

Agenda Item 3

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DEVELOPMENT AND PLANNING APPLICATIONS COMMITTEE

15 FEBRUARY 2024
(7.23 pm - 9.13 pm)

PRESENT Councillors Councillor Aidan Mundy (in the Chair),
Councillor Matthew Willis, Councillor Sheri-Ann Bhim,
Councillor Michael Butcher, Councillor Edward Foley,
Councillor Billy Hayes, Councillor Dan Johnston,
Councillor Thomas Barlow and Councillor Martin Whelton

ALSO PRESENT Jon Berry (Head of Development Management and Building
Control), Tim Bryson (Development Management Area
Manager), Stuart Adams (Development Management Area
Manager), Leigh Harrington (Planner), James Felton (Legal),
Jayde Watts (Democratic Services Officer)

1 APOLOGIES FOR ABSENCE (Agenda Item 1)

Apologies for absence were received from Cllr McGrath with Cllr Galea in attendance 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 11 January 2024 were 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 the agenda would be taken in the published agenda order.

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 1 LAMBOURNE AVENUE, WIMBLEDON PARK, LONDON, SW19 7DW (Agenda Item 5)

The Planning Officer presented the report.

The committee received representation from one objector who raised points including:

- Unique site and the development was of concern to the whole community.
- Appreciated that the development was scaled back but there remained concerns with regards to ensuring the protection of the sweet gum tree and further concerns of the proposed balcony on the first floor which would likely result in significant detrimental impact to at least 6 adjoining properties.
- Given the unique location, the precedent set on Lambourne Avenue for balconies did not apply and they requested that the balcony was removed from the plans.

The committee received representation from the agent Reza Parizi who raised points including:

- The application underwent consultation with Merton's Planning Department and gained authority from various authorities including the Case Officer, Conservation Officer and Tree Officer.
- The current design received no objections from the public during the recent consultation.
- The existing property was structural unsound, the proposed design would positively contribute to the conservation area.
- The design aligned aesthetically with existing properties and complied with both the London Plan and Merton Planning Policies.
- There would be privacy screens on the first floor terrace and the Sweet Gum Tree would be protected.
- The client and design team collaborated with the Planning Case Officer to ensure compliance. Examples of this were the removal of an outbuilding at the rear of the property and a reduction in the width and depth of the proposal.
- The design offered a well configured living space and amenities with adequate parking.

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

- The Tree Officer was involved with the application and the Sweet Gum Tree had a TPO (Tree Protection Order). Page 11 of the officer's report outlined all protective measures and was dated 11 December 2023. The report highlighted minimal impact and officers were satisfied that the Sweet Gum Tree would be protected.
- The balcony was reduced in width during negotiations. At first floor level the balcony would be set slightly in and have 1.7metre high screens to its sides. It was acknowledged that it would have some cross views to neighbouring gardens, but this would be at an oblique angle. The Sweet Gum could have some effect on visual impact during the summer but not during the winter months.

- Obscured glass for first floor windows were fairly common. The officer felt that given the side on view to the property from the south and north, a fixed glazed window was appropriate. If members disagreed, it was possible to have high level high opening windows from 1.7metres from floor height.
- Condition 21 addressed concerns raised in regard to air source heat pumps. Officers would expect details related to sound to be submitted on discharge of condition which would then be consulted on with the Environmental Officer to ensure that the proposal was acceptable.
- If solar panels on the roof formed part of the plans, then it would also form part of the consent.
- Condition 17 was removed as cycle parking was addressed in condition 16.
- Concerns around asbestos would be raised on any planning decision notice. They would also draw this to the attention of the applicant and the role of the health and safety executive.
- Officers could not confirm if there was obscured fixed glass at the side of the property on the first floor.
- An informative related to the permeable materials on the drive was recommended on the modification sheet but as it was not clear, officers agreed to add one.
- Officers agreed that having an opening to the window above 1.7metres was acceptable.

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

The applicant informed the committee of the following:

- One of the windows to the side of the property was not obscured.
- There would not be a design issue to have non fixed windows in the bathroom, this was a planning issue. If there was not a fixed window below 1.7metres there would be concerns of overlooking. To avoid mould, the property would be fitted with an air source heat pump and dehumidifier. They could make the top section above 1.7metres openable if this was preferred.

The Chair moved to the vote on the Officers' recommendation with the following additional conditions and informatives: Votes For – 9 , Against – 0, Abstentions –1 .

INFORMATIVES:

- That the Health and Safety Executive was referred to regarding asbestos

CONDITIONS:

- Update to the plan to allow for windows above 1.7metres to be non-fixed.

RESOLVED: That the Committee GRANTED permission subject to conditions.

6 FLAT 18, SOVEREIGN HOUSE, 1 DRAXMONT, WIMBLEDON, SW19 7PG
(Agenda Item 6)

The Planning Officer presented the report and highlighted that they received late representation from the Conservation Officer who was not consulted on the application. The Planning Officer read out the representation that was received.

The committee received representation from two objectors who raised points including:

- 11 of the 17 residents objected to the application.
- Inappropriate design and material which gave visual unappealing symmetry, they did not agree with comments in the report related to visual enhancement.
- The applicant planned to build on the main wall of the building which was owned by the freeholder. The freeholder had not given consent and would not until terms were agreed.
- The rear terrace layout was inconsiderate and impractical. For 3 years the neighbour below had experienced leaks.
- The development would infringe on the light and privacy of neighbours.
- The lease clause confers their right to stop any detrimental impact to the character of the building.
- The property was left empty and unoccupied for 20 years.
- Application failed to respect the style and architecture of the building which should be preserved.

The chair invited the applicant to make representation, the following was raised:

- The applicant inherited the property and was an architect by profession. The applicant would downsize to live at this property and was committed to high quality construction.
- Pre-application advice was taken and the plans were discussed with the applicant's neighbour.
- A daylight study was completed without being requested. Feedback was that there would be no impact but taking on feedback from neighbours a further assessment was done which stated there would be minimal impact on the terrace and adjoining room.
- A structural engineer attended the property to assess the existing fabric.
- New additions to the rear were to be light weight glazed structures to further reduce any impact.
- There was a solar addition to improve sustainability.
- Overall quality of the proposal was acceptable based on studies and assessments.

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

- Matters which related to leases of the property were not material planning considerations. As set out in the report, matters for consideration were impact on the character of the building, impact on the area and neighbouring amenities and matters to help control the building process.
- In relation to the late comments received from the Conservation Officer, design and visual impact was a matter of judgement. Concerns were raised around design issues but there was no mention of harm to the conservation area or neighbouring listed buildings.
- The applicant completed a daylight sunlight assessment which concluded there was no breach to the BRE guidelines. The floor plans showed the development did step in away from the shared wall so officers were satisfied.
- The building itself did not sit within the conservation area.
- Solar panels would be placed on the flat roofs of the extensions. This was not conditioned as there was no requirement for such environmental benefits.

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 applicant had not yet looked at the mechanical elements but there was provision to offset the resident's requirements. The applicant had thought to extend the power to the block and this continued to be an open conversation.

Due to the late submission from the Conservation Officer, it was proposed that the item was deferred to allow time to consider the submission. The proposal was seconded.

The Chair moved to the vote on Deferral: Votes For – 10 , Against – 0, Abstentions – 0.

RESOLVED: That the Committee DEFFER to a future meeting.

7 153 LINKS ROAD, TOOTING, SW17 9EW (Agenda Item 7)

It was proposed and seconded to defer the item as the applicant was not in attendance to answer member queries.

Jon Berry informed the committee that it was not a requirement for the applicant to attend. The application was reviewed by an inspector and as such there was a risk to the Council of an appeal based on non-determination. Any appeal could be accompanied by an application for costs against the Council. A consideration would be whether or not members reasonably delayed making a decision, the applicant not attending the meeting would not be considered sufficient grounds. There would be possible financial and reputational risk for the Council.

A proposal was made for delegated decision, but this was not seconded.

Members of the committee agreed to proceed with the application.

The Planning Officer presented the report.

There were no registered speakers for this item.

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

- Each application would be taken on its individual merits, very few sites had material planning considerations applied to them in the way that this application did. There was a very strong steer from the planning inspectorate which members had to give great weight to and overall the development was judged to be a good quality development that provided a particular form of housing which met a housing need, that the inspectorate felt was right for the area.
- The spare room was an attractive addition to give more space for homeworking and did not take away from the shared amenities such as the lounge room and spacious kitchen. As such, the loss of the room would not be grounds for refusal.
- It was difficult to know what the inspector looked at when considering the volume of HMO's in the area. Graveney had a higher number of HMO complaints but in proportion to the number of complaints per HMO, Wimbledon Village and Hillside had more than Graveney.
- It was in the developer's best interest to maintain the standard of the property to ensure that they could charge the desired rent.
- The purpose of the 106 agreement was to make it permit free. The development was in a CPZ so there could not be any car ownership and as such would not add to parking issues.
- The development had permission for a 6 bedroom HMO, the question before members was around the impact of going to a 7 bedroom HMO.
- All registered HMO's were recorded by the HMO department, this would be the 7th HMO in a road of approximately 200 properties.
- You could not issue a condition for a person to keep the inside of a property as attractive as one would like for it to be.
- A condition was recommended which would limit this development to 7 persons in total. This would also be covered within the HMO license.
- The inspectorate's decision was based on 7 people.

The Chair moved to the vote on the Officers' recommendation: Votes For – 7, Against – 2, Abstentions –1.

RESOLVED: That the Committee GRANT Planning permission subject to conditions and a s106 agreement.

8 PLANNING APPEAL DECISIONS (Agenda Item 8)

The report was noted.

9 PLANNING ENFORCEMENT - SUMMARY OF CURRENT CASES (Agenda Item 9)

The report was noted.

10 GLOSSARY OF TERMS (Agenda Item 10)

11 CHAIRS PROCEDURE GUIDE (Agenda Item 11)

12 MODIFICATION SHEET (Agenda Item 12)

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