

# Merton Council

## Planning Applications Committee

8 December 2022

### Supplementary Agenda

3 Minutes of the previous meeting 1 - 4

7 Planning Appeal Decisions 5 - 8

Officer Recommendation:

That Members note the contents of the report.

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# Agenda Item 3

All minutes are draft until agreed at the next meeting of the committee/panel. To find out the date of the next meeting please check the calendar of events at your local library or online at [www.merton.gov.uk/committee](http://www.merton.gov.uk/committee).

## PLANNING APPLICATIONS COMMITTEE

23 NOVEMBER 2022

(7.22 pm - 8.44 pm)

PRESENT Councillors Councillor Aidan Mundy (in the Chair), Councillor Simon McGrath, Councillor Thomas Barlow, Councillor Michael Butcher, Councillor Edward Foley, Councillor Dan Johnston, Councillor Gill Manly and Councillor Martin Whelton, Councillor Caroline Charles and Councillor Kirsten Galea

ALSO PRESENT Jonathan Berry (Interim Head of Development Management and Building Control), Tim Bryson (Development Control Team Leader – North), David Gardener (Planning Technician), Tara Butler (Deputy Head of Future Merton), Calum McCulloch (Planning Officer), and Richard Seedhouse (Democratic Services Officer)

IN ATTENDANCE REMOTELY Raymond Yeung (Interim Planning Enforcement Team Leader) and Amy Dumitrescu (Democracy Services Manager)

### 1 APOLOGIES FOR ABSENCE (Agenda Item 1)

Apologies for absence were received from Councillors Bhim and Hicks. Councillors Charles and Galea attended as their respective substitutes.

### 2 DECLARATIONS OF PECUNIARY INTEREST (Agenda Item 2)

There were no declarations of interest.

### 3 MINUTES OF THE PREVIOUS MEETING (Agenda Item 3)

RESOLVED: That the minutes of the meeting held on 20 October 2022 are agreed as an accurate record.

### 4 TOWN PLANNING APPLICATIONS (Agenda Item 4)

The agenda was taken in the published agenda item order. There was no modifications sheet for this meeting.

### 5 57 KENILWORTH AVENUE, WIMBLEDON, LONDON, SW19 7LP (Agenda Item 5)

Proposal: Excavation of new basement including the insertion of front and rear lightwells

The Planning Technician presented the report.

The Committee received presentations from two objectors who raised points including:

- It was not clear that all the objections raised had been addressed
- The Objector raised concerns relating to the basement impact assessment which had been revised on 8 September 2022 after an original submission in May, noting that it was not clear that it was correctly identifying the property it related to within the drawings or the property description and also noting that the technical drawings were dated 2019.
- In relation to the construction methods statement, if a skip were to be placed in the passing place outside the property there would not be room for deliveries and would half the space within this passing place.
- Neighbours were concerned that the applicant would seek subsequent applications to convert the property into flats.
- Objectors requested that conditions be imposed to reduce noise impact, proposing Monday to Friday 8am-4pm with no weekend working and requested that the noise survey be made public.
- The objector noted that the neighbouring property had previously experienced flooding.

The Agent spoke in response and raised points including:

- The application had taken 2 years to come to Committee and therefore some drawings dated back to 2019, however it was noted that some revised plans had been submitted when a new case officer took on the application.
- In regards to the Basement impact assessment, a full assessment had been undertaken with boreholes specifically on the site to assess the condition of the soil and a condition had been proposed requiring a further assessment be undertaken pre-commencement. A parking logistics plan would also be included.
- The assessment was site specific and no issues had been found on the site.
- The duration of the basement build would be 4-5 months with the remainder consisting of internal fitout works.
- The basement would not affect any amenity to surrounding properties.
- The Agent stated that the applicant had no interest in future conversions of the property but wanted to build a future family home and any future application for conversion would be required to go through a full planning process in any case.
- A number of pre commencement conditions were included to address the points raised by objectors.
- The property was within a Zone 1 flood risk area.
- There would be no more noise than a standard renovation as the digging would be undertaken systematically by hand and there would therefore be no machinery to cause serious noise.

- The skip would be removed once the digging works had concluded and any further skips would be placed on the driveway and therefore would not cause any issues in relation to parking.

In response the Planning Technician advised that structural and flood engineers had carried out full assessments of the scheme and a highways officer had also assessed the scheme. The highways officer had considered the scheme acceptable however requested a condition requiring further information in relation to loading and unloading arrangements. A condition had been included to restrict the hours of construction to no construction on Saturday afternoons/evenings, Sundays or Bank Holidays.

In response to questions from the Committee, Planning Officers advised:

- Officers considered that the impact was acceptable
- It was noted that the basement is set back 2.85m from the boundary and was being built under an existing patio
- If members were concerned regarding construction hours these could be restricted to Monday to Friday and it was possible to condition the hours to be further restricted after excavation works had completed.

In response to questions from the Committee, the Agent responded that:

- Reducing the construction hours by one hour per day would impact on the delivery and would add another month to the build, allowing works to take place until 1pm on Saturdays would assist in shortening the construction.

Members made comments on the applicant and expressed that they supported reducing the working hours.

The Chair therefore moved to the vote on the Officers' recommendation with an additional condition restricting the hours of construction to Monday to Friday 8am-6pm with no weekend or bank holiday working.

**RESOLVED:** That the Committee GRANTED Planning Permission Subject to Conditions

6 TPO 780 - 50 RIDGWAY PLACE, WIMBLEDON, SW19 4SW (Agenda Item 6)

The Interim Head of Development Management and Building Control presented the report and drew members' attention to the location plan and explained the grounds for the objection to the TPO which had been received.

In response to questions from the Committee, the Interim Head advised:

- The tree was showing signs of ash dieback disease, which spreads through spores particularly within a 10 mile radius, noting this was very common within the United Kingdom.

- The tree would be monitored for signs of the disease noting management including pruning however the tree would be retained for as long as possible. It would be reported to the Forestry Commission who monitor incidences of the disease.

The Interim Head responded to further questions that if there were any unauthorised works to trees protected by TPOs the Council would seek prosecution and the maximum possible penalty.

The Chair moved to the vote and it was

RESOLVED:

That the Merton (No.780) Tree Preservation Order 2022 be confirmed without modification.

#### 7 PLANNING APPEAL DECISIONS (Agenda Item 7)

The report was noted.

#### 8 PLANNING ENFORCEMENT SERVICE PRESENTATION (Agenda Item 8)

The Interim Planning Enforcement Team Leader provided the Committee with a presentation on the Planning Enforcement Service including an overview of the service, the process for enforcement and the types of enforcement action that can be undertaken by the Council.

In response to questions, officers suggested that residents keep a written log and demonstrate any harm being caused by noise or other issues which require reporting.

It was noted that a new enforcement structure had been drafted along with a new plan for the service and this would be presented to members in due course.

The presentation was noted.

**Committee:** Planning Applications

**Date:** 8<sup>th</sup> December 2022

## **Subject:** Planning Appeal Decisions

Lead officer: Head of Sustainable Communities

Lead member: Chair, Planning Applications Committee

### **Recommendation:**

**That Members note the contents of the report.**

### **1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY**

- 1.1 For Members' information recent decisions made by Inspectors appointed by the Secretary of State for Communities and Local Government in respect of recent Town Planning Appeals are set out below.
- 1.2 The relevant Inspectors decision letters are not attached to this report but can be viewed by following each individual link. Other agenda papers for this meeting can be viewed on the Committee Page of the Council Website via the following link:

### **[LINK TO COMMITTEE PAGE](#)**

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### **DETAILS**

**Application Number**            **21/P0941**

**Appeal number:**                APP/T5720/W/22/3295217

**Site:**                                27 Cochrane Road, Wimbledon SW19 3QP

**Development:**                VARIATION OF CONDITION 2 (APPROVED PLANS) ATTACHED TO 18/P2661 FOR THE CONVERSION OF A SINGLE DWELLINGHOUSE INTO 3 x SELF-CONTAINED FLATS, INVOLVING THE ERECTION OF SINGLE AND TWO STOREY SIDE EXTENSIONS AND A SINGLE STOREY REAR EXTENSION, PLUS THE ERECTION OF A HIP TO GABLE WITH L-SHAPED REAR ROOF EXTENSION 2 x ROOFLIGHTS TO FRONT ROOF SLOPE

**Recommendation:**            Refuse (Delegated)

**Appeal Decision:**                **DISMISSED**

**Date of Appeal Decision:**    25<sup>TH</sup> November 2022

**[click LINK TO DECISION NOTICE](#)**

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**Application Number**            **20/P3364**  
**Appeal number:**                APP/T5720/W/22/3305258  
**Site:**                                Bennets Courtyard, Watermill Way SW19 2RW  
**Development:**                    ERECTION OF ROOF EXTENSIONS TO THE THREE RESIDENTIAL  
BLOCKS WHICH COMPRISE BENNET'S COURTYARD TO PROVIDE 15  
SELF-CONTAINED FLATS (5 x ONE BEDROOM AND 10 x TWO  
BEDROOM UNITS).  
**Recommendation:**                Refused (Planning Committee)  
**Appeal Decision:**                **WITHDRAWN**  
**Withdrawal Date:**                24<sup>th</sup> November 2021

[click LINK TO WITHDRAWAL NOTIFICATION](#)

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### **Alternative options**

- 3.1 The appeal decision is final unless it is successfully challenged in the Courts. If a challenge is successful, the appeal decision will be quashed and the case returned to the Secretary of State for re-determination. It does not follow necessarily that the original appeal decision will be reversed when it is re-determined.
- 3.2 The Council may wish to consider taking legal advice before embarking on a challenge. The following applies: Under the provision of Section 288 of the Town & Country Planning Act 1990, or Section 63 of the Planning (Listed Buildings and Conservation Areas) Act 1990, a person or an establishment who is aggrieved by a decision may seek to have it quashed by making an application to the High Court on the following grounds: -
1. That the decision is not within the powers of the Act; or
  2. That any of the relevant requirements have not been complied with; (relevant requirements means any requirements of the 1990 Act or of the Tribunal's Land Enquiries Act 1992, or of any Order, Regulation or Rule made under those Acts).

## **1 CONSULTATION UNDERTAKEN OR PROPOSED**

- 1.1. None required for the purposes of this report.



## **2 TIMETABLE**

2.1. N/A

## **3 FINANCIAL, RESOURCE AND PROPERTY IMPLICATIONS**

3.1. There are financial implications for the Council in respect of appeal decisions where costs are awarded against the Council.

## **4 LEGAL AND STATUTORY IMPLICATIONS**

4.1. An Inspector's decision may be challenged in the High Court, within 6 weeks of the date of the decision letter (see above).

## **5 HUMAN RIGHTS, EQUALITIES AND COMMUNITY COHESION IMPLICATIONS**

5.1. None for the purposes of this report.

## **6 CRIME AND DISORDER IMPLICATIONS**

6.1. None for the purposes of this report.

## **7 RISK MANAGEMENT AND HEALTH AND SAFETY IMPLICATIONS**

7.1. See 6.1 above.

## **8 BACKGROUND PAPERS**

8.1. The papers used to compile this report are the Council's Development Control service's Town Planning files relating to the sites referred to above and the agendas and minutes of the Planning Applications Committee where relevant.

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