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DEVELOPMENT AND PLANNING APPLICATIONS COMMITTEE

14 SEPTEMBER 2023
(7.21 pm - 8.47 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, Councillor Martin Whelton and
Councillor Kirsten Galea

1 APOLOGIES FOR ABSENCE (Agenda Item 1)

Apologies for absence were received from Cllr McGrath with Cllr Galea in attendance as substitute.

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 24 August 2023 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.

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 SELBRIDGE COURT 35 PRINCE'S ROAD WIMBLEDON LONDON SW19 8RH (Agenda Item 5)

The Planning Officer presented the report.

The committee received presentations from one objector who stated:

- The upward development was inconsistent with the height of surrounding houses and impacted the conservation area. The development on 51 Princess Road was limited to two storeys for this reason and fitted the street scene well.
- Despite proposing a car free agreement numerous residents would still be able to park at the back in the private car park which only has 6 numbered bays. This would push existing non car free residents onto the road, generating additional parking pressure in the area.
- The summary of the daylight report stated non-compliance of BRE recommendations with respect to window 55 at 33 Princess Road, which was a bedroom window of the neighbouring house and therefore considered a principal room. In addition, all eight neighbouring properties lost daylight which was unacceptable.
- No assessment of structural suitability or resident safety was completed.
- Those who would benefit from the development were involved in the cladding crisis.

The committee received representation from Ward Councillor Cllr Anthony Fairclough who raised points including:

- The lack of a five-year land supply was a failure and made it difficult to refuse applications although it was not impossible, as shown in para 7.18 of the report.
- Based on NPPF para 120, Merton's policy CS14 and DMD2I an explanation on if and why the application showed consistency with prevailing height, how it contributed to Merton centres place and identity and if and how it related positively to the surrounding properties. If not, the application may not be consistent with planning rules and falls within the exception described at 7.1.8 and should be rejected.
- Would like to hear if the development had a negative impact on neighbour amenities such as loss of light, quality of life conditions, visibility and noise to existing and neighbouring properties as per DMD2 of the policy plan.
- As per DMD2A13, how are these being met.

The committee received representation from the applicant Kate Matthews who raised points including:

- Proposal will provide high quality dwellings in a highly sustainable location and accord with many local plan policies.
- The team engaged in preapplication discussions to discuss the proposed set back and to overcome the previous reasons for refusal.
- There was other four storey blocks in the area and the setback proposed ensured no harm to the streets scene or setting to the nearby conservation area.
- The southern side of Princess Road had a fragmented character which gave height variation, which this proposal would be consistent with.
- Given the presence of other four storey blocks, they believe the proposed height would be appropriate. The significant setback of 2.7m from the front bay played a part in making the application acceptable and ensured the development didn't appear too dominant on the street scene.

- The proposed set back was guided by the approved scheme at 19 Princess Road. This would be a similar 3 storey purpose-built block of flats where an additional floor was proposed.
- The building was in need of a new roof and the scheme would provide several other enhancements to communal areas.
- Several zoom calls were held with leaseholders before the applications was submitted.
- The scheme would be developed using modular construction with the apartments completed offsite in a factory in North Yorkshire, significantly reducing the length of time on site to hopefully a maximum of 12-18 weeks.
- The scheme was in accordance with parking policy, supported by a transport assessment completed by TPP.
- Having an excellent PTAL score, the London Policy required new dwellings to be car free. Future residents would not be able to obtain parking permits on site.
- The applications were supported by a daylight and sunlight assessment and they already discussed the one bedroom window which did not comply, noting that 203 other windows were assessed which did comply.
- A balancing act was needed but the extension to number 33 already considerably impacted the light to this window and therefor the BRE guidance acknowledged that some further reduction may be unavoidable.
- The scheme offered environmental benefits such as enhanced insulation and a green roof.
- Officers reviewed the scheme in detail and found it acceptable.

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

- Street scene and the conservation area was raised and looked at closely. The conservation area boundary was opposite the site, starting halfway on the road and went back towards South Park Gardens which meant the row of houses opposite were set back from the gardens. There was an element of judgement in terms of the scheme, so design changes have been key and have set the extension further back from the front elevation, mitigating visual impact of the proposal.
- In relation to daylight and sunlight impact, the report outlined that one of the windows affected the most was already enclosed by the occupant's own extension so it would be unreasonable to warrant a rejection on a scheme that delivered four new units.
- Structural suitability would be a building control matter, but a construction method statement has been imposed via a condition which included measures to mitigate impact on the construction process.
- Highway colleagues were consulted in relation to safety measures.
- There were similar upward extensions in the surrounding area, some of which went through via the prior approval process and one under the planning application process, so single storey extensions had been accepted on some of the buildings in the surrounding area, each assessed on their merits. Two storey upward extensions have been dismissed on appeal by planning

inspectors but overall, they felt that the single storey upward extension was acceptable in this street.

- Modular construction was designed to speed up the construction process. Construction would take place off site and once delivered to the site, craned up to roof level. This approach would be what they are looking for as detailed in the report and discharge condition for the method of construction statement.
- Benefits to modular construction would be the speed of construction. A non-benefit would be that a crane may be required to park at the front so a parking suspension may need to take place to allow the lifting over the pavement onto the roof. Our highway authority will be consulted on this, and the applicant would require a separate licence if this was needed.
- Reasons for refusal on the prior application as detailed in the modification sheet, showed that the reason for refusal was not on visual impact but due to a technical reason on the helipad. Had it not been due to the helipad issue the application would have gone ahead.
- The conservation officer was not consulted on this application as was outside of the conservation area. Giving the planning history of the site, they were happy that the view of the conservation officer wasn't needed.
- In relation to noise insulation measures, environmental health may ask for specific noise insulation on a planning application for example, for a proposal of a commercial gym under existing flats. However, when it is residential above residential it is generally left to building control building regulations which is why there hasn't been anything specified in the planning report.
- There was a short fall in space standards to the outdoor amenity space for the two bedroom flats at the rear of the property. Although disappointing, they don't think they can object to the scheme overall given that it delivers four flats and was centred around the existing stair core.
- Some of the objections were from existing occupiers.
- With regards to the Ecology Management Plan, the plan included a green roof and with all new housing proposals they try to make enhancement to biodiversity where they can. The flat roof of this development did provide further opportunities.

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

The applicant informed the committee of the following:

- For the existing flats, they had not considered enhancements to ventilation as they were owned by leaseholders. However, the additional roof would have enhanced ventilation. Part of the refurbishment of the external elevation was to reclad below the windows. This would be fairly minimal and would enhance ventilation to those areas also.
- The enhanced insulation would mean that the flat below would be insulated from the floor above it. The ventilation for the new flats would be considered as part of a whole house ventilation of mechanical ventilation heat recovery systems.
- There were 15 parking spaces. The objector stated that some of the garages may be privately leased and not used for parking, but this would be outside of

their control. It's not proposed that the new flats would be given parking spaces but understood there were two parking spaces for visitors, so there could be flexibility with those spaces. If existing residents were concerned, they considered placing bollards to protect their private space, but this would have to be agreed separately outside of planning.

- They agreed to look at EV charging points and would discuss this further during the process.
- Four zoom meetings took place with the existing leaseholders to explain the proposal, how it was going to work and to gain their feedback. The design was then modified to accommodate resident concerns and thoughts.
- The modular construction system would have an independent floor structure so that it can sit on top of the existing roof. This enabled them to maintain the waterproofing of the existing roof, gave a service void to run the existing services from the flats below and to run the services to the new flats. There would be a 200mm void between the top of the roof of the existing building and the underside of the floor of the new flats, which gave sound insulation due to the separation.
- They would have a construction liaison officer and have liaised with the freeholder.
- One of the changes made based on leaseholder feedback was to refurbish the internal common parts areas.
- Amenity to the back is 5.3 meters and according to the London Plan it should be 6 meters. There was also a shortfall in the previous scheme.
- There was a communal grass area which residents could use, and it was likely that new residents would use their balconies. The hope was that this would make the shortfall acceptable.
- The existing building had a single staircase so there was no possibility of installing a lift. To provide disability access above and beyond what was already provided would not be possible.
- They would be happy to enhance the landscaping if that was wanted.
- They would not object to swift boxes and further ecology elements.

The Chair moved to the vote on the Officers' recommendation with the following additional conditions and informatives: Votes For – 6, Against – 2 , Abstentions – 2.

CONDITIONS AND MATTERS TO BE INCLUDED IN s106 AS AMENDMENTS AND ADDITIONS TO THOSE SET OUT IN OFFICER'S REPORT:-

- All reasonable endeavours to secure the maximum number of EV charging points, with the consent of existing residents.
- All reasonable endeavours to enhance the greenspace, with consultation of existing residents.
- No heavy or noisy construction works on a Saturday.
- Reasonable endeavours to ensure ventilation was adequate for at least the existing top floor of the building.
- Swift boxes to be included.

INFORMATIVES:

- Enhance the protection of parking for existing residents.
- Engage with residents via a Resident Liaison Group during construction.

RESOLVED: That the Committee GRANTED Planning Permission Subject to Conditions and Informatives and the conclusion of a s106 Agreement.

6 PLANNING APPEAL DECISIONS (Agenda Item 6)

The report was noted.

Cllr Billy Hayes raised a query in relation to contaminated land at an old substation site which had been there for a while and asked for there to be a paper trail to confirm that questions had been asked and answered.

The chair of the committee confirmed that this would be done, and an email would be sent to committee members with an update.

7 PLANNING ENFORCEMENT - SUMMARY OF CURRENT CASES (Agenda Item 7)

The report was noted.

8 GLOSSARY OF TERMS (Agenda Item 8)

9 CHAIRS PROCEDURE GUIDE (Agenda Item 9)

10 MODIFICATION DOCUMENT (Agenda Item 10)