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## PLANNING APPLICATIONS COMMITTEE

15 JANUARY 2015

(19.15 - 20.40)

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

ALSO PRESENT: 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 PREVIOUS MEETING (Agenda Item 3)

RESOLVED: That the Minutes of the meeting held on 11 December 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, 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 (objectors 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 – Following consultation with other Members, the Chair amended the order of items to the following - 5, 6, 7, 10, 8, & then 9.

RESOLVED : That the following decisions are made:

6 98 AYLWARD ROAD, MERTON PARK, SW20 9AQ (REF. 14/P3204)  
(MERTON PARK WARD) (Agenda Item 5)

1. Proposal – Retention of a single storey detached building.

2. Use of the outbuilding – As part of their oral representations, the objector alleged that the outbuilding was used by the applicant as a full time residence and the main building was used as a lodging house. As part of their oral representations, the applicant stated that they didn't live permanently in the outbuilding, but used it as a private space and did sometimes visit the outbuilding at night to check on their dogs.

2.1 Officers advised that as the outbuilding didn't include the necessary facilities such as a toilet, it did not constitute a separate dwelling, and that there was case law to support this. There was extensive discussion of the previous use and possible future use of the outbuilding. Officers confirmed that if a toilet or shower were to be installed, then enforcement action could be taken.

3. Use of the main building – Reference was made to the use of the main building as a small HMO (house in multiple-occupation) and the allegation by objectors that the back door to the house (leading to the garden) was locked from the outside at night, stopping its use as a fire exit, and that the building didn't have a proper gas safety certificate. Officers undertook to draw such health and safety issues to the attention of Environmental Health, but advised that such issues were not material in considering the current planning application, and the same applied to the allegation that the outbuilding was used as a dog business.

4. Lost Refusal Motion – Some members disagreed with officer advice as to whether the outbuilding constituted a dwelling. It was moved and seconded that the application be refused on the grounds that the proposal would constitute a dwelling and would be too small for that purpose by failing to meet the London Plan's specifications for minimum floor area for a dwelling. The motion was lost by 5 votes to 2 (Councillors David Dean and Daniel Holden voting for the motion.). The Application was subsequently approved as indicated below.

Decision: Item 5 - ref. 14/P3204 (98 Aylward Road, Merton Park, SW20 9AQ)

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

7 42 BEULAH ROAD, WIMBLEDON, SW19 3SB (REF. 14/P3275)  
(DUNDONALD WARD) (Agenda Item 6)

1. Proposal – Demolition of existing garage/workshop and the erection of a mixed use three story building comprising ground floor office space (Class B1), 3 x 1 bed flats (2 at first floor and 1 at second floor) (Class C3).

2. Balcony/Terrace Screening – Officers drew attention to the amendments to the officer report included on the tabled modifications sheet for various items, including the proposed imposition of extra conditions, including a condition regarding balcony/terrace screening requiring that any screening be a minimum of 1.75m in height meaning that a person standing on the rear balcony/terrace of the proposed development would need to be at least 6ft tall to see directly the properties in Graham Road. Officers also indicated that higher screening could possibly be considered, but as indicated below, the Committee subsequently agreed to the proposal that the screening be a minimum of 1.75m in height.

3. Window distances – In response to queries about separation distances between the windows at the rear of the proposed development and rear windows of properties in Graham Road, officers advised that due to the sloping/raked design of the proposal, the distances were different at different heights, including 15.5m, just above first storey level, 20m slightly higher up and then more than 20m still higher up, resulting in part of the first floor windows being below the 20m minimum separation distance and part exceeding the 20m minimum.

4. Green Wall – In response to a suggestion that an extra condition be imposed requiring that there be a green wall on the rear wall of the proposed development facing properties in Graham Road, officers explained that such a green wall would probably necessitate the redesign of the proposed development; and that due to the proposed new building being located on the rear boundary of the application site, such a green wall would be difficult to maintain. As indicated below, the Committee subsequently didn't impose any requirement for provision of a green wall.

3. Lost Refusal Motion – Some members were concerned about the size of the proposed development and part of the first floor windows being below the 20m minimum separation distance to windows of properties in Graham Road. It was moved and seconded that the application be refused on the grounds that the massing/bulk of the proposal would be excessive and the proposal's rear windows at first floor level would fail to meet the Council's policy for a minimum separation distance of 20m. The motion was lost by 5 votes to 2. The Application was subsequently approved as indicated below by 6 votes to 2 (Councillors David Dean and Daniel Holden dissenting and voting for the above lost motion.)

Decision: Item 6 - ref. 14/P3275 (42 Beulah Road, Wimbledon, SW19 3SB (Ref. 14/P3275))

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.

8 34 ELMHURST AVENUE, MITCHAM, CR4 2HN (REF.14/P4153)  
(GRAVENEY WARD) (Agenda Item 7)

1. Proposal – Demolition of existing garage and the erection of a detached single storey unit of accommodation.

2. Size - A Member referred to the officer report indicating that, compared to the previous application, the current scheme was no higher but had a greater footprint and queried how the officer's report's conclusion (in para. 8.1) could then state that the current scheme "represents a significant reduction in the bulk and massing from original proposals and a material improvement on the most recent appealed proposals". Officers agreed that there was no significant reduction compared to the previous scheme; apologised for the report's wording, but suggested that the report was meaning to indicate that there had been significant reduction compared to the original proposals submitted some years previously.

3. Ancillary Accommodation – Officers highlighted that a standard condition was proposed requiring that proposed new development be not occupied at any time other than for purposes ancillary to the residential use of the existing dwelling at 34 Elmhurst Avenue. Officers also confirmed that all access to the new development would be via the existing house at 34 Elmhurst Avenue, as no separate access to the street was proposed for the new development.

4. Approval - The application was approved by 7 votes to 2 (Councillors David Dean and Linda Kirby dissenting; and Councillor Geraldine Stanford not voting).

Decision: Item 8 - ref. 14/P4153 (34 Elmhurst Avenue, Mitcham, CR4 2HN)

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

9 LAND FORMERLY OCCUPIED BY COMMUNITY CENTRE AT WOODSTOCK WAY, MITCHAM CR4 1BA( REF.14/P1232) (LONGHORTON WARD) (Agenda Item 10)

1. Reason for Urgency - The Chair had approved the submission of this report as a matter of urgency for the reasons detailed below –

At the meeting of PAC in August 2014, the Committee had approved the application, subject to samples of the colours and facing materials for the development being brought to Committee for approval. At rather short notice the applicant had advised that their architects had a set of samples and colour images they wished to use in order to construct the scheme. As before, the applicants are working to a tight timetable in order to get the development constructed on site and had asked if the materials could be considered by the Committee this week at this February meeting.

2. Red facing material – Officers advised that the red colour proposed would be used on the internal parts of the balconies and would not be easily seen from outside.

Decision: Item 8 - ref. 14/P1232 (Land formerly occupied by community centre at Woodstock Way, Mitcham, CR4 1BA)

APPROVE facing materials and amend proposed conditions agreed following consideration of the planning application at PAC on 21<sup>st</sup> August 2014 so as to ensure the development is completed in accordance with the facing materials as set out in the officer case report and the tabled modifications sheet.

10 PLANNING APPEAL DECISIONS (Agenda Item 8)

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11 PLANNING ENFORCEMENT - SUMMARY OF CURRENT CASES (Agenda Item 9)

(a) Number of cases - Officers advised that the apparent increase in the number of cases compared to previous reports was due to the new way of counting cases using the more accurate M3 computer system.

(b) 25 Malcolm Road, Wimbledon, SW19 (para. 2.03) – Officers advised that, notwithstanding the recent County Court decision quashing a Section 215 notice relating to a rear garden in Dorking (reported to the December Committee), officers were considering serving a notice to deal with the rear garden at 25 Malcolm Road.

(c) Burn Bullock PH, 315 London Road, Mitcham, CR4 (para.'s 2.05 & 2.07) – Officers undertook to advise Councillor Ross Garrod when the two week period for the removal of cars from the site (referred to in para. 2.07) would expire.

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12 PROPOSED MODIFICATIONS (FOR VARIOUS ITEM) (Agenda Item 11)

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

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