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## PLANNING APPLICATIONS COMMITTEE 17 SEPTEMBER 2015

(19.15 - 22.45)

PRESENT: Councillors Councillor Linda Kirby (in the Chair),  
Councillor John Bowcott, 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 Najeeb Latif, Stephen Crowe, Brian Lewis-Lavender,  
Gilli Lewis-Lavender and Jill West

Chris Chowns (Principal Transport Planner), 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 APOLOGIES FOR ABSENCE (Agenda Item 1)

Apologies for lateness were received from Councillors David Dean and Peter Southgate; and an apology for absence from Councillor Tobin Byers.

### 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 13 August 2015 be agreed as a correct record.

### 5 ORDER OF THE AGENDA (Agenda Item )

Following consultation with other Members, the Chair brought forward consideration of items 13 & 14 as some Committee members had yet to arrive due to traffic.

### 6 PLANNING APPEAL DECISIONS (Agenda Item 13)

RECEIVED

7 PLANNING ENFORCEMENT - SUMMARY OF CURRENT CASES (Agenda Item 14)

(a) Burn Bullock PH, 315 London Road, Mitcham, CR4 (para.'s 2.12 & 3.4) – Officers advised that (i) a Council enforcement officer and a representative of English Heritage had visited the site earlier the same day to check that the works being were carried out to English Heritage standards; (ii) the works would continue to be monitored; and (iii) the number of cars on the site had been reduced to eight, a significant reduction.

(b) 1 Edge Hill, Wimbledon, SW19 (Hillside Ward) - Councillor Daniel Holden raised concerns that complaints to the Council over a number of months by the Chair of the Edge Hill and Darlaston Residents Association about unauthorised works to trees on the site had been ignored, and offered to supply further details to officers after the meeting. Officers undertook to investigate and respond to the resident.

(c) 7 London Road, Mitcham - Councillor Linda Kirby advised that following previous enforcement action about temporary structures on the site, there were now new permanent structures on the site. Officers undertook to investigate and update the Councillor.

(d) 25 Malcolm Road, Wimbledon, SW19 – Councillor Philip Jones advised that he was still getting complaints about the front garden, particularly the car port. Officers advised that officers were satisfied that the front garden and car port had sufficiently changed so as to comply with the S.215 Notice, but this would continue to be monitored as the site changed continually.

Councillor Philip Jones also advised that a number of new sheds had been erected in the rear garden, and queried whether action could be taken on these in view of a recent court case rejecting enforcement action in rear gardens. Officers advised that, in planning terms, it was possible to erect a considerable amount of such structures; that the new sheds appeared not to exceed 50% of the rear garden; and therefore, subject to recent case law, officers were looking at a the possibility of a further S.215 Notice about the state of the rear garden (rather than the sheds themselves) to try to improve its appearance.

(e) 10 St Marys Road, Wimbledon, SW19 – Subsequently at the end of the meeting, Councillor Daniel Holden referred to the report on 8 St Marys Road (item 12) advising that new house at 10 St Marys Road had been built in the wrong position. Officers confirmed that this was currently being investigated by the Enforcement Team.

RECEIVED

8 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, 8, 9, 10, 11, & 12, 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, 8, 11 & 12. 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 – Councillors Stephen Crowe, Brian Lewis-Lavender and Gilli Lewis-Lavender; and  
Item 12 – Councillor Najeeb Latif.

(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 - 5, 8, 12, 10, 11, 6, 7 & then 9.

RESOLVED: That the following decisions are made:

9 RAINBOW INDUSTRIAL ESTATE, APPROACH ROAD, GRAND DRIVE, RAYNES PARK, SW20 0JY (REF. 14/P4287 & 14/P4288 ) (RAYNES PARK WARD) (Agenda Item 5)

1. Proposal A (ref. 14/P4287) - Redevelopment involving demolition of existing buildings and erection of 6 blocks of flats of 5-7 storeys and a terrace of 9 houses, providing 224 residential units (class C3) plus 3,449 sqm of commercial floorspace for uses within class B1 (business) and 264 sq.m of ancillary commercial floorspace for uses within classes A1 (retail), A2 (financial and professional services), A3 (restaurants and cafes) and D1 (non--residential institutions), an energy centre, associated surface level and basement parking (126 - cars, 10 light goods vehicles, 21 motorcycles, 33 disability spaces) cycle storage (274 spaces) and external amenity space and landscaping.

1.1 Proposal B (ref. 14/P4288) - Works to upgrade land adjoining to the south and south west of Raynes Park Station including road widening and the creation of "kiss and ride" (a picking up and dropping off area) facility adjacent to Raynes Park Station.

2. Discussion – There was extensive discussion of the proposals including regarding the following -

- (a) the Planning Brief for the site and how the proposals related to the Brief;
- (b) the proposed level of affordable housing of 15% compared to the Council's target of 40%, which had been subject to an independent viability assessment;
- (c) the proposed housing mix on the site; and some of the proposed residential units being only single aspect;

- (d) the suitability of the site for residential use, having regard to its location within various railway lines;
- (e) the current and the proposed employment numbers on the site;
- (f) flood risk assessment and drainage arrangements;
- (g) the provision of only one access point and the lack of an additional access point for pedestrians;
- (h) access and safety for pedestrians, including lighting provision; and the public transport accessibility of the site;
- (i) access arrangements for vehicles including the signalled access under the railway bridge near the entrance to the site; and the proposed “kiss and ride” facility, including arrangements for turning round within the site;
- (j) access for emergency vehicles and other large vehicles such as refuse lorries; and vehicle access within the site, including arrangements for servicing the proposed business premises;
- (k) the proposed level of car parking provision; and
- (l) the impact of traffic generated by the proposals on the local road network.

3. Approval Motion - Proposal A (ref. 14/P4287) - It was moved and seconded that permission be granted. The motion was carried by 4 votes to 2 (Councillors Ross Garrod and Daniel Holden dissenting; and Councillors David Dean and Peter Southgate not voting due to their late arrival).

3.1 Approval Motion - Proposal B (ref. 14/P4288) - It was moved and seconded that permission be granted. The motion was carried by 5 votes to 1 (Councillor David Dean dissenting).

Decision: Item 5(A) - ref. 14/P4287 (Rainbow Industrial Estate, Approach Road, Grand Drive, Raynes Park, SW20 0JY)

Proposal A: GRANT PLANNING PERMISSION subject to any direction from the Mayor of London, planning conditions and a S106 legal agreement, and the tabled modifications sheet.

Decision: Item 5(B) - ref. 14/P4288 (Rainbow Industrial Estate, Approach Road, Grand Drive, Raynes Park, SW20 0JY)

Proposal B: GRANT PLANNING PERMISSION subject to any direction from the Mayor of London and planning conditions, and the tabled modifications sheet..

10 LAND TO REAR OF 81 & 83 ASHBOURNE ROAD, MITCHAM, CR4 2BF (REF.15/P1982) (GRAVENEY WARD) (Agenda Item 6)

1. Chair - Prior to consideration of Items 6 & 7 (both relating to the same site, Land to the rear of Nos. 81 & 83 Ashbourne Road), Councillor Linda Kirby advised that she lived close to this site and that she had also requested that these applications be brought before the Committee, and therefore she would vacate the Chair during discussion of these items. Councillor Linda Kirby then vacated the Chair (but remained in the room and took part in discussion of the two items), and the Vice-Chair, Councillor John Bowcott took the Chair for consideration of Items 6 & 7. Following the conclusion of consideration of Item 7, Councillor Linda Kirby resumed the Chair.

2. Proposal - Erection of a 4 bedroom detached dwelling house with accommodation in the roofspace.

3. Footprint – Officers confirmed that this application had the same footprint as the other application for this site detailed under Item 7, with this application having 3 bedrooms in the roofspace and the other application having 2 bedrooms in the roofspace, and both applications having a further bedroom on the ground floor.

4. Approval – The application was approved as detailed below (Councillor Geraldine Stanford dissenting).

Decision: Item 6 - ref. 15/P1982 (Land to rear of 81 & 83 Ashbourne Road, Mitcham, CR4 2BF) (4 bedroom house)

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

11 LAND TO REAR OF 81 & 83 ASHBOURNE ROAD, MITCHAM, CR4 2BF (REF.15/P2166) (GRAVENEY WARD) (Agenda Item 7)

1. Chair – As indicated above in the Minute relating to Item 6, prior to consideration of Items 6 & 7 (both relating to the same site, Land to the rear of Nos. 81 & 83 Ashbourne Road), Councillor Linda Kirby had vacated the Chair, and the Vice-Chair, Councillor John Bowcott had taken the Chair for consideration of Items 6 & 7. Following the conclusion of consideration of Item 7, Councillor Linda Kirby resumed the Chair.

2. Proposal - Erection of a 3 bedroom detached dwelling house with accommodation in the roofspace.

3. Approval – The application was approved as detailed below (Councillor Geraldine Stanford dissenting).

Decision: Item 7 - ref. 15/P2166 (Land to rear of 81 & 83 Ashbourne Road, Mitcham, CR4 2BF) (3 bedroom house)

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

12 2B BELVEDERE DRIVE, WIMBLEDON VILLAGE, SW19 7DG (REF. 15/P1087) (VILLAGE WARD) (Agenda Item 8)

1. Proposal - Demolition of existing house and construction of a new dwelling house including new basement.

2. Extra Informative – Party Wall Act – There was extensive discussion about concerns raised by objectors regarding the impact and safety of the proposed construction works for the neighbouring resident at 2A Belvedere Drive, including ensuring safe and continued access to their front door which was close to the application site boundary.

2.1 Officers highlighted various conditions proposed to ensure that the construction works, including for the new basement, were carried with the best techniques possible and with minimal impact to neighbours.

2.2 Officers explained that safety issues were mainly a matter for Building Regulations, and if appropriate, the Health & Safety Executive, not planning issues.

2.3 Officers advised that it would not be possible to impose a condition on the development at 2B Belvedere Drive, to ensure safe and continued access for the neighbour at No.2A to their front door, but that it would be possible to impose an Informative to remind the applicant of the requirements of the Party Wall Act. It was also noted that the developer of No.2B couldn't encroach on No.2A's land without the latter's agreement.

2.4 Members suggested that the Informative be expanded to remind the applicant of the need to also bear in mind possible difficulties for the neighbour during construction works (such as access to their front door).

2.5. As indicated below, the Committee subsequently agreed to this extra Informative.

Decision: Item 8 - ref. 15/P1087 (2B Belvedere Drive, Wimbledon Village, SW19 7DG)

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

(i) Extra Informative – Party Wall Act – An extra Informative be imposed to remind the applicant of the requirements of the Party Wall Act, and the need to also bear in mind possible difficulties for the neighbour during construction works (such as access to their front door).

13 2 CAITHNESS ROAD, MITCHAM, CR4 2EU (REF.15/P1841) (GRAVENEY WARD) (Agenda Item 9)

1. Proposal - The conversion of the existing dwelling into 3 x self-contained flats including the demolition of single storey side extension and conservatory and erection of a two storey extension with associated roof extension.

2. Affordable Housing Contribution – Officers highlighted that the applicant had agreed to provide an affordable housing contribution (as detailed in the tabled modifications sheet).

2.1. Councillor Ross Garrod queried why the affordable housing contribution for the previous application for a 4 bedroom house in Ashbourne Road (Item 7 above) appeared to be greater than the proposed contribution for this application at 2 Caithness Road which included a 3 bedroom flat and 2 x one bedroom flats. Officers advised that the formula for calculating the contribution in each case was complicated and undertook to provide details to the Councillor.

Decision: Item 9 - ref. 15/P1841 (2 Caithness Road, Mitcham, CR4 2EU)

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.

14 87 COTTENHAM PARK ROAD, WEST WIMBLEDON, SW20 0DR (REF.

15/P2510) (RAYNES PARK WARD) (Agenda Item 10)

1. Proposal - Partial demolition and rebuilding of the existing property to create a new three storey house including the conversion of garage into a summerhouse.

2. Extra Condition – Terrace Screening – Officers advised that the proposed development included various terraces with privacy screens, and suggested that an extra condition possibly be imposed to ensure that the proposed privacy screens were installed.

2.2. Extra Condition –BREEAM standard – Officers also suggested that so as to achieve a high level of sustainable design, a further extra condition be imposed requiring the remodelled building to meet the BREEAM domestic refurbishment very good standard.

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

Decision: Item 10 - ref. 15/P2519 (87 Cottenham Park Road, West Wimbledon, SW20 0DR)

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

(i) Extra Condition - Terrace Screening – An extra condition be imposed requiring that the proposed privacy screens for the terracing are installed, subject to (B) below.

(ii) Extra Condition - BREEAM standard –An extra condition be imposed requiring the remodelled building to meet the BREEAM domestic refurbishment very good standard, subject to (B) below.

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

*(NB. For Rainbow Industrial Estate, Approach Road, Grand Drive, Raynes Park, SW20 0JY (Ref. 14/P4287 & 14/P4288) – see Minute on Item 5 above.)*

15 48 RICHMOND ROAD, WEST WIMBLEDON, SW20 0PQ (REF. 15/P2716)  
(RAYNES PARK WARD) (Agenda Item 11)

1. Proposal - Demolition of the existing side garage and the erection of a two storey side extension and a single storey rear extension.

2. Extra Condition – Flank Walls: Painting – Reference was made to an objector's request that if consent was granted, a condition be imposed requiring that the flank walls of the proposed development are painted white so as to improve reflected light. Officers confirmed such a condition would be feasible.

2.1 As indicated below, the Committee subsequently agreed to this extra condition and that officers be delegated authority to agree the detailed wording.

Decision: Item 11 - ref. 15/P2716 (48 Richmond Road, West Wimbledon, SW20 0PQ)

(A) GRANT PERMISSION subject to the conditions set out in the officer case report and the tabled modifications sheet, and subject to the following additional condition

(i) Extra Condition - Flank Walls: Painting – An extra condition be imposed requiring that the flank walls of the proposed development are painted white so as to improve reflected light, subject to (B) below.

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

16 8 ST MARY'S ROAD, WIMBLEDON, SW19 7BW (REF.15/P2556) (VILLAGE WARD) (Agenda Item 12)

1. Proposal - Demolition of existing dwelling house and erection of a detached two storey dwelling house with accommodation at basement level and within the roof space together with the provision of off street parking, erection of front boundary treatment and associated landscaping.

2. Light Impact studies – Officers explained that there were two sunlight and daylight impact studies –

(a) one independent study from residents which concluded that the proposals marginally failed to meet the BRE guidelines; and

(b) a more in depth study from the applicants which concluded that the proposals met the BRE guidelines

2.1 Officers explained that

(i) they were satisfied that side window of No.6 St Mary's Road (which was not the main window to the room concerned) facing No.8 met the BRE guidelines as regards overshadowing; and

(ii) the study from the residents suggested that there would be marginal overshadowing in the garden between 4pm/6pm in the summer. Officers accepted that there may be a small impact but considered this was not sufficient to withhold permission.

3. Consultation period – In response to objectors concerns in their oral representations that the officer report had been compiled before the end of the consultation period and before all objections (including the residents independent light impact report) had been submitted, officers referred to the pressure from Government to consider applications within tight timescales and the use of the tabled modifications sheet to provide late updates. Officers also confirmed that, if appropriate due to the significant nature of late information submitted, officers would recommend on occasions that consideration of an application be deferred to a future meeting. (Officers made no such recommendation in this case.)

4. Location of No.10 St Marys Road – Reference was made to No.10 St Mary's Road as built having been constructed in the wrong position and that this was currently being investigated by the Enforcement Team (para. 7.6 refers).

4.1 A member sought confirmation that an allegation that the applicants for Nos. 8 & 10 St Mary's Road were the same, was not a planning issue. Officers confirmed that



this was not relevant to the consideration of the current application for 8 St Mary's Road.

5. Discussion – There was considerable discussion about the proposals, including the above light impact studies. Members expressed concern about the adverse impact of the proposals, particularly due to their bulk and massing, on the adjacent property at No.6 St Mary's Road; and concern about the relatively narrow width of the site, the proximity of the proposed development to No.6; the proposed new building being overbearing for No.6, and being an overdevelopment of the site.

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

Decision: Item 12 - ref. 15/P2556 (8 St Mary's Road, Wimbledon, SW19 7BW)

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

(i) The bulk and massing of the proposals;

(ii) The proposals would be contrary to -

(a) Policy DM D.2 of the Merton Sites and Policies Plan (July 2014); and

(b) Policy CS.14 of the Merton LDF Core Planning Strategy (July 2011).

(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 appropriate Council policies.

17 MODIFICATIONS SHEET (FOR VARIOUS ITEMS) (Agenda Item 15)

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

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