Committee: Planning Applications Committee.
Date: 10th November 2011
Agenda item. 12
Wards: St Helier

Subject: Planning Appeal/Public Inquiry– (planning application ref. 11/P0026 - Land adjoining St Anne’s School, Middleton Road, Morden).

Lead officer: Head of Public Protection and Development, John Hill
Lead member: Cllr Philip Jones, Chair, Planning Applications Committee
Contact officer: Jonathan Lewis (020 8545 3287).

Exempt Information: Appendix 1 to this report contains exempt information as defined in category 5 of Paragraph 10.4 of Part 4B of the Council’s Constitution in that it discloses “Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings”.

Recommendations:
That Members receive, consider and advise officers of:

- the Committee’s views in respect of the supplementary advice received in connection with the forthcoming public inquiry and
- that the Committee’s views or any resolutions arising from the discussion of the supplementary advice form the basis of the Council’s submission at the forthcoming public inquiry and
- that this then be communicated to the Planning Inspectorate and Appellant as a matter of urgency.

1 PURPOSE OF REPORT AND EXECUTIVE SUMMARY

1.1 The advice received from officers is pertinent to the forthcoming planning inquiry for which Planning Inspectorate has agreed to an extension of time to submit the Council’s Rule 6 Statement (the Council’s statement of case) from 9th November until 14th November. Proofs of evidence are required by the Planning Inspectorate not later than 13th December 2011.

1.2 The purpose of the report is for members of the Council’s Planning Applications Committee to: receive, consider and advise officers of their views in respect of supplementary advice received in connection with the forthcoming public inquiry concerning the Council’s decision to refuse permission for the development of land on the north side of Middleton Road, Morden under planning application reference 11/P0026.

1.3 The appendix to the report (Appendix 1) sets out commentary on the Council’s reasons for refusal and on the matter of applications for costs.

1.4 Exempt Information: The advice (Appendix 1) falls to be considered under Part 4B Paragraph 10 of the Council’s
constitution and constitutes exempt information, being information that cannot be disclosed to the public. Members and officers are requested not to disclose the content of Appendix 1.

1.5 Appendix 1 to this report contains exempt information as defined in category 5 of Paragraph 10.4 of Part 4B of the Council’s Constitution in that it discloses “Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings”.

2 DETAILS

2.1. The advice for consideration by members and which is the subject of this report comprises exempt information under the provision of the Council’s constitution.

2.2. The advice considers:

- The Council’s reasons for refusal;
- Non-compliance with planning policies and the need to demonstrate harm; and
- Matters pertaining to any application for costs against the Council that may arise in connection with the appeal.

3 ALTERNATIVE OPTIONS

3.1. None.

4 CONSULTATION UNDERTAKEN OR PROPOSED

4.1. None.

5 TIMETABLE

5.1. The Council is required to provide its proofs of evidence for the public inquiry on or before the 13th December 2011.

5.2. The Public inquiry is scheduled for 10th, 11th and 12th January 2012.

6 FINANCIAL, RESOURCE AND PROPERTY IMPLICATIONS

6.1. The public inquiry has staff resource and financial implications for the Council.

6.2. The appellant has the right to seek costs against the Council and the Planning Inspector at the Inquiry would be required to consider such a request. Whether an application for costs should be awarded would be based on an assessment by the Planning Inspector as to whether the Council has acted reasonably and in accordance with advice is set out in government Circulars.

6.3. Advice on the issue of costs is set out in Circular 03/09.

7 LEGAL AND STATUTORY IMPLICATIONS
7.1. The advice raises matters that officers consider fall to be considered under Part 4B Paragraph 10 of the Council’s constitution and constitutes exempt information, being information that cannot be disclosed to the public.

7.2. Exempt information is defined in the Council’s constitution under the 7 categories set out at Part 4B Paragraph 10.4. Appendix 1 falls under Category 5 being:

“Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings”.

8 HUMAN RIGHTS, EQUALITIES AND COMMUNITY COHESION IMPLICATIONS

8.1. The purpose of the report is to receive, consider and if members consider necessary, to comment on supplementary officer advice in advance of a forthcoming public inquiry. The Committee is not the decision maker in respect of the application that is the subject of appeal. Any decision on the appeal rests with the Inspector that has been appointed to consider the appeal.

8.2. The public may be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that exempt information would be disclosed. Where the meeting will determine any person’s civil rights or obligations, or adversely affect their possessions, Article 6 of the Human Rights Act 1998 establishes a presumption that the meeting will be held in public unless a private hearing is necessary for one of the reasons specified in Article 6.

8.3. It is considered that reviewing the supplementary advice would not conflict with the requirements, which set the parameters for exempt information set out in paragraph 8.2 above.

9 CRIME AND DISORDER IMPLICATIONS

9.1. None.

10 RISK MANAGEMENT AND HEALTH AND SAFETY IMPLICATIONS

10.1. The forthcoming public inquiry places the Council at risk of a claim for costs from the appellant. Officer advice provides guidance on this matter.

11 APPENDICES – THE FOLLOWING DOCUMENT FORMS PART OF THIS REPORT BUT COMPRISSES EXEMPT INFORMATION.

- Appendix 1 – Supplementary advice from officers (Not for Publication).

12 BACKGROUND PAPERS
12.1. Report to Planning Committee 17\textsuperscript{th} March 2011 regarding the application the subject of this report along with the minutes of that meeting.
PLANNING APPLICATIONS COMMITTEE
17th March 2011

Item No:  08

UPRN  APPLICATION NO.  DATE VALID
57/22  11/P0026  06.01.2011

Address/Site  Land adjoining St Anne’s School, Middleton Road, Morden SM4 6SD
(Ward)  St. Helier

Proposal:  Construction of two detached buildings providing 5 x 1, 9 x 2 and 3 x 3 bedroom flats and a terrace of 5 x 4 bedroom houses, fronting Middleton Road, with a new access off the service road to the rear of 99-137 Green Lane. (Outline application to determine access, layout and scale, with appearance and landscaping to be determined later as reserved matters).

Drawing Nos  P-001C, 002A, 003, 004.

Contact Officer:  Jean Bennett (020 8545 3300)

RECOMMENDATION

Outline Permission GRANTED subject to S106 obligation/ Unilateral Undertaking and conditions

CHECKLIST INFORMATION.

Heads of agreement: Affordable Housing, Education, Sustainable Transport, Open Space)
• Is a screening opinion required: No
• Is an Environmental Statement required: No
• Has an Environmental Impact Assessment been submitted –No
• Design Review Panel consulted – No
• Number of neighbours consulted – 35
• Press notice – Yes
• Site notice – Yes
• External consultations: Environment Agency, Thames Water
• Density – 262 h.r.p.h
• Number of jobs created N/A
1. **INTRODUCTION**

1.1 The application is brought before members of PAC due to requirement for S106 obligation/Unilateral Undertaking and at the request of Cllr Maxi Martin.

2. **SITE AND SURROUNDINGS**

2.1 The application site comprises two rectangular plots (0.3 hectares), located on either side of the accessway to the newly constructed special needs school, off Middleton Road. The site was previously part of the larger open playing field, known as Risley Field, designated as open space and green corridor. Part of the application site comprised car parking and portacabin facilities during the time that the junior section of Carshalton on the Hill Football Club used Risley Field. More recently the area has been secured by hoardings to allow use of the land by the builders and contractors associated with construction of the new school.

2.2 The site is close to the junction of Green Lane and Middleton Road in a predominantly residential area, not situated within a Conservation Area, with the majority of houses locally forming part of the St Helier Estate. Three storey buildings fronting Green Lane are adjacent to the west of the site, with retail and commercial uses at ground floor and residential accommodation above.

2.3 The site is not shown to be at significant risk of flooding and is not within an Archaeological Priority Zone. There are no controlled parking zones nearby and the site has poor public transport accessibility (PTAL level 2).

3. **CURRENT PROPOSAL**

3.1 Erection of two detached buildings comprising a total of 5 x 1, 9 x 2 and 3 x 3 bedroom flats and a terrace of 5 two storey houses, with accommodation in the roof. The application is submitted in outline, with access, layout and scale only to be determined at this stage with appearance and landscaping to be considered later as reserved matters. Submitted elevations are therefore illustrative in terms of detailed appearance.

3.2 “Block 1” is located to the west of the site, adjacent to an electrical sub station and separated from the existing three storey block in Green Lane by the service road that runs to the rear of these buildings, giving an overall gap of at least 13m between the respective flank walls. Drawings show an “L” shaped building that is broadly in line with the front and rear elevations of 137 Green Lane, the nearest end terrace building. The block is shown with a maximum ridge height of 11.5m and eaves 7.8m, reducing to ridge 9.6m and eaves 5.3m over the eastern wing, which is sited nearer to the new school accessway.
3.3 Block 1 would provide accommodation over three floors and in the roofspace, comprising 1 x 1, 1 x 3 and 2 x 2 bed flats at ground floor and 4 x 2 bed flats at first floor. Within the higher wing of the building, nearest to Green Lane, 3 x 1 bed flats are arranged over second and third floors. A further 2 bed flat is proposed to the second floor ie roofspace over the lower wing of the building. Twelve flats are proposed in this block, nine of these will provide Affordable Housing, (Numbers 1 to 8 inclusive at ground and first floors, also Flat 12 at Second Floor), comprising 6 social rented units and 3 intermediate housing, with the remaining 3 units for market housing.

3.4 Block 1 provides private amenity space for the 2 ground floor flats that are adjacent to the electrical sub station and shared amenity space of 293 sq.m to the rear/ side of the building. The scheme proposes 5 car parking spaces, also to the rear of the building with a new vehicle access from the Green Lane service road. The main pedestrian entrance to the block is centrally located, at the front of the building and additional landscaped areas covering 103 sq.m are proposed to the side and front of the building.

3.5 “Block 2” is sited to the east of the school accessway, thus allowing a gap of some 18m between the two proposed new blocks. This is shown to be a part two/ part single storey structure, ridge height 9.6m, eaves 5.1m, comprising 2 x 3 bedroom flats at ground floor, 2 x 2 bed flats at first floor and 1 x 1 bed flat at third floor ie in the roofspace of the building. Two off street car parking spaces are provided from Middleton Road and communal amenity space (167.6 sq m) is provided to the rear and side of the building, in addition to 70 sq.m of landscaped areas to the front and side. Pedestrian access to this block is via a pathway running from Middleton Road.

3.6 The five houses comprise W/C, kitchen/ dining and living rooms at ground floor, with three bedrooms, one of which is en-suite and bathroom at first floor. The layout shows a master bedroom in the roofspace. The proposed dwellings would have a similar footprint to the adjacent terrace of houses numbered 3 – 9 Middleton Road, albeit with front and rear building lines set at a slight angle to the existing properties. Ridge (8.97m) and eaves (4.8m) lines would be in keeping with the existing terrace and illustrative drawings of the new properties show similarly proportioned windows and open front porches, again to be in harmony with the adjacent properties. Each house has a private rear garden in excess of 65 sq m with one off street car parking space from Middleton Road.

4. PLANNING HISTORY

4.1 93/P1351 – Refused under delegated authority – Residential development of land at Middleton Road, submitted by L.B. of Sutton, for up to 75 habitable rooms per acre. (Outline application).

Reason for Refusal: The proposed development of this site would result in the unacceptable loss of private open space and land of ecological importance, contrary to policies EN4, EN6 and EN9 of the Unitary Development Plan Deposit Draft 1992.
4.2 04/P0529 – Approved under delegated authority – Installation of 2 portacabins, north of existing car park on Middleton Road frontage, to be used for a three year period for purposes ancillary to the use of the playing fields for sporting activities. The land to be re-instated by 31/07/2007.

4.3 08/P1509 – Planning permission granted for the erection of special needs secondary school, including new football pitch and multi-use games area.

4.4 10/P0185/NEW – Pre-Application: To discuss the principle of redevelopment of land for residential use. No indicative drawings were submitted prior to the meeting. Planning officers advised at the pre-application meeting that as the new school had separated the land from the wider open space of Morden Recreation Ground, the Council would need to consider whether the current land designation (land safeguarded by open space policies) was still appropriate. Subject to appropriate scale and design, the introduction of residential accommodation would appear appropriate.

Children, Schools and Families Department officers indicated that they would prefer to see the land as a well maintained frontage for the school (N.B - The land however was not purchased from L.B Sutton at the time of drawing up proposals for the SEN school).

5. CONSULTATION

5.1 The proposal has been publicised by means of a major site and press notice and letters to neighbouring occupiers. Four letters have been received in response raising objections in relation to:
- car parking and highway safety;
- noise nuisance during construction;
- safety of pupils with regard to the pedestrian access to Block 2;
- potential overlooking of the school from the new dwellings;
- loss of daylight to a first floor side window at a neighbouring house;
- inaccuracies in description of land use.

5.2 Transport Planning raise no objections. Proposed parking levels for the development are such that any overspill parking on surrounding residential roads would not have impacts on highway safety and general parking efficiency to an extent that would warrant refusal of the scheme.

5.3 Children Schools and Families (contracts and schools organisation team). Objects to the proposal as an inappropriate land use, out of character and over intensive development of an open space site, resulting in increased pressure for car parking, potentially compromising safe access to the school and involving overlooking of vulnerable pupils.

5.4 Environmental Health No objections to the principle of development subject to appropriate conditions, including air quality assessment in relation to loss of open space; soundproofing of plant/machinery in relation to proposed lift shaft; control of any external lighting; control of construction vehicles and hours of construction.
5.5 **Environment Agency** The proposal has a low environmental risk. No objections.

5.6 **Thames Water** No objections subject to standard provisions for surface water drainage and sewerage.

5.7 **Cllr Maxi Martin** objected on grounds that the development would be out of character with St Helier Estate; overly intense, with 52 bedrooms on land designated as open space; three storey buildings would result in security issues and overlooking the SEN school for vulnerable children; insufficient parking provision.

6. **POLICY CONTEXT**

6.1 The relevant policies in the Adopted Unitary Development Plan (October 2003) are ST.1 (Sustainable Development), ST.12 (Development on Previously Developed Land), ST.23 (Environmental Protection), HP.1 (Housing Targets), HS.1 (Housing Layout and Amenity), HN.3 (Dwelling Mix), BE.15 (New Buildings and Extensions), BE.16 (Urban Design), BE.22 (Design of New Development), BE.25 (Sustainable Development), NE.8 (Green Corridors), NE11 (Trees; Protection), PE.2 (Pollution and Amenity), PE.13 (Energy Efficient Design and Use of Materials), PK.2 (Car Parking Standards), PK.3 (Car Parking and Development), C.13 (Planning Obligations for Education Provision), L.6 (Public Open Space), L.7 (Recreational Open Space), L.9 (Children’s Play Facilities), LU.2 (Public Transport Accessibility), LU.3 (Transport Impact of New Development)

6.2 Relevant policies in the London Plan (February 2008) are 3A.1 (Increasing London’s supply of housing), 3A.2 (Borough housing targets), 3A.3 (Maximising the potential of sites), 3A.5 (Housing choice), 3A.6 (Quality of new housing provision), 3A.9 (Affordable housing targets), 3A.10 (Negotiating affordable housing in individual and private residential and mixed-use schemes), 3A.11 (Affordable housing thresholds), 3D.12 (Open space strategies), 4A.3 (Sustainable design and construction), 4A.7 (Renewable energy), 4B.1 (Design principles for a compact city).

7. **PLANNING CONSIDERATIONS**

7.1 The main planning considerations for this outline application include the principle of re-developing the site for residential accommodation, potential impacts of the development on the street scene and neighbour amenity, including the newly constructed special needs school, standard of accommodation, car parking and highway safety, planning obligations.

7.2 **Principle of Development**
The application site is currently designated in the Unitary Development Plan as a green corridor and protected by open space policies, as it originally formed part of an area of land known as Risley Field. The green corridor/open space designation also applies to the wider area of Morden Recreation.
Ground to the north. In February 2009, the Planning Applications Committee approved (subject to referral to GLA and GoL) an application to construct a special needs school on part of Risley Fields and this building is now nearing completion. Risley Field had previously been leased to Carshalton on the Hill Football Club for junior training facilities, but these have now been re-located to a permanent site in Raynes Park.

7.3 Notwithstanding the earlier decision to grant planning permission, development of these remaining parcels of land needs to be considered in the light of their current land designation and relevant planning guidance and policies.

7.4 Government advice in PPG.17 requires that where it is proposed to develop open land last used for sports purposes, an assessment should be undertaken to establish open space needs. Policy 3D.12 of the London Plan encourages the development by boroughs, in conjunction with local communities, of open space strategies to protect and enhance open spaces and to include approaches for positive management of open space where appropriate, to prevent degradation or enhance beneficial use of it for the community.

7.5 Adopted UDP policy L.7 states that development which will result in the loss of land once used for recreational purposes will not be permitted except where sports and recreational facilities can best be retained and enhanced through development of a small part of the site.

7.6 The significance of the earlier permission for the plot of land on which the new school is located, was that it established that enhanced facilities could be provided in a part of the borough where demand for sports pitches is better met than in other wards, with the benefit of a hydrotherapy pool and Multi Use Games Pitch that would both be made available for community use. Sport England, the GLA and Government Office for London all endorsed this provision, did not raise objection to partial development of the open land and the Council was allowed to determine the application.

7.7 The remaining block of land, split into two by the service road to the new school, and no longer linked to surrounding open spaces is not of a size that could realistically be returned to use as sports pitches. The need for a multi use games area is provided for in the new facilities on the adjoining school site. It is therefore considered that despite the safeguarding policies of the UDP, harm would not arise from the development of this land.

7.8 London Plan policies advocate that 370 additional homes be provided annually within the Borough. The site is opposite and next to residential accommodation. Residential use is therefore considered appropriate. The proposed development would make a contribution to this target through the provision of 22 additional units. The density of development is proposed at 262hr/ha, which is within London plan guidelines for such an urban site. It is considered that the benefits of redevelopment for residential purposes outweigh any harm that might arise from the loss of the open land.
7.9 **Impact on Streetscene**

Policies BE.16 and BE.22 both require proposals for development to complement the character and appearance of the wider setting. This is achieved by careful consideration of how the density, scale, design and materials of a development relate to the urban setting in which the development is placed.

7.10 The site lies within an established residential area, with a distinctive character involving terraces of two storey, terraced, family housing, laid out in a regular pattern. In this part of the St Helier Estate there are also larger three storey blocks, and examples of these are seen on both sides of Green Lane, (numbered 99-137 and 114-148) in the vicinity of the site. The proposed re-development for residential use involves a part 3 storey block, part two storey block and 2 storey terraced houses. It is considered that the proposed scale and layout therefore results in an appropriate transition across the site frontage, while still allowing generous views into the new school. The buildings are also staggered in terms of their set back from the street frontage in order to respect the siting of existing buildings. Indicative drawings show how the buildings could blend in with the existing streetscape, particularly in the case of the terrace of houses, with sympathetic features such as the open front porches.

7.11 The retention of existing mature trees towards the front edge of the site and generous spacing and opportunities for soft landscaping and planting will ensure appropriate treatment of the site in respect of visual amenity in Middleton Road.

7.12 The proposed new dwellings would not detract from the streetscene and the proposal meets the requirements of adopted policies BE16 and BE22, to respond to and re-inforce locally distinctive patterns of development, also respecting siting, proportions and height of surrounding buildings.

7.13 **Neighbour Amenity**

The proposed building footprints will align well the existing adjacent block in Green Lane and the adjacent terrace of houses at 3-9 Middleton Road. There is no loss of privacy, daylight or outlook to the main habitable rooms at neighbouring dwellings. It is acknowledged that there may be loss of daylight to a small obscure glazed window in the flank wall of the end terrace house at no3 Middleton Road, but the proposal would not be detrimental to neighbour amenity to an extent that would warrant refusal.

7.14 In terms of potential impacts on the new school, the building was designed with the majority of the larger glazed areas facing towards the open green space of Morden Recreation Ground. The separation distance between the nearest point of Block 1 and the front of the school is some 37m, while the gap between the nearest point of Block 2 and the school is approximately 18m. However due to the limited window openings at this part of the school and the respective heights and relationship between the buildings, there are no adverse issues for direct overlooking or clear views into the building that
would compromise the safety of pupils or staff. While it is inevitable that there will be a degree of overlooking into the school car park and vehicle drop off area, this part of the site is overlooked by existing flats on Green Lane. The situation would not be significantly different from the existing situation at St Ann’s School given the proximity of the access and car park to the front of the school buildings in relation to neighbouring houses in Bordesley Road.

7.15 It is understood the majority of students travel either by taxi or mini-bus and the combination of a minimum pavement width of 1.6m and security gates at the entrance to the school for vehicles and pedestrians, will ensure no conflicts in terms of safe movements for either pupils or visitors to the school and future occupiers of the flats.

7.16 **Standard of Accommodation**
Adopted policy HS1 is supported by the SPG - New Residential Development which provides detailed guidance on minimum room sizes and associated amenity space. The current proposal requires approval of siting and it is important therefore to give due consideration to the numbers of rooms that are proposed and their size. Recommended minimum space standards, (all shown in square metres), for new build are set out in the table below, along with the proposed room sizes. With regard to the current proposal, all of the rooms more than meet these target figures:

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<tr>
<th></th>
<th>Bed 1</th>
<th>Bed 2</th>
<th>Bed 3</th>
<th>Living space</th>
<th>Kit/ Diner</th>
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</thead>
<tbody>
<tr>
<td>SPG 1/ 2 person</td>
<td>11</td>
<td>n/a</td>
<td>n/a</td>
<td>18.5</td>
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<tr>
<td>SPG 3/ 4 person</td>
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<td>10.5</td>
<td>n/a</td>
<td>14</td>
<td>11</td>
</tr>
<tr>
<td>SPG standard 5/ 6 person</td>
<td>11</td>
<td>10.5</td>
<td>6.5</td>
<td>16</td>
<td>13</td>
</tr>
<tr>
<td>SPG standard 7/ 8 person</td>
<td>11</td>
<td>10.5</td>
<td>6.5</td>
<td>18</td>
<td>15</td>
</tr>
<tr>
<td>Flat 1</td>
<td>12</td>
<td>10.5</td>
<td>6.5</td>
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<td>15</td>
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<tr>
<td>Flat 2</td>
<td>14.3</td>
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<td>8.1</td>
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<tr>
<td>Flat 3</td>
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<tr>
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<td>Flat 5</td>
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<td>Flat 6</td>
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<td>Flat 7</td>
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<td>Flat 8</td>
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<td>Flat 9</td>
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<td>Flat 10</td>
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<td>Flat 1</td>
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<td>Flat 2</td>
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All of the rooms would have good levels of daylight and natural ventilation and the internal layout would provide future occupants with a more than adequate standard of accommodation. The scheme will also provide a wide range of accommodation, including a proportion of affordable housing, with smaller 1 bed flats up to 4 bedroom houses, thus in compliance with adopted policy HN3 that seeks to ensure new housing development provides a good mix of accommodation.

7.17 Affordable Housing
London Plan 3A.11 sets out a requirement that development proposals for more than 10 units need to provide affordable housing. Merton’s Core Strategy Policy CS8 proposes 40% affordable housing provision (in line with the Draft Replacement London Plan). Given the stage at which the Core Strategy has reached and that the Council has defended this policy aim at the recent examination in public, officers consider that complying with the 40% Core Strategy requirement would be justified in this case.

7.18 The current outline scheme would provide 40% of the total number of units (i.e. nine flats in Block 1) for affordable housing. Numbers 1 to 8 inclusive at ground and first floors, also Flat 12 at Second Floor, will comprise 6 social rented units and 3 intermediate housing units. All the remaining units are proposed as market housing: 3 flats in Block 1, 5 flats in Block 2 and 5 new houses.

7.19 Amenity Space
Adopted policy HS1 requires a minimum amenity space of 10 sq m per habitable room in the case of new flats and 50 sq m for new houses. The proposed layout satisfactorily meets this standard with private garden areas for 2 ground floor flats in addition to rear communal gardens of 293 sq m for the remaining flats in Block 1 (27 habitable rooms) and rear communal space of 167.6 sq m for Block 2 (17 habitable rooms). Both of the blocks also make provision for further open space to be landscaped at the front, 103 sq m to Block 1 and 70 sq m to Block 2. A minimum of 65 sq m is provided as private rear garden space for each of the houses, in addition to a small front garden and single off street car parking space for each dwelling.

7.20 Layouts show that satisfactory provision could be made for refuse/recycling storage and details can be dealt with by way of condition, along with details relating to boundary fences and surface treatments. There are no anticipated adverse impacts in relation to these matters. Adopted policy NE.11 seeks to safeguard trees that contribute to visual amenity. Conditions are recommended to ensure appropriate measures are in place to safeguard existing trees at the front of the site, as well as ensuring appropriate additional tree/shrub planting.
7.21 **Traffic and Parking**
Each of the 5 houses will benefit from a dedicated off-street car parking space, in accordance with the Council's residential car parking standards. In addition, the 12 flats in Block 1 will benefit from 5 off-street car parking spaces, whilst the 5 flats in Block 2 will benefit from 2 off-street car parking spaces. A parking management condition will be included to deal with the allocation of these spaces to the units within the development.

7.22 The applicant has undertaken a parking survey that has shown the roads within the vicinity of the site benefit from available on-street car parking capacity during the evening / overnight period. In particular, Middleton Road benefits from available on-street car parking spaces. This has been verified by officer site visits and it is not considered that there are grounds for refusal on highway safety or parking efficiency.

7.23 Access arrangements are considered to be acceptable and the applicant has submitted tracking plots to illustrate the movement of vehicles to and from the access point at the rear of the shops. It will necessary to introduce waiting restrictions in the form of yellow lines to ensure that efficient access arrangements are maintained, and the introduction of the waiting restrictions will be subject to separate approval outside of the planning process. The provision of cycle parking will be secured as a condition. An appropriate sustainable transport contribution will be required. It is therefore considered that the proposals would not conflict with the objectives of policies PK.2 and PK.3.

7.24 **Planning Obligations**
The adopted SPD Planning Obligations, July 2006, sets out Merton Council's approach to obtaining benefits as guided by Circular 05/2005. Education is a recognised and established area for planning obligation, as new residential development increases pressure and demand on education provision. A formula approach has been adopted, based on the likely number of children, according to the size of the unit and cost of education provision for a pupil. The scheme would provide affordable housing in 9 of the flats and the education contributions are only applied to the remaining market housing units of 2 or more bedrooms. These comprise four x 2 bed flats and five x 4 bedroom houses and the cost basis in this case has been assessed using supply and demand figures in the St Helier ward. Development in this part of the borough should contribute 100% of the cost factor, in line with the calculations set out in the SPD. Appropriate contributions of £3,710 for each 2 bed unit and £8,458.50 for each of the 4 bed houses are therefore sought. Thus total contributions of £57,134 are calculated for education provision through S106 obligations/ Unilateral Undertaking.

7.25 In addition, the Council anticipates that new residential accommodation will bring about increased demands on children's play space and a standard contribution of £2,500 is sought for any new development. In addition, contributions are sought in respect of public open space, dependent on whether the site is in an area deficient in public open space or not. The
application site is not in an area deficient in open space and the calculations in this case are £6,807.

7.26 Finally, the London Plan recognises the importance that planning obligations can make to the provision of sustainable transport. The Council is statutorily obliged to have regard for the Mayor’s Transport Strategy and a contribution of £500 per new unit (total £11,000) is sought. The applicant has previously indicated willingness to make the appropriate contributions in respect of education, improvements to nearby public open space and sustainable transport.

8. **SUSTAINABILITY AND ENVIRONMENTAL IMPACT ASSESSMENT REQUIREMENTS**

8.1 The proposal does not constitute Schedule 1 or Schedule 2 development. Accordingly, there are no requirements in terms of an Environmental Impact Assessment (EIA).

8.2 The applicant has demonstrated a commitment to achieving a minimum Code Level 4 of the Code for Sustainable Homes in addition to meeting Lifetime Homes Standards and this may be secured by the application of appropriate conditions.

8.3 In February 2008 the revised London Plan was published. London Plan policy 4A.1 expands on the Council’s renewable energy UDP policies providing guidance on tackling climate change. London Plan policy 4A.3 states that development should meet the highest standards of sustainable design and construction. These should include measures to reduce carbon dioxide and other emissions that contribute to climate change.

9. **CONCLUSION**

9.1 The proposals to redevelop the site are in accordance with Adopted UDP policies and Government Guidance as set out in PPS.3, which seek to make effective use of land in order to meet the increased demand for new housing. The proposal would not result in an adverse impact on the character of the area or neighbour amenity. Proposed room sizes and layout are compatible with Adopted Guidance and there is adequate provision for private amenity space and off-street parking. The proposal is therefore recommended for outline planning approval subject to appropriate conditions.

**RECOMMENDATION**

**GRANT OUTLINE PLANNING PERMISSION**

Subject to completion of a Section 106 obligation covering the following heads of terms:

2. Provision of financial contribution towards improvements in children’s play space and public open space (£9,307).

3. Provision of financial contribution towards sustainable transport improvements (£11,000).

4. Provision of affordable housing in respect of 9 units in Block 1: 6 social rented units and 3 intermediate housing.

5. The developer agreeing to meet the Council’s monitoring and reasonable legal costs in preparing, drafting and monitoring the Section 106 Agreement.

And the following conditions:-

1. A.2 Commencement of development (outline)

2. A.3 Submission of reserved matters (appearance and landscaping)

3. B.4 Details of site/surface treatment

4. B.5 Details of walls/ fences

5. B6 Levels

6. C.6 Details of refuse storage

7. D.5 Soundproofing of Plant and Machinery

8. D.10 External Lighting

9. D.11 Hours of construction

10. F.9 Hardstandings

11. F10 Tree Protection – Exclusion Zone

12. H.1 New Vehicle Access – Details to be submitted

13. H.3 Redundant Crossovers

14. H.4 Provision of parking

15. H.6 Cycle Parking – Details for new flats to be submitted

16. H.10 Wash down facilities

17. H.11 Parking Management Strategy

18. J.1 Lifetime Homes


INFORMATIVE: Historic use data does not indicate that the development will be constructed on contaminated land, although should at any stage of the development evidence of contamination arise, the developer shall stop work and contact Environmental Health Officers at the Local authority as soon as practicable. (Contact Gavin McIntosh 0208 545 3017).

INFORMATIVE: It is current Council policy for the Council’s contractor to construct new vehicular accesses and to re-instate the footway across redundant accesses. The developer is to contact the Council’s Highways Team, prior to the commencement of construction, to arrange for any such work to be done. If the developer wishes to undertake this work the Council will require a deposit and the developer will need to cover all the Council’s costs including supervision of the works. If the works are of a significant nature, a Section 278 Agreement (Highways Act 1990) will be required and the works must be carried out to the Council’s specification.

Reason for Approval:
The proposal would introduce a mix of new units of residential accommodation in a residential area, which would not unduly impact on neighbour amenity, would make a contribution to meeting the Council’s housing targets. The benefits of providing housing outweigh the need to safeguard the land for open land (sport/recreation) purposes. It accords with policies contained in the London Plan (February 2008) and the Council’s Adopted Unitary Development Plan (October 2003). The Policies listed below were relevant to the determination of this proposal.

Adopted Unitary Development Plan (October 2003):
ST.1 (Sustainable Development),
ST.12 (Development on Previously Developed Land),
ST.23 (Environmental Protection),
HP.1 (Housing Targets),
HS.1 (Housing Layout and Amenity),
HN.3 (Dwelling Mix),
BE.15 (New Buildings and Extensions),
BE.16 (Urban Design),
BE.22 (Design of New Development),
BE.25 (Sustainable Development),
NE.8 (Green Corridors),
NE11 (Trees; Protection),
PE.2 (Pollution and Amenity)
PE.13 (Energy Efficient Design and Use of Materials),
PK.2 (Car Parking Standards),
PK.3 (Car Parking and Development),
C.13 (Planning Obligations for Education Provision),
L.6 (Public Open Space),
L.7 (Recreational Open Space),
L.9 (Children’s Play Facilities),
LU.2 (Public Transport Accessibility),
LU.3 (Transport Impact of New Development)

London Plan (February 2008):
3A.1 (Increasing London’s supply of housing),
3A.2 (Borough housing targets),
3A.3 (Maximising the potential of sites),
3A.5 (Housing choice),
3A.6 (Quality of new housing provision),
3A.9 (Affordable housing targets),
3A.10 (Negotiating affordable housing in individual and private residential and mixed-use schemes),
3A.11 (Affordable housing thresholds),
3D.12 (Open space strategies),
4A.7 (Renewable energy),
4B.1 (Design principles for a compact city).
PLANNING APPLICATIONS COMMITTEE
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(7.15pm –11.15pm)

PRESENT: Councillor Philip Jones (in the Chair);
Councillors Richard Chellew (substitute for John Bowcott),
David Dean, John Dehaney, Ian Munn, Peter Southgate,
Geraldine Stanford, Gregory Udeh, Miles Windsor and
Simon Withey.

ALSO PRESENT: Councillors Stephen Alambritis, Maxi Martin and
Diane Neil Mills.

Council Officers
Environment & Regeneration
Richard Lancaster (Interim Transport Planning Manager),
Jonathan Lewis (South Team Leader - Development Control); and
Sue Wright (North Team Leader - Development Control).

Corporate Services:
Sharon Lauder (Legal Services); and
M.J.Udall (Democratic Services).

Apologies for absence were received from: Councillor John Bowcott.

1 DECLARATIONS OF INTEREST (Agenda Item 1)

(a) Councillor Richard Chellew declared an interest in Agenda Item 4(4) (Application
11/P0059 - 45-47 Church Road, Wimbledon, SW19) by reason that he had submitted
a strongly worded letter regarding the application, and indicated his intention to not
participate in the discussion or voting on this item.

(b) Councillor David Dean declared an interest in Agenda Item 4(11) (Imperial Fields,
Tooting & Mitcham FC, Bishopsford Road, Morden) by reason that he regarded the
Chief Executive of the organisation running the site as a friend, and indicated his
intention to remain in the room but to not vote on this item.

(c) Councillor Philip Jones didn’t declare an interest in Agenda Item 4(11) (Imperial
Fields, Tooting & Mitcham FC, Bishopsford Road, Morden) but indicated that -
(i) he intended to vacate the Chair during the discussion of this item; and
(ii) leave the room whilst this item was discussed and voted upon, but to stay until
after he had spoken as a Ward Councillor and then leave the room.

2 MINUTES OF THE PREVIOUS MEETING (Agenda Item 3)

RESOLVED: That the Minutes of the meeting held on 17 March 2011 be
agreed as a correct record.

3 TOWN PLANNING APPLICATIONS (Agenda Item 4)

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

(a) Modifications: A list of modifications for items 1, 2, 3, 4, 6, 7, 8, 9 & 11 and
additional letters/representations and drawings received since agenda publication,
PLANNING APPLICATIONS COMMITTEE
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were tabled at the meeting. (*)

(*) The list included details of a new Olympic Informative and the proposal to add the new Informative, if approval was granted, to items 2, 3, 4, 6, 7 & 9.

(b) Oral representations: The Committee received oral representations at the meeting made by third parties and applicants/agents in respect of items 1, 3, 7, 8, 10 (agent only) & 11 (objector only). 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 1 – Councillor Diane Neil Mills;
- Item 7 – Councillor Stephen Alambritis
- Item 8 – Councillor Maxi Martin;
- Item 10 – Councillor Diane Neil Mills; and
- Item 11 – Councillor Stephen Alambritis. (*)

(*) The Committee also received oral representations from Councillor Philip Jones, further to his previously declared intention to speak as a Ward Councillor on item 11 (after vacating the Chair), and then to leave the room. (See also earlier Minute above.)

(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 – 3, 7, 1, 8, 10, 11, 2, 5, 6, 9 & 4.

(d) Chair - Prior to consideration of item 11 (Imperial Fields, Tooting & Mitcham FC, Bishopsford Road, Morden), further to his previously declared intention to speak as a Ward Councillor on this item, Councillor Philip Jones vacated the Chair. The Committee then appointed Councillor Ian Munn temporarily as Chair of the meeting. Councillor Ian Munn then took the Chair for consideration of this item. Following the conclusion of consideration of this item, Councillor Philip Jones resumed the Chair.

RESOLVED: That the following decisions are made:

**Item 1: Princess Royal PH, Abbey Road, South Wimbledon, SW19** (ref. 10/P3282)

1. **Economic Viability** – In response to queries regarding the recent large changes in the public houses’ income and profitability, officers advised that Unitary Development Plan Policy L.16 (Protection of Public Houses) required the applicant to show that the public house was no longer economically viable, but that it was beyond the Council’s remit (as Local Planning Authority) to challenge or investigate the figures submitted.

2. **Lost Refusal Motion** - It was moved and seconded that the Application be refused on the grounds that the proposal would (a) fail to respect the locally listed building, Princess Royal PH;
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(b) fail to respect or complement the design and detailing of the original building; and
(c) fail to be sympathetic to the form, scale and proportions of the original building
contrary to Policies BE.11 and BE.22 of the Adopted Unitary Development Plan
(October 2003). The motion was lost by 5 votes to 4 (Councillors Richard Chellew,
David Dean, Miles Windsor and Simon Withey voting for the motion). The
Application was subsequently approved as detailed below.

Decision: Item 1 - ref. 10/P3282 (Princess Royal PH, Abbey Road, South
Wimbledon, SW19)

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

Item 2: 155 Arthur Road, Wimbledon, SW19 (ref. 10/P1707)

Decision: 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.

Item 3: Wimbledon Park Hall, 170 Arthur Road, Wimbledon, SW19
(ref. 10/P3061)

1. Rear Windows – Officers advised that in the previously approved scheme, it had
been possible to have obscure glazed windows on the rear elevation as they had
served bathrooms or had been secondary windows to other rooms, but in the current
scheme these windows were principal windows and so couldn’t be obscure glazed,
and therefore in order to meet privacy concerns, it was proposed to use (clear) oriel
windows which were angled to face away from the housing in Crescent Road at the
rear of the site.

2. Security Lighting – As part of his oral representations, the applicant’s
representative confirmed that there would be security lighting only on the ground
floor. Officers also pointed out that there was a proposed condition (9) to control
provision of external lighting.

3. Financial Viability Appraisal – Officers advised that Merton had employed an
independent financial consultant to check the financial/economic viability appraisal
submitted by the applicant as part of the application, and this would have included
checking for mistakes in the applicant’s figures (such as alleged by an objector as
part of their oral representations).

4. Hall Size – Reference was made to the Planning Brief for the site in 2004
suggesting the provision of a community resource centre of about 475sqm, whereas
the current scheme proposed a community hall of 137sqm. Officers explained that
the previously approved scheme had proposed a community hall of comparable size
(137.52sqm), and highlighted the differences between the two schemes in regard to
community facilities, including the principal change in the current scheme being the
deletion of the previously proposed meeting room of 16sqm.

5. Lifts – Officers confirmed that
(a) as the current scheme had level access to the community hall/cafè from the main

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please check the calendar of events at your local library or online at www.merton.gov.uk/committee.
entrance, there was now no need for a separate wheelchair lift between the main lobby and café as required for the split level arrangement in the previously approved scheme; and (b) whilst the current scheme omitted the above lift, a lift giving wheelchair access to the residential upper floors had been retained in the current scheme.

6. Bathroom Sizes - Officers advised that the proposed bathroom sizes were comparable to those in the previously approved scheme, were mostly not much below the guideline size of 5sqm, were regular shaped and could accommodate a w.c., basin and bath (not just a shower).

7. Extra Conditions – Renewable Energy etc – In response to a query regarding renewable energy, officers confirmed that it would be possible to add extra conditions requiring the development to meet a minimum of Code Level 4 for Sustainable Homes which would cover both renewable energy and energy efficiency issues. As indicated below, the Committee subsequently agreed to the imposition of such conditions.

8. Lost Refusal Motion - It was moved and seconded that the Application be refused on the grounds that the proposal would lack sufficient amenity space; have bathrooms of inadequate sizes and result in the inappropriate stacking of rooms, all contrary to Policy HS.1 of the Adopted Unitary Development Plan (October 2003). The motion was lost by 6 votes to 4 (Councillors Richard Chellew, David Dean, Miles Windsor and Simon Withey voting for the motion). The Application was subsequently approved as detailed below.

Decision: Item 3 - ref. 10/P3061 (Wimbledon Park Hall, 170 Arthur Road, 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, and subject to the following extra condition –

(17) Standard Condition L2
Code for Sustainable Homes – Pre-Commencement (New Build Residential)
No development shall commence until evidence that the development is registered with the Building Research Establishment (BRE) under Code For Sustainable Homes and a Design Stage Assessment Report demonstrating that the development will achieve not less than Code for Sustainable Homes Level 4 has been submitted to, and approved in writing by the Local Planning Authority. Reason: To ensure that the development achieves a high standard of sustainability and makes efficient use of resources and to comply with policies BE.25 of the Adopted Merton Unitary Development Plan 2003, 4A.3 of the Adopted London Plan 2008 and CS 15 of Merton’s Pre-submission (with minor changes) Core Planning Strategy 2010.

(18) Standard Condition L3
Code for Sustainable Homes – Pre-Occupation (New Build Residential)
Unless otherwise agreed in writing by the Local Planning Authority, no part of the development hereby approved shall be occupied until a Building Research
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Final Code Certificate confirming that it has achieved not less than a Code 4 level for Sustainable Homes has been submitted to, and acknowledged in writing by the Local Planning Authority. **Reason:** To ensure that the development achieves a high standard of sustainability and makes efficient use of resources and to comply with policies BE.25 of the Adopted Merton Unitary Development Plan 2003 and 4A.3 of the Adopted London Plan 2008 and CS 15 of Merton’s Pre-submission (with minor changes) Core Planning Strategy 2010.

**Item 4: 45-47 Church Road, Wimbledon, SW19 (ref. 11/P0059)**

French Doors – Officers drew attention to the list of modifications circulated at the meeting which, in relation to this item, indicated that the application had been amended, and now no longer included the retention of the rear concertina style patio doors; that these doors had been already removed; and that the applicant now proposed to install the previously approved three pairs of French Doors instead.

Decision: Item 4 - ref. 11/P0059 (45-47 Church Road, Wimbledon, SW19)

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

**Item 5: 2 Dryden Road, Colliers Wood, SW19 (ref. 10/P3458)**

Parking – Officers confirmed that the advice of the Transport Planning Section was that the impact of the development upon on-street parking in the area would be insufficient to justify requiring the development to be “permit free” (which would prevent occupiers having parking permits for the Controlled Parking Zone).

Decision: Item 5 - ref. 10/P3458 (2 Dryden Road, Colliers Wood, SW19)

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

**Item 6: 413 Durnsford Road, Wimbledon Park, SW19 (ref. 10/P2975)**

Decision: 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.

**Item 7: Brewery Tap PH, 68 High Street, Wimbledon, SW19 (ref. 10/P3288)**

1. **Additional Plans** – Officers drew attention to the following additional plans
(a) a plan showing the proposed locations of refuse storage (circulated as part of the list of modifications tabled at the meeting for various items); and
(b) a plan, received earlier the same afternoon, detailing the arrangement for access for maintenance at the rear of the site.

2. **Use of the Ground Floor/Basement** – Officers explained that
(a) the application only related to the upper floors of the premises and did not relate to the use of the ground floor/basement, currently used as a public house;
(b) under planning law regarding Use Classes A3/A4, the change of the ground floor/basement to a restaurant, wine-bar or café would not require planning

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permission, and the owner of the premises would control whether such a change occurred, not the Council (as the Local Planning Authority);
(c) as the application did not include change of use to the basement and ground floor, the Council’s Unitary Development Plan Policy L.16 (Protection of Public Houses) was not applicable in this case;
(d) any internal changes to the ground floor/basement, such as the headroom when accessing the toilets, would be a matter for Building Regulations.

3. Motion to defer - Following extensive discussion, it was moved and seconded that consideration of the application be deferred for the reasons detailed below, following a Member expressing concern at the late submission of plans and the small scale of plans.

Decision: Item 7 - ref. 10/P3288 (Brewery Tap PH, 68 High Street, Wimbledon, SW19)

Consideration of the application be DEFERRED to a future meeting in order that (a) proper consideration can be given, and officers can fully report, on the plans submitted late (see para. 1 above); and
(b) plans can be provided to the Committee at a reasonable scale so that they are legible.

Item 8: Land adjoining St Anne’s School, Middleton Road, Morden (ref. 11/P0026)

1. No overlooking of School Swimming Pool – Officers explained how a glazed element of the Pool roof did not result in overlooking of the Pool from the windows at the rear of the proposed housing development.

2. Designation of the land as Green Corridor/Open Space – Officers confirmed that the application site, which was formerly part of the Risley Playing Fields, was still designated as green corridor/open space in the Unitary Development Plan. However officers also drew attention to paragraphs 7.1 - 7.8 of the report, which set out the reasons why officers now considered the site could be developed for housing, including -
(a) the other part of the Risley Playing Fields being developed for St Ann’s Special School, including provision of a multi-uses games pitch that would be made available for community use, and, as part of the school development, a large area to the north-west of the school being identified as a SINC (Site of Importance of Nature Conservation) which would be enhanced to improve its biodiversity;
(b) the application site being split in two by the School service road, and being no longer linked to surrounding open spaces, and being not of a size that could realistically be returned to use as sports pitches; and
(c) officers considered that the benefits of development for residential purposes would outweigh any harm that might arise from the loss of the open land.

3. Views of the new School building – Officers advised that the proposed housing on its boundaries, adjacent to the school access road, had been set back 5m in order to still give good views from the street of the new School building (which had been
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shortlisted for an award).

3. Refusal Motion - It was moved and seconded that permission be refused on the grounds shown below. The motion was carried unanimously. Subsequently the Committee also agreed (B) below.

Decision: Item 8 - ref. 11/P0026 (Land adjoining St Anne’s School, Middleton Road, Morden)

(A) REFUSE permission on the following grounds

1. The development, due to its bulk and massing, would be an inappropriate and unneighbourly development in front of the new School, resulting in a loss of urban green space which has significant structural amenity value, enclosing the frontage of the new School and resulting in a loss of openness to the part of the playing fields that can be seen from the site to the detriment of visual amenity and contrary to policies BE.22 and L.5 of the Adopted Unitary Development Plan (October 2003).

2. The development would result in the loss of recreational open space and would fail to meet the criteria for such loss as required by Policy L.7 of the Adopted Unitary Development Plan (October 2003)

3. The development would fail to safeguard or enhance private and public open spaces contrary to draft Policy CS.13 of the emerging Merton Local Development Framework.

(B) Reasons for not following Planning Officers’ recommendation for permission: The Committee considered that officers had given insufficient emphasis to relevant policies, especially in relation to open space.

Item 9: Plough Lane Retail Park, Wimbledon, SW19 (ref. 10/P3062)

Decision: 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.

Item 10: 54 Russell Road, Wimbledon, SW19 (ref. 10/P)

Proposed Condition (1) (Hours of Use) – Officers confirmed that the standard wording which had been used for the proposed condition, meant that any subsequent proposal to change the hours of use would require a further planning application for a variation of the condition.

Decision: Item 10 - ref. 10/P3050 (54 Russell Road, Wimbledon, SW19)

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

Item 11: Imperial Fields, Tooting & Mitcham FC, Bishopsford Road, Morden (Variation of Section 106 Legal Agreement)

1. Chair - Prior to consideration of this item, further to his previously declared intention to speak as a Ward Councillor on this item, Councillor Philip Jones vacated
the Chair. The Committee then appointed Councillor Ian Munn temporarily as Chair of the meeting. Councillor Ian Munn then took the Chair for consideration of this item. Following the conclusion of consideration of this item, Councillor Philip Jones resumed the Chair.

2. Declaration of Interest - Prior to consideration of this item, further to his previously declared interest in this item, Councillor David Dean left the room and took no part in the discussion or voting on this Application.

3. Oral representations (by Councillor Philip Jones) - Further to his previously declared intention to speak as a Ward Councillor on this item, after vacating the Chair, Councillor Philip Jones subsequently spoke regarding this item and then left the room and took no part in the discussion or voting on this Application.

4. Amendments – The Committee agreed to the report’s recommendations, subject to the amendments to the recommendations in relation to Obligations 4 & 9 as detailed below.

Decision: Item 11 - Imperial Fields, Tooting & Mitcham FC, Bishopsford Road, Morden)

The Committee agrees to amend the existing legal agreement as follows -

(a) Obligations 1, 2, 3, 5, 6, 7 & 8 – To be deleted as set out the officer case report.

(b) Obligation 4 (Parking Provision) - Agree to a variation of this obligation in accordance with option (2) (on agenda page 277) to include the wording as shown below and as set out the officer case report.

“Submit a Parking Management Strategy within 3 months of the varied S106 Agreement being signed in order to demonstrate how events generating in excess of 500 spectators will be managed to minimise the number of vehicle movements to and from the site and the parking displacement issues on the surrounding residential streets.”

(c) Obligation 9 (Community Use) – Agree to a variation of this obligation as set out the officer case report and the tabled modifications sheet, subject to the wording of the variation to be agreed by the Director of Environment and Regeneration in consultation with the Chair and Vice-Chair.

4 MEETING BREAK

After consideration of item 4(11), at about 10.40pm, the Committee adjourned its discussions for about 5 minutes.

5 TOWN PLANNING APPEAL DECISIONS (Agenda Item 5) RECEIVED

6 PLANNING ENFORCEMENT – SUMMARY OF CURRENT CASES (Agenda Item 6)

(b) Former BP Service Station, 374 Grand Drive (Beverley Roundabout) – Use as a car wash (para. 2.7) – Officers confirmed that if the occupier didn’t comply with the
enforcement notice, now that an appeal against the notice had been dismissed, then the next stage would be to consider prosecution.

RECEIVED

7 PROPOSED CHANGES TO THE CHARGING SCHEME FOR PRE-APPLICATION ADVICE (Agenda Item 7)

The list of modifications for various items circulated at the meeting included amendments to this report and its recommendation.

A Member suggested that the Council should consider charging more than the proposed £75 for Category ‘D’ proposals (see agenda page 296).

RESOLVED: That the Committee notes for information the proposed changes to the charging regime for pre-application advice.

8 PROPOSED CHANGES TO THE PLANNING APPLICATION FEES (Agenda Item 8)

It was noted that this report had been withdrawn.

9 SHARON LAUDER, SENIOR PLANNING LAWYER

The Chair referred to the budget cuts removing legal support from the Committee and therefore this being the last meeting of the Committee which Sharon Lauder would attend, and expressed his appreciation of her work and legal advice over the years in support of the Committee.

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