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PLANNING APPLICATIONS COMMITTEE

16 JULY 2015

(19.15 - 21.35)

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

ALSO PRESENT: Councillors John Sargeant, Andrew Judge, Abdul Latif and
Martin Whelton

David Gardener (Planning Technician), Richard Lancaster
(Future Merton Programme Manager), Jonathan Lewis (South
Team Leader - Development Control)), Neil Milligan
(Development Control Manager, ENVR) and Michael Udall
(Democratic Services)

1 FILMING (Agenda Item)

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 David Dean declared an interest (but not a disclosable pecuniary interest) in Item 6 (187 Commonsides East, Mitcham, CR4 1HB) (ref. 14/P0792) by reason that he was a Mitcham Commons Conservator.

3 APOLOGIES FOR ABSENCE (Agenda Item 2)

Apologies for absence were received from Councillor John Bowcott.

4 MINUTES OF THE PREVIOUS MEETING (Agenda Item 3)

RESOLVED: That the Minutes of the meeting held on 18 June 2015 be agreed as a correct record.

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

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

(a) Modifications Sheet: A list of modifications for items 5, 6, 7, & 9 and additional letters/representations and drawings received since agenda publication, were tabled at the meeting.

(b) Oral representations: The Committee received oral representations at the meeting made by third parties and applicants/agents in respect of items 6, 7 & 9. 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 Councillors (who were not members of the Committee for this meeting) in respect of the items indicated below –

Item 6 – Councillor Martin Whelton

Item 7 – Councillor Andrew Judge

Item 9 – Councillor John Sargeant

(c) 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 - 9, 7, 6, 5 & then 8.

RESOLVED : That the following decisions are made:

6 13 CHESTER ROAD, WEST WIMBLEDON, SW19 4TS (REF. 15/P0870)
(VILLAGE WARD) (Agenda Item 5)

1. Proposal - Erection of part single/part two-storey side and rear extension.

Decision: Item 5- ref. 15/P0870 (13 Chester Road, West Wimbledon, SW19)

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

7 187 COMMONSIDE EAST, MITCHAM, CR4 1HB (REF 14/P0729)
(POLLARDS HILL WARD) (Agenda Item 6)

1. Proposal: Demolition of existing detached house and the erection of a part two part three storey block of 9 self-contained flats (5 x 2 bedroom and 4 x 1 bedroom).

2. Extra Conditions – Construction Works – Whilst introducing this item, officers suggested that although the officers report already suggested two conditions to mitigate the effects of construction works - namely, Condition (4) (Working Method Statement) and Condition (5) (Demolition: Dust and Noise) – the following extra conditions should be imposed to further mitigate the effects of construction works -

(a) Hours of construction/demolition works

(b) Control of dust/air pollution arising from the construction works/vehicles; and

(c) Management of construction vehicles.

2.1 As indicated below, the Committee subsequently agreed to these extra conditions and also that officers be delegated authority to agree the detailed wording of the above extra conditions.

3. Undercroft Area – Officers referred to concerns raised by the Metropolitan Police about the undercroft areas (as detailed on the tabled modifications sheet); and advised that the undercroft areas were small and had been redesigned.

4. Orientation of flats – Officers confirmed that plans had initially shown the proposed block of flats with its pedestrian entrance at the rear, but that at officers suggestion (for better urban design), the block had been turned through 180 degrees so that its only pedestrian entrance faced Commonside East; and pedestrian access to the car park at the rear was now down the side of the flats.

5. Car Parking Area – Landscaping Strip – Reference was made to concerns raised by the occupier of the adjacent residential property at 189 Commonside East regarding the proposed car parking area at the rear of the development, including cars possibly damaging the fence to the garden of 189 Commonside East and security concerns (see also para.5 below). Officers confirmed that there would be a landscaping strip between the car parking area and the fence to the garden of 189 Commonside East.

6. Extra condition - Access gate - Reference was made to concerns raised by residents about the security of the proposed car parking area at the rear of the development, including the car parking area being open to the public. A members suggested the possibility of requiring the addition of a gate to limit access to the development (to occupiers of the development only) as had happened at some other sites. Officers advised that the access to the site off Commonside East was near a busy junction and such an access gate on the boundary of the site could lead to vehicles queuing back onto the road leading to highway safety problems, but that it should be possible to redesign the access layout so that any gate was well within the application site and not cause highway safety problems.

6.1 As indicated below, the Committee subsequently agreed to an extra condition being imposed requiring such an access gate and also that officers be delegated authority to agree the detailed wording of this extra condition.

Decision: Item 6- ref. 14/P0729 (187 Commonside East, Mitcham, CR4 1HB)

(A) GRANT PERMISSION subject to the conditions set out in the officer case report and the tabled modifications sheet, and subject to the following extra conditions subject to (B) below -

(i) Extra Conditions - Construction Works -

(a) Hours of construction/demolition works

(b) Control of dust/air pollution arising from the construction works and vehicles; and

(c) Management of construction vehicles.

(ii) Extra Condition - Access gate - requiring the addition of a gate to limit access to the development (to occupiers of the development only) and an associated redesign of the access layout.

(B) Delegation: The Director of Environment & Regeneration be delegated authority to agree the detailed wording of the above extra conditions.

8 94-96 HAYDONS ROAD AND 1-3 QUICKS ROAD, SOUTH WIMBLEDON, SW19 1HJ (REF. 15/P2070) (ABBEY WARD) (Agenda Item 7)

1. Proposal - Redevelopment of site to provide 9 x residential units (comprising 1 x 1 bed, 6 x 2 bed and 2 x 3 bed flats) and 177.5 square metres of commercial space on ground floor.

2. Extra Condition – Stone Panels – As part their oral representations, the applicants representative clarified that the proposed external materials included stone panels, not concrete panels. Officers indicated that it would possible to impose an extra condition requiring that the external panels proposed shall be stone panels. As indicated below, the Committee subsequently agreed to this extra condition.

3. Extra Condition – Shop Window – In response to concerns expressed by residents and members about the appearance of the proposed shop window for the commercial part of the development, officers indicated that it would possible to impose an extra condition requiring that the proposed shop window be redesigned so as to be more in keeping with its neighbours. As indicated below, the Committee subsequently agreed to this extra condition.

4. Extra Informative – Windows and Brickwork – Members supported suggestions made by residents that windows (for the residential units) should be white sash windows; and that the brickwork should tend towards yellow (rather than red). Officers advised that it would be inappropriate at this stage to impose a requirement (via a further extra condition) specifying the use of such materials, as they needed to be seen together with other external materials (due to be submitted); and instead officers suggested that an appropriate informative be imposed advising that such materials would be preferred. As indicated below, the Committee subsequently agreed to this extra informative.

5. Delegation - As indicated below, the Committee subsequently also agreed that officers be delegated authority to agree the detailed wording of the above extra conditions and informative.

6. External Materials – Submission to Members – The Committee also agreed that samples of the external materials which are required to be submitted further to the above extra conditions (and other conditions), should be submitted to the Chair and Vice-Chair and Abbey Ward Councillors as outlined below.

Decision: Item 7- ref. 15/P2070 (94-96 Haydons Road and 1-3 Quicks Road, South Wimbledon, SW19 1HJ)

GRANT PERMISSION subject to the completion of a Section 106 Agreement and subject to the conditions set out in the officer case report and the tabled modifications sheet, and subject to the following extra conditions and informative being imposed, subject to (B) & (C) below –

(i) Extra Condition – Stone Panels – An extra condition requiring that the external panels proposed shall be stone panels.

(ii) Extra Condition – Shop Window – An extra condition requiring that the proposed shop window be redesigned so as to be more in keeping with its neighbours.

(iii) Extra Informative – Windows and Brickwork – An extra informative advising that the following are preferred:-

- (a) white sash windows (for the residential units): and
- (b) brickwork tending towards yellow (rather than red).

(B) Delegation: The Director of Environment & Regeneration be delegated authority to agree the detailed wording of the above extra conditions and informative.

(C) External Materials – Submission to Members - Samples of the external materials, including panels, brickwork and windows, to be used on the building, which are required to be submitted further to the above extra conditions (and other conditions), shall be submitted to the Chair and Vice-Chair and Abbey Ward Councillors, prior to officers approving any such materials, in order that those Councillors can be satisfied as to their suitability.

9 2-6 HIGH STREET, COLLIERS WOOD, SW19 2AG (REF 15/P0211)
(COLLIERS WOOD WARD) (Agenda Item 8)

1. Proposal - Demolition of the existing buildings (including 802 square metres of B8 and B2 floor space) and erection of a mixed use development of three, four and six storey buildings comprising 34 flats (14 one bedroom, 18 two bedroom and 2 three bedroom), 388 square metres of office floor space (Use Class B1a), 11 car parking spaces accessed from Waterfall Cottages, cycle parking, refuse storage and alterations to the rear access road.

2. Internal Floor Space – A member raised concerns that one of the proposed one-bedroom flats (No.17) had an internal floor space of 51sqm which was below the London Plan Standard of 61sqm (table 1 on agenda page 98 refers). Officers advised that this could be an error in the report and that possibly the flat did comply with the London Plan Standard, and suggested this could be checked by officers after the meeting, and if subsequently officers found that the flat did not comply with the London Plan Standard and the Committee had agreed to approve the application, then officers would consult with the Chair, prior to the issue of any decision notice.

2.1 The Committee agreed to consider the application on this basis and, as indicated below, subsequently approved the application subject to the above caveat.

3. Access – Reference was made to concerns raised by an adjoining business regarding access to their business and to the application site. Officers advised that the Council’s traffic officers had raised no objections to the proposed access to the new development.

Decision: Item 8 - ref. 15/P0211 (2-6 High Street, Colliers Wood, SW19 2AG)

GRANT PERMISSION subject to the completion of a Section 106 Agreement and subject to the conditions set out in the officer case report, and subject to the following –

(a) Internal Floor Space – Officers checking after the meeting whether the internal floor space of proposed flat No17 complied with the London Plan Standard, and in the event that the flat did not comply, then officers would consult with the Chair, prior to the issue of any decision notice.

10 FORMER EXPRESS DAIRY, NORTH LODGE, 166-168 LONDON ROAD, MORDEN SM4 5AT (REF. 14/P3362) (MERTON PARK WARD) (Agenda Item 9)

1. Proposal - Demolition of the existing building (Use Class B8 1165 square metres) and the construction of a new building rising to a total of 4 storeys providing 29 residential dwellings (9 one bedroom, 16 two bedroom and 4 three bedroom flats) with 3 off street car parking spaces for people with disabilities, cycle storage, ground level and rooftop amenity space and the formation of new vehicle layby in London Road with adjustments to the existing public footpath.

2. Affordable Housing – The officer recommendation in the report included that any planning permission be subject to a legal agreement regarding the provision of affordable housing (and other matters). Officers advised that -
(a) the Council’s target for such a development was to seek for 40% of the proposed residential units to be affordable housing;
(b) the applicant had initially offered no affordable housing, but a review had shown that it would be viable to provide affordable housing in the proposed development;
(c) the applicant had now offered that 40% of the habitable rooms be affordable housing which was equivalent to 34.5% of the proposed residential units;
(d) the offer was a mix of shared ownership and affordable rent units, and included a mix of different types of residential unit; and
(e) if the Committee approved the application, this offer would be subject to further scrutiny prior to any decision notice being issued.

3. Boundary Wall and Trees – Residents, as part of their oral representations requested that the rear boundary wall behind properties in Cedars Road and Nos. 42/43 Camrose Close be retained and be 4m in height along its whole length, and that the trees on the boundary of 19 Cedars Road be retained.
The applicant’s representatives indicated as part of their oral representations that they would be happy to discuss these issues with residents, and also other issues raised by residents in their oral representations regarding green roofs and sustainability (see also paragraphs 4 & 5 below).

4. Green Roofs – A resident, as part of their oral representations, expressed concern that the report and associated drawings referred to the proposed green roofs in various different ways, and this needed to be clarified. Officers advised that the revised Condition 15 (Green/Brown/Living Roof) (included on the modifications sheet tabled at the meeting), would require that the roofs' specifications to be submitted (for approval) to officers and make clear what the roofs would comprise.

5. Sustainability and CO2 emissions – In response to a suggestion by a resident, as part of their oral representations, that the CO2 emissions should be 40% below the level required by the 2010 regulations, instead of only 25 % below as proposed – (i) officers explained that the recent changes made by the Government on sustainability (as detailed in para.'s 7.83 – 7.88) meant that such a development should be required to achieve the CO2 reduction standards equivalent to Code for Sustainable Homes (level 4) which was understood to be 25% below the level required by the 2010 regulations; and (ii) officers undertook to check on this issue prior to any decision notice being issued.

6. No use of Flat Roofs - Further to representations by a resident, as part of their oral representations, requesting that there be no balustrade to the flat/green roofs, officers confirmed that it would be possible to impose an extra condition requiring that access to the roofs be restricted to maintenance purposes only (and not used for amenity purposes). As indicated below, the Committee subsequently agreed that such an extra condition be imposed.

6.1 Officers also indicated that it might be difficult to require that there be no balustrade, as railings might be a required under building regulations.

7. Balconies – Further to representations from residents regarding possible overlooking of neighbouring residents from the development's proposed balconies, officers explained in detail where the balconies were located and their distances to neighbouring properties.

8.. Approval - The application was approved as detailed below (Councillor David Dean dissenting).

Decision: Item 9- ref. 14/P3362 (Former Express Dairy, North Lodge, 166-168 London Road, Morden SM4 5AT)

GRANT PERMISSION subject to the completion of a Section 106 Agreement and subject to the conditions set out in the officer case report and the tabled modifications sheet, and subject to the following –

Extra Condition - No use of Flat Roofs – An extra condition be added requiring that access to the flat/green roofs be restricted to maintenance purposes only (and not used for amenity purposes).

11 PLANNING APPEAL DECISIONS (Agenda Item 10)

8 Hazelbury Close, SW19 – A suggested that this had been a Committee decision to refuse and not a delegated decision. Officers agreed that this was probably so.

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12 PLANNING ENFORCEMENT - SUMMARY OF CURRENT CASES (Agenda Item 11)

(a) Burn Bullock PH, 315 London Road, Mitcham, CR4 (para.'s 2.08 & 2.09) – Officers advised that scaffolding had now been erected on site (to allow works to be carried to the building).

(b) Tooting Medical Centre, 5 London Road, Tooting, SW17 (para. 2.05) – The Chair, Councillor Linda Kirby, advised that the wooden fence referred to in the report, was in fact of brick construction. Officers undertook to investigate and update the Chair on the matter.

(c) 25 Malcolm Road, Wimbledon, SW19 (para. 2.07) – Officers clarified that officers were still considering whether to take action about the rear garden.

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13 MODIFICATIONS SHEET (FOR VARIOUS ITEMS) (Agenda Item 12)

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