

Merton Council

Development and Planning Applications Committee Agenda

Membership

Councillors:

Aidan Mundy (Chair)
Matthew Willis (Vice-Chair)
Simon McGrath
Sheri-Ann Bhim
Michael Butcher
Edward Foley
Billy Hayes
Dan Johnston
Thomas Barlow
Martin Whelton

Substitute Members:

Susie Hicks
Caroline Charles
Kirsten Galea
Nick McLean
Stephen Mercer
Stuart Neaverson

Date: Thursday 20 July 2023

Time: 7.15 pm

Venue: Council chamber - Merton Civic Centre, London Road, Morden SM4 5DX

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Development and Planning Applications Committee Agenda

20 July 2023

- 1 Apologies for absence
- 2 Declarations of Pecuniary Interest
- 3 Minutes of the previous meeting 1 - 12
- 4 Enforcement Report (Private Session)
- 5 Workshop Development Policy and Committee Processes
(Private Session)
- 6 Training (Private Session)

Note on declarations of interest

Members are advised to declare any Disclosable Pecuniary Interest in any matter to be considered at the meeting. If a pecuniary interest is declared they should withdraw from the meeting room during the whole of the consideration of that matter and must not participate in any vote on that matter. For further advice please speak with the Managing Director, South London Legal Partnership.

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Agenda Item 3

All minutes are draft until agreed at the next meeting of the committee/panel. To find out the date of the next meeting please check the calendar of events at your local library or online at www.merton.gov.uk/committee.

DEVELOPMENT AND PLANNING APPLICATIONS COMMITTEE

15 JUNE 2023

(7.15 pm - 11.20 pm)

PRESENT Councillors Councillor Aidan Mundy (in the Chair),
Councillor Matthew Willis, Councillor Sheri-Ann Bhim,
Councillor Michael Butcher, Councillor Edward Foley,
Councillor Billy Hayes, Councillor Dan Johnston,
Councillor Thomas Barlow and Councillor Martin Whelton

ALSO PRESENT Jonathan Berry (Head of Development and Building Control),
Stuart Adams (Area Manager, Development Management -
South), Awot Tesfai (Senior Estates Development Manager),
Leigh Harrington (Planning Officer), Tara Butler (Programme
Manager), Jayde Watts (Democratic Services Officer)

1 APOLOGIES FOR ABSENCE (Agenda Item 1)

Apologies for absence were received from Councillor McGrath, Councillor Suzie Hicks attended as substitute.

2 DECLARATIONS OF PECUNIARY INTEREST (Agenda Item 2)

Councillor Sheri-Ann Bhim informed the committee that she worked in the same vicinity as one of the public speakers and has been informed that she can still take part in the discussion and vote of item 7.

There were no other declarations of interest.

3 MINUTES OF THE PREVIOUS MEETING (Agenda Item 3)

RESOLVED: That the minutes of the meeting held on 26 April 2023 were agreed as an accurate record with updated wording to the condition on Item 6 related to terms of residents which confirmed disabled residents who required a car would be exempt.

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.

Please note that members of the public, including the applicant or anyone speaking on their behalf, are expressing their own opinions and the Council does not take any responsibility for the accuracy of statements made by them.

5 PRIVATE PLANNING MANDATORY TRAINING (Agenda Item 5)

Members of the Development and Planning Application Committee received annual training from Jon Berry (Head of Development Management and Building Control).

6 HIGH PATH ESTATE, SOUTH WIMBLEDON, SW19 2TG (Agenda Item 6)

The Planning Officer presented the report.

The committee received presentations from two objectors who stated:

- Demolition instead of refurbishment would not help global warming or local dust pollution as construction accounted for 45% of all CO2 emissions with 51% of all emissions from a home emitted before residents moved in.
- Existing three and four storey apartments in High Path Estate could have an additional floor above with new installation.
- 49.6% affordable homes and the uplift in number of homes in the development was not enough to address the number of residents registered as homeless.
- Shared ownership required a minimum annual income of £30,000 which wouldn't help local residents in need.
- Gas meter and flue would be built on the eastern flank of the resident's wall and wrapped around the southern rear of the garden which encased the gas flue and external gas meters.
- Site inspection stated the development was situated 107 meters from the resident's home which was incorrect and updated in the modification document.
- Development would be five storeys larger than the resident's property and out of character for the area.
- The daylight and overwhelming shadow document 22 concluded that 15 and 21 Merton High Street would have significant overshadowing and the development would directly overlook the gardens and windows of residential homes.
- Despite numerous attempts to contact the developer, there has been no response.
- The bulk, mass and height failed London Borough of Merton's 2018 Estates Local plan Policy EPH8 as well as policy DMD2 2014 and Merton's 2021 draft plan policy D12.3.
- Main concern was with Plot 1 which would impact the property of the resident.
- If the application was granted, they would engage the Member of Parliament from Richmond and Morden and request this was called into the Secretary of State or for a Judicial Review.

The committee received presentations from Ward Councillor Eleanor Stringer, Councillor Mike Brunt and Councillor John Braithwaite.

Councillor Eleanor Stringer raised points including:

- There was a desperate need for regeneration of the development as well new homes in Merton, particularly affordable social homes.
- The development would deliver 568 additional units, 227 of which were affordable.
- Although the viability report suggested that the number of affordable homes could not be increased, they would be keen to have a condition to keep this under review.
- Height was of concern to residents, particularly for those close by but on the whole the development seemed to be designed to have as low impact as possible on the surrounding area.
- Impact on local economy, community and environment needed to be considered and provision of the community centre was welcomed.
- The Urban Greening Factor fell short of the London guidelines so would like assurances that mature tree removal was limited with a condition which required mature trees to be replaced with mature trees if possible.
- Impressed with the quality and design of the build in design phase one. Councillor Mike Brunt raised points including:
- Welcomed new homes in Merton, particularly near South Wimbledon Tube Station which provided good transport links for residents.
- Despite the outdoor community space provided, there was an emphasis on St John's Church to be the main source of community space which would not be enough considering the increase in properties and residents. More community space provisions and discussions with South Wimbledon Community Association and St Johns Church would be desired.
- There was scope for more community provisions such as the use of the District Scout Association grounds.
- Echoed the concerns of 21 Merton High Street as meters and flues were on the boundary.

Councillor John Braithwaite raised points including:

- Happy to see the development going ahead and residents have been delighted with their new homes.
- Would like to see an absolute minimum of single aspect units.
- Due to the length of time for development, the existing residents should not be forgotten.
- Happy with the cycle storage and would like to see this in the existing blocks.
- Units already built seemed to have designed out a lot of anti-social behaviour.
- Echoed points made with regards to community space.

The committee received presentation from the applicant Brian Ham who raised points including:

- 1.8 billion has been invested in the regeneration of High Path, Eastfields and Ravensbury Estates and to date delivered 155 new homes, all of which have been for either a High Path or Ravensbury Estate families.

- The next 54 homes are well advanced, the first phase at Eastfields will begin soon as well as work on 113 homes at High Path.
- High Path was the largest of the three estates and was crucial to the regeneration programme.
- Changes were made to the original master plan to address challenges such as climate emergency, economics of building new affordable homes, housing policy, construction inflation and house price instability.
- To add further value changes such as fossil fuel free energy systems and an increase in the number of affordable homes were included.
- The proposal was designed to retain many of the master plan principles which included access and movement strategy, the layout and street network, open space and public realm strategies and principles of high quality architecture and landscaping.
- The main revisions involved an amended scale and massing strategy with a net uplift of 568 homes.
- The Merton Regeneration Programme would now deliver nearly 3300 homes and allowed for existing residents to be rehoused earlier which included all social and affordable rent homes.
- Chronic overcrowding has been addressed. An example of a 6 person family who lived in a one bedroom flat would now be placed in a three bedroom duplex during phase 1.
- 40% of the additional homes were affordable with the majority in the social rent tenure.
- Energy Efficiency measures connected to a district heat network, powered by air source heat pumps would deliver fossil fuel free energy.
- The proposal brought an opportunity to build additional affordable homes, improve the financial viability for Eastfields and Ravensbury and would allow existing residents to be rehomed quicker.
- Of the 600 homes from the original High Path Estate, approximately 40% were sold through Right to Buy. Such homes could not be counted as affordable which left only 60% which could be offered as affordable homes.
- A lot of time was spent considering the pros and cons of regeneration as opposed to demolition. Demolition was the option which provided viability for high quality efficient affordable homes.

The Chair invited Councillor Stephen Alambritis, Cabinet Member for Transport, to address the committee who raised points including:

- The regeneration of High Path Estate was not only critical for improved housing conditions across the whole programme but also to provide a pipeline of new housing over the next 10 years.
- The approved master plan provided a network of well designed streets for walking and cycling throughout the neighbourhood.
- The new park was welcomed for residents of the estate and for the whole of South Wimbledon which provided pleasant walking routes between South Wimbledon Tube Station and Harris Academy at Merton Abbey Mills.
- Supported the cycle parking made available for residents and encouraged more EV charging points.

- Transport contributions would be requested towards healthy street improvements in and around the estate
- The most recent tube station to go step free was Moorgate in 2022 and the next station was Knightsbridge in 2023.
- Step free access was wanted for South Wimbledon Tube Station. These plans provided funding for a feasibility study for a second entrance to South Wimbledon Station, leading to step free access.

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

- This was an outline plan application for phases 4-7 of the development and the reserve matter would be submitted in 2026/2027
- In 2018 the Council adopted an estates local plan after working alongside Clarion for five years. Clarion reviewed their homes across Merton to ensure homes were of good sustainability standards and fit for the future which highlighted homes which could not reasonably be brought up to those standards.
- Officers acknowledged and confirmed that the objections from 21 Merton High Street were received and responded to in the Modification sheet.
- Site one did join the neighbouring property and planning officers assessed the impact on the north of the proposed site and south of Merton High street
- Plot 1 of the development, which joined 21 Merton High Street, would extend its height by 2.5 meters. Assessments on daylight, sunlight, overshadowing, height and massing was undertaken and concluded that the 2.5meter height increase did not have a significant impact on the adjoining property.
- Site visits were conducted over a 6-month period to review the adjoining flank wall and gas meter. This was viewed as a reserve matter related to party wall matters and was not a planning consideration, although officers recognised its importance.
- The existing community centre would be replaced at phase two of the development and would be extended to meet modern facilities. Whilst there would initially be a loss of space, a temporary provision would be provided until the permanent one was ready. Up to 750 square meters of community floor space was proposed to accommodate and replace St John of the Devine Church space.
- The proposals accorded with the London Plan Policy S1 and the Core Planning Strategy Policy CS13.
- The urban green factor, based on The London Plan G5, was 0.30 and short of the target of 0.40. When making a balanced decision other factors such as open space created in the public realm needed to be considered.
- As per Section 106 Heads of Terms, officers would review the requirement for a feasibility test by TfL and if required all contributed funds would be spent on the development.
- The London Plan has set guidance on moving to electrical cars but during the lifetime of the development things will change. Adding the infrastructure at this stage may mean that in 5-6 years' time when technology has changed, the development would be set back which could impact viability. Maybe an informative or condition could be applied to ensure continuous monitoring took place.

- Reserve matters would be brought back to members and would include matters such as layout, scale, appearance and landscaping.
- Condition 19, Demolition and Construction Method Statements gave local authority a great degree of control to address concerns raised around dust, emissions and air quality. This condition also addressed noise impact and vibration. This has been complied with during phase 1 of the development.

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

The applicant informed the committee of the following:

- Conversations with St Johns Church took place over a long periods of time and they were currently awaiting a response on their proposals which included a temporary solution as part of phase 3 and a long-term solution as part of phase 6 or 7. At bare minimum St Johns Church will get a replacement of what they currently have.
- Community space would be at the East and West of the development as part of phase 2
- Trees were planted five years ago for the site.
- TfL have requested a contribution of £100,000 for the feasibility study at South Wimbledon Station. Before committing, they want clarification on the likelihood of matters progressing should the feasibility study be carried out and completed.
- An office would be on the site.
- For EV Charging, the power had been put into the infrastructure to meet increased demand. They have not placed all machines yet to avoid vandalism, unnecessary maintenance and evolving technology. The machine would communicate when demand peaked and can be monitored a year in advance of demand.
- EV Charging points was part of a communal system. Costs of installation would be covered by the development.
- In due course, 100% of the disabled parking bays would be EV powered.
- They have not seen any details from TfL on how step free access would be implemented at South Wimbledon Station. It is unclear at this stage how feasible step free access would be.
- Happy to include swift boxes.
- EV charging would be included to 20% of disable parking bays from the outset and as demand increased they would increase the number of EV disable parking bays.
- There would be rapid EV charging points although unsure on the percentage at this stage. The likelihood was that individuals would be using the EV charging points overnight but they would review the evidence and take it from there. The TfL report from 2021 identified around 12.5% of new cars registered in London in 2020 were electric vehicles. Providing 20% upfront still provided more than the predicted demand. Annual travel plan monitoring would also take place.
- Due to the commercial construction industry, they could not give a guarantee on whether they would face the same challenges experienced with

Ravensbury Estate. They were working hard to get the Ravensbury development back on track and were optimistic that there would only be a 4-month delay before completion.

- 30% of residents experienced overcrowding in their old properties, none will be overcrowded in their new properties when they moved in.
- They planned for all residents with existing parking to have parking at their new homes.
- The Design Framework was an element used to design the masterplan and would be used throughout the development to ensure compliance.
- There would be an underground refuse system with large subterranean containers that allowed waste to be dropped through the top. There would also be separate food waste recycling stations available.
- Although the development presented a different management challenge, work was underway to create a business management plan for the estate. Happy to share the management plan with the committee once available.

The Chair moved to the vote on the Officers' recommendation with the following additional conditions and informatives: Votes For – 10, Against – 0 , Abstentions – 0.

CONDITIONS;

- To move towards 100% EV charging bays, there would be a monitoring exercise to stay at least 1 year ahead of demand and a process to allow residents to secure EV charging units within a reasonable timeframe upon request.
- That the submission of management plans be reviewed by the committee annually.

INFORMATIVES:

- Access to the gas meter on 21 Merton High Street be reviewed as a reserve matter
- On site office to also be staffed outside of normal working hours
- Continued monitoring to address concerns raised around dust, emissions and air quality
- Swift boxes to be included in the development

RESOLVED: That the Committee GRANTED Planning Permission Subject to Conditions and Informatives.

7 EDDIE KATZ, 42 STATION ROAD, COLLIERS WOOD, LONDON, SW19 2LP
(Agenda Item 7)

The Planning Officer presented the report.

The committee received presentations from Ward Councillor Mike Brunt and Councillor John Braithwaite.

Cllr Mike Brunt raised points including:

- Would like it guaranteed that a full environmental study of both sides of the river was undertaken to ensure the ecosystem was not disturbed by the construction of the bridge.
- Requested that lighting for residents on the bridge was kept low and that something was in place to stop skateboards and e-bikes from coming straight from the bridge.
- Concerned with the construction period and wanted to know if it was possible for construction to be accessed from the roundabout on Meratun Way, through part of the Sainsburys site, as residents on Station Road have had enough due to ongoing construction in the area.

Councillor John Braithwaite raised points including:

- Supportive of the development due to the number of affordable homes.
- Echoed points made by Cllr Brunt about construction access through Station Road and the effect of traffic, particularly on Abbey Road which was particularly dangerous during traffic.
- Improved cycle and walking access would be welcomed whilst the site was built.
- Overall happy with the scheme.

The committee received presentations from the agent, Giuseppe Cifaldi who raised points including:

- The application was an amendment to the permission granted on 8 November 2022 for 42 Station Road.
- Height, mass and general principle of development had already been found acceptable.
- Since the application was accepted, the site was acquired by Clarion Housing Group and was an integral part of Merton's Regeneration Programme.
- There have been two consultation meetings with residents, most recently in April 2023, where many residents expressed interest in moving to Station Road and selected new homes based on their housing requirements and needs.
- Approvement of the amendments would accelerate the regeneration of Eastfields.
- If permission was granted it was anticipated that construction would be completed by November 2025 which allowed residents to move in 5 years earlier than originally planned.
- Original scheme was granted with 40% affordable housing and only 11 family sized units. The section 73 application was required to change its tenure to an entirely social rented scheme which now provided 24 family sized dwellings.
- Section 73 proposals were amended post submission to include an additional staircase in the northern block with amendments made inline with the governments consultation on fire regulations.

- Other fire safety measures included fire evacuation lifts to both blocks, ventilation extraction lobbies, sprinkler systems throughout, fire doors and fire-resistant materials. Merton's Build Control Officer confirmed the fire strategy as appropriate and in line with regulations.
- The proposal continued to deliver a high architectural scheme with minor external changes in response to the reduced number of units which were found acceptable by Planning and Design Officers.
- The development provided new affordable homes for resident who wished to move from Eastfields.
- The proposal delivered a 100% social rented scheme with a voluntary decant for resident of Eastfields.
- Removal of studio units for larger family apartments was in response to the need of more affordable family homes.
- The revised plan provided a dedicated play area of 306 square meters, 300 square meters of playable landscape across the site, enhanced urban greening, an amended energy strategy to reduce carbon output, maintenance of the pedestrian footbridge and a car free scheme.
- The native British trees had a longer and more enduring impact on the local habitat and was more conducive for wildlife.

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

- Members found the bridge acceptable with the conditions attached to the previous application which addressed ecology concerns. This condition was still to be applicable.
- They would like to place a condition which prevented people from riding through the site
- Part of the road north of the roundabout was privately owned by Sainsburys so they would have to review whether it was feasibly to get a truck into the site via this route, but this would need to reviewed by the applicants architect and the highways team
- They would place a waste management condition to ensure an appropriate system was in place. The plan was that waste was placed in a designated area which was collected and then the waste management team on site would return the emptied bins. The time frame for this would be arranged through the applicants waste management scheme and our waste operatives.
- It was not a policy requirement to provide a cycling hub, only to provide secure accessible storage space.
- There was a concern of the terrace going. The positioning was never great at the back of the building on the north side. The applicants were concerned that with more children there was an increased risk of accidents.
- The applicant wanted to balance the quantity of trees with quality of trees. They planned to put in native British trees which needed more space amongst them, so although there were less trees they were of better quality. The trees would be semi-mature heavy standard sized trees as well as shrubs.

- Details for Swift boxes was passed on to the applicant. They investigated whether hedgehogs were conducive to riverfronts and had an ecological management plan in place to ensure there was green uninterrupted space.
- NPPF clause as stated on page 135 of the report would give the committee grounds to refuse an application if it was felt that there was a failure to maintain its standards, but justification would need to be considered.

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

The applicant informed the committee of the following:

- The bridge was an obligation from the first application and a requirement from the Council.
- They have continued negotiation with the land owners and were happy for a condition to be included in relation to site access near the roundabout if this was possible.
- Food waste bins would be provided.
- A dedicated site office was not intended for this site and would be facilitated from High Path Estate, 5 walking minutes away. There was an existing operational office on the ground floor of High Path which would be maintained until a bigger office was available.
- They intended to have a cycle hub which would be looked at further at a later stage of development.
- There were 48 requests to move into the new apartments. If residents preferred a house they had the option to wait for when houses were available as Eastfields was developed.
- The development would be 100% social rent that decants across Station Road, with no leaseholders or freeholders. Out of approximately 400 residents, 48 families expressed that they would like to move into Station Road. The move would be on a voluntary basis so it may be that those families did not require a car and preferred to be closer to transport links. Those with cars would have alternative choices.
- They only retain the initial nomination rights to facilitate the decant of existing residents. Anything above that, Merton Council would have nomination rights for.
- There would be 500 square meters of commercial space in Station Road so if management felt there was a need to have a presence there this would be considered. All reasonable endeavours would be explored to have an active cycle hub on the premises which would be a great fit.
- They gave reassurance that some form of cycle calming installation would be put in place at the bridge.
- With more families than planned in the original application and an increased risk of having children on the then planned terrace, they took a view that it was unsafe and would impact the apartments immediately adjacent and overlooking that roof terrace. Instead, they introduced a play trail at ground level in addition to the play space.

- The play space was enhanced from what was previously deemed acceptable. The space increased from 200 square meters to 306 square meters and in addition had trail routes around the site. They were happy for a condition to be added to further discuss the like for like aspect of the play facilities.

The Chair moved to the vote on the Officers' recommendation and the below condition which carried: Votes For – 10 , Against – 0 , Abstentions – 0.

CONDITIONS:

- Waste collection would be managed through the waste management plan
- Reasonable endeavours for a cycle hub infrastructure
- Swift and insect boxes with further ecology measures to be included
- EV parking to be provided for 1 of the 3 disabled parking spaces which would increase to meet demand
- A detailed report on the play space facilities to ensure features are like for like
- Submission of a management plan of the site office which details how residents would have access to support when needed
- Appropriate gates for cycle access

RESOLVED: That the Committee GRANTED Planning Permission Subject to Conditions

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

The report was noted.

9 CLARION WANDLE BRIDGE CONSTRUCTION (Agenda Item 9)

In order to deliver the footbridge, consent was required from Sainsbury's and Merton Highways. To date an oversells licence was secured with Sainsburys and an easement was in position to pass the footbridge over that part of the river. There was an outstanding easement with Merton Highways which they were chasing and was the only required consent needed.

The design of the bridge was ongoing with their design team and looked at safety, lighting and environmental impact which formed part of the conditions already in place.

The designs would be shared with the committee in 6 months time. The intentions of the footbridge were for people to dismount off their bikes and carry it over the bridge.

10 PLANNING APPEAL DECISIONS (Agenda Item 10)

This item was deferred.

11 GLOSSARY OF TERMS (Agenda Item 11)

12 MODIFICATION DOCUMENT (Agenda Item 12)