

Agenda Item 3

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PLANNING APPLICATIONS COMMITTEE

12 NOVEMBER 2015

(19.15 - 20.50)

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: Councillors John Sargeant, Brian Lewis-Lavender and Gilli
Lewis-Lavender

Neil Milligan (Development Control Manager, ENVR) and
Michael Udall (Democratic Services)

1 APOLOGIES FOR ABSENCE (Agenda Item 1)

None.

2 DECLARATIONS OF OF PECUNIARY INTEREST (Agenda Item 2)

None.

3 MINUTES OF THE PREVIOUS MEETING (Agenda Item 3)

RESOLVED: That the Minutes of the meeting held on 15 October 2015 be
agreed as a correct record.

4 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, 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
(applicant only – speaking about a proposed condition). 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 Councillor (who was not a member of the Committee for this meeting) in respect of the item indicated below -

Item 6 – Councillor John Sargeant; and
Item 6 – Councillor Gilli Lewis-Lavender.

(c) Order of the agenda – There were no amendments to the order of the agenda.

RESOLVED: That the following decisions are made:

5 20 COTTENHAM PARK ROAD, WEST WIMBLEDON, SW20 0RZ (REF. 15/P0071) (RAYNES PARK WARD) (Agenda Item 5)

1. Proposal - Demolition of existing detached dwelling house and erection of a detached 5 bedroom dwelling house with basement and accommodation in the roofspace, associated parking and landscaping.

2. Consultation – Officers advised that on the Checklist Information (on page 11), the “Number of neighbours consulted” should read “16” not blank.

3. Allowed Appeal Application – Officers explained that the current application was for the construction of a new house to the same design, massing and ground floor footprint as that allowed on appeal in 2012 for extensive alterations and extensions to the existing house on the site, the key difference being that the current application included a basement under the proposed house and landscaping at the front. Officers responded to queries regarding the differences between the two applications.

4. Approval Motion - It was moved and seconded that permission be granted. The motion was carried by 9 votes to 1 (Councillor David Dean dissenting).

Decision: Item 5 - ref. 15/P007 (20 Cottenham Park Road, SW20 0RZ)

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

6 58 DAYBROOK ROAD, MERTON PARK, SW19 3DH (REF. 15/P3231) (MERTON PARK WARD) (Agenda Item 6)

1. Proposal – Erection of an annexe.

1.1 Officers highlighted the tabled Modifications Sheet which indicated that the proposal description (on page 35) should be amended –

(a) from “the erection of an outbuilding in the rear garden to be used as separate living accommodation”

(b) to read instead “Erection of an annexe”

- 1.2 The applicant made verbal representation to the Committee.
2. Discussion – There was extensive discussion on the application and officers responded to various queries, including on the following.
 - 2.1 Officers advised that in their view the proposed annexe didn’t meet the some of the tests in national planning guidance for ancillary accommodation, including that if for instance, the main house was shut down, then it would still be possible to access the annexe down the side of the semi-detached main house
 - 2.2 Officers confirmed that it would be possible to enforce the above proposed condition in the officers report.
 - 2.4 Officers advised that the proposed annexe was insufficient size to provide a separate unit of living accommodation, but due to the special circumstances of the case, officers were recommending that the above proposed sixth condition (on page 39) be imposed.
3. Refusal Motion: Members were concerned about the possible impact of the proposals on neighbours and considered that the ground (1) of the previous reasons for refusal (on page 36) still applied and were also concerned about the evidence for special circumstances to justify the use of the annexe as proposed with the above sixth condition allowing the use on a temporary basis.

It was moved and seconded that permission be refused as detailed below. The motion was carried by 9 votes to 1 (Councillor Philip 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 6 - ref. 15/P3231 (58 Daybrook Road, Merton Park, 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 proposed unit by reason of its layout and design, incorporating a kitchen/living/dining area, bedroom and bathroom, thereby providing facilities that would enable self-contained living, would provide a cramped and unsatisfactory standard accommodation for occupation by one person, failing to meet the objectives of policy 3.5 of the London Plan (2011) and contrary to policy DM.D2 of the Council's Sites and Policies Plan (July 2014) and policy CS.14 of the Merton LDF Core Planning Strategy (2011).
 - ii). Insufficient evidence had been supplied to demonstrate that there were exceptional circumstances to justify the use of the annexe as proposed.

- (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 the relevant factors and policies relating to this case.

7 FLATS 1 & 2, 137 SEAFORTH AVENUE, NEW MALDEN, KT3 6JW (REF. 15/P2222) (WEST BARNES WARD) (Agenda Item 7)

1. Proposal - Erection of a hip to gable and rear roof extension; erection of a single storey rear extension

2. Division into flats – Members expressed concern that the division into flats of the property hadn't received formal planning consent, but that due to the period since this happened, the flats were now lawful. Officers confirmed that various Council departments, such as the Council Tax section, did liaise with Development Control team to identify such cases of unauthorised development..

3. Approval Motion - It was moved and seconded that permission be granted. The motion was carried by 6 votes to 2.

4. Plans – See last Minute below.

Decision: Item 7 - ref. 15/P2222 (Flats 1 & 2, 137 Seaforth Avenue, New Malden, KT3 6JW)

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

8 PLANNING APPEAL DECISIONS (Agenda Item 8)

RECEIVED

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

(a) 19 Laings Avenue, Mitcham, CR4 (para. 2.05) – Councillor Philip Jones queried the issue of an enforcement notice in relation to the overgrown condition of the rear garden of this property in view of past advice from officers about courts rejecting notices relating to back gardens. Officers indicated that one factor was the extent to which the rear garden was visible from the public realm and undertook to check the position in this case (and advise Councillor Philip Jones).

(b) 18 Morton Road, Morden, SM4 (para. 3.4 (d)) – Officers undertook to update Councillor Philip Jones regarding the investigation into the alleged use of this property as a bed and breakfast establishment.

(c) 3 Thornton Hill, Wimbledon, SW19– Councillor Daniel Holden advised that he had reported an enforcement issue at this property to the Enforcement Team the previous week but had yet to receive a response, and undertook to give details to officers after the meeting.

RECEIVED

10 MODIFICATIONS SHEET (FOR VARIOUS ITEMS) (Agenda Item 10)

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

11 PLANS AND CONSULTATION (Agenda Item)

1. Plans - At the end of the meeting, Councillor John Bowcott requested that better plans be provided for the Committee, and referred particularly to Item 7 (137 Seaforth Avenue). Reference was made to past complaints about the quality of plans.

2. Consultation - At the end of the meeting, Councillor Daniel Holden raised concerns about residents complaints about the notification of applications with some neighbours not being notified and request for more notice of items on Committee meetings. Officers gave an assurance that neighbours, whether they were residential or commercial, were consulted on applications; that many authorities had stopped notifying neighbours by letter for resourcing reasons and this was currently being reviewed in Merton; but advised that in the event that notification letters were discontinued, then the Council rather than the applicant would put up the statutory on-site notices.

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