

PLANNING APPLICATIONS COMMITTEE
27 MARCH 2014

(19.15 - 0.05)

PRESENT Councillors Philip Jones (in the Chair), John Bowcott, David Dean, John Dehaney, Ian Munn BSc, MRTPI(Rtd), Peter Southgate, Geraldine Stanford, Gregory Patrick Udeh and Simon Withey

Pip Howson (Pip Howson (Placemaking and Public Realm Project Officer)), Jonathan Lewis (South Team Leader - Development Control)), Neil Milligan (Development Control Manager, ENVR), Michael Udall (Democratic Services) and Sue Wright (North Team Leader - Development Control)

ALSO PRESENT Councillors Agatha Akyigyina, Stan Anderson, Laxmi Attawar, Nick Draper and Krystal Miller.

1. FILMING

The Chair advised that due to technical problems, the meeting wouldn't be filmed nor broadcast via the Council's web-site.

2. DECLARATIONS OF INTEREST (Agenda Item 1)

Councillor Geraldine Stanford declared an interest (but not a disclosable pecuniary interest) in Item 16 (8 Wilton Road, Colliers Wood, SW19 2HB) (ref. 13/P4062) by reason that she was a trustee of SPEAR Housing Association.

3. MINUTES OF THE PREVIOUS MEETING (Agenda Item 2)

RESOLVED: That the Minutes of the meeting held on 13 February 2014 be agreed as a correct record.

4. TOWN PLANNING APPLICATIONS - COVERING REPORT (Agenda Item 4)

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

(a) Modifications Sheet: A list of modifications for items 5, 6, 8, 10, 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 5 (objectors only), 6, 7, 9, 13, 14, 15, 16 & 17. 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 6 – Councillor Krystal Miller;
- Item 8 – Councillor Nick Draper; and
- Item 16 – Councillor Laxmi Attawar.

(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 – 10, 6, 9, 17, 5, 13, 14, 15, 16, 7, 8, 11 & then 12.

RESOLVED: That the following decisions are made:

5. 46 BARHAM ROAD, WEST WIMBLEDON, SW20 0ET (REF. 13/P3169) (RAYNES PARK WARD) (Agenda Item 5)

Impact on No.48 Barham Road – In response to concerns raised regarding the impact on the neighbouring property at No.48 Barham Road of the proposed development of 46 Barham Road (comprising the demolition of the existing house and erection of two 4-bedroom dwellings with underground parking), officers advised that -

- (a) the impact on No.48 Barham Road had previously been considered when a previous application for redevelopment of 46 Barham Road had been allowed; and
- (b) whilst No.48 Barham Road had side windows at ground floor level, all its main rooms faced to the front or rear, and it would be possible to erect a 2m high fence between the properties under permitted development.

Decision: Item 5 - Ref. 13/P3169 (46 Barham Road, West Wimbledon, SW20 0ET)

GRANT PERMISSION subject to the completion of a Section 106 Agreement/Unilateral Undertaking and subject to the conditions set out in the officer case report and the tabled modifications sheet.

6. "HOT PINK" RESTAURANT, 86 THE BROADWAY, WIMBLEDON, SW19 1RH (REF. 13/P2298) (TRINITY WARD) (Agenda Item 6)

1. Proposed Development – The application related to a proposal to allow the rear back yard/garden area to be used as an additional dining area for seated customers of the existing restaurant and bar.

2. Proposed restrictions/conditions – Officers drew attention to various conditions recommended in the officer report which would restrict the proposed use including

- (a) a maximum number of 32 chairs for customers;
- (b) limiting the hours of the use to 10am to 8pm (all days of the week);
- (c) forbidding cooking, the playing of music and the provision of bar facilities in this outdoor area;
- (d) provision of an acoustic treatment/barrier between the boundary with 1 Kings Road and the proposed seating area; and
- (e) any permission being for a temporary period of one year only.

2.1 Officers explained that due to the past history of unauthorised uses of the rear garden (when owned by persons different to the current owners) and consequent enforcement action, it was proposed that any permission initially be only for a temporary period of one year.

3. Acoustic Barrier – Officers confirmed that the Council’s Environmental Health Section had no objections to the proposed use provided that the proposed conditions/restrictions were imposed. Officers confirmed that their request for the provision of a suitable acoustic barrier, showed that Environmental Health Section considered that it was feasible for such a barrier to reduce noise emanating from the site to the level required.

4. Discussion – There was considerable discussion regarding the proposal. It was noted that the current owners couldn’t be held responsible for previous unauthorised uses of the site resulting in complaints from local residents and enforcement action.

4.1 However, some Members considered that previous unauthorised uses of the site helped demonstrate that it was unsuitable for the proposed use, particularly due to its small size and proximity to surrounding premises, including residential dwellings, which surrounded the site, and the difficulty therefore of preventing undue noise and disturbance, even if customers were seated and their number restricted to a maximum of 32.

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 6 - ref. 13/P2298 (“Hot Pink” Restaurant, 86 The Broadway, Wimbledon, SW19 1RH)

(A) subject to detailed grounds of refusal being agreed in accordance with (B) below, REFUSE permission on grounds relating to the development would be contrary to the following policies in the Merton Unitary Development Plan (2003) -

(i) Policy BE.15 – para.(iv) (by failing to ensure that the living conditions of existing and future nearby residents are not diminished by increased noise and disturbance);

(ii) Policy PE.2 (by failing to ensure that the proposed development would not have a significantly adverse effect on nearby occupiers by reason of noise generation and disturbance); and

(iii) Policy S.8 (by failing to meet the criteria set out in the policy for proposed food and drink (A3) uses)

(B) Delegation: The Director of Environment & Regeneration be delegated authority to agree the detailed grounds of refusal, including any appropriate amendments, additions and/or deletions to the proposed grounds/policies.

(C) Reasons for not following Planning Officers' recommendation for permission: The Committee considered that the officer report had given insufficient weight to the unsuitability of the site and its size for the use proposed.

7. GARAGES AND CAR PARK AT REAR OF 6-9 BROCKHAM CLOSE, WIMBLEDON, SW19 7EQ (REF. 13/P4034) (HILLSIDE WARD) (Agenda Item 7)

Access: In response to concerns raised by an objector, as part of their oral representations, that the proposed development would block off rear access to other existing properties in Brockham Close and prevent emergency access to those properties by the Fire Brigade, officers advised that the proposed boundary wall was due to be built alongside an existing fence and should not preclude access to other Brockham Close properties.

Decision: Item 7 - ref. 13/P4034 (Garages at rear of 6-9 Brockham Close, Wimbledon, SW19 7EQ)

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

8. LAND KNOWN AS 118-120 CHRISTCHURCH ROAD, COLLIERS WOOD, SW19 2PE (REF. 13/P3111) (COLLIERS WOOD WARD) (Agenda Item 8)

1. Condition (22) (re footway works) – Officers advised that tabled modifications sheet included that Condition (22) be deleted and dealt with via the Section 106 Agreement; but due to legal advice, officers now recommended that Condition (22) be reinstated. As indicated below, the Committee subsequently agreed to this.

2. Design Review Panel (DRP) – Councillor Ian Munn expressed concern about the lack of details of the DRP's discussions/views on the application on the Council's web-site. Officers pointed out that the submitted report on this item for this meeting detailed DRP's comments on the application. (*See also mention of DRP in Minute below relating to Item 17 – Layton House, 152-154 Worple Road, SW20.*)

3. Height – There was extensive discussion regarding the maximum height of 39m of the proposed building ranging between 4 and 12 stories and the relevance of Merton's Tall Buildings Background paper, and Merton's and the London Plan's policies in relation to tall buildings.

4. Approval Motion – In the absence of any motion to refuse being seconded, the Committee approved the application as detailed below by 4 votes to nil.

Decision: Item 8 - ref. 13/P3111 (Land known as 118-120 Christchurch Road, Colliers Wood, SW19 2PE)

GRANT PERMISSION subject to
(a) A direction from the Mayor of London that Merton can determine the application; and
(b) planning conditions and the completion of a Section 106 Agreement as set out in the officer case report and the tabled modifications sheet - subject to Condition (22) (re footway works) being reinstated.

9. SOUTH PARK GARDENS OPEN SPACE, DUDLEY ROAD, WIMBLEDON,

SW19 8PN (REF. 13/P2246 & 13/P2320) (TRINITY WARD) (Agenda Item 9)

Proposed refreshment kiosk/indoor community space – In relation to concerns expressed by some local residents regarding the proposals for the community pavilion to contain a refreshment kiosk and an indoor community space, officers drew attention to the small size of the proposed community space (32sqm) and various conditions detailed in the report, proposed to control the use of both the refreshment kiosk and the community space. Officers also confirmed that the proposed opening hours of the facilities would be limited to within the opening hours of the Park.

Decision: Item 9 (A) - ref. 13/P2246 (South Park Gardens Open Space, Dudley Road, Wimbledon, SW19 8PN)

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

10. THE BELL HOUSE, ELM GROVE, WIMBLEDON, SW19 4HE (REF. 13/P2162) (HILLSIDE WARD) (Agenda Item 10)

Officers advised that a number of late issues had arisen, including land ownership, which required further investigation, and that therefore officers now recommended that this item be deferred.

Decision: Item 10 - ref. 13/P2162 (The Bell House, Elm Grove, Wimbledon, SW19

That consideration of the application be deferred to a future meeting.

11. 7-9 FLORENCE ROAD, SOUTH WIMBLEDON, SW19 8TH (REF. 13/P3169) (TRINITY WARD) (Agenda Item 11)

Decision: GRANT PERMISSION subject to the completion of a Section 106 Agreement/Unilateral Undertaking and subject to the conditions set out in the officer case report and the tabled modifications sheet.

12. MERTON ABBEY PRIMARY SCHOOL, HIGH PATH, WIMBLEDON, SW19 2JY (REF. 13/P4131) (ABBEY WARD) (Agenda Item 12)

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

13. 44 KENILWORTH AVENUE, WIMBLEDON, SW19 7LW (REF. 13/P4127) (WIMBLEDON PARK WARD) (Agenda Item 13)

1. Proposed basement – Officers drew attention to the modifications sheet clarifying that the proposal on the front page of the report (on page 295) should read “Front lightwells in connection with the extension of the existing basement and erection of a rear dormer.” Officers also confirmed that as stated in para. 3.2 (agenda page 296), the proposed basement was smaller than originally submitted, and would now be located under the front part of the house only.

2. Extra Condition – Construction Times - Officers also drew attention to the various proposed conditions controlling the basement construction works. It was noted that that the proposed conditions didn't include the standard condition for "Construction Times" restricting the hours when construction works, including demolition, could take place. As indicated below, the Committee subsequently agreed that such an extra condition be imposed

Decision: Item 13 - ref. 13/P4127 (44 Kenilworth Avenue, Wimbledon, SW19 7LW)

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

(a) standard condition for "Construction Times".

14. NELSON HOSPITAL (ASSISTED LIVING PLACES), 220 KINGSTON ROAD, WIMBLEDON CHASE, SW20 8DB (REF. 13/P2192) (MERTON PARK WARD) (Agenda Item 14)

1. Modifications Sheet – Late representations – Officers indicated that, whilst the tabled modification sheet stated that there were no modifications to be made to the officer report relating to this item, two late e-mails had been received including further objections/ representations (a) objecting to the scheme as a whole; and (b) regarding the need for external materials to reduce the conflict between the proposed development and existing neighbouring properties.

2. Window Frames – Samples of the proposed external materials were available for inspection at the meeting. Officers indicated that the displayed materials now included the light grey window frames proposed to be used for the development.

3. External Materials – Officers reminded Members that -

(a) the Committee had previously granted planning consent for the proposed development of the Nelson Hospital site but that the Committee had imposed a Condition (4) requiring the submission and approval of the external materials proposed;

(b) the current application sought approval of the proposed external materials; and

(c) at its previous meeting (on 13/2/14), the Committee had decided that consideration of the application be deferred to this next meeting in March so as to allow consultations with the applicant regarding the possible provision of a living wall on the Manor Gardens frontage.

3.1 Officers also advised that (i) as detailed in para. 3.4 (agenda page 315), the applicant was not willing to provide a living wall; and (ii) as set out in the agenda item, officers still considered that, though not including a living wall on the Manor Gardens frontage, the submitted external materials were acceptable.

4. Approval – After some discussion, the application was approved by 6 votes to 3 (Councillors David Dean, Peter Southgate and Simon Withey dissenting).

Decision: Item 14 - ref. 13/P2192 (Nelson Hospital (Assisted Living Places), 220 Kingston Road, Wimbledon Chase, SW20 8DB)

APPROVE discharge of condition (4) (External Materials) in respect of Site 2 of the redevelopment of Nelson Hospital as set out in the officer case report.

15. 12A RAVENSBURY TERRACE, WIMBLEDON PARK, SW18 4RL (REF. 13/P2904) (WIMBLEDON PARK WARD) (Agenda Item 15)

1. Environment Agency – Officers drew attention to the tabled modifications sheet which indicated that the Environment Agency now had no objections to this application.

2. Replacement of Condition (15) (H.9 – Construction Vehicles) – Reference was made to representations received regarding the disruption during construction of the proposed development, possible danger to pedestrians and the need for alternative access to the site other than via Ravensbury Terrace. Officers indicated that they were satisfied that such concerns, including looking at a possible alternative access, could be covered by the proposed conditions for this relatively small site; but that officers would have no objection to the conditions being upgraded by proposed Condition (15), currently comprising Standard Condition H.9, being replaced by the standard condition requiring the submission of a Construction Management Plan. As indicated below, the Committee subsequently agreed to this change.

Decision: Item 15 - ref. 13/P2904 (12A Ravensbury Terrace, Wimbledon Park, SW18 4RL)

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 subject to following amendment

(a) Condition (15), currently comprising Standard Condition H.9, be replaced by the standard condition requiring the submission of a Construction Management Plan (*i.e. Standard Condition H.13 – Construction Logistics Plan to be submitted*).

16. 8 WILTON ROAD, COLLIERS WOOD, SW19 2HB (REF.13/P4062) (COLLIERS WOOD WARD) (Agenda Item 16)

1. Proposed development - It was noted that -

(a) the property was currently in use as a temporary home for young single homeless persons and was run by the SPEAR Housing Association in association with the Council's Housing Department, and

(b) the proposed development included the extension of the property in connection with its use as temporary accommodation for homeless people.

1.1 In response to concerns expressed by local residents that the proposed development may be occupied by people who are not young single homeless persons such as rough sleepers (as outlined in para. 3.2, agenda pages 382/83), those speakers present representing or supporting the applicant indicated the following -

(i) SPEAR's representative advised that they had no plans to change the current client group (namely young single homeless persons) ; and

(ii) the Council's Housing Department's representative advised that they had previously indicated that they wished to investigate possibly using the site for a different client group, but due to the demand for accommodation for young single homeless persons, there was no spare capacity to allow use of the site for a different

client group, and also there was no similar provision in the local area, and therefore the site would continue to be used for young single homeless persons.

2. Extra Condition – Restriction on Use – Arising from the above, Members suggested that an extra condition be imposed requiring the premises to be occupied only by young single homeless persons. Both SPEAR's representative and the Council's Housing Department's representative confirmed that this would be acceptable to them. Officers indicated that the wording of the condition would need to define the age range of the young single homeless persons who would be allowed to occupy the premises. As indicated below, the Committee subsequently agreed that such an extra condition be imposed and that officers be delegated authority to agree the detailed wording.

3. Condition (5) (B.5 – Details of walls/fences) – Officers confirmed that Condition(5) relating to means of enclosure, which currently comprised standard condition B.5, and which was referred to in the modifications sheet as possibly needing to be amended, did actually need to be modified. As indicated below, the Committee subsequently agreed that officers be delegated authority to amend the condition appropriately.

Decision: Item 16 - ref. 13/P4062 (8 Wilton Road, Colliers Wood, SW19 2HB)

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

(i) Condition (5) (B.5 – Details of walls/fences) – to be modified appropriately further to (B) below;

(ii) Extra Condition – Restriction on Use – An extra condition requiring the premises to be occupied only by young single homeless persons within a specific age range (to be defined) subject to (B) below

(B) Delegation: The Director of Environment & Regeneration be delegated authority to -

(i) amend Condition (5); and

(ii) agree the detailed wording of the above extra condition.

17. LAYTON HOUSE, 152-154 WORPLE ROAD, RAYNES PARK, SW20 8QA (REF. 13/P0126) (HILLSIDE WARD) (Agenda Item 17)

1. Design Review Panel (DRP) – Councillor Ian Munn expressed concern about the lack of details of the DRP's discussions/views on the application on the Council's web-site. Officers undertook to look into the matter of the publication of DRP's discussions, but it was noted that there might be restrictions on publishing some of DRP's discussions, such as consideration of proposals at pre-application stage.

1.1 Councillor Ian Munn also expressed concern about the lack of the full details of the DRP's discussions/views in the submitted report. Officers pointed out that the submitted report did set out at length DRP's comments on the application (see paragraphs. 5.10 – 5.23), but undertook to also look at this issue.

2. Affordable Housing – Members expressed concern that any approval wouldn't be subject to a financial contribution towards affordable housing (as detailed in the tabled modifications sheet in relation to page 409 - Checklist Information).

2.2. Affordable Housing –Clawback Provision - Officers confirmed that it would be possible for any approval to be subject to a “clawback” provision regarding affordable housing (whereby a review would take place based on actual values rather than the assumed values within the submitted appraisal in order to re-assess the viability of the scheme and consequently the development's liability for an affordable housing contribution).

2.3 The Committee subsequently agreed as shown below that any approval be subject to such a clawback provision and that officers be delegated authority to agree the detailed wording required.

3. Lost Refusal Motion - It was moved and seconded that the Application be refused on the grounds that the proposal would be too bulky and adversely affect local residents contrary to Policies BE.15 - para's (ii) & (iv), BE.16 - para. (i) and BE.22 - para's (i) & (ii) of the Adopted Unitary Development Plan (October 2003). The motion was lost by 5 votes to 3 (Councillors David Dean, Peter Southgate and Simon Withey voting for the motion.) The Application was subsequently approved as indicated below (Councillor David Dean dissenting).

Decision: Item 17 - ref. 13/P0126 (Layton House, 152-154 Worple Road, Raynes Park, SW20 8QA)

(A) GRANT PERMISSION subject to the completion of a Section 106 Agreement/Unilateral Undertaking and subject to the conditions set out in the officer case report and the tabled modifications sheet, and subject to the following –

(i) Affordable Housing –Clawback Provision – subject to (B) below

(B) Delegation - The Director of Environment & Regeneration be delegated authority to agree the detailed wording of the Affordable Housing –Clawback Provision.

18. MEETING BREAK (Agenda Item)

After consideration of item (16), at about 10.55pm, the Committee adjourned its discussions for about 5 minutes.

19. PLANNING APPEAL DECISIONS (Agenda Item 18)

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

Burn Bullock PH, London Road, Mitcham (paragraphs 2.00 & 3.4) – Councillor Ian Munn -

(a) advised that the application (ref. 14/P0767) for the sale of motor vehicles in the rear car park of the Burn Bullock PH, referred to in the officer report, had yet to be

displayed on the Council's web-site; and requested that this be done as soon as possible; and

(b) advised that the Burn Bullock PH, a Listed Building, was being altered internally illegally and requested that urgent enforcement action be taken on this and the unauthorised use of the car park for the sale of cars.

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21. MODIFICATIONS SHEET (FOR VARIOUS ITEMS) (Agenda Item 21)

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