

# Agenda Item 3

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## PLANNING APPLICATIONS COMMITTEE

21 SEPTEMBER 2017

(7.16 pm - 10.06 pm)

PRESENT Councillors Councillor Linda Kirby (in the Chair),  
Councillor Najeeb Latif, Councillor Philip Jones,  
Councillor Laxmi Attawar, Councillor Peter Southgate,  
Councillor Geraldine Stanford, Councillor Stephen Crowe and  
Councillor Andrew Judge, Councillor Daniel Holden and  
Councillor Joan Henry

ALSO PRESENT Neil Milligan – Development Control Manager  
Jonathan Lewis – Planning Team Leader South  
Christian Loveday – Transport Planning Engineer  
Paul Evans - Assistant Director of Corporate Governance and  
Head of Legal Service  
Amy Dumitrescu – Democratic Services Officer  
Rose Stepanek - Tree Officer

### 1 APOLOGIES FOR ABSENCE (Agenda Item 1)

Apologies for absence were received from Councillor David Dean and Councillor Jerome Neil. Councillor Daniel Holden and Councillor Joan Henry attended as their substitutes.

### 2 DECLARATIONS OF PECUNIARY INTEREST (Agenda Item 2)

Councillor Andrew Judge read out the following statement in regards to Item 6:

“On 20<sup>th</sup> April a planning application concerning Merton Hall, 78 Kingston Road came before this Committee. On that occasion, I said that I had been involved in the development of the design proposal when I was a Cabinet Member and that consequently I would not be participating in that application.

This evening the Committee is to consider a fresh planning application concerning a new design proposal for that site. I have not been a Cabinet Member concerned in the development of this new design proposal and therefore, I will be participating in this new application.”

There were no other declarations of interest from members.

### 3 MINUTES OF THE PREVIOUS MEETING (Agenda Item 3)

RESOLVED: That the minutes of the meeting held on 17 August are agreed as an accurate record.

### 4 TOWN PLANNING APPLICATIONS (Agenda Item 4)

The Chair addressed the meeting advising that they were aware many were attending with concerns in regards to the Merton Hall application. The Chair stated that the Committee could only consider planning issues and that this was a new application following a previous design which was refused in April 2017.

Supplementary Agenda: Amendments and modifications to the Officers' report were published in a Supplementary Agenda. This applied to items: 6, 8, 10 and 12.

Order of the meeting: The Chair announced that the order of items taken at the meeting would be 6, 10, 5, 8 and 12.

Withdrawal of items: The Chair announced that items 7, 9 and 11 had been withdrawn from the agenda before the meeting.

### 5 70 BATHGATE ROAD, WIMBLEDON, SW19 5PH (Agenda Item 5)

Proposal: Excavation of basement level and erection of a two storey rear extension, rear roof extension and alterations to front dormer window involving partial demolition of the existing house (retaining the front elevation and front roof form).

The Development Control Manager introduced the report noting that protection for the tree would be provided.

The Objectors raised their concerns including:

- The dwellings formed part of a Conservation Area and the work would have an adverse impact
- The dwellings were on the Historic England At Risk Register
- The windows would be out of character
- Loss of privacy/amenity
- Loss of trees
- The application was contrary to the Local Plan
- The Flood Risk
- Structural damage that could occur to neighbouring properties from the construction work

- Damage to the highway that could be caused by the works
- Loss of sunlight
- The development would not be in keeping
- A neighbouring property had previously installed a basement swimming pool which had been very disruptive and there were concerns that this would be repeated in this property.

The Agent to the applicant responded in support of the application advising:

- The design was in keeping with the existing house
- The proposal was supported by the planning tree and conservation officers
- The property was not locally listed
- There was little change proposed to the façade and it was sensitively designed
- 5 trees would be lost but would be replaced
- A Flood Risk Assessment had been undertaken and there was no increased risk
- The agent would be willing to accept a condition to provide a Construction Management Plan

Officers advised that a swimming pool had not been proposed within this application and if this was applied for later then that would be considered on the basis of the application.

Members asked requested regarding which trees would be retained and the size of the basement. The Development Control Manager replied:

- The Tree Officer was happy with the proposals.
- The largest tree at the front of the property was protected.
- The basement was the same size as the ground floor, but had been assessed and the usual safeguards would be put in place.

#### RESOLVED

- A. The Committee voted to GRANT Planning Permission subject to the conditions in the Officers' report
- B. The Committee voted to add a condition that any damaged caused to the highway during the works be repaired.
- C. The Committee voted to add an informative that the Highways Department ensure that the highway is inspected to ensure the condition is complied with.

## 6 MERTON HALL, 78 KINGSTON RD SW19 1LA (Agenda Item 6)

Proposal: Alterations and extensions to existing Merton Hall including partial demolition of the single storey hall and alterations and refurbishment to the retained main two storey building and erection of a new worship hall, café, foyer and meeting/group rooms.

The Planning Officer introduced the report and advised that additional information had been submitted, including a petition and additional comments from officers.

The Planning Officer advised of the reasons for the previous refusal in April and advised that the latest application had amended the design and that it would appear unreasonable to refuse the application on the basis of principle, the impact on local residents, biodiversity, traffic, parking or refuse issues as these matters had not formed the basis of the Council's earlier reasons for refusal..

The Planning Officer commented that the Design and Review Panel had given a positive response to the application, had expressed their support for it and given it a green verdict, noting it had enhanced and improved the previous application.

Objectors raised concerns including:

- The application would mean the demolition of a community asset;
- The application contravened planning guidelines (as outlined in the additional material submitted by objectors);
- Overdevelopment;
- Noise pollution;
- Traffic and parking issues;
- Loss of greenspace;
- There was no Heritage Statement;
- The Acoustic Report was irrelevant;
- There were only 3 car parking spaces proposed;
- The design was too big;
- The Elim Church currently did not have a café in their current building;
- Did the new application still come under D1 class usage;
- The loss of John Innes gift;

- The application had been submitted to Historic England and the response from them had not yet been received;
- The proposal was boring, bland and overdeveloped;
- The scale and design of the glass;
- The proposal would be taller than the retained façade;
- Glass is reflective and would cause light pollution;
- It would not fit with surrounding buildings;
- It would cause detrimental harm to the building and the adjacent buildings;
- Adopted planning policy DMC1 would be breached

The Agent to the Application raised points including:

- Only the rear would be demolished
- The features of interest as listed in 7.8 of the report would all be retained
- The proposal would be a much needed clean up and improve the external area of the building
- The Independent Design and Review Panel had considered the proposal and given it a green verdict
- Parking surveys had been undertaken
- The proposal was lower than surrounding houses
- Amenity had been taken into consideration
- The green area would be narrower but allow for enhanced planting
- In regards to the loss of a Community Asset – there was no change of use, there would be more space and all current users would still be able to use the facility.

A representative from the Elim Church raised points including:

- The Church was vibrant and was part of the heritage of Wimbledon
- The Church served the community faithfully including providing the Food Bank which 4210 local people had used over the last year.
- 183 tonnes of food had been donated to the local Food Bank.
- There were various activities at the Church such as Brownies, Parent and Toddler Groups, Counselling, Pilates.

- The space could be hired by the Community.

The Planning Officer explained how the applicant had sought to compliment the design and made a number of additional comments including:

- There had been conditions regarding noise however these could be refined and reviewed.
- The design was a matter of judgement
- The property was locally listed but not statutorily listed

Councillor Michael Bull made points including:

- There were concerns on the design
- In regards to aesthetics there were major changes to the appearance
- The application had not been substantially changed since April
- The design was incongruous with the original building
- Overdevelopment
- Had the change of use for the Café etc been taken into account
- The property was locally listed
- 350 formal objections and petition of 000's was unprecedented
- Local residents are opposed to the application
- Noise pollution
- Loss of greenspace
- Parking issues had not been addressed

Members asked questions regarding the local listing, privacy, outlook/views, the potential for a nursery in the back, noise concerns, the listing status, parking and the comments from the Design and Review Panel.

The Planning Officer replied:

- The features to which the local listing refers are being retained and there is no reference in that listing to the rear hall.
- As a rule new Housing developments require a distance of 20m for windows facing each other and this application exceeds that.
- If concerns remained about the distance between windows obscured glazing could be introduced.

- There are no policies to protect views and the proposal shouldn't give rise to loss of light. Officers considered that the proposal was not visually intrusive.
- The intention was that there would be childminding during church services and also the use of the building for parent and child groups. D1 use does allow however for the lawful use as a nursery.
- Environmental Health had not raised any objections in regards to noise, however if the Committee felt there needed to be a decibel level defined that could be put in place.
- Two robust conditions had been prepared in regards to noise.
- The outlook for the cottage adjacent would change but it had been judged that it would have a harmful impact.
- The premises was located in a Level 5 area for Public Transport so was easily accessible.
- The premises is not in a conservation area.
- The features referred to in the local listing of the building would be retained.

Members made comments on the application including:

- The view of the Design and Review Panel, noting that they had approved the design and that the previous grounds for refusal had been addressed.
- The design was slightly toned down but it was still bulky and there was too much glass
- It would not lose community use
- Frosted glass should be introduced so as to safeguard the privacy of householders nearby

The Transport Planning Engineer advised that should parking be an issue, residents could request a consultation in regards to a Controlled Parking Zone six months after the development should they wish to, however that was a Highways issue and not a Planning consideration.

RESOLVED:

- A. That the Committee voted to GRANT Planning Permission subject to conditions in the Officers' Report.
- B. A condition be added to safeguard the amenity with the introduced of obscured glazing

7 577 KINGSTON RD, RAYNES PARK, SW20 8SA (Agenda Item 7)

WITHDRAWN FROM THIS AGENDA

8 FLAT 1, 57 MERTON HALL RD, WIMBLEDON, SW19 3PR (Agenda Item 8)

Proposal: Demolition of existing conservatory and erection of a single storey rear extension, erection of a replacement conservatory and art basement beneath new extension and part beneath the existing lounge and kitchen.

The Committee noted the officers report and presentations and the additional information contained within the supplemental agenda.

The Objector raised concerns including:

- The property was on a surface flood plain where regular surface flooding occurred and a basement would further increase this risk.
- They had not had sight of a detailed plan or construction method and requested that the application be refused until this had been received.
- The access to the site was unclear
- It was unclear where any skips required during the works could be placed including the potential for it to be placed in the neighbouring recreation ground
- There was a need for a permanent tree protection plan for the trees in the park
- The requirement for strict conditions around noise and construction method

The Agent for the Application raised points including:

- There was a Construction Method Statement
- The skip would be placed on the hardstanding at the front of the property
- Residents could request for specifics to be put into the statement if they so wished

Officers advised that there had been an appeal previously. Officers advised that there were 4 trees at the back which were contained within a protected area, that the basement impact statement was acceptable and that there were conditions in place in regards to noise pollution.

Members asked questions regarding the issue of surface flooding to which the Development Control Manager responded that this had been addressed by the investigation within the report and whilst the risk of surface flooding was present in many areas and had been considered, it was not considered that permission could be refused solely on that basis.

RESOLVED



The Committee voted to GRANT Planning Permission subject to conditions in the Officers' report.

9 1A MOSTYN RD, MERTON PARK, SW19 3LH (Agenda Item 9)

WITHDRAWN FROM THIS AGENDA

The meeting was briefly adjourned between 20:35 and 20:43.

10 12 ST MARY'S ROAD, WIMBLEDON, SW19 7BW (Agenda Item 10)

Proposal: Erection of a 4 bedroom detached dwelling house with accommodation at basement level and within the roof space together with the provision of associated car parking and landscaping and front boundary wall/railings and gates.

The Committee noted the officers report and presentation and the additional information contained within the Supplementary Agenda.

The Development Control Manager advised that as per the report the application had been refused following a previous refusal.

Objectors raised concerns including:

- The proposal was disproportionate overdevelopment
- The number, range and strength of objections should be considered
- The proposal closely resembled the previous one which had been rejected
- There was no mitigation for the reduction of sunlight
- The proposal was larger than the previously rejected one
- Loss of privacy and light
- Issues with overlooking
- The new proposal did not overcome the reasons for refusal
- Solar panels included within the plan would increase the height further
- The position in relation to number 10 St Marys Road
- The failure to keep with the density/scale of other houses

The Applicant raised points including:

- The Applicants were long-term Merton residents wishing to modify the property as a retirement property and they had met with the Planning Department on numerous occasions.

- A substantial number of the objections were not regarding planning issues
- In regards to consultation – there was a property who supported the application and the applicant had written to all properties regarding the plans after they had purchased the property however only one resident had responded.

Of the 13 conditions proposed, the Applicant agreed with 12, however noted that the requirement for an archaeological report had not been in any of the previous applications for that property and the site had already been lawfully cleared and boreholes dug. The Applicant therefore questioned the requirement for this condition. The Applicant was concerned that this would cause further delay and expense without any precedent for it.

The Development Control Manager responded that there had been changes since the last application and that the report confirmed that one neighbouring property supported the application. The Development Control Manager advised that the property was within an Archaeological Protection Zone, but that the property had been well cleared and therefore the Committee should consider whether it would be appropriate to continue with the final condition.

Members asked questions on what the basis was for the APZ, loss of sunlight and the size and siting of the building.

The Development Control Manager responded:

- It is a large zone and was historical for many reasons and that the APZ covered a large area.
- Some sunlight would be lost however the previous application had more bulk at the back which had been reduced.
- All the sites on the road were slightly different and the road is slightly sloped and therefore whilst the proposal was slightly higher, within the overall context of the street scene it was considered that it generally fit.

RESOLVED:

The Committee voted to GRANT Planning Permission subject to conditions as detailed in the Officers' report with the exception of Condition 13 which would be deleted.

11 1 YORK RD, WIMBLEDON, SW19 8TP (Agenda Item 11)

WITHDRAWN FROM THIS AGENDA

12 THE WOODMAN, 222 DURNSFORD RD, WIMBLEDON, SW19 8DR  
(Agenda Item 12)

The Committee noted the officers' report and presentation and the additional information contained within the Supplemental Agenda.

The Development Control Manager advised that the trees had been ringbarked however they could take 1-5 years to die and therefore it was still worth implementing the TPO.

The Objector raised concerns including:

- Advice had been taken on the trees before the purchase of the property
- The Yew tree was considered an asset however the others had a reduced life expectancy and were category U trees
- The intention would be to replace the trees with 18 better quality trees

The Supporter raised concerns including:

- It was incumbent on the Council to protect green infrastructure
- Air quality/pollution was a concern and it would take years for newly planted trees to mature and have the same environmental impact as existing trees
- It was important to minimise the loss of existing trees
- Ringbarking showed disregard for amenity of the Borough

Members discussed the issues surrounding protection of trees within the Borough.

RESOLVED

That the Committee agreed that the Merton (No.710) Tree Preservation Order 2017 be confirmed, but be modified by the removal of the tree numbered T7.

#### 13 PLANNING APPEAL DECISIONS (Agenda Item 13)

The Committee noted the contents of the report and that of the 4 appeals, one had been allowed.

#### 14 PLANNING ENFORCEMENT - SUMMARY OF CURRENT CASES (Agenda Item 14)

The Committee noted the report in the Supplementary Agenda and the Development Control Manager gave an update on the team. The Chair commented that it was good to see progress especially with the small team having been under pressure.

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