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## PLANNING APPLICATIONS COMMITTEE

10 OCTOBER 2013

(19.15 - 23.15)

PRESENT: Councillors Philip Jones (in the Chair), David Dean, John Dehaney, Karin Forbes, Maurice Groves, Richard Hilton, Janice Howard, Ian Munn, Geraldine Stanford and Gregory Udeh

ALSO PRESENT: Councillors Judge and Henry Nelles

Jonathan Lewis (South Team Leader - Development Control)), Sue Wright (North Team Leader - Development Control) and Michael Udall (Democratic Services)

### 1 DECLARATIONS OF INTEREST (Agenda Item 1)

None made at the start of the meeting.

### 2 APOLOGIES FOR ABSENCE (Agenda Item 2)

Apologies for absence were received from Councillors John Bowcott, Peter Southgate and Simon Withey.

### 3 MINUTES OF THE MEETING HELD ON 5 SEPTEMBER 2013 (Agenda Item 3)

RESOLVED: That the Minutes of the meeting held on 5 September 2013 be agreed as a correct record.

### 4 AGENDA ITEM 5 (Agenda Item 5)

*No Minute – Agenda Number not used*

### 5 TOWN PLANNING APPLICATIONS - COVERING REPORT (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 7, 11, 13, 15, 16 & 17 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 6, 7, 8 (objector only), 11, 14 (objector only) & 15. 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 item indicated below –

Item 11 – Councillors Henry Nelles and Andrew Judge.

(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 – 15, 11, 7, 6, 8, 14, 16, 9, 10, 12, 13 & then 17.

RESOLVED: That the following decisions are made:

- 6 17A COPSE HILL, WIMBLEDON, SW20 0NB (VILLAGE WARD) (REF. 13/P2079) (Agenda Item 6)

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

- 7 20 COTTENHAM PARK ROAD, WEST WIMBLEDON, SW20 0RZ (FIGGES MARSH WARD) (REF. 13/P2245) (Agenda Item 7)

1. Restriction on Permitted Development – Officers explained that the current application was for minor material amendments to the planning permission (ref.11/P1461) granted on appeal and that the Appeal Inspector had imposed a number of conditions, generally as requested by Merton, including the condition restricting permitted development so that any further changes to windows, roof-lights and dormers would need a further planning application such as the one now submitted.

2. Massing – Officers advised that the current application would slightly reduce the massing of the overall development.

3. Refusal Motion: It was moved and seconded that permission be refused as detailed below, subject to the detailed grounds of refusal being agreed by officers. The motion was carried by 4 votes to 3. Subsequently the Committee also agreed (C) below.

Decision: Item 7 - ref. 13/P2245 (20 Cottenham Park Road, West Wimbledon, SW20)

(A) subject to detailed grounds of refusal being agreed in accordance with (B) below, REFUSE permission on grounds relating to the following - Contrary to Policy BE.15 (ii) & (iii) of the Merton Unitary Development Plan (2003) by reason that -

(i) the proposals would fail to ensure good levels of privacy for occupiers of adjoining properties (Policy BE 15 (ii) refers); and

(ii) the proposals would fail to respect amenities from visual intrusion Policy BE15 (iii) refers).

(B) Delegation: The Director of Environment & Regeneration (in consultation with the Chair and Councillor Maurice Groves (in the absence of the Vice-Chair) be given 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 gave insufficient weight to the effect of the proposed changes on neighbours amenity.

- 8 391 DURNSFORD ROAD, WIMBLEDON PARK, SW19 8EE (WIMBLEDON PARK WARD) (REF. 13/P0024) (Agenda Item 8)

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

- 9 235 HAYDONS ROAD, SOUTH WIMBLEDON, SW19 8TY (TRINITY WARD) (REF. 13/P0198) (Agenda Item 9)

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

- 10 REAR OF 99-101 HIGH STREET, COLLIERS WOOD, SW19 2JF (COLLIERS WOOD WARD) (REF. 13/P1221) (Agenda Item 10)

Officers referred that to the application site being located at the rear of a shop unit facing High Street Colliers Wood and advised that this unit (which had planning permission for use as a coffee shop and was described as vacant in paragraph 2.1, page 96) had now opened as a café.

Decision: Item 10 - ref. 13/P1221 (Rear of 99-101 High Street, 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.

- 11 34-40 MORDEN ROAD, SOUTH WIMBLEDON, SW19 3BJ (ABBAY WARD) (REF. 13/P1898) (Agenda Item 11)

1. Declaration of Interest – Before commenting on this item, Councillor Maurice Groves declared an interest (but not a disclosable pecuniary interest) in this item by reason that he was Board member of Merton Priory Homes, which owned nearby blocks of flats in High Path.

2. "Aparthotel" – Reference was made to part of the proposals including the provision an "aparthotel" providing short-term accommodation. Officers confirmed that there

was a clear definition of an aparthotel” in planning terms (as set out in the Government Circular referred to in para.3.6 of the report) and advised that officers were recommending a suitable condition (7) restricting the length of stay in the “aparthotel” so as to ensure it remained as temporary accommodation and didn’t become normal residential flats.

3. Discussion - During considerable discussion on the application, Members expressed various concerns about the proposed development including that it would be too high and of inappropriate design for the area, overshadow nearby buildings and adversely affect the nearby St John’s Church and Nelson Gardens; and that the proposal would involve the demolition of existing buildings of character.

4. Existing Buildings - Officers highlighted that the existing buildings on the site were not protected (from demolition or development) by being Listed Buildings or located within a Conservation Area.

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

Decision: Item 11 - ref. 13/P1898 (34-40 Morden Road, South Wimbledon, SW19)

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

(1) contrary to Policies BE.16, BE 22 & BE.19 of the Merton Unitary Development Plan (2003) by reason that -

(i) the proposals would fail to respond to and reinforce the locally distinctive pattern of development and landscape (Policy BE 16 (i) refers);

(ii) the proposals would fail to respect the siting, rhythm, scale, density, proportions, height, materials and massing of surrounding buildings (Policy BE22 (i) refers);

(iii) the proposals would fail to achieve a high standard of design that will complement the character and local distinctiveness of the adjoining townscape and landscape (Policy BE22 (ii) refers); and

(iv) the proposed high building would adversely affect the nearby Nelson Gardens.(Policy BE 19 refers).

(2) The proposals would also be -

(a) contrary to Policy CS.14 of the Adopted Core Strategy; and

(b) contrary to Policies 3.5 and 7.4 of the London Plan.

(B) Delegation: The Director of Environment & Regeneration (in consultation with the Chair and Councillor David Dean (in the absence of the Vice-Chair) 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 Officers report gave insufficient weight to the impact of the proposed development on the visual amenities of neighbours and of the area generally.

12 18A OAKWOOD ROAD, WEST WIMBLEDON, SW20 0PN (RAYNES PARK WARD) (REF. 13/P0260) (Agenda Item 12)

Decision:

A. The Committee agrees to add further reasons for refusal as follows -

- The proposed development would fail to contribute to meeting affordable housing targets and in the absence of a legal undertaking securing a financial contribution towards the delivery of affordable housing off-site would be contrary to policy CS.8 of the Merton LDF Core Planning Strategy (2011).
- The proposed development would generate additional pressure on educational facilities in the area and in the absence of a legal undertaking securing a financial contribution toward education provision locally would fail to offset its impact within these identified areas, and would be contrary to policy C.13 of the Merton Unitary Development Plan (October 2003) and the Council's Supplementary Planning Guidance: Planning Obligations (2006).

B. The Committee agrees that the reasons for not following the officers' recommendation are: - The Committee considered that officers attached insufficient weight to the changed policy circumstances regarding standards of accommodation since the proposals were first considered.

C. The Committee agrees that in the event of the applicant lodging an appeal and submitting a unilateral undertaking addressing the requirements of adopted planning policy, as described in the July report to PAC, that officers not be required to report the application back to Committee in order to seek further authority to vary the basis on which the Council would contest the appeal.

13 43-45 PALESTINE GROVE, COLLIERS WOOD, SW19 2QN (LAVENDER FIELDS WARD) (REF. 13/P1634) (Agenda Item 13)

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.

14 GARAGES REAR OF 44 PELHAM ROAD, WIMBLEDON, SW19 1NP  
(ABBEY WARD) (REF. 13/P2088) (Agenda Item 14)

1. Boundary Wall - Further to concerns from an objector regarding the materials to be used for the wall of the proposed development on the boundary with 42 Pelham Road, Officers advised that the boundary wall was due to be constructed of brick; and its materials would be subject to proposed Condition (2) (Standard Condition B.1 – Approval of Facing Materials) (on page 216) which would include requiring the submission of samples to the Council for approval.

2. Extra Conditions – Officers suggested that extra conditions possibly be imposed regarding –

- (i) Submission of a Construction Method Statement
- (ii) Drainage details; and
- (iii) General Management during Construction (including issues such as deliveries, parking and removal of spoil).

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

Decision: Item 14 – ref. 13/P2088 (Garages rear of Pelham Court, 44 Pelham Road, Wimbledon, SW19 1NP)

(A) GRANT PERMISSION subject to the completion of a Section 106 Agreement and subject to the conditions set out in the officer case report, and subject to the following additional conditions regarding the following (subject to (B) below)

- (i) Submission of a Construction Method Statement
- (ii) Drainage details; and
- (iii) General Management during Construction.

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

15 WIMBLEDON PARK OPEN SPACE, REVELSTOKE ROAD, SW19 8EJ  
(WIMBLEDON PARK WARD) (REF. 12/P1181) (Agenda Item 15)

1. Application Site – The officer report stated that the application site related to the existing informal gravel parking area (adjacent to the main entrance of the Revelstoke Road car parking area) and its use as a seasonal overflow car park (April to September).

2. Possible Boundary Hedging – Officers advised that the application currently included proposals to install low level planting, namely wild flowers, around the perimeter of the car park, but that following the Committee's discussions at its last meeting (on 5/9/13) when consideration of the application had been deferred, the applicant had indicated that they would agree to hedging instead around the car park, if the Committee asked for this.

3. Refusal Motion: Following considerable discussion, It was moved and seconded that permission be refused as detailed below, subject to the detailed grounds of refusal being agreed by officers. The motion was carried by 6 votes to 3 (Councillors John Dehaney, Ian Munn and Geraldine Stanford voting against the motion). Subsequently the Committee also agreed (C) below.

Decision: Item 15 – ref. 12/P1181 (Wimbledon Park Open Space, Revelstoke Road, SW19 8EJ)

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

Contrary to Sections (g)(1) and (g)(3) of Policy CS13 of the Adopted Core Strategy (on page 133) by reason that -

(i) the proposed development would fail to protect and enhance biodiversity through supporting the objectives of the London Biodiversity Action Plans (*Section (g)(1) refers*); and

(ii) the proposed development would have a significant adverse effect on the conservation status of the area's protected habitats (*Section (g)(3) refers*)

(B) Delegation: The Director of Environment & Regeneration (in consultation with the Chair and Councillor David Dean (in the absence of the Vice-Chair) 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's report gave insufficient weight to the above Core Strategy policies.

16 KINGS COLLEGE SCHOOL, SOUTHSIDE COMMON, WIMBLEDON, SW19 4TT (VILLAGE WARD) (REF. 13/P0090) (Agenda Item 16)

1. Community Use –Extra Condition: Officers explained that, as set out in the report, Sport England (SE) currently objected to the proposals for new school buildings and multi-use games area (MUGA) but had indicated that SE would consider removing their objection if school were to be required to enter into a formal agreement for community use of both the school's existing and proposed sports facilities.

1.1 Officers also drew attention to the tabled list of modifications for various items which outlined that in respect of this application –

(a) the applicant had now submitted a Unilateral Undertaking in relation to the community use of the proposed new facilities;

(b) Officers recommended approval of the application subject to the Unilateral Undertaking; and

(c) a formal response from Sport England regarding the submitted Unilateral Undertaking was still pending (and so the Officer recommendations had been amended to take account of this).

1.2 Following considerable discussion regarding the proposed Unilateral Undertaking which placed limitations on the community use of the school's sports facilities and the requirements placed on other Merton schools regarding the community use of their facilities, with particular reference to the Committee's recent decision in July regarding proposals for Cranmer Primary School, the Committee agreed to approve the application as shown below but subject to an extra condition requiring that prior to any use of the proposed development, a Community Use Agreement be submitted to the Committee for approval and that officers be given delegated authority to agree the detailed wording of the extra condition.

2. Roof Materials – In response to a Member's concern that the materials to be used on the roof of the proposed development (including photovoltaic cells) may cause undue reflection of sunlight, Officers advised that full details of any roof materials would need to be submitted for approval to Council Officers further to proposed Condition (3).

Decision: Item 16 - ref. 13/P0090 (Kings College School, Southside Common, Wimbledon, SW19 4TT)

EITHER (a), If Sport England continue to object, GRANT PLANNING PERMISSION subject to a unilateral undertaking, the referral to the Secretary of State and referral to the Mayor of London (stage ii) and no direction to the contrary being received within the statutory time period (and subject to (c) & (d) below).

OR (b) If Sport England do not object, GRANT PLANNING PERMISSION subject to a unilateral undertaking, referral to the Mayor of London (stage ii) and no direction to the contrary being received within the statutory time period (and subject to (c) & (d) below).

(c) In both cases, permission be subject to the conditions set out in the officer case report and the tabled modifications sheet.

(d) Extra Condition - In both cases, permission be subject to an extra condition requiring that prior to any use of the proposed development, a Community Use Agreement be submitted to the Committee for approval (subject to (e) below)

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

17 2 SPRINGFIELD AVENUE, WIMBLEDON CHASE, SW20 9JX (CANNON HILL WARD) (REF. 13/P1558) (Agenda Item 17)



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

18 MEETING BREAK (Agenda Item )

After consideration of item (10), at about 10.40pm, the Committee adjourned its discussions for about 5 minutes.

19 PLANNING APPEAL DECISIONS (Agenda Item 18)

RECEIVED

20 PLANNING ENFORCEMENT - SUMMARY OF CURRENT CASES (Agenda Item 19)

(a) Burn Bullock PH, London Road, Mitcham (para.3.4, page 368) – Councillor Ian Munn expressed concern that it appeared that no works had been carried out inside or outside of the building consistent with the schedule of works and advised that he was liaising with officers on the matter.

(b) Cricketers PH, 340 London Road, Mitcham (paragraph 2.06, page 367) – Councillor Ian Munn advised that the front part of the site was now being used for the sale of cars. Officers undertook to draw the matter to the attention of the Enforcement Team.

RECEIVED

21 SECTION 106 AGREEMENTS/UNDERTAKINGS - DELEGATION TO OFFICERS (Agenda Item 20)

1. Officers introduced the report, including confirming that, if the proposed delegation were to be implemented, then (a) applications where there were many objections could still be brought to the Committee for decision and (b) Members would still be able to request that a specific application be submitted to the Committee for decision.

2. Officers then responded to queries, including outlining the steps the Council could take in the event of non-payment of the Community Infrastructure Levy (CIL) for a particular development.

RESOLVED: That (1) the Planning Applications Committee endorse the officer's recommendation to widen the scope of planning applications that can be determined under delegated powers by amending Part 3F of the Council's Constitution as set out in Appendix 2 so that certain planning applications where standard heads of terms of S106 agreements or undertakings are proposed need not be referred to the Planning Applications Committee.

(2) the matter be referred to the next available meeting of Full Council for consideration.

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