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PLANNING APPLICATIONS COMMITTEE

13 NOVEMBER 2014

(19.15 - 23.05)

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

ALSO PRESENT: Councillors John Sargeant, Andrew Judge and Abdul Latif
Richard Lancaster (Future Merton Programme Manager), Jonathan Lewis (South Team Leader - Development Control)), Neil Milligan (Development Control Manager, ENVR), Sue Wright (North Team Leader - Development Control) 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)

Apologies for absence were received from: Councillor Daniel Holden.

4 MINUTES OF THE PREVIOUS MEETING (Agenda Item 3)

RESOLVED: That the Minutes of the meeting held on 16 October 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 7, 8 & 9 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, 8, 9, 11 & 14

(supporter 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 also 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 – Following consultation with other Members at various times during the meeting, the Chair amended the order of items to the following - 13, 8, 9, 11, 10, 5, 14, 6, 7 & then 12.

RESOLVED : That the following decisions are made:

6 6 CHERRY CLOSE, MORDEN, SM4 4HA (REF. 14/P1863) (CANNON HILL WARD) (Agenda Item 5)

1. Proposal –Demolition of the existing single storey garage and the erection of a part single, part double storey extension to the side and rear and a detached garage. This proposal was the re-submission of a planning application that was approved in 2005 but was never implemented.

2. Policy Changes – Officers advised that, whilst Merton had considerably altered its planning policies since the previous approval in 2005, the Supplementary Planning Guidance (SPG) on Residential Extensions, Alterations and Conversions (November 2001) remained in force, and therefore the detailed guidance on residential extensions had stayed the same.

3. Windows on Flank Elevation – There was discussion about the windows in the side extension which faced 21 Cherry Wood Lane, and Merton’s policy requirement that parallel facing windows of habitable rooms should be a minimum of 20m apart. Officers advised that whilst the windows of the two properties would be about 18m apart, the properties were at angle and not parallel, and the first floor windows in the flank elevation of 6 Cherry Close would serve cloakrooms (i.e. not habitable rooms) and would be obscured glazed (see also next para.)

4. Amendment to Condition (4) – Officers suggested that having regard to concerns about overlooking, proposed Condition (4) be amended to read “C.3 (obscured glazing – fixed windows) – to the flank windows of the first floor up to 1.7m of internal finished floor level” - which would mean that such windows up to height of 1.7m would be obscured glazed, thus preventing anyone looking out of them. As indicated below, the Committee agreed to this suggestion.

Decision: Item 5 - ref. 14/P1863 (6 Cherry Close, Morden, SM4 4HA)

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

(a) Amendment to Condition (4) – Amend condition to read “C.3 (obscured glazing – fixed windows) – to the flank windows of the first floor up to 1.7m of internal finished floor level”.

- 7 34 DENMARK AVENUE, WIMBLEDON, SW19 4HQ (REF. 14/P3122)
(HILLSIDE WARD) (Agenda Item 6)

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

- 8 BUILDING AT 21 EASTFIELDS ROAD AND GARAGES BETWEEN 21-27
EASTFIELDS ROAD, MITCHAM, CR4 2LS (REF. 14/P3133) (FIGGES
MARSH WARD) (Agenda Item 7)

1. External Materials - It was noted that this application had been previously approved by the Committee subject to the details of proposed external materials being submitted to the Committee for approval (instead of being dealt with by officers).

1.1 Samples of the preferred external materials were displayed including
(a) a grey facing brick at ground floor level (called Edenhall Herne Steel); and
(b) a light red brick at first floor level (called Edenhall Redbridge Stock).

1.2 Samples of alternative external materials were also displayed including a light stone (or buff) coloured facing brick.

1.3 A member expressed concern that the proposed grey brick would be dull and would add to the perceived bulk of the proposed building; and indicated that they preferred alternative light stone (or buff) coloured facing brick. As indicated below, the Committee agreed to this change.

Decision: Item 7 - ref. 14/P3133 (Building at 21 Eastfields Road and Garages between 21-27 Eastfields Road, Mitcham, CR4 2LS)

APPROVE discharge of Condition (6) (External Materials) as set out in the officer case report and the tabled modifications sheet subject to -

(a) the alternative light stone (or buff) coloured facing brick being used instead of the proposed grey facing brick (called Edenhall Herne Steel) at ground floor level.

- 9 8 HAZELBURY CLOSE, MERTON PARK, SW19 3JL (REF. 14/P3132)
(MERTON PARK WARD) (Agenda Item 8)

1. Proposal – Demolition of the existing bungalow and the erection of 4x bedroom house.

2. Possible Extra Condition – Following an objector, as part of their oral representations, requesting that, if the application were to be approved, the size of

vehicles accessing Hazelbury Close to deliver construction materials be limited to 7.5 tonnes, officers advised that, if needed, a further condition could be imposed requiring more details (and approval) of the arrangements for deliveries for both demolition and construction works on the site.

3. Sustainable Development – There was considerable discussion about the proposed house's design using the Passivhaus carbon neutral technology which included a number of design innovations and heavy insulation so that there was no need for heating emissions within the building; and how such a design related to Merton's policies requiring developments to achieve Code for Sustainable Homes Level 4 or 5.

3.1 Officers pointed out that earlier in 2014, the appeal Inspector in refusing the previous application for the site, also designed using the Passivhaus carbon neutral technology, had not raised any concerns about the sustainability of the proposals.

3.2. Officers also drew attention to the relevant parts of the case officer report, and highlighted that Merton's Climate Change officers was satisfied with the proposals; and that a condition (6) was proposed requiring that the development be not occupied until the appropriate Building Research Establishment (BRE) certificate was provided confirming that the development had met the Passivhaus standard (relating to no internal heating being needed etc.).

4. Refusal Motion - There was discussion of whether the current application had overcome the refusal grounds for the previous application for the site, the appeal for which had been dismissed by a Government Inspector earlier in 2014. Some members considered this wasn't the case, particularly in relation to its bulk, massing and dominant effect on other properties in Hazelbury Close and adverse effect on the character of the area. Some members therefore suggested that the current application be refused on the same grounds as the previous application.

4.1 However officers suggested that it might be more appropriate to derive refusal grounds from the concerns raised by the appeal Inspector in his decision letter, particularly in paragraph 8 and towards the end of paragraph 9. As indicated below, the Committee agreed to this suggestion.

4.2 The motion was carried by 5 votes to 2 (Councillors John Bowcott and Philip Jones dissenting, and Councillor Linda Kirby abstaining). 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 8 - ref. 14/P3132 (8 Hazelbury Close, Merton Park, SW19 3JL)

(A) subject to (B) below, REFUSE permission on the following grounds - Refusal grounds derived from the concerns raised by the appeal Inspector in his decision letter, particularly in paragraph 8 and towards the end of paragraph 9 (*as shown on agenda page 81 and reproduced below for ease of reference*).

(B) Delegation: The Director of Environment & Regeneration (in consultation with the Chair and 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: Members don't consider that the proposals fully address the concerns raised by the Inspector, and that is how the Committee has reached its conclusion to disagree with the officers.

(Extract showing paragraphs 8 & 9 of the Inspector's decision letter dated 25/9/14)

"8. This proposal would result in a building that would appear substantially larger than its neighbour. The side gable would be partially exposed to view and its height, together with the element relating to the flat roof, would result in it having a substantial perceived area. The new dwelling would dominate its neighbour and because of its position, in relation to the frontage of that property, these houses would appear cramped. I also consider that the unrelieved bulk and design of the side elevation would jar with the appearance of the front gable of number 7. This unsatisfactory relationship is clearly demonstrated by the photomontage provided by the appellant.

9. Whilst I appreciate that the height of the dwelling has been influenced by requirements with regard to sustainability, I am not clear that the same is true with regard to the flat roof element. It would appear that a smaller bedroom could be accommodated within the roof space, without the need for the bulk of the gable or the irregular form of the roof. It is this element, rather than the marginally greater height, that contributes most to my concerns with regard to the juxtaposition of these properties. I consider that it represents poor design."

10 CRYSTAL AUTOCARE, NORTHOLT WORKS, LONDON ROAD, MORDEN, SM4 5AN (REF. 14/P2917) (MERTON PARK WARD) (Agenda Item 9)

1. Proposal – Application for outline planning permission for the demolition of the existing motor vehicle repair workshop [use class B2 - 500 sqm] and the construction of a part two, part three storey building providing 12 residential units [8 two bedroom flats, 3 one bedroom flats and 1 two bedroom maisonette] with one off street disability car parking space with vehicle and pedestrian access provided along the existing access road to London Road. [Outline planning application with access, landscaping, layout, and scale considered at this stage and external appearance a reserved matter].

2. Other related applications – Officers explained that -

(i) the current application was one three connected planning applications (agenda items 9, 10 & 11) that were associated with two separate sites on London, Road,

Morden);

(ii) the two application sites were annotated on the submitted drawings as “Site A” (Holt Lodge and Holt Cottage and car sales use) and “Site B” (Crystal Autocare – Northolt Works); and

(iii) the extent of the link between the three planning applications was that they had all been submitted by the same applicant, and the proposals involved the relocation of the motor vehicle repair use from Site B (the subject of this current application, ref. 14/P2917) to Site A (the subject of agenda item 11).

3. Access Road – Officers confirmed that -

(a) the existing access to the site was a 70m long private road and was outside of the application site;

(b) for this reason proposed Condition (21) would require that prior to the first occupation of the development, details of a scheme to redesign the access road to the site shall be submitted to and approved by the local planning authority; and also would require that the approved scheme shall be completed prior to the first occupation of the development.

(c) the detailed scheme for the access road would need to ensure adequate and safe access for emergency vehicles and deliveries, and pedestrians, and the provision of suitable surfacing and lighting; and

(d) the applicant/developer would need to identify the ownership of the access road and enter into negotiations both with the owner and the Council in order to meet the requirements of the proposed condition.

3.1 Various members expressed concern that the applicant didn’t have more detailed proposals for access to the site.

4. Employment – In response to members’ concerns about loss of the current employment on this site, officers outlined current policies aimed at assisting the relocation of businesses and drew attention to the separate application (agenda item 11) proposing that the motor vehicle repair use be relocated onto a separate site fronting London Road (as detailed in para. 2 above). However, officers also confirmed that there was no formal planning linkage between the applications, and the formal provision of such linkage would require officers to have further negotiations with the applicants.

5. Affordable Housing – Officers advised that level of provision of affordable housing was not specified in this outline application, but any subsequent application would need to include such details and would have to provide not less than 40% affordable housing so as to meet Merton’s planning policies.

6. Lost Refusal Motion – It was moved and seconded that the application be refused that the application be refused on the grounds of inadequate arrangements for access, excessive bulk, and loss of light and privacy adversely affecting existing adjoining buildings and gardens contrary to Merton planning policies including Policy DM.D2, para. (v), of the Merton Sites and Policies Plan (July 2014). The motion was lost by 5 votes to 4 (Councillors David Dean, Ross Garrod, Najeeb Latif, and Peter Southgate voting for the motion).

7. Condition (3) (Approved Plans) – Amendment – Officers referred to this being an outline application and indicated that Condition (3) needed to be amended to reflect this by the addition of extra wording. As indicated below the Committee subsequently approved the application including this amendment.

Decision: Item 9 - ref. 14/P2917 (Crystal Autocare, Northolt Works, London Road, Morden, SM4 5AN)

GRANT OUTLINE PLANNING 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 the following.

(a) Condition (3) (Approved Plans) – Amendment – On line 3 of the condition, after “approved plans”, the following extra words be added – “insofar as they relate to the layout and scale of the buildings”.

11 HOLT LODGE AND HOLT COTTAGE, LONDON ROAD, MORDEN, SM4 5AN (ADVERTISEMENT APPLICATION) (REF. 14/P2803) (MERTON PARK WARD) (Agenda Item 10)

Other related applications – It was noted that -

(i) the current application was one three connected planning applications (agenda items 9, 10 & 11) that were associated with two separate sites on London, Road, Morden);

(ii) the two application sites were annotated on the submitted drawings as “Site A” (Holt Lodge and Holt Cottage and car sales use – which was the subject of this current application, ref. 14/P2803, for advertisement consent) and “Site B” (Crystal Autocare – Northolt Works); and

(iii) the extent of the link between the three planning applications was that they had all been submitted by the same applicant, and the proposals involved the relocation of the motor vehicle repair use from Site B to Site A (the subject of agenda items 9 & 11 respectively).

Decision: Item 10 - ref. 14/P2803 (Holt Lodge and Holt Cottage, London Road, Morden, SM4 5AN) (Advertisement Application)

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

12 HOLT LODGE AND HOLT COTTAGE, LONDON ROAD, MORDEN, SM4 5AN (REF. 14/P2817) (MERTON PARK WARD) (Agenda Item 11)

1. Proposal –Application for planning permission for the demolition of the single storey building providing a car sales office [22 sqm], and the existing two storey buildings [that provide a three bedroom house, and 2 two bedroom flats] on land known as Holt Lodge and Holt Cottage [located between The Holt and 190-192 London Road] and the construction of two new buildings consisting of a vehicle repair workshop [Use Class B2 and 235 sqm] at the front of the site with a front yard using the existing vehicular access from London Road and a three storey building at the

rear of the site providing 9 flats [6 two bedroom flats and 3 one bedroom flats] with pedestrian access to London Road.

2. Other related applications – Officers explained that -

(i) the current application was one three connected planning applications (agenda items 9, 10 & 11) that were associated with two separate sites on London, Road, Morden);

(ii) the two application sites were annotated on the submitted drawings as “Site A” (Holt Lodge and Holt Cottage and car sales use) and “Site B” (Crystal Autocare – Northolt Works); and

(iii) the extent of the link between the three planning applications was that they had all been submitted by the same applicant, and the proposals involved the relocation of the motor vehicle repair use from Site B (the subject of agenda item 9) to Site A (the subject of this current application, ref. 14/P2817);

3. Vehicle repair workshop – In response concerns raised by objectors regarding the possible impact of the proposed vehicle repair workshop on nearby residents, including air quality, officers drew attention to various conditions proposed to restrict and safeguard the quality of life for residents, including conditions banning paint spraying, and controlling the hours of use and limiting music or other amplified sound.

4. Access to the proposed residential development – In response to members’ concerns about access, particularly for emergency services, officers explained that an existing pedestrian access would be used and that there many residential blocks located some distance from the public highway, as was proposed in this case, and confirmed that the residential block was within an acceptable distance for the fire brigade, ambulance etc.

5. Lost Refusal Motion – It was moved and seconded that the application be refused on the grounds that the design, scale and appearance of the proposal does not complement the local context and doesn’t respect the local pattern of development contrary to Policy CS.14 of Merton’s Core Strategy, Policy 3.5 of the London Plan and Policy DM.D1 of the Merton Sites and Policies Plan (July 2014). The motion was lost by 6 votes to 3 (Councillors David Dean, Ross Garrod and Najeeb Latif voting for the motion). As indicated below the Committee subsequently approved the application.

Decision: Item 11 - ref. 14/P2817 (Holt Lodge and Holt Cottage, London Road, Morden, SM4 5AN)

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

13 77 WEIR ROAD, WIMBLEDON, SW19 8UG (REF.14/P3082) (WIMBLEDON PARK WARD) (Agenda Item 12)

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

- 14 STERLING HOUSE, 42 WORPLE ROAD, WIMBLEDON, SW19 4EQ (REF. 14/P3300) (HILLSIDE WARD) (Agenda Item 13)

Officers indicated that they now recommended that this item be deferred because various issues had been raised by residents, including possible inaccuracies about the consultation process.

Decision: Item 13 - ref. 14/P3300 (Sterling House, 42 Worples Road, SW19 4EQ)

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

- 15 CRESCENT HOUSE, 113-115 WORPLE ROAD, SW20 8JD (REF. 13/P3962) (HILLSIDE WARD) (Agenda Item 14)

1. Extra Informative – Consultation with residents of Crescent House - Following oral representations from a resident of Crescent House supporting the application but requesting that a condition be imposed requiring that the residents of Crescent House be consulted on all of the building process, officers advised that it would not be possible to impose such a condition.

1.1 A member suggested that an extra informative be imposed indicating that the Council is aware that some of the objections to the application have been based on grounds of disturbance to existing residents of Crescent House, and the Council would expect the developer to fully consult with the residents of Crescent House on all aspects of the building process. As indicated below the Committee agreed to this suggestion and that officers be delegated authority to agree the detailed wording.

Decision: Item 14 - ref. 13/P3962 (Crescent House, 113-115 Worples Road, SW20 8JD)

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 -

(i) Extra Informative – Consultation with residents of Crescent House – An extra informative be imposed indicating that the Council would expect the developer to fully consult with the residents of Crescent House on all aspects, of the building process, subject to (B) below.

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

- 16 MEETING BREAK (Agenda Item)

After consideration of item (10), at about 10.05m, the Committee adjourned its discussions for about 5 minutes.

- 17 PLANNING APPEAL DECISIONS (Agenda Item 15)

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18 PLANNING ENFORCEMENT - SUMMARY OF CURRENT CASES (Agenda Item 16)

Former Cricketers PH site, London Road, Mitcham – It was noted that following enforcement action on the Burn Bullock PH site, London Road, Mitcham, cars previously on that site, appeared to have been moved to the Cricketers PH site, and that enforcement action would now be needed on the Cricketers PH site.

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19 PROPOSED MODIFICATIONS (FOR VARIOUS ITEMS) (Agenda Item 17)

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