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PLANNING APPLICATIONS COMMITTEE

23 APRIL 2015

(19.15 - 22.00)

PRESENT: Councillors Councillor Linda Kirby (in the Chair),
Councillor John Bowcott, Councillor Tobin Byers,
Councillor David Dean, Councillor Ross Garrod,
Councillor Daniel Holden, Councillor Abigail Jones,
Councillor Philip Jones, Councillor Peter Southgate and
Councillor Geraldine Stanford

ALSO PRESENT: Councillor Stephen Alambritis

Jonathan Lewis (South Team Leader - Development Control)),
Neil Milligan (Development Control Manager, ENVR), Michael
Udall (Democratic Services) and Sue Wright (North Team
Leader - Development Control)

1 FILMING

The Chair confirmed that, as stated on the agenda, the meeting would be filmed and broadcast via the Council's web-site.

2 DECLARATIONS OF INTEREST (Agenda Item 1)

Councillor Philip Jones declared an interest (but not a disclosable pecuniary interest) in Item 6 – 35 Florence Avenue , Morden (ref. 15/P0364) by reason that he knew the applicant as a former Ward colleague.

Councillor Linda Kirby also declared an interest (but not a disclosable pecuniary interest) in Item 6 – 35 Florence Avenue, Morden (ref. 15/P0364) by reason that she knew the applicant.

3 APOLOGIES FOR ABSENCE (Agenda Item 2)

None.

4 MINUTES OF THE PREVIOUS MEETING (Agenda Item 3)

RESOLVED: That the Minutes of the meeting held on 26 March 2015 be agreed as a correct record.

5 TOWN PLANNING APPLICATIONS - COVERING REPORT (Agenda Item 4)

The published agenda and the modifications sheets tabled at committee form part of the Minutes.

(a) Modifications Sheet: A list of modifications for this item 4 and items 5, 6, 8, 9 & 12 and additional letters/representations and drawings received since agenda publication, were tabled at the meeting.

(b) Further Modifications Sheet (for Item 5 – 143 Cottenham Park Road, SW20): A further list of modifications for item 5 only was also tabled at the meeting.

(c) Oral representations: The Committee received oral representations at the meeting made by third parties and applicants/agents in respect of items 5, 6, 8, 9 & 10. In each case where objectors spoke, the Chair also offered the applicants/agents the opportunity to speak; and the Chair also indicated that applicants/agents would be given the same amount of time to speak as objectors for each item.

The Committee also received oral representations at the meeting from the following Councillor (who was not a member of the Committee for this meeting) in respect of the items indicated below –

Items 6 & 8 – Councillor Stephen Alambritis.

(d) Order of the Agenda – Following consultation with other Members at various times during the meeting, the Chair amended the order of items to the following - 6, 8, 9, 10, 5 & then 7.

RESOLVED : That the following decisions are made:

6 143 COTTENHAM PARK ROAD, WEST WIMBLEDON, SW20 0DW (REF. 15/P0081) (RAYNES PARK WARD) (Agenda Item 5)

1. Proposal - Demolition of existing detached dwelling house and erection of a new detached dwelling house with associated parking and landscaping.

2. Further Modifications Sheet – Officers explained that the drawings included with the tabled further modifications sheet showed the reduction in overall height of the proposed building of about 0.25m (referred to in para. 3.4).

3. Lost Refusal Motion - It was moved and seconded that the application be refused on the grounds that the proposal's bulk and massing would be excessive and inappropriate for this site. The motion was lost by 6 votes to 2 (Councillors David Dean and John Bowcott voting for the motion). The application was subsequently approved as indicated below by 7 votes to 1 (Councillor David Dean dissenting; and Councillor John Bowcott abstaining).

Decision: Item 5 - ref. 15/P0081 (143 Cottenham Park Road, West Wimbledon, SW20 0DW)

GRANT PERMISSION subject to the conditions set out in the officer case report and the two tabled modifications sheets.

7 35 FLORENCE AVENUE, MORDEN, SM4 6EX (REF 15/P0364) (RAVENSBURY WARD) (Agenda Item 6)

1. Declarations of Interest: Prior to consideration of this item, further to his previously declared interest, Councillor Philip Jones left the room while this item was discussed and voted upon.

1.1 Prior to speaking on this item, Councillor Stephen Alambritis (who was not a member of the Committee) declared an interest (but not a disclosable pecuniary interest) in this item by reason that he owned No.20 Florence Avenue which didn't back onto No.35 but was opposite and was not affected by the application.

2. Proposal - Erection of a 1 bedroom single storey dwelling house – application for outline planning permission with all matters reserved.

3. London Plan and development in back gardens – Officers advised that -
(a) there was no overriding presumption that there should be no residential development in back gardens;
(b) Section 3.34 of the London Plan indicated that such backland development could be considered provided the Local Planning Authority has a properly justified policy; and
(c) Merton had such a policy in its recently approved Core Strategy, namely Policy CS.13 which required proposals for new dwellings in back gardens to be justified against certain criteria (as detailed in para. 7.3, agenda page 38) and officers had assessed the current application against those criteria (as detailed in the submitted report).

4. Emergency Access – Officers advised that they were satisfied that the access to the proposed new dwelling would be sufficient for small vans and, as regards access for fire vehicles, the matter of whether a high pressure water hydrant was needed near the property, was not a town planning issue.

5. Security and Gates on Accessway – Reference was made to objectors' concerns that the proposed development would result in an increased security risk and a member suggested that possibly the proposed gates to the development be moved closer to the highway. Officers advised that this aspect could be looked at when any detailed planning application for the site was considered, and be discussed with the police if appropriate.

5. Approval – The application was approved by 8 votes to nil (Councillor Linda Kirby abstaining).

Decision: Item 6 - ref. 15/P0364 (35 Florence Avenue, Morden, SM4 6EX)

GRANT PERMISSION subject to the conditions set out in the officer case report and the tabled modifications sheet.

8 FLAT 2, 26 KINGS ROAD, WIMBLEDON, SW19 8QW (REF. 15/P0491)
(TRINITY WARD) (Agenda Item 7)

Proposal - Erection of single storey rear infill extension to create a 2 bed flat.

Decision: Item 8 – ref. 15/P0491 (Flat 2, Kings Road, Wimbledon, SW19)

GRANT PERMISSION subject to the conditions set out in the officer case report.

- 9 RAVENSBURY PARK CAFÉ ADJACENT TO RAVENSBURY PARK MEDICAL CENTRE, RAVENSBURY LANE, MITCHAM, CR4 4DQ (REF 14/P4113) (RAVENSBURY WARD) (Agenda Item 8)

1. Proposal - Change of use from a café (Use Class A3) to a community centre / training and educational use (Use Class D1).

1.1 It was noted that it was proposed that the new use would serve the Turkish community.

2. Existing Café – Some members expressed concern that the existing café (now closed) hadn't been open when the Park had been in most use, like at weekends. The owner of the café, who was present, advised that they had tried opening on 10 consecutive Saturdays but there had been little custom.

2.1 Reference was also made to the relatively short period for which the café had been marketed (para. 7.8 refers).

2.2 The applicant also confirmed that the proposed new use would not include a café function.

3. Toilet facilities – Officers confirmed that -

(a) the original planning permission for a medical centre, café and various other facilities on the site in 2006 had included a condition that the toilets associated with the café use would be accessible to members of the general public (such as users of the Park)

(b) a similar condition was proposed for any permission granted for the current application.

3.1 Members expressed concern that any such toilets facilities in the new community centre use be made available to members of the public for the longest hours feasible, and advertised as such. Officers explained that the exact hours/availability of the toilets would be the subject of discussion with the applicants if permission were to be granted.

4. Metropolitan Open Land (MOL) – There was considerable discussion of

(i) the history of the site, particularly the planning permission for a medical centre, café and various other facilities granted in 2006 on this MOL site;

(ii) whether the proposed use was suitable for this site/location and whether temporary permission as recommended by officers would be appropriate; and

(iii) whether the proposed use was appropriate for an MOL site.

5. Refusal Motion: It was moved and seconded that permission be refused as detailed below. The motion was carried by 7 votes to 3 (Councillors Tobin Byers, Ross Garrod and Abigail Jones dissenting). Subsequently the Committee agreed that officers be delegated authority to agree the detailed grounds of refusal and also agreed (C) below.

Decision: Item 8 - ref. 14/P4113 (Ravensbury Park Café adjacent to Ravensbury Park Medical Centre, Ravensbury Lane, Mitcham, CR4 4DQ)

(A) subject to detailed grounds of refusal being agreed in accordance with (B) below, REFUSE permission on grounds relating to the following -

(i) The proposed use is not appropriate use on Metropolitan Open Land (MOL) since it is not a use associated with an appropriate use of the MOL itself.

(ii) The proposals would fail to meet the criteria for development of MOL as it fails to meet the policy aim of Policy DM.01 of the Merton Sites and Policies Plan (July 2014), namely to protect and enhance open space and to improve access to open space

(B) Delegation: The Director of Environment & Regeneration be delegated authority to agree the detailed grounds of refusal, including any appropriate amendments, additions and/or deletions to the proposed grounds/policies.

(C) Reasons for not following Planning Officers' recommendation for permission: The Committee disagreed with the recommendations of the officer report and in particular officers views on the application of Policy DM.01 of the Merton Sites and Policies Plan (July 2014) to this case.

10 24 RAYLEIGH ROAD, WIMBLEDON, SW19 3RF (REF 15/P0714)
(DUNDONALD WARD) (Agenda Item 9)

1. Proposal - Erection of new roof to side infill extension, single storey rear extension, erection of a rear roof extension with Juliette balcony and alterations to windows on ground floor flank elevation and front elevation.

Decision: GRANT PERMISSION subject to the conditions set out in the officer case report and the tabled modifications sheet.

11 THE ALEXANDRA PH, 31-33 WIMBLEDON HILL ROAD, WIMBLEDON,
SW19 7NE (REF. 14/P4488) (HILLSIDE WARD) (Agenda Item 10)

1. Proposal - Refurbishment of existing partially covered roof terrace including new glazed canopy over an external bar area, new 'shed' providing covered seating area, and installation of kitchen ventilation plant, removal of chimney stack to first floor roof terrace, and new door connections with the external space (internal alterations including relocation of manager's flat and replacement with new kitchen, bar and patron seating area do not require planning permission).

1.1 Officers responded to queries regarding which parts of the proposed works required planning permission and which didn't; and also queries regarding which matters (including issues raised by objectors) were town planning issues and which were (alcohol) licensing issues (outside of the purview of this Committee).

2. Extra Informative - Roof Terrace: Time limit – In response to a member's query, officers confirmed that the existing planning condition preventing the use of the first floor roof terrace after 11pm would still apply to the current proposal; and that it would be possible to add an Informative to remind the applicant that this earlier condition would still apply. As indicated below, the Committee agreed that such an Informative be added. The application was then approved (Councillor Daniel Holden abstaining).

Decision: Item 10 - ref. 14/P4488 (The Alexandra PH, 31-33 Wimbledon Hill Road, Wimbledon, SW19 7NE)

GRANT PERMISSION subject to the conditions set out in the officer case report and subject to the following extra Informative –

Extra Informative - Roof Terrace: Time limit – An Informative be added to remind the applicant that the earlier existing planning condition preventing the use of the first floor roof terrace after 11pm would still apply.

12 PLANNING APPEAL DECISIONS (Agenda Item 11)

1. Reason for Urgency - The Chair had approved the submission of this report as a matter of urgency for the following reasons – “To keep the Committee up to date on appeal decisions.”

2. 54 Marryat Road, Wimbledon Village, SW19 5BD (Ref. 14/P2295) (Supplementary Agenda, page 2) – A member highlighted that the Inspector's appeal decision letter referred to -

- (a) the Council's reasons for refusal including that insufficient details of materials (for the replacement roof covering and windows) had been submitted; but
- (b) the appellant had contended that sample materials for these matters had been shown to the Council (before its refusal decision).

2.1 Officers confirmed that the appeal decision and its implications would be reviewed by officers.

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13 PLANNING ENFORCEMENT - SUMMARY OF CURRENT CASES (Agenda Item 12)

1. Modifications Sheet – The tabled modifications sheet for various items included a replacement table of figures (for those on agenda page 126).

25 Malcolm Road, Wimbledon, SW19 (para. 2.03) – Officers advised that
(a) a recent visit had been made to the property;

- (b) some aspects of the Section 215 Notice for the front garden had been complied with; and the occupant had advised that further works would be carried out to the front garden (by contractors) and officers had asked for confirmation of this in writing; and
- (c) the visit had disclosed the existence of various structures in the rear garden and possible action regarding the rear garden was being discussed with Legal Services.

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14 MODIFICATIONS SHEET (FOR VARIOUS ITEMS) (Agenda Item 13)

See above Minute on Item 4 (Town Planning Applications – Covering Report)

15 FURTHER MODIFICATIONS SHEET (FOR ITEM 5 - 143 COTTENHAM PARK ROAD, SW20) (Agenda Item 14)

See above Minutes on

- (a) Item 4 (Town Planning Applications – Covering Report): and*
(b) Item 5 (143 Cottenham Park Road, SW20) (Ref. 15/P0081)
