

Agenda Item 3

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PLANNING APPLICATIONS COMMITTEE

21 JANUARY 2016

(19.15 - 11.05)

PRESENT: Councillors Councillor Linda Kirby (in the Chair),
Councillor John Bowcott, Councillor Tobin Byers,
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 David Dean)

ALSO PRESENT: Councillors Judy Saunders, David Simpson CBE and David
Williams

Mitra Dubet (Future Merton Commissioning Manager), 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 (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 APOLOGIES FOR ABSENCE (Agenda Item 1)

Apologies for absence were received from Councillor David Dean.

3 DECLARATIONS OF OF PECUNIARY INTEREST (Agenda Item 2)

None.

4 MINUTES OF THE PREVIOUS MEETING (Agenda Item 3)

RESOLVED: That the Minutes of the meeting held on 10 December
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 6, 7, 8, 9, 10, & 11 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 5, 6, 7 (objectors only), 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 the applicants/agents would be given the same amount of time to speak as objectors for each item.

The Council 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 5 – Councillor David Williams
- Item 8 – Councillors Judy Saunders
- Item 9 – Councillor David Williams.

(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 - 8, 9, 5, 6, 10, 7 & then 11.

RESOLVED: That the following decisions are made:

- 6 WAITROSE, ALEXANDRA ROAD, WIMBLEDON, SW19 7JY (REF. 15/P2776) (HILLSIDE WARD) (Agenda Item 5)

1. Proposal - Variation of Condition 3 of Planning Permission 09/P2385 the sale of food and convenience goods and alterations and extension to the existing building and external curtilage – variation to remove the restriction preventing use of part of the premises for A3 cafe/restaurant purposes.

1.2. It was noted that the current proposal was for a small café area (adjoining the in-store bakery) of 13.67sqm and with a maximum of 12 seats.

2. Existing restrictions – Officers explained the history of the site, including that when planning permission for the sale of food and convenience foods had been allowed in 2010, this had been subject to a number of restrictions on the use of any part of the store for certain uses/sales, including use as an A3 café. Officers advised that one reason that these restrictions had been imposed, had been in order to protect the vitality and viability of the nearby Leopold Road neighbourhood shopping parade.

3. Passing Trade – Officers advised that the proposed location of the new small café, requiring the use of staircase/lift to access the proposed A3 café area from the Alexandra Road footpath, was likely to deter passing trade.

4. Parking – It was noted that there was free parking at the Waitrose store and that parking restrictions were in place for Leopold Road shopping parade (which was within a Controlled Parking Zone) which included a 20 minute restriction on free parking bays.

4. Discussion – Members expressed concern that the proposed new café area would be treated as a café by customers and would take trade from the existing outlets in the Leopold Road shopping parade and that the existing restrictions originally imposed to help protect the Leopold Road shopping parade were still needed especially due to the retail environment being even more fragile than when the restrictions were first imposed and there being now two vacancies in the shopping parade.

5. Refusal Motion: It was moved and seconded that permission be refused as detailed below. The motion was carried by 9 votes to 1 (Councillor Ross Garrod dissenting). Subsequently the Committee agreed that officers be delegated authority to agree the detailed grounds of refusal and also agreed (C) below.

Decision: Item 5 - ref. 15/P2776 (Waitrose, Alexandra Road, Wimbledon, SW19 7JY)

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

(i) The proposals would be contrary to the policies outlined on pages 23 & 24 of the officer report including –

(a) National Planning Policy Framework (March 2012) – Section 8

(b) London Plan (March 2015) – Policies 4.8 & 6.7

(c) Merton Sites and Policies Plan (July 2014) – Policies DM.R1, DM.R2, DM.R4 & DM.D4.

(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 considered that the officer report had given insufficient weight to relevant Council policies.

7 10 DUNSTALL ROAD, WEST WIMBLEDON, SW20 0HR (REF. 15/P3058)
(VILLAGE WARD) (Agenda Item 6)

1. Proposal – Demolition of existing single storey rear extension and erection of a part single part two storey rear extension.

2. Daylight/Sunlight – Officers confirmed that notwithstanding the 1.7m difference in ground levels between Nos. 10 & 12 Dunstall Road (no.10 being higher up the slope), due to the distance of the proposed first floor from the site boundaries, the proposals would meet the Council's Aspect Value Test and would not adversely impact on the daylight/sunlight of the occupiers of the neighbouring properties at Nos. 8 & 12 Dunstall Road to such an extent as to warrant refusal

3. Approval Motion - It was moved and seconded that permission be granted. The motion was carried by 7 votes to 2 (Councillors Daniel Holden and Najib Latif dissenting; and Councillor Linda Kirby abstaining).

Decision: Item 6 - ref. 15/P3058 (10 Dunstall Road, West Wimbledon, SW20)

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

8 WIMBLEDON COLLEGE CAMPION CENTRE - PLAYING FIELD A (FORMERLY ST. CATHERINE'S PLAYING FIELDS), GRAND DRIVE, RAYNES PARK, SW20 9NA (REF. 15/P3633) (WEST BARNES WARD) (Agenda Item 7)

1. Proposal – Erection of 2m high modular boundary fence and two sections of 6m high ball catch fencing.

2. Escape Route – It was noted that the proposed fencing along the eastern boundary of the site parallel to Grand Drive would be set back from the road so that the emergency safe access route for the St Catherine's Close housing development (in the event of flooding) could run between the fencing and the existing hedging along Grand Drive (as shown on the plan on page 81).

3. Netting - Officers drew attention to the proposed alternative to the polypropylene netting, namely green stabilised twine as detailed in the tabled list of modifications for various items.

4. Discussion – Members discussed the height, colour and siting of the netting, the need to retain the existing hedging (as proposed in the report) and the need for the netting to be unobtrusive as possible.

Decision: Item 7 - ref. 15/P3633 (Wimbledon College Campion Centre - Playing Field A (Formerly St. Catherine's Playing Fields), Grand Drive, Raynes Park, SW20 9NA)

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

9 360-364 LONDON ROAD (FORMER KWIK-FIT SITE), MITCHAM, CR4 3ND (REF.15/P3114) (CRICKET GREEN WARD) (Agenda Item 8)

1. Proposal - Demolition of existing building and the erection of a part 3, part 4 storey building comprising 22 residential units and 195 sqm (GIA) of ground floor flexible retail/commercial floorspace (use class A1, A2, A3, and B1) including the provision of car and cycle parking and other associated developments.

2 Extra Condition – Ground Floor Commercial/Retail Floorspace – A member queried whether an extra condition could be imposed to ensure that the proposed commercial/retail floorspace use was retained, as had occurred for other sites.

Officers confirmed that such an extra condition could be imposed and this would prevent a change of use under the "prior approval" regime.

2.1. Amendment of Conditions - Monitoring of excavation works for Contamination – A member suggested that due to the amount of excavation work likely to be involved during the construction works and the site being a former garage, an extra condition be imposed regarding the close monitoring of the excavation works for contamination. Officers advised that a number of conditions regarding excavation works and contamination were already proposed, but confirmed that these conditions could be amended to include extra wording as necessary about the monitoring of the excavation works for contamination.

2.2 Extra Condition – Travel Plan – In response to members' concerns about the impact of car parking arising from the proposed development, Officers suggested that an extra condition be imposed requiring the applicants to submit a Travel Plan.

2.3 Extra Conditions – Delegation to officers - As indicated below, the Committee subsequently agreed to these extra conditions/amendments to conditions and that officers be delegated authority to agree the detailed wording

3. Discussion – There was considerable debate about the above matters, and also the relevance of the previous application allowed on appeal for this site in 2009; the bulk, scale and appearance of the current proposal compared to the previous scheme; overlooking and privacy issues; the proposed financial contribution towards affordable housing off-site; and the scheme's suitability for the Conservation Area.

4. Approval Motion - It was moved and seconded that permission be granted. The motion was carried by 7 votes to 2 (Councillors Daniel Holden and Ross Garrod dissenting; and Councillor Linda Kirby abstaining).

Decision: Item 8 - ref. 15/P3114 (360-364 London Road (Former Kwik-Fit Site), Mitcham, CR4 3ND)

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 additional conditions / amendment to conditions –

(i) Extra Condition – Ground Floor Commercial/Retail Floorspace – An extra condition could be imposed to ensure that the proposed commercial/retail floorspace use is retained, including preventing a change of use under the "prior approval" regime.

(ii) Amendment of Conditions - Monitoring of excavation works for Contamination –The proposed conditions regarding excavation works and contamination be amended to include extra wording as necessary about the monitoring of the excavation works for contamination.

(iii) Extra Condition – Travel Plan – An extra condition be imposed requiring the applicants to submit a Travel Plan.

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

10 28-30 RIDGWAY PLACE, WIMBLEDON, SW19 4EP (REF. 15/P3366)
(HILLSIDE WARD) (Agenda Item 9)

1. Proposal - Demolition of existing two houses and erection of 4 x 4 bedroom semi-detached houses with basement accommodation.

2. Previous application – Officers explained the differences between the previous refused application and the current application including a reduction in height; a reduction in the size and number of gables; and that the depth at the front adjacent to Nos. 26 & 32 Ridgway had been reduced but that there had been no corresponding increase in depth at the rear.

3.. Lost Refusal Motion – Some members considered that the current application should be refused on the same grounds as the previous application (as detailed in para. 4.4 on page 139). It was therefore moved and seconded that the application be refused on the following grounds

(a) The proposal, by reason of its height, depth, and siting would be visually intrusive, overbearing and result in an unacceptable loss of daylight/sunlight to the detriment of the amenities of occupiers of Nos. 26 and 32 Ridgway Place, contrary to policy DM D2 of the Adopted Sites and Policies Plan and Policies Maps (July 2014); and

(b) The proposed houses by reason of their excessive height, bulk, and massing, would not relate positively and appropriately to the siting, rhythm, scale, density, proportions, height, materials and massing of surrounding buildings, and would have a detrimental impact on the Ridgway Place street scene, contrary to policy DM D2 of the Adopted Sites and Policies Plan and Policies Maps (July 2014).

3.1 The motion was lost by 7 votes to 3. The application was subsequently approved as indicated below by 7 votes to 3 (Councillors Daniel Holden, Abigail Jones and Najib Latif dissenting and voting for the above lost motion.)

Decision: Item 9 - ref. 15/P3366 (28-30 Ridgway Place, Wimbledon, SW19)

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.

11 222 SOMERSET ROAD, WIMBLEDON, SW19 5JE (REF. 15/P2567)
(VILLAGE WARD) (Agenda Item 10)

1. Proposal - Demolition of existing house and erection of a new part two/part three-storey 5/6 bedroom detached house with basement.

2. Basement – Officers responded to various issues related to the proposed basement raised by objectors in their oral representations, including that the proposals had been assessed as satisfactory by the Council’s structural and flood engineers subject to the submission and approval of further details (prior to any construction works) as required by the proposed conditions (as outlined in para. 11.2).

2.1. Basement and Renshaw Court – Officers referred to some objectors’ suggesting that Part (b) of planning policy DM.D2 (which precludes basements near listed buildings) should apply to this application due to the proximity of Renshaw Court, a locally listed building. Officers explained this policy related to statutorily listed buildings and so didn’t apply in this case (as outlined in para.11.1).

2.2 Basement – Piling Method – Councillor Najib Latif suggested that, due to the proximity of other buildings, the developer should be required to use sheet piling using a “telescopic leader rig” which would reduce noise/vibration substantially. Officers advised that, whilst this might be too prescriptive, it would be possible to amend the proposed conditions to require that the piling method used was one that minimised noise/vibration.

3. Consultation – In response to concerns raised by a local resident that they had not been consulted about the proposals, officers confirmed that occupiers of a number of neighbouring properties had been consulted including No.226 Somerset Road.

4. Conservation Area – Officers confirmed that site adjoined the North Wimbledon Conservation Area boundary and therefore the setting of the Conservation Area was a material consideration when assessing the application.

4. Discussion – Members raised concerns about the design and appearance of the proposed building in a residential area on a site that adjoins a Conservation Area, where therefore the Council was entitled to expect a higher standard of development. A member referred to the neighbouring houses presumably being within the Conservation Area because they were considered to be of sufficient quality to be in the Conservation Area; and expressed concern that the proposed development would not relate to those neighbouring houses in an appropriate manner.

5. Refusal Motion: It was moved and seconded that permission be refused as detailed below. The motion was carried unanimously. Subsequently the Committee agreed that officers be delegated authority to agree the detailed grounds of refusal and also agreed (C) below.

Decision: Item 10 - ref. 15/PP2567 (222 Somerset Road, Wimbledon, SW19)

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

(i) The site is adjacent to North Wimbledon Conservation Area, and therefore the Council was entitled to expect a higher standard of development, and the quality of design of the proposals is inappropriate on a site adjacent to a Conservation Area.

(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 considered that the officer report and recommendations had given insufficient weight to the proximity of the application site to the Conservation Area.

12 7 STREATHAM ROAD, MITCHAM, CR4 4AD (REF.15/P4308) (FIGGES MARSH WARD) (Agenda Item 11)

1. Proposal - Erection of a single storey side/rear extension and alterations to the roof, involving the erection of 1 x dormer window to the front roof slope, the enlargement of 1 x existing dormer on the side roofslope and the removal of 2 x chimney stacks.

2. Lack of Oral Representations – It was noted that the applicant (or their representative) had been invited to make oral representations at the meeting regarding the application, but that when the Committee came to discuss this item, the applicant (or their representative) was not present and so the Committee heard no oral representations at the meeting from the applicant (or their representative).

3. Refusal Grounds – Officers referred to the amendments to the officer report for this item included in the tabled list of modifications for various items, including the amendment of the first part of paragraph 7.6 from

(a) “The proposed roof extension by reason of its bulk form....” to read instead

(b) “The proposed roof extensions by reason of their bulk form....” (then as per report).

3.1 It was noted that the same amendment also should be made to the wording of the refusal grounds in the recommendation (on agenda page 190).

Decision: Item 11 - ref. 15/P4308 (7 Streatham Road, Mitcham, CR4 4AD)

REFUSE as set out in the officer case report and the tabled modifications sheet, subject to the first part of the refusal grounds reading instead -“The proposed roof extensions by reason of their bulk form....” (then as per report).

13 MEETING BREAK (Agenda Item)

After consideration of item 10, at about 10.30pm, the Committee adjourned its discussions for about 10 minutes.

14 PLANNING APPEAL DECISIONS (Agenda Item 12)

Members referred to more appeals than usual having been allowed in the period covered by the report. Officers advised that at a recent meeting of Planning Managers in London, it was noted that in the last quarter there was a slight trend of more appeals being allowed (across London), but this could be just a fluctuation in the figures.

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

(a) Burn Bullock PH, 315 London Road, Mitcham, CR4 (para. 2.08) – Officers advised that a Council officer had visited the site earlier in the week and the required works were on-going.

(b) 112 Edgehill, Mitcham, CR4 (para.'s 2.02 & 2.04) – Councillor Linda Kirby requested clarification and an update on action regarding this site.

(c) 18 Morton Road, Morden, SM4 (para. 3.1) – Councillor Philip Jones referred to the recent allowed planning appeal for site (for retention of a an existing outbuilding), but advised that the property was still being advertised as a bed and breakfast establishment and requested that this alleged unauthorised use continue to be investigated and any appropriate be action taken.

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

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

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