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PLANNING APPLICATIONS COMMITTEE

12 DECEMBER 2013

(19.15 - 23.15)

PRESENT: Councillors Philip Jones (in the Chair), John Bowcott, David Dean, John Dehaney, Richard Hilton, Ian Munn BSc, MRTPI(Rtd), Peter Southgate, Geraldine Stanford, Gregory Patrick Udeh and Simon Withey

ALSO PRESENT: Councillors Maurice Groves, Russell Makin, Judy Saunders and Miles Windsor

Richard Lancaster (Future Merton Programme Manager), Jonathan Lewis (South Team Leader - Development Control), Neil Milligan (Development Control Manager, ENVR), Sue Wright (North Team Leader - Development Control) and Michael Udall (Democratic Services)

1. DECLARATIONS OF INTEREST (Agenda Item 1)

None made at the start of the meeting.

2. MEMBERSHIP (Agenda Item)

It was noted that since the last meeting, Councillor Russell Makin had resigned from the Committee and had been replaced by Councillor Geraldine Stanford.

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

RESOLVED: That the Minutes of the meeting held on 7 November 2013 be agreed as a correct record.

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

The published agenda and the modifications list tabled at committee form part of the Minutes.

a) Modifications: A list of modifications for items 6, 8, 11, 12, 13 & 14 and additional letters/representations and drawings received since agenda publication, were tabled at the meeting.

(b) Oral representations: The Committee received oral representations at the meeting made by third parties and applicants/agents in respect of items 5, 6 (objectors only), 8, 10, 11, 13, 14 & 17. In each case where objectors spoke, the Chair also offered the applicants/agents the opportunity to speak; and the Chair also indicated that applicants/agents would be given the same amount of time to speak as objectors for each item.

The Committee also received oral representations at the meeting from the following Councillors (who were not members of the Committee for this meeting) in respect of the items indicated below –

Item 5 – Councillor Miles Windsor;
Items 6 & 11 – Councillor Judy Saunders; and
Items 10 & 14 – Councillor Maurice Groves.

(c) Order of the Agenda: Following consultation with other Members at various times during the meeting, the Chair amended the order of items to the following – 16, 11, 14, 8, 6, 10, 5, 17, 7, 12, 13, 15, 18 & then 19.

RESOLVED: That the following decisions are made.

5. GROUND FLOOR, 149 CANNON HILL LANE, RAYNES PARK, SW20 9BZ (REF. 13/P3021) (CANNON HILL WARD) (Agenda Item 5)

Decision: GRANT PERMISSION subject to the conditions set out in the officer case report.

6. CLOCK TOWER - UPPER GREEN EAST, MITCHAM , CR4 3NH (REF. (A) 13/P2657) & (B) 13/P2664) (FIGGES MARSH WARD) (Agenda Item 6)

1. Bus Lane in London Road – It was noted that the proposed relocation of the Clock Tower was part of a larger scheme (“Rediscover Mitcham”) intended to regenerate Mitcham Town Centre; and that the Clock tower was sited on the route of a proposed new bus lane along London Road. Officers confirmed that the new bus lane wouldn’t need a planning application but would require an appropriate traffic order.

2. Replacement Trees – Amendment of Condition – Officers advised that the hard landscaping works associated with the public realm improvements immediately around the relocation of the Clock Tower would require the removal of 2 lime trees, and that proposed Condition (5) would require the provision of replacement trees and would allow the Local Planning Authority to specify the age/type of the replacement trees.

2.1 It was moved and seconded that the Mitcham Tree Wardens be authorised to specify the age/type/size of any replacement trees. This motion was withdrawn, following officers suggesting that Condition (5) be amended by the addition of a requirement that any replacement trees be a minimum of “extra heavy standard” (which related to their girth). As indicated below, the Committee agreed to this suggestion and approved the application (Councillor Peter Southgate dissenting)..

Decision: Item 6(A) - ref. 13/P2657 (Clock Tower – Upper Green East, Mitcham, CR4 3NH)

GRANT PERMISSION subject to the conditions set out in the officer case report and the tabled modifications sheet, and subject to the following amendment to the proposed conditions –

(a) Amendment of Condition (5) (F.11 – Specific Tree Replacement) - Condition (5) be amended by the addition of a requirement that any replacement trees be a minimum of “extra heavy standard”.

Decision: Item 6(B) - ref. 13/P2664 (Clock Tower – Upper Green East, Mitcham, CR4 3NH)

RESOLVED: That had the Council been able to determine the application, it would have granted Listed Building Consent (subject to the conditions set out in the officer case report and the tabled modifications sheet, and to advise the DCLG accordingly..

7. GARAGES TO THE REAR OF 44-49 FIRSTWAY, RAYNES PARK, SW20 0JB (REF. 13/P2577) (WEST BARNES WARD) (Agenda Item 7)

Decision: GRANT PERMISSION subject to the completion of a Section 106 Agreement and subject to the conditions set out in the officer case report.

8. 1A LEOPOLD TERRACE, WIMBLEDON, SW19 7EY (REF. 13/P2197) (WIMBLEDON PARK WARD) (Agenda Item 8)

1. Alleged Inaccuracies in Report – As part of their oral representations, the occupier of No. 1 Leopold Terrace alleged that there were various inaccuracies in the officer report, despite previously advising officers of such inaccuracies on a number of occasions, including -

- (a) in paragraph 2.1 (page 110) Leopold Terrace is described as a block of flats, but in fact is a row of houses;
- (b) the Transport Planning Officer comments (page 116) states that the proposal will be accessed from an existing vehicle crossover in Dora Road, but in fact the proposal will need two new extra entrances/crossovers;
- (c) the position of trees on the site, as shown on the plans, is wrong and therefore, in particular, the trees located at the rear of the site will be closer to the proposed development than shown on the plans; and
- (d) paragraph 7.14 (page 120) states that the proposed roof terrace would be approximately 25m from the nearest properties but in fact the application adjoins No. 1 Leopold Terrace and the roof terrace is 4m from a bedroom at No. 1 Leopold Terrace.

1.1 Officers apologised for any inaccuracies in the site description but gave an assurance that officers were aware of what was actually on the site; and also advised that (i) the Inspector for the previously dismissed appeal had been satisfied with the parking provision proposed; and (ii) the Council's Tree Officer had assessed the scheme and was satisfied with the proposals subject to the imposition of certain conditions which were now included in the report's recommendations.

Decision: Item 8 - ref. 13/P2197 (1a Leopold Terrace, Wimbledon, SW19 7EY)

GRANT PERMISSION subject to the completion of a Section 106 Agreement and subject to the conditions set out in the officer case report and the tabled modifications sheet.

9. CRICKETERS PH, 340 LONDON ROAD, MITCHAM CR4 3ND (REF. 13/P1077) (CRICKET GREEN WARD) (Agenda Item 9)

1. Affordable Housing – Officers explained that, as stated in the report, at present the scheme couldn't deliver an affordable housing contribution, but following a Member's suggestion, confirmed that it would be possible for provision to be made in the Section 106 Agreement to secure a contribution in the event of an uplift in the value of the development. As indicated below, the Committee subsequently agreed this suggestion.

Decision: Item 9 - ref. 13/P1077 (Cricketers PH, 340 London Road, Mitcham, CR4 3ND)

GRANT PERMISSION subject to the completion of a Section 106 Agreement and subject to the conditions set out in the officer case report, and subject to the following–

(i) Affordable Housing – The inclusion in the Section 106 Agreement of an extra Head of Term relating to a possible contribution towards the provision of affordable housing, in the event of an uplift in the value of the development.

10. 336 LYNMOUTH AVENUE, MORDEN, SM4 4RS (REF. 13/P1163) (LOWER MORDEN WARD) (Agenda Item 10)

1. Previous application – In response to Members' queries, officers highlighted the differences between the previous refused application and the current application (for a raised decking area adjoining the west facing elevation of the outbuilding in the rear garden) including the reduction in height of the decking and the provision of planters, each including a trellis, alongside the boundary fences.

2. Use of the outbuildings – Officers confirmed that the alleged unauthorised use of the outbuildings at the property for the accommodation of students had been investigated and dealt with by the Council's Enforcement Team but Officers emphasised that this issue was not part of the current application and was a separate matter.

3. Discussion – Various Members expressed concern that the revisions made to the scheme didn't overcome the concerns regarding the previous application, including that someone standing on the decking, due to the slope of the land, would still be easily able to look over the boundary fencing into neighbouring properties, and therefore the loss of privacy for neighbouring occupiers wouldn't be ameliorated.

4. Refusal Motion: Following considerable discussion, it was moved and seconded that permission be refused on the same grounds as the previous application (as detailed in para. 4.1, agenda page 169 and in (A) below). The motion was carried unanimously.

4.1 However officers then suggested the grounds of refusal of this latest scheme needed to be revised to take account of the revisions included in the current scheme such as the reduction in height of the decking and the provision of planters, each including a trellis, alongside the boundary fences. As indicated below the Committee agreed to this suggestion and that officers be delegated authority to agree the detailed wording. Subsequently the Committee also agreed (C) below.

5. Enforcement - Following the Committee's decision, officers confirmed that possible enforcement action in relation to the decking would be looked at.

Decision: Item 10 - ref. 13/P1163 (336 Lynmouth Avenue, Morden, SM4 4RS)

(A) REFUSE permission on the same grounds as the previous application (as shown in quotes below) but subject to the wording being amended to take account of the revisions included in the current scheme such as the reduction in height of the decking and the provision of planters, and also subject to (B) below -

"The decking area adjoining the west facing elevation of the existing outbuilding by reason of its design, size and siting enables users of the deck to overlook the rear gardens of neighbouring dwellings, resulting in a loss of privacy to the detriment of the amenities of neighbouring occupiers, contrary to policy BE.15 of the Merton UDP (2003)."

(B) Delegation: The Director of Environment & Regeneration (in consultation with the Chair and Vice-Chair) be delegated authority to agree the detailed grounds of refusal, including any appropriate amendments, additions and/or deletions to the grounds/policy included in the previous refusal.

(C) Reasons for not following Planning Officers' recommendation for permission: The Committee considered that officers had given insufficient weight to the continued loss of privacy for neighbours under the revised scheme.

11. CANONS LEISURE CENTRE, MADEIRA ROAD, MITCHAM, CR4 4HD (REF. 13/P1744) (CRICKET GREEN WARD) (Agenda Item 11)

1. Declaration of Interest – Whilst speaking on this item, Councillor Maurice Groves declared an interest (but not a disclosable pecuniary interest) in this item by reason that he was Secretary of the Mitcham Bowls Club which was adjacent to the application site where it was proposed to locate the two new hard surface multi-use games areas (MUGA's) with floodlighting, perimeter fencing and a net roof above..

2. Bat Surveys – In response to queries regarding the protection of bats and their habitat, officers drew attention to various measures including the ecology and bat survey in 2012, the mitigation plan 2013 submitted with the application and proposed condition (5) which would require mitigation measures to be carried out prior to the commencement of the development to protect the biodiversity and local wildlife in the area..

3. Pitch Fees – As part of her oral representations, Ward Councillor Judy Saunders requested that any approval be subject to a condition requiring that the proposed hard surface pitches be made available at affordable rates, especially to children, possibly via a partnership agreement.

3.1 Officers advised that

- (a) the Ward Councillor's comments should be noted in the Minutes;
- (b) the applicant was present and would now be aware of the Ward Councillor's comments;
- (c) the setting of charges for pitches was outside the remit of the Planning Committee acting as the Local Planning Authority, and it would be inappropriate to impose a condition which would fetter the Council (as provider of this leisure facility) in the setting of charges or raising revenue; and
- (d) unlike some other recent applications for MUGA's where permission had been granted subject to a Community Use Agreement, this was not a private development but a project sponsored by the Council and the site would be run on behalf of the Council by the Council's own sports management provider.

3. Approval - Following extensive discussion regarding the above and other issues including the demand and provision for tennis courts and for such pitches for football in Merton, and in the Mitcham area particularly; the impact of the proposed floodlighting, perimeter fencing and net roof above, and the biodiversity/ecology aspects, the Committee approved the application by 5 votes to nil.

Decision: Item 11 - ref. 13/P1744 (Canons Leisure Centre, Madeira Road, Mitcham, CR4 4HD)

GRANT PERMISSION subject to the conditions set out in the officer case report and the tabled modifications sheet.

12. DELATRE MEDIA LTD, 3 PALMERSTON ROAD, WIMBLEDON, SW19 1PG (REF. 13/P1028) (ABBEY WARD) (Agenda Item 12)

Lost Refusal Motion - It was moved and seconded that the Application be refused on the grounds that the proposal would fail to respect the rhythm, scale, density, height, materials and massing contrary of surrounding buildings to Policy BE.22 of the Adopted Unitary Development Plan (October 2003). The motion was lost by 5 votes to 2 (Councillors David Dean and Simon Withey voting for the motion). The Application was subsequently approved as indicated below.

Decision: Item 12 - ref. 13/P1028 (Delatre Media Ltd, 3 Palmerston Road, Wimbledon, SW19 1PG)

GRANT PERMISSION subject to the completion of a Section 106 Agreement and subject to the conditions set out in the officer case report and the tabled modifications sheet.

13. 1A ST MARYS ROAD, WIMBLEDON, SW19 7DF (REF. (1) 13/P2332 & (2) 13/P2334) (HILLSIDE WARD) (Agenda Item 13)

Extra Condition: Basement – Additional Plant – Officers suggested that an extra condition be imposed requiring that details of any additional plant for the basement to be approved by the Local Planning Authority. As indicated below, the Committee subsequently agreed to this suggestion and that officers be delegated authority to agree the details of the extra condition.

Decision: Item 13(1) - ref. 13/P2332 (1a St Marys Road, Wimbledon, SW19 7D)

(A) GRANT PERMISSION subject to the conditions set out in the officer case report, and the tabled modifications sheet. and subject to the following extra condition -

(i) Basement – Additional Plant – Details of any additional plant for the basement to be approved by the Local Planning Authority - subject to (B) below.

(B) Delegation: The Director of Environment & Regeneration be delegated authority to agree the detailed wording of the above extra condition.

Decision: Item 13(2) - ref. 13/P2334 (1a St Marys Road, Wimbledon, SW19 7D)

GRANT CONSERVATION AREA CONSENT subject to the conditions set out in the officer case report, and the tabled modifications sheet.

14. 1 WYDELL CLOSE, MORDEN, SM4 4NS (REF. 13/P2385) (LOWER MORDEN WARD) (Agenda Item 14)

1. HMO Licence - It was noted that, in addition to needing planning consent, the proposed use as a house in multiple occupation (HMO) would need a separate licence from the Council's Environmental Health Section under separate housing legislation, and Officers confirmed that the applicant was consulting with Environmental Health Section regarding the works needed for such a licence.

2. Number of occupiers - There was considerable discussion as to whether the property was suitable for an HMO for up to 10 people as proposed in the application, both in relation to the facilities and space within the house and in relation to the possible impact on neighbours in this small cul-de-sac arising from issues such as possible noise, anti-social behaviour and vehicle activity/parking. Officers pointed out that anti-social behaviour could arise due to a particular individual whether living a family dwelling house or an HMO, and therefore suggested that this was not a material consideration for the current application.

2.1 A Member suggested that the property should be restricted to a maximum of 8 occupiers at this stage, and that if this worked well, then its possible use for to a maximum of 10 occupiers could be considered at a later date. The Chair put this suggestion to the applicant who was present at the meeting. The applicant indicated their agreement to this proposal. As indicated below the Committee subsequently agreed an extra condition in this regard.

3. Lost Refusal Motion - It was moved and seconded that the Application be refused on the grounds that the proposal would fail to be well designed or sustainable; fail to provide adequate facilities for occupiers, and would adversely impact the amenity of neighbours in this small cul-de-sac contrary to Policy CS.8 (a) & (b) of the Merton LDF Core Planning Strategy (July 2011). The motion was lost by 5 votes to 4 (Councillors David Dean, John Dehaney, Greg Udeh and Simon Withey voting for the motion). The Application was subsequently approved as indicated below.

4. Extra Condition - Number of occupiers - It was moved and seconded that an extra condition be imposed that the number of occupiers of the property be restricted to a maximum of 8. The motion was carried by 5 votes to nil. As indicated below, the Committee then approved the application subject to this extra condition and that officers be delegated authority to agree the details of this extra condition.

Decision: Item 14 - ref. 13/P2385 (1 Wydell Close, Morden, SM4 4NS)

(A) GRANT PERMISSION subject to the conditions set out in the officer case report and the tabled modifications sheet, and subject to the following extra condition -

(i) Extra Condition - Number of occupiers - The number of occupiers of the property be restricted to a maximum of 8 subject to (B) below.

(B) Delegation: The Director of Environment & Regeneration be delegated authority to agree the detailed wording of the above extra condition.

15. TREE PRESERVATION ORDER (NO. 647) AT 14 CUMBERLAND CLOSE & 27 THE DOWNS, WEST WIMBLEDON, SW20 8AT (RAYNES PARK WARD) (Agenda Item 15)

Decision: That the Tree Preservation Order (No. 647) be confirmed without modification as set out in the officer case.

16. TREE PRESERVATION ORDER (NO. 646) AT 10 HILLSIDE, WEST WIMBLEDON, SW19 4NH (HILLSIDE WARD) (Agenda Item 16)

Officers advised that legal advice had recently been received from the applicant in this case, which needed to be assessed, and therefore Officers now recommended that this item be deferred.

Decision: That consideration of this Order be deferred to a future meeting.

17. TREE PRESERVATION ORDER (NO. 644) AT LAND ADJACENT TO 2 THORNTON HILL, WIMBLEDON, SW19 4HP (HILLSIDE WARD) (Agenda Item 17)

Decision: That the Tree Preservation Order (No. 644) be confirmed without modification as set out in the officer case report.

18. MEETING BREAK (Agenda Item)

After consideration of item 10, at about 10.10pm, the Committee adjourned its discussions for about 5 minutes.

19. PLANNING APPEAL DECISIONS (Agenda Item 18)

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20. PLANNING ENFORCEMENT - SUMMARY OF CURRENT CASES (Agenda Item 19)

(a) Burn Bullock PH, London Road, Mitcham (para.3.4) – Councillor Ian Munn indicated that he'd advised the owner to contact the Council's Future Merton Team to discuss the building's possible future use.

(b) Rookwood Avenue, New Malden – Further to Officers reporting at the previous meeting on a triangular site in Rookwood Avenue (not included in the officer report), formerly owned by Kingston Council, located behind the nearby B & Q store, which had been subject to the unauthorised dumping of gravel; Officers advised that since then (i) legal advice had been received that serving an injunction was not possible at present; and (ii) planning permission for car storage and hard surfacing had been refused.

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