

Agenda Item 3

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PLANNING APPLICATIONS COMMITTEE

16 MARCH 2017

(7.15 pm - 0.30 am)

PRESENT Councillor Linda Kirby (Chair), Councillor John Bowcott,
Councillor Philip Jones, Councillor Andrew Judge,
Councillor Najeeb Latif, Councillor Peter Southgate,
Councillor Geraldine Stanford and Councillor Imran Uddin
Councillor Steven Crowe and Councillor Laxmi Attawar

ALSO PRESENT Councillor Charlie Chirico, Councillor Danial Holden, Councillor
Abdul Latif
Neil Milligan, Jonathan Lewis, Sue Wright, Christian Loveday,
Lisa Jewell

1 APOLOGIES FOR ABSENCE (Agenda Item 1)

Apologies for absence were received from Councillor Abigail Jones

2 DECLARATIONS OF PECUNIARY INTEREST (Agenda Item 2)

There were no declarations of pecuniary interest.

Councillor John Bowcott made a statement to inform the Committee that he Chaired the Design Review Panel meeting that considered Items 11 and 9 on this agenda but he did not take part in the debate or vote on the proposal

3 MINUTES OF THE PREVIOUS MEETING (Agenda Item 3)

RESOLVED: That the minutes of the meeting held on 9 February 2017 are agreed as an accurate record.

4 TOWN PLANNING APPLICATIONS - COVERING REPORT (Agenda Item 4)

The published Agenda and Supplementary Agenda tabled at the meeting form part of the Minutes:

Supplementary Agenda: A list of modifications for agenda items 5, 8, 9, 10 11, 12, 13, 14 and 15 were published as a supplementary agenda.

Items 6 and 16 was withdrawn from the Agenda prior to the meeting.

Verbal Representations: The Committee received verbal representations detailed in the minutes for the relevant item.

Order of the Agenda – The Chair amended to order of items to the following:
11, 5, 13, 8, 9, 14, 7, 10, 12, and 15

5 86 THE BROADWAY, WIMBLEDON, SW19 1QG (Agenda Item 5)

Proposal: Removal of condition 2 (restricting use of part of rear curtilage to staff parking only) attached to application 92/P0654 relating to the change of use of ground floor from shop to restaurant. Removal of condition 2 sought in order to allow use of rear curtilage as an external dining area in association with the existing ground floor A3 restaurant use.

The Committee noted the officer's report and presentation, additional information in the Supplementary agenda, verbal presentations from three objectors the agent for the application, and ward Councillor Charlie Chirico

The Objectors raised residents' concerns including:

- The acoustic survey is based on adults speaking and does not take into account laughing, or the voices of children
- Application has been refused previously and position of neighbours has not changed
- How will the restaurant be able to enforce all conditions placed on it, especially with regard to keeping the doors closed when these will be in constant use

The Agent to the application asked the committee to note points including:

- Unlike the previous applications, a full acoustic assessment had been undertaken
- an acoustic screen was proposed around the dining area
- Conditions had been agreed with officers, including a limit on numbers of diners, no music, no cooking, details of hard surfaces, control of lighting, doors to be kept closed, no bar
- The applicants wanted to focus on dining not drinking

Councillor Chirico made points including:

- Application was unacceptable for Wimbledon Broadway
- The noise produced by such a dining area would be unpredictable
- The acoustic screen had no roof
- The doors could not be kept closed
- There were no details of how the applicant would enforce the conditions

In response to Member Questions, the Planning Officer replied:

- The retention of parking space cannot be justified as there is no vehicular access, despite the photo showing a scooter parked there
- No other licensed premises in that section of the Broadway have an outside area.
- There is a residential flat on the 2nd floor of the property and on the first floor of the adjoining commercial unit with an outside amenity space in close proximity to the yard

A motion to refuse the application was proposed and seconded by members.

The reason for the refusal was that the proximity of the garden to residential properties in the area would have an unacceptable adverse impact on the living conditions of neighbouring residents, due to increased noise and disturbance contrary to Council Policies.

RESOLVED

The Committee agreed to:

1. REFUSE the application for the following reason:

The variation of Condition 2 of planning permission 92/P0654 dated 01/09/1992 to allow outside customer seating for a temporary trial period of one year, by reason of the proximity of the garden to residential properties in the area would have an unacceptable adverse impact on the living conditions of neighbouring residents, due to increased noise and disturbance and would be contrary to Adopted Merton Unitary Development Plan (October 2003) policies BE15, BE23 and SE8.

2. DELEGATE to the Director of Environment & Regeneration the authority to make any appropriate amendments in the context of the above to the wording of the grounds of refusal including references to appropriate policies

6 96-98 THE BROADWAY, WIMBLEDON, SW19 1RH (Agenda Item 6)

WITHDRAWN FROM THIS AGENDA

7 POLKA THEATRE, 240 THE BROADWAY, SW19 1SB (Agenda Item 7)

Proposal: Erection of two-storey rear extension and first floor projecting front extension, removal of ground floor projecting shopfronts and replacement with new shopfronts with canopy over front forecourt. Internal alterations including amalgamation of café and restaurant at front of site and creation of outdoor play area.

The Committee noted the officer's report and presentation and a verbal presentation by Councillor Abdul Latif, Ward Councillor.

Members asked officers to add a condition regarding traffic flow on the Broadway during construction.

RESOLVED

1. The Committee voted unanimously to GRANT Planning Permission subject to the conditions within the report and an additional condition regarding traffic flow on the Broadway during construction.

2. DELEGATE The exact wording of this additional condition to the Director of Environment and Regeneration

8 1-5 CARNEGIE PLACE, WIMBLEDON, SW19 5NG (Agenda Item 8)

Proposal: Demolition of 6 x houses and erection of 6 part two, part three storey townhouses with accommodation at basement level (existing pedestrian access linking Parkside to Heath Mead to be maintained)

The Committee noted the officer's report and presentation, additional information in the Supplementary Agenda, verbal presentations from two objectors to the application and the Agent to the applicant.

The Objectors made comments including:

- The path is very important to many local residents and must be kept open through the development phase
- Will there be a legal obligation to provide this footpath?
- Metropolitan Land needs to be protected
- This development is inappropriate in this area

The Agent said that they were committed to provide a 2m wide path at all times during and after development. The development would provide a mix of family sized homes

In answer to comments made by the objectors and Members the Planning Officer answered:

- The legal agreement would ensure that a 2m wide foot path would become a permissive route available to the public at all times and that the phasing condition was aimed at ensuring that any need to close the route during construction was obviated if at all possible
- A condition can be added to require this path to be suitably lit
- Any trees lost will be replaced by trees of a mature size.
- Permitted development rights have been removed from the proposed houses
- The design of the proposal does respect the Metropolitan Open Land

RESOLVED

1. The Committee voted unanimously to GRANT Planning Permission subject to conditions within the published report and an additional condition requiring lighting to be provided on the new path.
2. DELEGATE the wording of the additional condition to the Director of Environment and Regeneration.

9 AELTCC, CHURCH RD, WIMBLEDON, SW19 (Agenda Item 9)

Proposal: Demolition of existing 5 x covered tennis courts and erection of a new building comprising of 6 x indoor courts and associated facilities, 6 x outdoor tennis courts, single storey basement for parking (up to 338 vehicle spaces and 60 cycle spaces), 9 external covered car parking spaces, relocation of chiller plant (which services centre court roof) and associated equipment, associated landscaping, hardstanding, access roads, boundary enclosures and amended access arrangements.

The Committee noted the officer's report and presentation, additional information provided in the supplementary agenda, verbal presentations by two objectors to the application and a verbal presentation by the applicant

The Objectors raised residents' concerns, particularly in relation to noise and possible health risks from the chillers and associated electrical plant and further noise generated by the proposed clay tennis courts 1 and 2.

In response to comments made by the objectors and questions from members regarding noise generated by the proposal, the Planning Officer responded:

- The Chiller Plant – is only in operation for the two weeks of the Championships per year, and is already in a position that has a similar proximity to residential properties
- The Electrical Sub-Station – will be set down within the landscaping, it will be enclosed and have a green roof. Noise levels of the chiller plant and associated plant are to be monitored by condition.
- Use of Courts 1 and 2 – Environmental Health Officers have agreed that by limiting the hours of use, and implementing, by condition, a court management strategy that favours the use of courts 3,4,5 and 6, noise from these courts will be within acceptable limits.

RESOLVED

The Committee agreed that subject to no direction to the contrary following GLA stage 2 referral, GRANT planning permission subject to s.106 agreement and conditions.

10 122 COPSE HILL, WEST WIMBLEDON, SW20 0NL (Agenda Item 10)

Proposal: Demolition of existing residential dwelling and the erection of 2 x 5 bed dwellinghouses

The Committee noted the officer's report and presentation.

RESOLVED

The Committee voted unanimously to GRANT Planning Permission subject to conditions

11 25 HIGH PATH, WIMBLEDON, SW19 2JL (Agenda Item 11)

Proposal: Land to the north and east of Marsh Court, Pincott Road, bound by High Path, Pincott Road, Nelson Grove Road and Rodney Place inclusive of garages, Marsh Court Play area and The Old Lamp Works, 25 High Path, London, SW19 2JL

The Committee noted the officers report and presentation. The Planning Officer asked the Committee to note the additional information in the Supplementary Agenda, and explained that these were effectively a fine-tuning of the conditions and an amplification of certain planning matters. The Chair allowed Committee members a five minute break to read this additional information.

The Committee received verbal representations from three objectors and the applicant.

The objectors raised residents concerns including:

- Concerns about the developer's record on building maintenance
- Fails to meet Mayor of London's standards
- New development will cause overlooking, noise pollution and emissions above standard

The Agent raised points including:

- The proposed development would contain 134 homes, all would be offered to current residents. 60% would be socially rented.
- The new homes would be matched to the needs of residents, including adaptations for residents with disabilities

Members thoroughly discussed the application and asked questions of the Planning Officer and Transport Planning Officer based on the information in the report and in the Supplementary Agenda. The discussion followed the Planning Considerations from the officers report:

Principle of redevelopment

- The Old Lampworks part of the site is identified in the Sites and Policy plan for residential use or for non-residential institution uses such as a clinic/nursery. The application does not have to protect scattered employment sites. There is no planning policy protection afforded to garage sites on housing estates.

Demolition of existing buildings and loss of existing uses

- The site currently provides lock up garages which are not protected by policy

Affordable Housing

- Members welcomed the high level of socially rented and family sized housing in the proposed development, and the fact that this was for existing tenants.
- Members noted that in subsequent applications for this estate as a whole, the affordable housing and unit size mix will be different

Layout

- Members asked about the comments of the Design Review Panel and noted that the applicant had made changes to the routes through the estate and the landscaping that tackle the concerns of the DRP.

Scale, bulk and massing and impact on locality

- The Planning Officer explained that the proposals provided a number of housing typologies that related well to the surrounding context of the various elements of the site and picked up on the townscape objectives in the Council's draft local plan.
- One member expressed frustration that the developer had not provided adequate presentation materials to show this application and future developments on the estate as a whole
- Another Member commented that from the elevations provided, the north-south path and landscaping was a very attractive concept.

Children's Playspace

- Members were keen to ensure that adequate playspace was constantly available during all phases of the development
- Members noted that the condition requiring the improvements to the open spaces on the estate did not have a trigger for implementing the works and asked that this was somehow integrated into the condition.

Daylight, Sunlight and Overshadowing

- Members noted that 11% of the units proposed fall below BRE standards for sunlight, but that Officers recommended that in this urban setting this figure was acceptable.

Construction phase

- Members noted that there were very strong conditions in place to prevent disturbance to residents during the construction phase.

RESOLVED

The Committee

1. voted to GRANT Permission subject to any direction from the Mayor of London, the completion of a section 106 agreement and conditions

2. requested that the relevant condition was amended to ensure that there is a constant provision of playspace.

12 LAND ADJ TO BRIDGE, 314 KINGSTON RD, SW20 (Agenda Item 12)

Proposal: Installation of two charge points with feeder pillar and two designated electric vehicle parking spaces (Retrospective application).

The Committee noted the officers report and presentation, and that other parking spaces were still available in the area.

RESOLVED

The Committee voted unanimously to GRANT Planning Permission subject to conditions

13 8 LAKE RD, WIMBLEDON, SW19 7EL (Agenda Item 13)

Proposal: Demolition of existing buildings and erection of two blocks of flats comprising 26 residential units, together with associated parking and landscaping.

The Committee noted the officers report and presentation, the additional information in the Supplementary agenda, verbal representations from three objectors, a verbal presentation from the agent, and a verbal representation from Ward Councillor Daniel Holden

The Objector raised residents' concerns including:

- Overlooking and loss of privacy, caused by proposal, to neighbours
- Would prefer family homes to be built on the site
- Excessive and dominating bulk and massing of the proposed development

The Agent raised point including:

- High quality sustainable design
- Neighbours were consulted
- Separation distances are suitable and obscure glazing will be provided to protect neighbour privacy

Ward Councillor Daniel Holden commented that he thought that the design was poor and inappropriate for a site on the boundary of the conservation area.

The Planning Officer made the following points in response to Members questions:

- The plot is spacious and the separation distance are considered appropriate. Most rooms are forward facing and all side rooms are secondary rooms with obscure glazing

- Current government advice is that a review of viability at the point of sale for a development such as this application, would not be appropriate.
- There is a mix of housing in the area, with some Victorian villas but also some 1960s and 1970s housing
- The application site is not in a Conservation Area but is at the Boundary of one.
- There is a need for housing of all types in the borough and so the lack of family sized units was not a concern for Planning Officers

Members commented that the design of the application was not appropriate for the site adjacent to a Conservation Area, and in between two heritage assets. This was proposed and seconded as a reason for refusal.

RESOLVED

The Committee agreed to:

1. REFUSE the application because it is of a design inappropriate for its setting adjacent to a Conservation Area and between two heritage assets
2. DELEGATE to the Director of Environment & Regeneration the authority to make any appropriate amendments in the context of the above to the wording of the grounds of refusal including references to appropriate policies

14 183 STREATHAM RD, MITCHAM, CR4 2AG (Agenda Item 14)

Proposal: Part change of use of ground floor from Class A2 (financial and professional services) to residential use with retention of part of ground floor for continued use within Class A2 (financial and professional services); basement extension including covered lightwell under forecourt onto Streatham Road; ground floor rear extension in connection with the formation of an enlarged residential unit; rebuilding of garage to rear and alterations to ground floor frontage.

Councillor Kirby informed the Committee that she had called-in this item. Accordingly she left the Chair and the dais for the duration of this item and joined members on the floor. The Vice Chair, Councillor Bowcott, took the Chair for the duration of this item.

The Committee noted the officers report and presentation, the additional information in the Supplementary Agenda, a verbal presentation by an objector to the application and by the applicant.

In answer to members questions, Officers explained that:

- The proposed basement would extend under the full floor area of the building, under the forecourt and also under the proposed single storey extension to the rear.
- There are no restrictions on the size of basement extensions, but that spaces have to be suitably conditioned
- There was a clear distinction between the forecourt and the public path.

Members asked officers to add additional conditions (or amend existing conditions) regarding:

- To protect pedestrians using the path and nearby road crossing refuge during the construction phase, and to minimise disruption to them
- To specify low vibration piling.

RESOLVED

1. The Committee voted unanimously to GRANT Planning Permission subject to published conditions and additional conditions regarding the type of piling to be used, and conditions to protect pedestrians and minimise any disruption to them during construction.
2. DELEGATE the wording of the additional conditions to the Director of Environment and Regeneration

15 225-227 STREATHAM RD, STREATHAM, SW16 6NZ (Agenda Item 15)

Proposal: Demolition of existing single storey buildings on site, comprising retail floorspace, a workshop, and a storage yard with associated office, and redevelopment of the site to provide a part three, part four and part five storey mixed-use building, comprising retail use at ground floor and 25 residential units above.

The Committee noted the officers report and presentation, and additional information in the Supplementary Agenda.

In response to questions from members, the Transport Planning Officer explained that the two disabled parking bays are part of the development but are for general use

In response to questions from members, the Planning Officer answered:

- Calculations for affordable housing provision are not done on a pound for pound equivalent basis.
- Green screening on the balconies will be provided by shrubs and trellises
- The Scheme has evolved since submission; the frontage has changed. The developer will need to discuss the feedback from Network Rail, directly with Network Rail

Members made comments including:

- Attractive design, but high density
- Disappointed at lack of family sized units and affordable units
- Condition to be added requesting that Chair and Vice Chair approve materials and landscaping
- Condition to be added requesting a review mechanism to be added at the point of sale

RESOLVED

1. The Committee voted to GRANT Planning Permission subject to a s106 agreement, conditions published in the officers report and the following additional conditions to be added:
 - I. For the Chair and Vice Chair to approve the materials and landscaping
 - II. For a review mechanism of the financial contributions at the point of sale to be established
2. DELEGATE the wording of the additional conditions to the Director of Environment and Regeneration.

16 3 TABOR GROVE, WIMBLEDON, SW19 4EB (Agenda Item 16)

WITHDRAWN FROM THIS AGENDA

17 PLANNING APPEAL DECISIONS (Agenda Item 17)

The Committee noted the report on recent Planning Appeal Decisions

18 PLANNING ENFORCEMENT - SUMMARY OF CURRENT CASES (Agenda Item 18)

The Committee noted the report on recent Planning Enforcement

19 PUBLIC SPEAKING AT PLANNING APPLICATIONS COMMITTEE (Agenda Item 19)

Members noted the report on proposed changes to public speaking at Planning Committee. Some members of the committee spoke against the proposed changes. The Chair spoke in support of the proposed changes and proposed an amendment to the recommendation asking for a vote to be taken on these proposed changes. This amendment was seconded and voted on.

RESOLVED

That the Planning Application Committee:

1. note and comment on the proposed changes to the Public Speaking Procedure and standard agenda items
2. voted to accept the changes proposed