are aware of the issue with waste and cycle storage and are addressing this. The current set up is fully compliant but will be much better when the work is complete
- The Applicants consider both applications are sound on all planning grounds
- The Applicants are willing to accept safeguarding conditions from the Council should the application be accepted
- Building Regulations will ensure residents and amenities are preserved
- The Applicants are committed to continuous consultation with residents.
- The Applicant aims to deliver five new homes that have no impact to the existing neighbours and are fully compliant
- Two residents also spoke in support of the application.

Planning Officers in response advised that:

- The application has to be assessed on merit
- There is other legislation that deals with the issues of lift access should the lift fail and legislation to address noise pollution
- There was a comment from the waste management team, who are happy with the arrangement being proposed
- It is acknowledged that there is a historical issue with the waste collection but the current situation they are satisfied with
- Car displacement should not be grounds to stop the application
- Parking locally is subject to a CPZ, enabling parking permits to be restricted from the occupiers of the new flats in the event of permission being granted.

In response to Members questions, the Planning Officers advised:

- Some of the conditions are standard.
- Some conditions relate to the actual construction process.
- Conditions on sustainability are proposed to ensure London Plan targets are met.

- Conditions on noise from plant used in the construction process including that relating to non-road mobile machinery are proposed in order to meet the Mayor of London's requirements.
- There are conditions on dust emissions and air quality
- Conditions relating surface drainage, this shows method of water drainage from site
- The conditions listed in the officer's report sets out a reasonable framework for controlling the development.

Members commented on the proposal and welcomed the infill flat. The art déco design enhances the building. Members noted the concerns of residents who did not support the proposal

The Chair moved to the vote and it was:

RESOLVED

That the Committee granted planning permission subject to Conditions and S106 legal agreement

10 290-302A KINGSTON ROAD SW20 8LX 20P3168 (Agenda Item 10)

Proposal: SINGLE STOREY ROOF EXTENSION AND INFILL EXTENSION FOR THE CREATION OF 5 SELF CONTAINED FLATS

The planning officer presented the report.

The Committee received a verbal representation from two Objectors

- Issues raised on privacy and overcrowding of the building
- The current arrangements were not sufficient
- The proposed bin storage is only marginally sized
- Objector is not happy to go through a year of building construction

The Applicant responded

- Planning cannot reasonably defend overlooking and members can come to a decision on this;
- The planning process is fairly limited as to what it can consider. It cannot get involved in other legal arrangements that are not planning concerns.

The Chair moved to the vote and it was

RESOLVED:

That the Committee granted permission subject to conditions and S106 legal agreement.

11 81-83 WIMBLEDON HILL ROAD SW19 7QS (Agenda Item 11)

Proposal for a full redevelopment of the site

The Development Control (Team Leader North) presented the report

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

- The proposal will provide no affordable housing
- The Met says the layout is unsafe and recommends change
- No fire risks reports submitted
- It would result in loss of light in several dwellings
- There would be loss of trees
- Construction work would cause protracted disturbance
- The proposed development breaches planning policies
- Would like a more policy compliant design
- The planning officers' report has not been updated since then to include the lighting report
- The report admits breach of policies, yet on the other hand the report agrees the plans to go ahead
- The application would result in loss of privacy

The Applicant spoke in response and made points including:

- The Applicant had worked closely on the designs with the Planning Officers and supports report
- The Applicant says that the proposal has positive characteristics of the area and amenities that's provided for residence to live in
- The Applicant stated that current planning policy is clear in making sufficient use of land in sustainable locations to ensure the delivery of new homes
- The site is just outside Wimbledon in an urban area just outside the train station and walking distance to shops
- The Applicant said that 60% of new homes over the years has come from small land
- The proposal has reached a balance and considered impact to residence amenities and use of space
- The application has a positive impact on street scape
- The nature of the building has been carefully appraised in context of the neighbouring buildings in relation to trees
- The plan shows the layout in terms of lower elevation and it is in keeping with the plan
- The plan sets out boundaries with neighbours
- The Applicant has provided Sunlight and Daylight
- The proposed scheme shows overlooking of sight there is no overlooking as windows used will be glazed
- The Applicant has signed up as be seen be green energy efficient
- The majority of the unit will be car free and will have electric charging points and the plans sets this out in full

- The scheme has the approval of the highway department
- The scheme will make an important contribution to Merton's housing target

Council Daniel Holden gave a verbal presentation to the Committee stating that the proposal is too big for the scheme and would contribute to loss of light and gardens would be overshadowed. He had concerns that the scheme will have a detrimental impact to neighbours to loss of amenities. The scheme has failings of planning policy DM2. The scheme had no affordable housing contribution.

The Development Control Team Leader (North) responded to points raised adding that the application had an independent viability report reviewed by Merton Council viability consultants which concluded that the scheme cannot provide affordable housing. The application was submitted with the viability report.

With regards to the parking provision the existing plan has provisions for parking. The new London Plan came into effect after the scheme was submitted and the proposal provides electric charging points and 2 x disabled parking spaces. A balance has to be met and the proposal would provide less than 1 space per unit.

With regards to the fire statement, again the scheme was submitted prior to that requirement however officers have requested a condition to be included for the applicant to submit one prior to commencement of works.

With regards daylight sunlight issues, professional opinions differs in the report between the Applicant and third parties. Relating to window impact, a judgement has to be taken by officers in terms of the impact.

In regards elevations to neighbouring windows there is a reduction in terms of overlooking and the balconies have been set back.

The London Plan sets out that small sites should be utilised as set out in the report.

In response to members further questions, The Team Leader advised that the S106 agreement will capture heads of terms.

The viability has been looked at by the Councils and independent assessors in relation to cost and they are aware of the plans and what is proposed.

National Policy applies in providing guidance to daylight/sunlight issues under paragraph 125c of the NPPF. The balance on this scheme was deemed acceptable and the application was judged in that context.

The scheme is replacing an early 20th century building. The late stage review is done on 75% is sold, the late state review is to be secured within the legal agreement.

From within the daylight and sunlight report the terms are accurate and this is from both reports from the Applicant and independent in terms of window testing if they retain over 80% of daylight and they are satisfied under the BRE guidance then this comes into effect.

Members commented on the proposal and made points including:

- The absence of affordable housing.
- Concerns regarding the impact on neighbouring properties
- Credibility in loss of profits by providing affordable housing

- Concerns regarding the height of the proposal
- in the proposal was not in-keeping with the current surrounding buildings

- Good area in Wimbledon will be replacing an existing one three house building by 17 flats, there was regret in non-affordable housing

The Chair moved to the vote and it was

RESOLVED:

That the Committee agreed to refuse the application for the following reasons:

Absence of affordable housing

Impact on neighbouring amenity of properties at Leeward Gardens and Bluegates

It should be 'car free' in support of recent adopted London Plan Policy.

Lack of a signed S106 Agreement for the heads of terms set out in the report.

The final wording of the reasons for refusal was agreed to be drafted by officers and then sent to the Chair and Vice-Chair for their authorisation prior to issuing the decision notice.

12 PLANNING APPEAL DECISIONS (Agenda Item 12)

The Committee noted the report.

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

The Committee noted the report.