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## PLANNING APPLICATIONS COMMITTEE

18 SEPTEMBER 2014

(19.15 - 20.25)

PRESENT Councillors Councillor Linda Kirby (in the Chair),  
Councillor John Bowcott, Councillor Tobin Byers,  
Councillor David Dean, Councillor Ross Garrod,  
Councillor Daniel Holden, Councillor Abigail Jones,  
Councillor Philip Jones, Councillor Peter Southgate and  
Councillor Geraldine Stanford

Neil Milligan (Development Control Manager, ENVR) and  
Michael Udall (Democratic Services)

### 1 FILMING (Agenda Item )

The Chair confirmed that, as stated on the agenda, the meeting would be filmed and broadcast via the Council's web-site.

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

None

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

None

### 4 MINUTES OF THE MEETING HELD ON 21 AUGUST 2014 (Agenda Item 3)

RESOLVED: That the Minutes of the meeting held on 30 April 2014 be agreed as a correct record.

### 5 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 6, 7, 8 & 10, 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, 6, 7 & 8 (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 received no oral representations at the meeting from other Councillors who were not members of the Committee for this meeting.

(c) Order of the Agenda – No changes made.

RESOLVED : That the following decisions are made:

6 THE EDWARD RAYNE PUBLIC HOUSE, 8 COOMBE LANE, RAYNES PARK, LONDON, SW20 8ND (RAYNES PARK WARD) (Agenda Item 5)

1. Proposal – Change of use of rear yard to a beer garden including hardstanding and seating area.

2. Proposed restrictions/conditions – Officers drew attention to various conditions recommended in the officers report which would restrict the proposed use including –  
(a) limiting the hours of use to 10am to 7pm (all days of the week); and  
(b) restricting access to and from the beer garden to be from the Public House building only (thus preventing patrons from accessing the beer garden via the rear access way).

2.1. Officers confirmed that the above conditions would mean that the doors/access between the public house and the beer garden would need to be locked after 7pm, but that it would still be possible to provide emergency escape in case of fire, and advised that such emergency arrangements would be subject to approval under Building Regulations.

3. Bin Store – A Member referred to a photo showing some bins being currently located in the yard area and queried where the bins for the premise would be located in future and referred to possible difficulties in accessing all of the bins. Officers advised that the submitted plans showed a bin store area separate from the seating in the proposed beer garden, and outlined how the bins would be accessed as shown on the submitted plans, but indicated that detailed arrangements would be a matter for the management of the premises.

4. Smokers – A Member expressed concern that the proposed beer garden might be used a lot by smokers to the detriment of neighbouring residents. Officers indicated that there were no planning policies to allow the Council to prevent smoking in the proposed beer garden.

5. Vehicular access/parking – In response to concerns expressed by an objector in their oral representations regarding the loss of the use of the yard for car parking and deliveries, and that cars displaced would park in the access way causing difficulties for deliveries and refuse vehicles, officers indicated the public house premises would only need a limited number of deliveries per week. A Member also expressed similar concerns about cars displaced causing difficulties for delivery vehicles and such delivery vehicles having to possibly to park on the public highway to unload. (See *also 6.1 below.*)

6. Previous Refusal – Reference was made to a previous application (ref.10/P3076) for the formation on an external customer seating area to the rear of this public house which had been refused (as detailed in para.4.3, agenda page 14). In response to a Member's query about the terminal hour for the use of the seating area proposed in the previous application, officers indicated that they didn't have this information available to hand at this meeting, but would assume that the hours proposed would have been the same as the opening hours of the public house (unlike the current application which proposed a curfew of 7pm for the seating area).

6.1 In response to queries, officers confirmed that the Unitary Development Plan policies cited in the previous grounds of refusal had been replaced by Policy DM EP2 (Reducing and mitigating noise) in the new Sites and Policies Plan and quoted the relevant sections of the new Policy. It was noted the previous refusal grounds didn't refer to vehicular access/parking problems.

2. Refusal Motion: It was moved and seconded that permission be refused on the same grounds as the previous refusal, subject to the policies being updated to refer to Policy DM EP2, as detailed below. The motion was carried by 5 votes to 2 (Councillors Ross Garrod and Abigail Jones dissenting). Subsequently the Committee agreed that officers be delegated authority to agree the detailed grounds of refusal and the Committee also agreed (C) below.

Decision: Item 5 - ref. 14/P1585 (The Edward Rayne Public House, 8 Coombe Lane, SW20 8ND)

(A) subject to (B) below, REFUSE permission on the following grounds -  
The proposed outdoor customer seating area by reason of its size and location in relation to existing residential property would result in noise and disturbance to the detriment of neighbour amenity and would be contrary to Policy DM EP2 of the Merton Sites and Policies Plan (July 2014).

(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 disagreed with officers' interpretation of Council policies relating to this case.

7      2 LAWSON CLOSE, WIMBLEDON PARK, LONDON SW19 5EL (VILLAGE WARD) (Agenda Item 6)

1. Ward – It was noted that, as stated on the tabled modifications sheet, this site was located in Village Ward (not Wimbledon Park).

2. Basement – Officers confirmed that in accordance with Merton's new policies relating to basements, the application included a Construction Method Statement. Officers also responded to queries about the location of the proposed basement.

3. Extra Condition – Deliveries of construction materials – In response to queries on controlling the hours of construction and access to the site via Lawson Close, a private road, officers advised that a standard condition (D11 – Construction Times) restricting the hours of work on site was proposed, but suggested that an additional condition be imposed restricting the hours permitted for the delivery of construction materials and any other deliveries associated with the construction works on site. As indicated below the Committee agreed to this suggestion and that officers be delegated authority to agree the detailed wording.

Decision: Item 6 - ref. 14/P0253 (2 Lawson Close, London, SW19 5EL)

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

(i) Extra Condition – Deliveries of construction materials – An extra condition restricting the hours permitted for the delivery of construction materials and any other deliveries associated with the construction works on site, subject to (B) below.

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

8 14 MERTON HALL ROAD, WIMBLEDON, LONDON, SW19 3PP  
(DUNDONALD WARD) (Agenda Item 7)

1. External Materials – In response to concerns raised by the objector in their oral representations regarding the proposed external materials, and particularly the use of timber cladding, the applicant in their oral representations, offered to consider a variation in the materials used. Officers indicated that they were satisfied that the proposed external materials, including the use of timber cladding, were appropriate for this proposed development and in context for its location. Officers also circulated some pictures to Members showing other houses in the area. As indicated below, the Committee made no changes to the recommendations in the officer report in relation to external materials.

2. Conservation Area status – It was noted that paragraph 2.3 of the officer report stated that the site was not located within a conservation area, but that paragraph 7.25 implied that the site was actually located within a conservation area. Officers apologised for the confusion and advised that they were satisfied that the proposed development was appropriate for its location, even if located within a conservation area. *(NB. After the meeting, it was ascertained that the site was not within a conservation area.)*

Decision: Item 7 - ref. 14/P1832 (Merton Hall Road, London, SW19 3PP)

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

- 9 3 ST JOHN'S ROAD, WIMBLEDON, LONDON, SW19 4PH (HILLSIDE WARD) (Agenda Item 8)

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

- 10 PLANNING APPEAL DECISIONS (Agenda Item 9)

33 Eveline Road, Mitcham, CR4 3LF (ref. 13/P3260) – Dismissed appeal for Retention of 2 x Self-contained Flats (agenda page 81) – Officers advised that the Enforcement Team were now preparing to issue an enforcement notice following this appeal decision.

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- 11 PLANNING ENFORCEMENT - SUMMARY OF CURRENT CASES (Agenda Item 10)

1. Modifications: Officers drew attention to the list of modifications for various items tabled at the meeting detailing amendments to this item including to (a) paragraph 2.06, page 87 (Rapid ReadyMix, Alpha Place, Garth Road); and (b) paragraph 3.4, page 89 (25 Malcolm Road, Wimbledon).

2. Rapid ReadyMix, Alpha Place, Garth Road (para. 2.06) – Officers gave a further update on this case including that -  
(a) monitoring of the site would continue;  
(b) the firm's practice of loading lorries in the afternoon, parking them outside the firm's premises overnight and the lorries then departing the following morning would be monitored; and  
(c) a meeting would be held with local residents in October and experts on air pollution from Kings College had been invited to attend.

3. Fowler Road, Mitcham - Councillor Geraldine Stanford indicated that officers had updated her on enforcement action regarding the alleged unauthorised use of a property in Fowler Road as a mosque/prayer hall, including that officers were investigating further.

4. 25 Malcolm Road, Wimbledon (para.3.4) – Officers referred to the recent enforcement notices issued on these premises and advised that the new occupiers of the premises had indicated their intention to clear the premises which would be monitored.

5. Number of planning applications – In response to queries, officers advised that although the recent Committee agenda had included fewer applications, the overall number of applications received by the Council had increased and was 30% higher than 2 years ago.

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12 MODIFICATIONS SHEET (FOR VARIOUS ITEMS) (Agenda Item 11)

*See above Minutes on -  
Item 4 (Town Planning Applications – Covering Report): and  
Item 10 (Planning Enforcement – Summary of Current Cases).*

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