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PLANNING APPLICATIONS COMMITTEE

18 JUNE 2015

(19.15 - 22.50)

PRESENT: Councillors Councillor Linda Kirby (in the Chair), Councillor John Bowcott, Councillor Tobin Byers, Councillor David Dean, Councillor Ross Garrod, Councillor Daniel Holden, Councillor Geraldine Stanford, Councillor Ian Munn (Substitute for Councillor Philip Jones), Councillor John Sargeant (Substitute for Councillor Peter Southgate) and Councillor Imran Uddin (Substitute for Councillor Abigail Jones)

ALSO PRESENT: Councillors Hamish Badenoch, Stephen Crowe and Marsie Skeete

Jonathan Lewis (South Team Leader - Development Control)), Michael Udall (Democratic Services), Sue Wright (North Team Leader - Development Control), Neil Milligan (Development Control Manager, ENVR) and David Gardiner (Planning Technician)

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 Councillors Abigail Jones, Philip Jones and Peter Southgate.

4 MINUTES OF THE PREVIOUS MEETING (Agenda Item 3)

RESOLVED: That the Minutes of the meeting held on 21 May 2015 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 & 11 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, 9, 10, & 11. 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 5 – Councillor Stephen Crowe

Item 6 – Councillor Marsie Skeete

Item 7 – Councillor Stephen Crowe

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 - 6, 11, 9, 7, 10, 5 & then 8.

RESOLVED : That the following decisions are made:

- 6 PHOENIX HOUSE, 2A AMITY GROVE, RAYNES PARK, SW20 0LJ (REF. 15/P1214) (RAYNES PARK WARD) (Agenda Item 5)

Proposal - Demolition of the existing three storey West Wimbledon College building (Use Class D1 - 526 square metres) and the erection of a new four storey building with additional basement level at the front of the site providing retail, financial services, business, non-residential institutions or assembly and leisure use (Use Class A1, A2, B1, or D1- 278 square metres) at basement and ground floor level with floor space to the rear of the commercial space and in a second detached building with floor space at basement and ground floor level providing a total of 9 flats (4 three bedroom; 3 two bedroom and 2 one bedroom) including 4 off street car parking spaces with vehicle access from Amity Grove.

Decision: Item 6 - ref. 15/P1214 (Phoenix House, 2a Amity Grove, Raynes Park, SW20 0LJ)

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

- 7 14 BURLEY CLOSE, STREATHAM, SW16 4QQ (REF 15/P0499) (LONGTHORNTON WARD) (Agenda Item 6)

1. Proposal - Change of use from a 6 bedroom House in Multiple Occupation (Use Class C4) to a 7 bedroom House in Multiple Occupation (Sui Generis) involving internal alterations.

2. Shared Space - Officers explained that

- (a) the previously refused application for change of use of the property to an 8 bedroom house in multiple occupation (HMO) had included a shared communal space of about 30sqm;
- (b) the London Plan standard for an HMO of 6 persons was provision of 31sqm of shared space;
- (c) the property was currently used as an HMO for up to 6 people;
- (d) the current application was for an HMO for up to 7 people with -
 - (i) an L-shaped shared space of about 42sqm, formed by removing an internal wall into an area described on the plans as offices; and
 - (ii) the use of the garage as an extra bedroom; and
- (e) there was no specific standard for an HMO for up to 7 people as regards the amount of shared space, but the current proposal provided for an increase of some 30% in shared space and one extra person.

3. Possible Sub-Division of Shared Space – Officers advised that if Members were concerned that the proposed shared L-shaped communal space would be inadequate to provide for different activities at the same time, then it would be possible to impose a condition requiring that the space be restructured to provide some sub-division.

4. Discussion – There was extensive discussion of the proposals. Members were concerned that current proposal didn't overcome all of the issues raised by the Inspector in dismissing an appeal for the refused application for an HMO for up to 8 persons, including the provision of adequate internal space in the building for relaxation/leisure and for visitors.

4.1 Members recognised that the application should not be refused on the same grounds as the previous refusal for an HMO for up to 8 persons (as detailed in para. 4.1, page 59). Members concluded that the application should be refused on the basis that it was still contrary to Policy CS.14 (b) (vi) of the Core Strategy Policy (July 2011), and in particular that the application failed to overcome all of the issues raised by the Inspector, as set out in her decision letter in paragraph 19 (on agenda page 76). It was noted that some of the wording of paragraph 19 would need to be amended to be applicable to the current application.

5. Refusal Motion: It was moved and seconded that permission be refused on this basis as detailed below. The motion was carried by 6 votes to 4 (Councillors Tobin Byers, John Bowcott, Daniel Holden and Najeeb Latif dissenting). Subsequently the Committee agreed that officers be delegated authority to agree the detailed grounds of refusal and also agreed (C) below.

Decision: Item 7 - ref. 15/P0499 (14 Burley Close, Streatham, SW16 4QQ)

(A) subject to detailed grounds of refusal being agreed in accordance with (B) below, REFUSE permission on grounds relating to the following -
(i) The application had failed to overcome all of the issues raised by the Inspector, as set out in her decision letter in paragraph 19 (on agenda page 76) in relation to a previous application for an HMO for up to 8 persons) which stated -

“I therefore find that the proposal would not provide adequate internal amenity space and as such is contrary to criterion (b) (vi) of Core Planning Strategy Policy CS.14. The proposal fails to fully comply with the guidance set out in the Appendix A to the Housing SPG adopted in November 2012 and therefore conflicts with the requirement of Core strategy Policy CS14 (d) that all residential development complies with the most appropriate space standards.”

(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 the views in the officer report on the application of Policy CS.14 of the Merton Sites and Policies Plan (July 2014) to this case.

8 UPTON COURT, 2 THE DOWNS, WEST WIMBLEDON, SW20 8JB (REF. 14/P0615) (RAYNES PARK WARD) (Agenda Item 7)

1. Proposal - Erection of additional storey on rooftop of Upton Court to create new 2 bed flat.

2. Noise – Officers advised that noise between floors would be a matter for Building Regulations, and that in relation to the previously refused scheme for two rooftop flats, the Inspectors concerns had mainly related to possible disturbance to the bedrooms below and close to the substantial terraces, whereas the current scheme was smaller and would only have a small terrace set back from the building edge.

3. Approval – The application was approved by 7 votes to 1 (Councillor Daniel Holden dissenting).

Decision: Item 8 - ref.14/P0615 (Upton Court, 2 The Downs, West Wimbledon, SW20 8JB)

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

9 EAGLE HOUSE, HIGH STREET, WIMBLEDON, SW19 5EF (REF. 14/P3027 & 14/P3029) (VILLAGE WARD) (Agenda Item 8)

Proposal -

(a) Erection of extensions and external and internal alterations including dormer

windows and erection of front outbuilding in connection with conversion of Grade II* Listed Building from B1 offices to form 9 Self-Contained Residential Flats
(b) Listed Building Consent for erection of extensions and external and internal alterations including dormer windows and frontage building in connection with conversion of Grade II* listed building from B1 offices to 9 residential apartments.

Decision: Item 9(a) - ref. 14/P3027 (Eagle House, High Street, Wimbledon, SW19)

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

Decision: Item 9(b) - ref. 14/P3029 (Eagle House, High Street, Wimbledon, SW19)

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

10 27 LINDISFARNE ROAD, WEST WIMBLEDON, SW20 0NW (REF. 15/P0940)
(VILLAGE WARD) (Agenda Item 9)

1. Proposal – Demolition of Existing House and Erection of 2 x 6 bedroom detached houses.

2. Metropolitan Open Land (MOL) – Officers confirmed that a condition was proposed requiring landscaping, including further tree planting, on the boundary with the MOL

3. Extra Informative – Damage to Highway – Reference was to objectors concerns that Lindisfarne Road was a private road and that there should be a legal agreement that the developer bear the cost of any damage to the road caused by construction traffic. Officers advised that this was not a planning issue and so could not be imposed as a condition, but that it would be possible to give a reminder to the applicant by means of an appropriate Informative. As indicated below, the Committee subsequently agreed that such an Informative be added.

4. Approval – The application was approved by 6 votes to 2 (Councillors Tobin Byers and Ian Munn dissenting).

Decision: Item 10 - ref. 15/P0940 (27 Lindisfarne Road, West Wimbledon, SW20 0NW)

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

Extra Informative – Damage to Highway - An Informative be added to remind the applicant that the developer has a responsibility to make good any damage to the highway caused by construction traffic for the development.

11 CAR PARK LAND ON THE JUNCTION OF MILNER ROAD AND MORDEN ROAD, SOUTH WIMBLEDON, SW19 3BH (REF. 15/P0377) (ABBAY WARD)

(Agenda Item 10)

1. Proposal - Erection of a mixed use block comprising retail (A1) or café/restaurant use (A3) at ground floor (170 sq.m) with 15 self-contained flats above (5 x 1 bedroom and 10 x 2 bedroom) in a six storey block with a stairwell overrun at roof level and 3 x 3 bedroom town houses arranged on 3 floors with stairwell leading onto roof level providing access onto amenity deck.

2. Floor Space and Amenity Space – Tabled Paper – Officers tabled an extra one page paper at the meeting which was a simplified version of Appendix 1 (on agenda page 218) and detailed the proposed floor space and amenity space figures for the development. (NB. The paper was subsequently put on the Merton web-site.)

3. Facing Materials – Officers advised that due to the substantial nature of the proposed development the standard condition requiring the submission of facing materials for approval had been amplified (as shown on proposed Condition (7) on page 188) so as to also require 1:50 plans of particular parts of the building such as window reveals and entrances.

4. Affordable Housing – Members expressed concern that the proposal included no affordable housing (although the Council's policy for such a development was to seek that 40% of the new units on site should be affordable housing); and that no financial contribution towards affordable housing was proposed.

4.1 Officers drew attention to the independent assessment of the proposals which had concluded that the scheme would be unable to support an affordable housing contribution and remain viable (para. 7.60, page 183 refers). Officers indicated that therefore it would be difficult to justify refusal of the application due to the lack of affordable housing.

4.2 Officers also indicated that making an approval subject to a "clawback" provision for affordable housing, whereby the value of the development would be reassessed during or after construction, would not be appropriate.

5. Approval – The application was approved by 7 votes to 2 (Councillors David Dean and Ian Munn dissenting).

Decision: Item 11 - ref.15/P0377 (Car Park Land on the junction of Milner Road and Morden Road, South Wimbledon, SW19 3BH)

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.

12 20 SHERIDAN ROAD, MERTON PARK, SW19 3HP (REF. 15/P1218)
(MERTON PARK WARD) (Agenda Item 11)

1. Proposal – Demolition of the existing four bedroom detached house and the erection of a replacement five bedroom house with garage and ancillary storage building.

2. Design Review Panel (DRP) – Officers advised that the revised proposals for the development had only been circulated to DRP members for comment , and not submitted to a formal DRP meeting (as detailed in para. 5.11) as the DRP met far less frequently than this Committee, and there was a need to expedite consideration of the application without waiting for the next DRP meeting and referred to the statutory periods for consideration of applications.

3. Article 4 Directions – Officers referred to concerns raised by an objector in their oral representations and by the John Innes Society that the officer report didn't refer to the two Article 4 directions that covered the Merton Park Conservation Area (as detailed in the tabled Modifications Sheet). Officers explained that the Directions referred to minor development matters, whereas the current application was completely different (being a major redevelopment proposal) and therefore this issue shouldn't delay its consideration.

4. Discussion – Members expressed a number of concerns about the proposals including the following

- (a) the proposed modern design being out of character and harmful for the Conservation Area;
- (b) the adverse effect of the design on the street scene and nearby locally listed buildings;
- (c) the existing house was one of a row of three of similar 1950's design and the proposal would be out of keeping with the other two;
- (d) the existing house was an attractive building with many years life, and its unnecessary demolition (and replacement by an entirely new building) would have a considerable carbon footprint;
- (e) it was difficult to see that the proposal had Arts & Crafts features as claimed by the applicant's representative in their oral submission; and
- (f) the proposed modern design might well be suitable for a different location, but not the application site.

5. Refusal Motion: It was moved and seconded that permission be refused as detailed below. The motion was carried unanimously. Subsequently the Committee agreed that officers be delegated authority to agree the detailed grounds of refusal and also agreed (C) below.

Decision: Item 12 - ref.15/P1218 (20 Sheridan Road, Merton Park, SW19 3HP)

(A) subject to detailed grounds of refusal being agreed in accordance with (B) below, REFUSE permission on grounds relating to the following -

- (i) The proposal development would not be appropriate for the Conservation Area, and, by reason of its inappropriate design, would be out of character and would be harmful to the Conservation Area, including nearby locally listed buildings and the street scene.

(ii) The proposals would result in the loss on an existing attractive building with many years life without there being a suitable replacement.

(iii) The proposals would be contrary to -

(a) Policy DM.02 (Design considerations in all developments) and Policy DM.04 (Managing heritage assets) of the Merton Sites and Policies Plan (July 2014);

(b) Policy CS.14 (Design) of the Merton LDF Core Planning Strategy (July 2011); and

(c) Policy 7.6 (Architecture) and Policy 7.8 (Heritage Assets) of the London Plan.

(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 the views in the officer report regarding the appropriateness of the proposed new house for the Conservation Area.

13 MEETING BREAK (Agenda Item)

After consideration of item 10, at about 10.15pm, the Committee adjourned its discussions for about 10 minutes.

14 PLANNING APPEAL DECISIONS (Agenda Item 12)

No appeal decisions had been received since the last meeting.

15 PLANNING ENFORCEMENT - SUMMARY OF CURRENT CASES (Agenda Item 13)

(a) 38 Alwyne Road (formerly Worcester Hotel), Wimbledon, SW19 (para. 3.4) – Councillor Daniel Holden indicated that in line 2, his first name should be corrected to read “Daniel” not “David”.

(b) Burn Bullock PH, 315 London Road, Mitcham, CR4 (para.'s 2.07 & 2.08) -

1. Car Sales – Councillor Ian Munn advised that, contrary to the submitted report, car sales had not ceased on the site; and a notice had recently been put up asking for letters to be delivered to the rear of the building.

2. Storage of cars on site – Officers confirmed that, whilst some cars had been removed from the site, officers would continue to seek the removal of the remainder. Councillor Ian Munn expressed concern that some 30/40 cars remained on the site some months after the enforcement notice had come into effect.

3. Preservation Works - Councillor Ian Munn expressed concern about the quality of the works being undertaken to preserve this listed building; and that some windows were still open or broken. Officers advised that the case officer would be visiting the

premises and regularly monitoring the works, and was liaising with English Heritage as needed.

(c) 25 Malcolm Road, Wimbledon, SW19 (para. 2.03) – Officers advised that - (a) the front garden had been much improved and was close to complying with the Section 215 Notice; and (b) officers were still considering whether to take action regarding the rear garden.

(d) Enforcement Team – Capacity - Councillor Ian Munn indicated that the Enforcement Team had advised him that they did not have the capacity to visit two sites which he had recently reported to them. He undertook to e-mail details of the issues to the Development Control Manager.

RECEIVED

16 MODIFICATIONS SHEET (FOR VARIOUS ITEMS) (Agenda Item 14)

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