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## PLANNING APPLICATIONS COMMITTEE

16 OCTOBER 2014

(19.15 - 22.35)

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

ALSO PRESENT Councillors Hamish Badenoch and Abdul Latif.

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

### 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)

Apologies for absence were received from: Councillor David Dean.

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

RESOLVED: That the Minutes of the meeting held on 18 September 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 5, 6, 8, 9 & 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, 8, 9 & 10. 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 Councillor (who was not a member of the Committee for this meeting) in respect of the item indicated below –

Item 9 – Councillor Hamish Badenoch

(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 - 5, 8, 9, 6, 10 & then 7.

RESOLVED : That the following decisions are made:

6 25 BELVEDERE DRIVE, WIMBLEDON VILLAGE, SW19 7BU (REF. 14/P1901) (VILLAGE WARD) (Agenda Item 5)

1. Discussion – Officers responded to queries on a number of issues including the proposed balconies, possible subsidence, the character of the existing house on the site, the character of this part of the Conservation Area, the proposed one vehicular crossover, the piling needed to construct the proposed basement (see also next paragraph), and the monitoring of any movement of adjacent properties during construction works.

2. Extra Condition –Piling Method – It was noted that the application included a Construction Method Statement, but in response to a Member’s concerns that the proposed basement would be close to adjoining properties and therefore the piling method used should cause the least vibration possible, officers suggested that an extra condition be imposed requiring that the piling method used shall be one that minimises disturbance to adjacent properties. As indicated below the Committee agreed to this suggestion and that officers be delegated authority to agree the detailed wording.

Decision: Item 5 - ref. 14/P1901 (25 Belvedere Drive, Wimbledon Village, SW19)

(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 the tabled modifications sheet and subject to the following -

(i) Extra Condition –Piling Method– An extra condition requiring that the piling method used shall be one that minimises disturbance to adjacent properties, subject to (B) below.

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

7 DATE VALLEY SCHOOL, CRICKET GREEN, MITCHAM, CR4 4LB (REF. 14/P2812) (CRICKET GREEN WARD) (Agenda Item 6)

1. Proposal – Conditions (4) & (6) of the previous planning approval (ref. 10/P2905) for the site restricted the use to primary school teaching and limited the hours of operation to Monday to Friday, 7am – 6pm. The current proposal sought to extend the school's hours and vary the condition which currently restricts the school to primary aged children so as to enable -

(a) teaching on Saturdays, 8.30am – 5.30pm (which the applicants indicated would be for a maximum of 90 young people); and  
(b) variation of the hours of operation to allow evening classes (including for adults) on Mondays to Wednesdays up to 10pm (which the applicants indicated would be for a maximum of 36 persons).

2. Proposed Conditions – Officers drew attention to the conditions proposed to be attached to the extended hours of operation and use, including

(i) the updates to the conditions included on the tabled modifications sheet;  
(ii) a temporary permission of one year only;  
(iii) submission and approval of an updated Travel Plan prior to the extended hours of use for Saturday classes coming into operation; and  
(iv) submission and approval of a separate Travel Plan relating to adult education evening classes prior to such use coming into operation.

3. Numbers attending – Members expressed concern that the numbers attending could be important in determining the impact of the proposals on local residents and the local area. In response to Members' queries, Officers advised that the actual numbers attending the proposed evening classes and extra classes on Saturdays would be for the School management to determine. Officers advised that it would not be appropriate to impose conditions restricting the maximum numbers who could attend such classes, as such conditions would be difficult to enforce and so not meet the criteria of what constitutes a sound and enforceable planning condition.

4. Travel Plans – There was extensive discussion about the School's existing Travel Plan and the proposed new Travel Plans if planning consent were to be granted, and the enforcement of such Travel Plans. Members expressed concern that the officer report indicated the School was not complying with their current Travel Plan and that local residents had expressed concerns about the adverse impact of parking arising from the School currently operating Monday to Friday during the day.

4.1 Officers indicated that according to the TfL school travel plan guidelines the School was one of the best achievers in Merton and that the School had been visited by transport planning officers and advised of the steps they should take so as to improve their Travel Plan performance, and in particular to ensure that there was a steward (with a Hi-Viz yellow jacket) more prominently present outside the School during both the morning and afternoon drop off/ collection periods to direct and advise parents and others dropping off or collecting children on appropriate and safe parking etc.

4.2 Officers advised that all borough schools subject to a planning application are advised that they will be subject to spot checks and scrutiny to ensure their sustainable transport behaviour is as in the Travel Plan approved (for the particular

school) although Merton only had a limited team of officers to monitor all the Travel Plans of all the various schools with Travel Plans across the Borough and the consequences of non-compliance of travel plans had yet to be tested in Merton.

4.3 Officers also confirmed that if temporary consent granted were to be granted for one year but later this was not renewed (possibly because the Travel Plans had not been adhered to), then the School would revert back to its current planning consent for a primary school operating Monday to Friday during the day.

5. Parking Management Plan – Officers advised that a Travel Plan was not a car parking management plan, and suggested it might be possible to impose an extra condition requiring adherence to a parking management plan (also known as a parking service and delivery condition), but pointed out that such a condition hadn't been previously imposed on any school in Merton apart from those schools which had undergone a major expansion (in pupil numbers and in buildings).

6. Lost Refusal Motion – Some Members considered that the proposals to expand the School would exacerbate the current impact on local residents, especially due to parking problems and that this could not be mitigated by Travel Plans which were difficult to enforce. It was moved and seconded that the application be refused on the grounds that the applicant had failed to demonstrate that the proposals wouldn't have an adverse impact on the amenities of nearby residents and businesses and would be contrary to Policy DM C1(a)(vi) of the Merton Sites and Policies Plan (July 2014). The motion was lost by 6 votes to 3 (Councillors Tobin Byers, Ross Garrod and Geraldine Stanford voting for the motion.)

7. Lost Temporary Permission Motion - Some Members considered that if the proposals to expand the School were allowed on temporary basis, this shouldn't be for one year as recommended by officers, but instead only for 6 months, in case there was an undue impact on local residents and in such a situation, residents shouldn't have to wait for one year before the expanded School operations ceased.

7.1 Officers pointed out that whilst there were no written criteria of what constituted a reasonable period for a temporary permission, the recommendation for temporary permission for one year was judged by officers to be appropriate, having regard to advice from transport planning officers and would be similar to the one year permission recently granted for the nearby Vestry Hall. Officers also pointed that the School may wish to offer courses in the evening classes or on Saturdays that go over several terms (i.e. beyond 6 months).

7.2. It was moved and seconded that the application be granted as recommended in the officer report but subject to a temporary permission of only 6 months. The motion was lost by 5 votes to 4 (Councillors John Bowcott, Philip Jones, Najeeb Latif and Peter Southgate voting for the motion.)

8. Deferral Motion – Officers referred to various concerns expressed by Members about the effectiveness and operation of Travel Plans and how this translated into the current pattern of vehicle movements at the School. Officers suggested that if consideration of the application were to be deferred there may be the opportunity for

Officers to engage in further discussions regarding the issue of vehicle movements and parents' approach the issue of whether to drive their children to school; and look further at how to address some of the concerns raised by Members and residents, and identify possible solutions which could enable expansion of the School but with a pattern of traffic/vehicular movement which gives Members greater reassurance that the proposed solutions can be sustained through various planning conditions.

8.1 It was moved and seconded that consideration of the application be deferred on this basis. The motion was carried by 5 votes to 3 (Councillors John Bowcott, Najeeb Latif and Peter Southgate dissenting.)

Decision: Item 6 - ref. 14/P2812 (Date Valley School, Cricket Green, Mitcham, CR4)

That consideration of the application be DEFERRED so as allow officers to investigate and suggest possible solutions to the concerns raised Members and residents as outlined above.

8 111 & 111A EFFRA ROAD, SW19 8PS (REF. 14/P2994) (TRINITY WARD)  
(Agenda Item 7)

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

9 MANOR HOUSE, 120 KINGSTON ROAD, WIMBLEDON, SW19 1LY (REF. 13/P4166 & 13/P4167) (ABBEY WARD) (Agenda Item 8)

1. Proposal – The current applications sought -

- (a) conversion of the existing Manor House (a Listed Building) from offices (Class B1) to residential (Class C1) including the demolition of an existing rear extension;
- (b) erection of a new detached residential building comprising 4 one-bedroom flats on the current car parking area to the east of Manor House; and
- (c) Listed building consent for these proposals.

2. Windows – There was some discussion of the design of new detached residential building and in particular the vertical narrow slit windows on the upper floor on the north elevation facing Kingston Road. It was noted that the architect had sought to give the building an appearance like a barn. In response to Members' concerns as whether occupiers of the building would receive sufficient natural light, officers indicated that the slit windows were of considerable size and outlined details of the other larger windows to these flats, including most facing south.

3. Car Parking – Officers confirmed that the site was within a Controlled Parking Zone (CPZ) and that it was proposed that the development be "permit-free" – namely that occupiers of the development would not be eligible for residential parking permits (or for permits for their visitors). Officers outlined the relevant policies on car parking provision and on "permit-free" developments; and pointed out that the site had a good Public Transport Accessibility Level (PTAL) of 5 being close to bus routes and having Tramlink and tube and rail network stations within walking distance.

3.1. Councillor Abigail Jones referred to concerns raised by objectors that the development being “car-free” would lead to occupiers and their visitors parking their cars in Horatio Place (a row of terrace houses numbered 118A to 118E Kingston Road, adjacent to the application site) and queried what action Horatio Place residents should take, in the event that the application was approved and such parking occurred in Horatio Place. The transport planning officer present (Pip Howson) undertook to (a) advise the Council’s Car Parking Manager of the points raised; and (b) to arrange for Councillor Abigail Jones to have an answer to her query.

4. Cycle Parking – Officers advised that the cycle parking area for the new detached residential building comprising 4 one-bedroom flats would have two racks each capable of holding two bicycles.

5. Flooding – Reference was made to the new detached residential building being sunk 0.8m into the ground and the possibility of the ground floor flats being flooded as result of heavy rain. Officers advised that this was a Building Regulations matter.

Decision: Item 8 (i) - ref. 13/P4166 (Manor House, 120 Kingston Road, SW19 1LY)

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.

Decision: Item 8 (ii) - ref. 13/P4167 (Manor House, 120 Kingston Road, SW19 1LY)

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

10 5 PEREGRINE WAY, WEST WIMBLEDON, SW19 4RN (REF.14/P2515)  
(VILLAGE WARD) (Agenda Item 9)

1. Proposal – The erection of a two storey side extension and front extension and single storey rear extension. The proposed two storey front/side extension would -  
(a) infill the space above at the side of the house above the existing garage adjacent to No.7 Peregrine Way; and  
(b) include construction of a front gable extension to match the existing front gable.

2. Basement - Deletion – Officers drew attention to the tabled Modifications Sheet which confirmed that the basement originally proposed had now been deleted.

3. Gap to No.7 Peregrine Way – Officers advised that as a result of the proposed two storey front/side extension, the current gap between the building at 5 Peregrine Way to the boundary with No.7 Peregrine Way would be reduced from its current size of 1.2m (at ground level) and 3.8m (at first floor level) to 0.53m in both cases.

4. Discussion – Members expressed concern at the effect of the bulk and massing of the proposed extension of this building, which had already been extended previously, and particularly the adverse effect on the adjoining property at 7 Peregrine Way and

the character of the area, particularly due to the reduction in the gap to 7 Peregrine Way and the resulting size of the new proposed building.

5. Conservation Area description – Officers advised that the buildings in Peregrine Way were described in the West Wimbledon Conservation Area appraisal of being no great architectural merit, but confirmed that if Members considered that the proposal would have an adverse impact on the character of the area of Peregrine Way such as its open views and spaciousness, then the Committee could then consider whether it would be appropriate to include such an issue in any grounds of refusal.

6. Refusal Motion: It was moved and seconded that permission be refused on the on the grounds shown below. The motion was carried by 8 votes to nil (Councillors Abigail Jones not voting). 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 9 - ref. 14/P2515 (5 Peregrine Way, West Wimbledon, SW19 4RN)

(A) subject to (B) below, REFUSE permission on the following grounds -

The proposal by reason of its bulk and mass and design would

(a) fail to respect the space between buildings and so adversely affect the open views and spaciousness which characterise the area; and

(b) fail to respect and complement the design and detailing of the original building and fail to respect the form, scale, bulk and proportions of the original building

and would be contrary to Policies DM.D2 & DM.D3 (particularly para. (a) (iv) and para (a) (i) & (ii)) 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' assessment of the relevant Council policies relating to this case as quoted above.

11 3 WILBERFORCE WAY, WIMBLEDON, SW19 3TH (REF. 14/P1719)  
(VILLAGE WARD) (Agenda Item 10)

1. Site Plan – Officers drew attention to the corrected map included on the tabled Modification Sheet.

2. Extra Condition – Drainage Pumps – In response to an objector's concerns regarding the location of the proposed pumps and possible noise arising, the applicant's representative in their oral representations advised that the proposed pumps would -

(a) be located within the basement of the proposed new dwelling in a light well;

- (b) comprise sealed units on anti-vibration mountings; and
- (c) be designed to run silently but not continuously.

2.1 The applicant's representative subsequently indicated that they were not able to supply the noise rating of the pumps in decibels to the meeting. In the circumstances officers suggested that an extra condition be imposed requiring that the pumps be not audible to adjacent properties and adhere to an appropriate specified noise level. As indicated below the Committee agreed to this suggestion and that officers be delegated authority to agree the detailed wording.

2.2 A Member referred to the need for anti-vibration mountings as proposed to be located within a concrete plinth. Officers confirmed that a noise condition would include a requirement for anti-vibration mountings and other specifications of the proposed pumps.

3. Extra Condition –Piling Method – – It was noted that the application included a Construction Method Statement, which required that a suitable method of piling be used. However a Member suggested that the same condition regarding the piling method (to be used to construct the proposed basement at 3 Wilberforce Way) be imposed as had been imposed earlier during the meeting on the consent for the application for 25 Belvedere Drive (see Minute on Item 5 above). As indicated below the Committee agreed to this suggestion and that officers be delegated authority to agree the detailed wording.

Decision: Item 10 - ref. 14/P1719 (3 Wilberforce Way, Wimbledon, SW19 3TH)

(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 – Drainage Pumps– An extra condition requiring that the proposed pumps be not audible to adjacent properties and adhere to an appropriate specified noise level, subject to (B) below.

(ii) Extra Condition –Piling Method– An extra condition requiring that the piling method used shall be one that minimises disturbance to adjacent properties, subject to (B) below.

12 MEETING BREAK (Agenda Item )

After consideration of item (6), at about 9.55pm, the Committee adjourned its discussions for about 5 minutes.

13 PLANNING APPEAL DECISIONS (Agenda Item 11)

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14 PLANNING ENFORCEMENT - SUMMARY OF CURRENT CASES (Agenda Item 12)



1. Updates – Officers gave an update on the following cases, and where appropriate provided further information (in addition to the submitted report) as indicated below –

(a) Burn Bullock PH, 315 London Road, Mitcham, CR4 (para.'s 2.05 & 2.07) – The property was now on the Heritage at Risk Register compiled by English Heritage.

(b) Rapid ReadyMix, Alpha Place, Garth Road, (para.2.09) – A well attended meeting had been held with residents on 1<sup>st</sup> October 2014 and representatives present had explained the results of the air pollution survey.

(c) 28 Fowler Road, Mitcham – Enforcement officers had visited the premises (regarding its alleged use as mosque/prayer hall) on 9<sup>th</sup> October 2014 and found - (i) it comprised an HMO (House in Multiple Occupation) with a maximum of 5 rooms with an office on the ground floor plus an open space area with about 8 chairs and a cabinet containing mainly religious books; and (ii) the landlord had indicated that the premises had been used by the occupiers for prayers, and also by some of their neighbours. The Enforcement Team's investigations were still on-going.

(d) 25 Malcolm Road, Wimbledon, SW19 (para.2.3) – The owners were making good progress in complying with the Section 215 (Amenity Land) Notice that came into effect on 9<sup>th</sup> October 2014. Officers undertook to advise Councillor Philip Jones of how long the owners had to comply with the Notice.

2. Garage rear of 48 Eveline Road, Mitcham – Councillor Ross Garrod referred to the alleged unauthorised use of the garage for car repairs which the Enforcement Team were dealing with. Officers undertook to provide the Councillor with an update.

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15 MODIFICATIONS SHEET (FOR VARIOUS ITEMS) (Agenda Item 13)

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

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