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PLANNING APPLICATIONS COMMITTEE

17 JANUARY 2023
(7.15 pm - 9.30 pm)

PRESENT Councillors Councillor Aidan Mundy (in the Chair),
Councillor Simon McGrath, Councillor Sheri-Ann Bhim,
Councillor Michael Butcher, Councillor Edward Foley,
Councillor Susie Hicks, Councillor Dan Johnston,
Councillor Gill Manly and Councillor Martin Whelton

ALSO PRESENT: Jonathan Berry (Interim Head of Development Management and
Building Control), Tim Bryson (Development Control Area
Manager– North), David Gardener (Principal Planning Officer),
Wendy Wong Chang (Principal Planning Officer), Raymond
Yeung (Principal Planning Officer), Jayde Watts (Democratic
Services Officer)

IN ATTENDANCE Amy Dumitrescu (Democracy Services Manager)
REMOTELY:

1 APOLOGIES FOR ABSENCE (Agenda Item 1)

There were no apologies for absence.

2 DECLARATIONS OF PECUNIARY INTEREST (Agenda Item 2)

There were no declarations of interest.

3 MINUTES OF THE PREVIOUS MEETING (Agenda Item 3)

RESOLVED: That the minutes of the meeting held on 8 December 2022 were agreed as an accurate record.

4 TOWN PLANNING APPLICATIONS (Agenda Item 4)

The Committee noted the amendments and modifications to the officer's report. The Chair advised that the agenda would be taken in the published agenda order.

5 81-83 WIMBLEDON HILL ROAD, WIMBLEDON, LONDON, SW19 7QS (Agenda Item 5)

The Planning Officer presented the report.

The Committee received presentations from two objectors who raised points including:

- This application was similar to the application that was refused in 2021 which continued to conflict with Merton's policy on affordable housing.
- Objectors felt that the property was visually intrusive, overbearing and unneighbourly due to its mass, height, bulk and sighting.
- The development would cause overshadowing, overlooking and a 30% loss of light
- The existing property built in 1900 should be a heritage asset
- There have been 48 letters of objections
- No affordable housing has been provided
- There was a security concern of the communal area of the two linked apartment blocks
- The impact of car parking could impact neighbours
- There was no like for like replacement of trees
- As the property was on a hill slope, there was a risk to the foundations of neighbouring homes.

The committee received presentations from Ward Councillor Daniel Holden who raised points including:

- This was the second time that the site had come to the Planning Application Committee.
- Neighbours would be negatively impacted by this development, with negatives outweighing any positives of the scheme.
- The application should be refused due to an overbearing loss of light and loss of privacy, harming the resident's rights to a peaceful enjoyment of their homes and gardens.
- The application was previously refused due to a lack of affordable homes which has not changed with this application. This has meant that this proposal has failed to meet the Merton Council and London Plan policies on affordable housing units.
- The proposal was contrary to policy DMD2 of the sites and policy plan, policy CS14 of Merton's core strategy as well as the London Plan.

The committee received presentations from the representative of the applicant, Stephen Norris, who raised points including:

- As per the current Planning policy, the development made the most efficient use of the land.
- The site was within the public transport accessibility level 6A which was considered to be very high.
- As the first scheme was refused by the Committee in December 2021, they have worked with Planning Officers to overcome the previous objections and have made a positive contribution towards the character and appearance of the area.
- 17 new units have been proposed which would be a net gain of 13 units.

- Further consideration was given to minimise the impact to surrounding dwellings by controlling the views out from the new block to minimise overlooking.
- The development maximised the amount of green and amenity spaces around the building
- The height of the building was reduced by 2.05 meters, the shoulder of the building reduced by approximately 2 meters and the boundaries from Bluegates was extended by a further 1 meter.
- The gap between the development and the back of Leeward Gardens would be between 20 to 25 meters. To prevent direct overlooking, all of the facing windows have been indented and angled.
- Three reports were commissioned, one from the applicant and two from the council with regards to affordable housing. The reports from the council stated that the scheme would be in deficit and not viable for affordable housing. The applicant has however agreed to an early and late state review of the scheme to capture any potential uplift in value.
- Previous concerns raised in relation to car parking provisions have been addressed and resulted in the removal of the basement car park. The car park now consists of four level car parking spaces consisting of one disabled space, two car club spaces and one space for the house. All car parking spaces would have electric charging points.
- An energy statement concluded that the development would provide a 60% reduction in CO2 emissions.

In response to questions raised by the committee, Planning Officers advised:

- There were two affordability reviews completed that were separate to the one submitted by the applicant. Both reviews showed a significant deficit, with the first showing a deficit of 2.9 million and the second showing a deficit of 1.6 million.
- The early state review would usually take place once the foundations were built. If there was an uplift in value, it may allow for some affordable housing. The late stage review would normally take place approximately 75% into the development at which point a review would take place for a financial contribution.
- 7.2 meters from Bluegates to the development was measured from the closest part of Bluegates to the closest part of the proposed development.
- The windows at Bluegates would be 9.68 meters from the elevation.
- As the development would be a side elevation to a block of flats, it would be unrealistic to expect the development to not have any impact.
- The proposed development would be lower in height than Bluegates and there would be a sizable gap between properties.
- Numbers 26 – 30 at Leeward Gardens would be oriented to directly face the side of the proposed development's boundary and as such would be heavily prejudiced on what could be done with the site. This has resulted in a 20 meter gap located to the west of the development.
- The resident commission daylight sunlight is a more comprehensive report which showed a 50% reduction. The applicant report was based on the VSC

- component which measured daylight at the window. The applicant would not be required to provide any form of test as per existing policy or guidance.
- At an appeal the inspector would focus on the issues raised at the Planning Application Committee, the reasons for refusal and review the evidence to support such reasons. Three professional viability reviews concluded that this scheme would make a deficit and the second review is what was used by planning officers. If the body of evidence required is not produced there would be a risk of financial sanctions to the Council. Officers have accepted the opinions received and as such have recommended approval for the proposed development.
 - Overbearing impact would be more subjective and would be less likely to incur costs awarded against the Council.
 - The applicants transport statement accepted that all parking spaces would be actively charged which would exceed the 20% requirement of the London Plan.
 - Previous reasons for refusal were due to height, mass and bulking when viewed from Leewood Gardens and impact on daylight sunlight at Bluegates. The height of the proposed development has now been reduced by 2.05 meters and further adjustments were made to the footprint, which resulted in the development being further away from Bluegates. Officers concluded that these amendments addressed concerns raised from the previous application and now complies with the relevant policies of the Local Plan.
 - The 7.2 meters mentioned in the agenda papers was the distance to the nearest point of the building. The elevation of the windows would be set back 9.6 to 9.7 meters from the building.
 - With the existing appeal at an advanced stage of the process, a condition could not be placed on the applicant to withdraw the appeal. The only option available would be for the applicant to volunteer to withdraw the existing appeal.

The Chair invited the applicant to respond to clarify details raised within questions from the committee.

The representative of the applicant informed the committee of the following:

- The applicant has previously used the consultant for affordable housing and despite there being differences in figures, the conclusions of all three reports have all been the same.
- As part of the early and late state review, if the development made additional money, considerations could be reviewed for affordable housing.
- A larger development may have produced larger profits but may not have necessarily made the development more viable for affordable housing if you were to factor in manufacturing costs.
- The applicant would not be prepared at this stage to agree to withdraw the existing appeal if the current application were to be granted.

The Chair moved to the vote on the Officers' recommendation.

The Committee agreed to:

REFUSE the application for the following reason:

The impact on the relationship between neighbours, occupiers and how they would perceive the development as not being in line with local distinctiveness

6 18 WHITFIELD COURT, 508 KINGSTON ROAD, RAYNES PARK, SW20 8DT
(Agenda Item 6)

The Planning Technician presented the report.

There were no objectors registered to address the Committee on this item.

In response to questions from the committee, the Planning Officer advised:

- It would be a requirement as per Condition 20 that requested details of the air source heat pump be provided.
- A condition could be included which would require compliance to noise
- Detail of walls and fences would be required as part of Condition 5 to be submitted as a pre-commencement condition. Amendments could be made to include citing, height and external appearance as well as Hedgehog tunnels.
- The highway and transport officers have acknowledged that this would be a restricted site and have recommended a condition that there would be a Logistics Plan in place.

The Chair moved to the vote on the Officers' recommendation with the following additional conditions:

- Air source heat pump agreed subject to noise.

RESOLVED: That the Committee GRANTED Planning Permission Subject to Conditions

7 PLANNING APPEAL DECISIONS (Agenda Item 7)

The report was noted.

8 PLANNING ENFORCEMENT - SUMMARY OF CURRENT CASES (Agenda Item 8)

The report was noted.

Members of the committee expressed gratitude for the work completed thus far by the Planning Team.

