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DEVELOPMENT AND PLANNING APPLICATIONS COMMITTEE

7 DECEMBER 2023
(7.20 pm - 9.02 pm)

PRESENT Councillor Aidan Mundy (in the Chair), Councillor Matthew Willis, Councillor Michael Butcher, Councillor Edward Foley, Councillor Susie Hicks, Councillor Dan Johnston, Councillor Martin Whelton, Councillor Michael Paterson, Councillor Billy Hayes

ALSO PRESENT Jonathan Berry (Head of Development Management and Building Control), Tim Bryson (Development Management Area Manager), Stuart Adams (Development Management Area Manager), Sarath Attanayake (Transport Planning Project Officer) Jayde Watts (Democratic Services Officer)

1 APOLOGIES FOR ABSENCE (Agenda Item 1)

Apologies for absence were received from Cllr McGrath with Cllr Hicks in attendance as substitute and Cllr Barlow with Cllr Paterson in attendance as substitute. Apologies for absence were also received from Cllr Bhim.

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 26 October 2023 were agreed as an accurate record with the following amendments:

- Bullet point 3 of Cllr MacArther's statement amended to include 'implausible'.
- Inclusion of the YouTube links of the meeting.

4 TOWN PLANNING APPLICATIONS (Agenda Item 4)

The Committee noted the amendments and modifications to the officer's report. The Chair advised that the agenda would be taken with Agenda Item 6 first, followed by Agenda Item 5.

Please note that members of the public, including the applicant or anyone speaking on their behalf, are expressing their own opinions and the Council does not take any responsibility for the accuracy of statements made by them.

5 PENTHOUSE FLAT 11, 3 LANSDOWNE ROAD, WEST WIMBLEDON, SW20 8AP (Agenda Item 5)

The Planning Officer presented the report.

The committee received representation from the applicant Stephen Sexton who raised points including:

- The recommendation for refusal was due to the upper extension resulting in material harm to the character and appearance of the existing building, conservation area and the wider street scene.
- Design features were included to reduce the height and minimise the visual impact.
- Kitchens and bathrooms had the minimum permitted ceiling height and were located underneath the upper extension. This allowed the upper extension to be sunk into the floor below which reduced height and visual impact.
- The top floor flat was built in 1974 and in need of modernisation.
- Surrounding properties were not in the conservation area. The north of 3 Lansdowne Road was in the conservation area, but views were blocked by 2 Lansdowne Road. To the east, the conservation area was blocked by another building. To the south of Lansdowne Road, they were not in the conservation area. The first property to be in the conservation area was 17 Lansdowne Road. There were no direct frontal views to the development from any property which was in the conservation area.
- The upper extension was set so far back from the edge of the building that it would not be visible from Lansdowne Road.
- The upper extension was too far to be seen from the ridgeway, with limited views from the Downes which were not in the conservation area.
- The refused appeal scheme was in relation to two buildings with 2 additional full height floors of 7000 square feet which comprised of 8 two bedroom apartments. The current application was for an ensuite bedroom of 400 square feet, a fraction of the scale which was previously proposed.

In response to questions raised by the committee, Planning Officers advised:

- Visual impact of the scheme was a matter of judgement.
- Downes Road and Lansdowne Road were not within the conservation area although most of the areas outside of those roads were. It was acknowledged that some of the views from immediately in front of the building would be partially visible to the structure but officers also looked at wider views as well as the design of the scheme, and whether it was appropriate for the host building and surroundings.
- This was a subjective assessment. The scheme would improve accommodation for a single unit however, there was already consent to remove the conservatory and extend the flat sideways. The proposal would be a benefit for the resident only and not for the wider public. The proposal would make the building taller than any other in the local area. There were many purpose built blocks of flats in the area so they needed to be sure that the visual impact was acceptable.
- Most of the master bedroom would be glazed with an outlook but there would be some back panelling where there would be no light coming through.

- Many elements of Planning were technical. The term subjective was used as the appearance of the proposal was open to the opinion of members and officers. Officers felt that the proposal would look out of character although other Councils have allowed similar developments. This application needed planning permission as it was not a new flat and was an extension, but where upward extensions were allowed as permitted development elsewhere, other councils decided that the way to accommodate that was to allow similar developments as this one. Some Councils require materials to match the existing building and to be the same shape, this application was not and why officers have recommended refusal. It was up to members to decide if this type of development was acceptable in this part of the borough.
- Received 14 objections summarised within report.
- There would be access to the flat roof. When the inspector dismissed the application for two storeys there were no issues raised around neighbouring amenity, so officers felt that access to the flat roof was ok.
- Officers could not say whether the application would have been approved had it been in a conservation area. There were many purpose build flats in that area and was why those roads were excluded from the conservation area.
- Due to the glazing, the development would be visible at night, despite it being set back. It was worth noting that the windows on the floor below would also be visible when the lights were on.
- The previously refused scheme was rectangle shaped and looked similar to the existing building. However, officers felt that on balance this was visually unacceptable. The applicant was now looking at something different but officers felt that the new application did not overcome the previous reason for refusal.
- If the application was approved and the neighbour wanted to build something similar, the orientation of the clear glass of the bedroom would be facing away and there would not be any overlooking.

The Chair invited the applicant to respond to clarify details raised within questions from the committee.

The applicant informed the committee of the following:

- Happy to have condition to use whichever glass officers deemed necessary to deal with any concerns around light. The development was set back a huge distance from all directions.

The Chair moved to the vote on the Officers' recommendation: Votes For – 0, Against – 9, Abstentions – 0.

The motion to refuse the officer recommendation was proposed and seconded on the basis that members did not agree that the proposed development would have a negative impact on the appearance of the host building and surrounding area.

The Chair moved to a vote for approval with the following additional conditions: Votes For – 9, Against – 0, Abstentions – 0.

CONDITIONS

- A standard time limit condition to be implemented to commence in 3 years.
- A samples and materials condition to address concerns of the glass in the developments prominence.
- A drawing numbers condition.
- Implementation of a construction management plan.
- A standard construction times and days restriction condition as the application is on an existing block of flats.

RESOLVED: That the Committee GRANTED Planning Permission Subject to Conditions.

6 310-356 GRAND DRIVE, RAYNES PARK, LONDON, SW20 9NQ (Agenda Item 6)

The Planning Officer presented the report.

The committee received representation from Ward Cllr Sally Kenny who raised points including:

- Repairs and maintenance were inadequate and would be made worse if two additional floors were added.
- Residents received a letter today which stated that the planning meeting would be on 24 February 2000. Residents accepted the year 2000 was an error but as it stated 24 February, they thought today's meeting would be cancelled. Once residents were made aware that the item would be heard today it was too late for them to attend.
- The leak in the block was ongoing for 2 years which was poor. Scaffolding was currently in place to address this but not many workers have been seen.
- It took two years to address resident concerns of stair nosing. Although now complete it was worth noting how long it took.
- The communal door lock had to be replaced at least three times in one year which suggested materials used were inadequate.
- Residents felt that the communal cleaning areas were done inadequately and to a poor standard.
- How would the developer cope with the addition of 12 new flats.
- Residents wanted to know what steps would be taken to keep them informed at every stage of the process, how would they access their homes, how will they be protected during the works.
- It took four to five months to deal with waste management issues.

The committee received representation from the applicant Thomas Rumble who raised points including:

- Proposal was for an addition of 12 flats, a mix of one and two bedroom apartments.
- The site filled Brownfield land and benefited from the permitted development rights, granted under part 20 of the General Permitted Development Order (GPDO) which allowed the addition of floors above the existing building. These rights were further supported by the London Plan and National Planning Policy Framework (NPPF).

- Prior approval considerations were reviewed in the officer's report.
- Two parking surveys completed in 2021 and 2023 demonstrated that the proposal would not cause undue parking stress, further supported by the London Plan which encouraged car free developments. The Councils Highway team also had no objections.
- The scheme would provide a two tier cycle rack provision which offered 12 spaces, available to existing and proposed tenants on site.
- A £10,000 contribution would be provided for the provision of cycle hangers in local area.
- A £3,600 contribution would be made for the Councils local e-bike cycle hire scheme.
- The lower of the two additional floors would match the existing three levels and was previously approved by the Council via prior approval earlier in the year.
- The upper additional floor formed a mansard roof to be pitched on its sides. The setting of this floor broke up massing and ensured the external appearance was appropriate and more consistent with the local area.
- The proposed extension was further supported by the site's neighbourhood parade location.
- The scheme allowed for a proportionate and well designed roofscape in addition to the already approved single storey addition below.
- All flats met space standards and were dual aspect.
- Improvements to refuse would be secured via the suggested refuse and recycling condition, the Councils Waste Services Officer was content with the proposals.
- The building was sited away from residential properties and therefore, in relation to neighbouring residential amenities, they met and exceeded the conventional management criteria.
- The freeholder would do all they could to minimise disturbance during construction. A construction logistics plan and working method statement were required as part of the suggested conditions.

In response to questions raised by the committee, Planning Officers advised:

- Maintenance of the existing building was not considered as part of the application however there was scope to improve waste via a planning condition which would secure a requirement for the Councils waste officer to be consulted and if there were any breaches on the approved plan, enforcement action could be taken. Hopefully this would give reassurance that there would be an improvement for existing and new residents.
- Officers agreed, as an action, to refer concerns around the state of the building to the Building Control Team.
- Officer's considered potential improvements which but had not considered painting the building. This could be an option subject to the applicant's agreement.
- The cycle hanger locations were not yet fixed but ideally, they would be kept on the highway, providing it did not result in the loss of car parking space. The indicative proposals were to place the cycle hangers on St Mary's Avenue or near the Co-op which was where they also proposed placing the e-bikes.

- Structural integrity of the building was covered by building control which would require separate approval.
- Outside communal space was not a planning consideration under the prior approval process.
- Cycle credit was newly introduced, they would need to look into what would happen if the money was not used.
- The proposal created new units which would be a consideration for members although it was not necessarily a criteria for prior approval.
- Prior approval did not include affordable housing provision, if this was a full planning application, they would be able to secure affordable housing. The governments drive for prior approval was to create new housing.
- The transport officer informed the committee that the provider of the cycle credit would inform the Council on how they would manage the credits.
- In relation to cycle credits, the consent was time limited and conditions and or agreements needed to meet certain tests. One of the tests was whether the requirements were necessary to make the development acceptable. If full use of credits were not used it could be argued that the full requirements were not necessary to make the development acceptable. Conditions would have to be tightly controlled and relevant to this particular development. The hope was that all of the credits would be used but if they were not, it was unknown whether they could be used in a broader area. The Chair confirmed that they would need to explore the policy further to gain full benefits.
- Removing the time limit for cycle credits would need to be looked into further. Prior approval time periods were set nationally however, if strictly limited to this development, it was possible for the condition to stay in place in perpetuity.
- Cycle hanger placement was outside of this application, but officers would note the comments and include ward councillors at the correct stage of the process.

The Chair invited Cllr Kenny to respond to clarify details raised within questions from the committee.

Cllr Kenny informed the committee of the following:

- It was required as part of the London plan to provide all residents with adequate waste with no overflowing.
- Queen Mary Avenue Road was a narrow road which was always congested. If the Cycle racks were placed there it would cause traffic.

The Chair invited the applicant to respond to clarify details raised within questions from the committee.

The applicant informed the committee of the following:

- The internal height within the flats would be 2.4 metres and was consistent with the height of the flats on the lower levels in the existing building.
- There may be an aspiration to undertake some work to improve the appearance of the existing building, but this was not part of the proposal. At present the building was a mix of brick and render so would be consistent with the existing image. They would agree to an informative to encourage the idea.

- Agreed to a condition that as part of the submission of a waste plan, to include internal waste storage as part of the kitchen units as standard.
- Prior approval regulation stated that there needed to be floor to ceiling heights that were the same as the rest of the building.
- There was a construction logistics plan condition which could be expanded to include a requirement for engagement from the developer with residents during the construction process. They agreed for there to be fortnightly engagement.
- A condition already existed which stated no work on Sundays and Bank Holidays. On Saturdays, the only time allowed would be from 8.00am to 1.00pm.

The Chair agreed to look further into providing best practice for developers regarding resident engagement.

The Chair moved to the vote on the Officers' recommendation with the following additional conditions and informatives: Votes For – 9, Against – 0, Abstentions – 0.

CONDITIONS:

- Waste plan to include internal waste storage in the kitchen area of the new builds.
- Councillors to be consulted on where the cycles racks would go as part of the consultation process.
- Cycle credits to be in perpetuity.
- Construction and engagement would include a clear plan which included, at minimum, written communication with existing resident's fortnightly.

INFORMATIVES:

- To tidy and clean the front of the development.

RESOLVED: That the Committee GRANTED Prior Approval subject to conditions and S106 Agreement.

7 PLANNING APPEAL DECISIONS (Agenda Item 7)

The report was noted.

A security and health and safety concern was raised in relation to 7 Watery Lane. It was also noted that works were completed without planning permission. Jon Berry agreed to refer this matter to the Enforcement Team.

8 PLANNING ENFORCEMENT - SUMMARY OF CURRENT CASES (Agenda Item 8)

The report was noted.

9 GLOSSARY OF TERMS (Agenda Item 9)

- 10 CHAIRS PROCEDURE GUIDE (Agenda Item 10)
- 11 MODIFICATION DOCUMENT (Agenda Item 11)