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DEVELOPMENT AND PLANNING APPLICATIONS COMMITTEE

25 APRIL 2024
(7.15 PM – 22.20 PM)

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

ALSO PRESENT Stuart Adams (Area Manager), Leigh Harrington (Planner),
Raymond Yeung (Planning Enforcement Team Leader), Richard
Seedhouse (Democratic Services Officer)

PRESENT James Felton (Lawyer)
ONLINE

1 APOLOGIES FOR ABSENCE (Agenda Item 1)

Apologies for absence were received from Cllrs Whelton and Butcher, Cllrs Kaweesa and Neaverson attended as substitutes.

2 DECLARATIONS OF PECUNIARY INTEREST (Agenda Item 2)

A Declaration of interest were made by Cllr Foley, as a member of societies who'd written objections to items on the agenda, however would remain open-minded.

3 MINUTES OF THE PREVIOUS MEETING (Agenda Item 3)

RESOLVED: That the minutes of the meeting held on 14 March 2024 are agreed as an accurate record, subject to the amendment of a typo on page 2, "slop" should read "slope".

4 TOWN PLANNING APPLICATIONS (Agenda Item 4)

5 58 - 62 HAYNT WALK, RAYNES PARK, SW20 9NX (Agenda Item 5)

The Planning Officer introduced the report.

In response to questions it was confirmed that:

- The Officer was content with the arrangements for bins, there was sufficient space, which will have a different coloured paving to highlight to residents where to put bins for collection
- The signage for the refuse store has been agreed
- 3 units have their own cycle storage in their gardens, 4 units in the centre of the terrace would use a shared storage at the end of the mews
- The buildings are designed to be accessible for disabled residents, toilets and shared spaces are designed in accordance with such provisions, the lifts to the upper floors could be added by purchasers if desired
- All the properties will have an EV charging point

Members commented that

- The development is a good example of the aims of the local plan, includes biodiversity provision and is appreciated
- This is an excellent development with a cautionary approach to overlooking without impacting the design

The Committee unanimously agreed the plan, conditioning signage for waste refuge and vehicle entry/exit. Each property to have its own standard, not overnight, EV charger.

6 11 STREATHAM ROAD, MITCHAM, CR4 2AD (Agenda Item 6)

The Area Manager, Development Management introduced the report

Cllrs Irons and Akyigyina spoke to the Committee highlighting the following points:

- Residents have expressed concern about tenants placed at the property, effectively making the premises an unregulated care home, the previous tenant caused a lot of anti-social behaviour with police attendance numerous times
- While the developer has said that it won't be a care home, they haven't consulted with neighbours or addressed the impact of such a facility without regulators in the building
- There are a lot of HMOs in the area, residents are not consulted and the tenants have a history of causing problems for other residents in the area.

It was confirmed by officers that:

- Residents have been taken into consideration, but officers are obliged to follow the planning principles. There have been several conversations with the applicant and have assurance in writing that this property won't be a care home. Enforcement teams can be sent to investigate should it become apparent that that is not the case.

In response to questions it was confirmed that:

- The previous use of the premises were operating under a different classification which did not require permission. The application has to be considered under the criteria relevant to the current application
- Enforcement Manager had visited in December 2023 and confirmed that carers were on site, with one individual in the property. A February 2024 visit showed a layout for 6 persons, but no evidence of anyone staying there at that time. As far as officers are aware, it's not being used as a care home
- All the rooms are single aspect, the constraints of the site don't allow for more.
- It is not known when the astro turf was installed instead of natural grass
- The kitchens are small, but they do comply with requirements
- The number persons in the HMO has been updated, and is now only for five, if the developer wished to change that, they would need to reapply, and they do need a separate licence from housing to be an HMO.
- Enforcement teams can be deployed to make checks and ascertain compliance
- From a planning perspective, it is difficult to quantify anti-social behaviour, but part of the licence agreement which they will need to get from the Housing Department, will cover ASB and how to handle it. Further action can be taken if the landlord does not deal with it, but it is not a planning criteria
- Enforcement can visit as often as required. Housing also inspect properties

Committee members commented that:

- There did not appear to be a planning reason to object
- Call-ins were an important part of the planning process, and could highlight how developers needed to improve
- Regular inspections will be required at this property to satisfy members that it is complying with conditions
- The Planning Policy constrains how members can vote
- Policy D3 could apply, the location of the kitchen might not satisfy criteria for comfort, Policy G6, requires a biodiversity net gain, but the grass has been changed to astro turf
- There were concerns about undermining the policy if the application were agreed

Members agreed to the application subject to

- adding in a condition on biodiversity,
- adding in an informative so that papers and minutes of this meeting be tied to any future application
- request licensing to review compliance in areas not under planning control
- protect the Poplar tree if in good health

Members voted, 4 against, none not voting, and 5 + chair in favour of the application.

7 18 - 22 CROWN LANE, MORDEN, SM4 5BL (Agenda Item 7)

Planning Officer introduced the report

Members of the Public spoke on the application

- They welcomed investment in Merton, but did not feel this was the right project
- The cons outweighed the benefits
- The traffic at the junction is already a challenge, more taxis will exacerbate the situation, no parking for residents, and deliveries may force cars to park elsewhere.
- The footpath will be reduced to accommodate planters
- The windtunnel effect is already apparent, the surveys appear to misrepresent the situation
- The property overlooks gardens
- 67% of the frontage is along Windermere, a residential street
- The property is too high and its mass is too great for the location, the lived reality does not match the details in the reports.

Cllr Mercer spoke on the application, highlighting the following points:

- All buildings nearby are 2 storeys high, Morden Station is 4 storeys
- Planning policy should avoid large discrepancies, there are no other high rise buildings in the area, this building will add 7 storeys abruptly and inappropriately
- Residents are keen for redevelopment, but not this. The civic centre should be an exception

The applicant highlighted the following points:

- This will be an 87 bedroom, part 4 storey, part 7 storey building
- 2 public consultations have been held, which were well attended, demonstrating a local desire for change
- The developers have listened and reflected opinion in the scheme
- The premises will be highly accessible to bus and tube stations nearby, will bring investment to Morden and job opportunities for local people

Officers informed the committee that:

- Most residents are expected to arrive by public transport rather than taxis or private vehicles.
- No articulated trucks will attend the premises, only food and linen service deliveries

In response to questions it was confirmed that:

- Living wage for workers on the development of the site is up to the applicant
- The travel plan for staff and residents makes clear that there's no parking and only 2 disabled bays, there are other parking options in the area
- There will be trucks delivering/collecting linen twice a day

- TfL are responsible for approving construction delivery and service plans and setting when vehicles can come and go
- BRE accepted guidance allows 2 hours of light for neighbours
- Public access to toilet provision is a matter for the applicant.
- The Council cannot conduct its own wind survey, have to rely on evidence provided by the applicant. The survey does not say that there is not a wind issue in the area, only that the building will not worsen any existing state
- The closest properties are 25m away

The applicant confirmed that:

- The main contractor will be responsible for wages, can't say how much workers will be paid
- An industry recognised programme was used to 3d model the impact of the building on wind, the analysis allows a comparison with what happens now, it considers annual data and during higher wind months. The modelling cannot take into account infrequent events or particularly strong gusts.
- Climate data comes from Heathrow and London City Airports, over a number of years, to inform the model
- A condition could give authority control over signage on the building

In response to questions it was confirmed that:

- 2009 proposal to change the site to a car hire facility was refused as it was a 24 hour operation, while the hotel will be open 24 hours, most guests will be in bed before midnight,
- A taxi rank would be a distinctively different use attracting late night revelers from in town
- The hotel is expected to be used for a hotel chain, nothing suggests it could become temporary emergency house for immigrants.
- It's 30 minutes to central London on the tube, similar to travel from Marylebone

The applicant informed the committee that:

- Vehicle movements will be limited, and would accept a condition to address concerns, it won't be like amazon/couriers to residences which can come at any time
- No issues in general with a limitation on weekend working if it's common practice to do that

In response to further questions it was confirmed that:

- There's an area allocated on the drawings for signage, the occupant would be confined to that area
- Deliveries would be expected to avoid peak times, and require a consultation with TfL
- Delivery drivers are not expected to try to navigate Windermere Rd,
- The living wall can be conditioned with a design to be submitted for approval

- 106 agreement for toilets has to pass the test to make the development acceptable, it would not be reasonable to say that hotel would not be acceptable without a public toilet.
- Smoking areas would be a decision for the occupant
- There is no definite policy on building heights in Merton
- It would be an operational decision, rather than a planning matter, on whether toilets in the restaurant were open to non-customers
- The first iteration of the plan was for 9 storeys, it was then scaled back with stepping, the distance to neighbouring gardens is acceptable in planning terms
- Future schemes unrelated to this plan would need to consider their impact on wind and prepare their own mitigation

Members commented that:

- The development is next to the town centre and edge of the regeneration zone, which has yet to receive any regeneration. The 2014 development plan supports this kind of development. Would like to see the Victoria building stones incorporated in some way
- This is a positive application and welcome
- There's a lot to like not against the hotel, but it is a big jump from 1920s housing to a large landmark hotel. Concerns around congestion and wind remain
- It is positive that residents are for regeneration, but regeneration requires commercial interest.
- This could be a catalyst for development, tourists will stay in Morden knowing they are close to central London

The following conditions were agreed:

- Amendment to include a green wall at the rear, and details of ongoing maintenance to officer satisfaction
- Applicant and operator to bring forward plans around delivery windows/times
- Tree planting in Windermere to be reviewed by a tree officer
- Informative to ask the developer to incorporate the Victoria Building flagstones
- Swift boxes
- Foul water details to be added

Members voted, 1 against, 0 not voting, 8 and the chair in favour

8 UPDATE REPORT - PROVISION OF FOOTBRIDGE AT 42 STATION ROAD, COLLIERS WOOD (Agenda Item 8)

The Committee was informed that footings were going to go on council owned land, agreement is with solicitors and waiting for the Clarion application for footings which will allow the council to know exactly what is planned.

Council is agreeable to a deed of easement, but wants control over what is built on the land

ACTION – Officers were asked to prompt Clarion for a response.

9 PLANNING APPEAL DECISIONS (Agenda Item 9)

The committee were informed that 2 appeals were heard

7 Streatham Rd is subject to enforcement action, due to a substantial outbuilding, the inspector did not agree with appellants justification, and agreed with the refusal of certificate. Planning Enforcement team in discussion with the legal team on next actions

1800 London Rd, conversion of an office to a one bed flat was allowed, the inspector considered that the loss of office space wasn't an issue as the ground floor had been extended and therefore little reduction in commercial floor space.

LGO ruled on a complaint linked to LESSA, and found that the complaint had been made after 12 months and would not apply discretion, there had been ample time to make a complaint.

10 PLANNING ENFORCEMENT - SUMMARY OF CURRENT CASES (Agenda Item 10)

The Committee were informed that cases were largely a repetition of those already discussed, one new case involving a breach of conditions.

Burn Bullock incident will be updated after the meeting.

Members appreciated the support from the Council and Emergency Services who dealt with the fire on the night. Residents are still dealing with the effect of what happened to a treasured, listed building. It is important to wait for the facts and will then be able to provide more information to local residents and the wider community.

11 GLOSSARY OF TERMS (Agenda Item 11)

12 CHAIR'S PROCEDURE GUIDE (Agenda Item 12)