

# Agenda Item 3

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## PLANNING APPLICATIONS COMMITTEE

25 APRIL 2019

(7.15 pm - 9.30 pm)

PRESENT Councillor Linda Kirby (in the Chair), Councillor Najeeb Latif, Councillor Laxmi Attawar, Councillor David Chung, Councillor David Dean, Councillor Russell Makin, Councillor Simon McGrath, Councillor Peter Southgate and Councillor Marsie Skeete, and Councillor Rebecca Lanning

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

Apologies for absence were received from Councillor Dave Ward. Councillor Rebecca Lanning attended as Substitute

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

There were no declarations of pecuniary interest.

In the interests of openness and Transparency Councillor David Dean said that he had met with the owner of 141 The Broadway and therefore he would not speak or vote on this item.

In the interests of openness and Transparency Councillor Najeeb Latif said that he had arranged meetings between residents and the applicant for 141 The Broadway and therefore he would not speak or vote on this item

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

RESOLVED: That the minutes of the meeting held on 21 March 2019 are agreed as an accurate record.

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

Supplementary Agenda: Amendments and modifications to the Officer's report were published in a Supplementary Agenda. This applied to items 5, 8, and 9.

Order of the meeting – The Chair announced that the items would be taken in the following order 5, 9, 8 and 7. Item 6 was withdrawn from this Agenda prior to the meeting.

### 5 141 THE BROADWAY, WIMBLEDON SW19 1NE (Agenda Item 5)

Proposal: Redevelopment of site to create 20 x self-contained flats within a six storey residential block with new frontage to ground floor commercial unit.

The Committee noted the officers report and presentation and the additional information in the Supplementary Agenda- Modifications. The Chair allowed the Committee extra time to read all of this additional information. The Committee then received verbal representations from three objectors, who shared the 6 minutes, and the applicant's agent.

The Objectors made points including:

- Many of the measurements used to compare this building to the CIPD building are incorrect, resulting in all the drawings being incorrect
- Although prefer the yellow facing brick, do not think the overall design is not acceptable
- The appeal on the previous proposal was decided before the NPPF (National Planning Policy Framework) was introduced
- The landscaping proposals are not sustainable , and this is a missed opportunity to support the planting of trees
- The Council says that it supports the planting of trees to curt pollution, but has failed to plant trees on the Broadway

The Applicant/Agent made points including:

- This application has been to the Council's DRP (Design Review Panel) and was supported providing substantive design changes were made to improve the balconies and brickwork, ground floor and upper floor. These changes have been made
- The proposal is one storey higher than the scheme allowed by appeal, but it is still not as high as the CIPD building
- Units will have access to private amenity space that meets London Standards. The Proposal meets Merton Sustainability Standards. The proposal will provide additional housing for the borough
- The NPPF was introduced in 2012, way before the appeal scheme was decided
- The plans and drawings are correct and accurate. Measurements in comparison to the CIPD building were taken by a surveyor on-site. The CGI's are visually verified and are 97-98% accurate

In reply to Member's questions Officers made points including:

- There is a Landscaping condition that secures tree planting.
- Regarding the affordable housing provision of previous schemes; the 2014 application proposed 6 on-site affordable units, the 2016 application proposed 4 on-site affordable units.
- The current scheme was assessed by the Council's independent Viability assessor and the conclusion was that it was not viable to provide affordable housing on this scheme
- In accordance with the Mayor's Guidance a clawback mechanism is included in the Heads of Terms for this scheme, so that if viability increase then on or off site affordable housing provision will be made
- The viability assessment takes full account of costs, and the assessment does show that the proposal is in fact in deficit

- There are many reasons why provision of affordable units was viable on previous proposals but are not on this proposal including the fact that building costs rise as a building goes higher. Viability is assessed by an independent expert, but things do change and that is the purpose of the clawback mechanism to assess these changes
- The applicant applied for housing on this site. Either housing or offices would have been acceptable to policy
- The previously allowed application, could still be built, once an S106 was signed. This application had grey cladding and large garden balconies.
- Receipt of CIL money is a given

The Applicant answered a question regarding the DRP, and said that this application went as a pre-app, before design changes, including to the balconies, were made and received an Amber rating, but was not considered again following the design changes. He also confirmed that the previous scheme had not been to the DRP.

Members commented that:

- Would like to see a Green from DRP before allowing as the scheme before us is still not good enough
- Concern about lack of affordable housing from the scheme
- Dislike the scheme, it is overdevelopment and out of character with the area, but note that the Inspector did not dismiss the appeal on design grounds and accept that an appeal against a refusal would be difficult

The Committee voted on the Officer Recommendation, but there was no majority to approve. The Committee then discussed reasons for refusal but did not reach a conclusion. As the committee had issues with the design, and there had been a lack of clarity regarding whether or not the application had been to the DRP, it was then proposed to defer the item so that an investigation into this could be reported on.

RESOLVED

The Committee agreed to defer this decision to a future planning committee so that further information regarding the consideration by the DRP can be sought

6 FORMER ATKINSON MORLEY HOSPITAL SITE, COPSE HILL, SW20  
(Agenda Item 6)

The item was withdrawn from this Agenda prior to the meeting

7 36 DURHAM ROAD, SW20 0TW (Agenda Item 7)

Proposal: Erection of a two bed dwellinghouse with "green roof" at rear of garden. Including construction of basement, erection of a two storey rear extension to existing dwelling, and first floor side extension at the street front. Resulting in 1 x 1 bed flat at ground Floor and 1 x 2 bed flat at first floor. Shop at front to be retained.

The Committee noted the officer's report and presentation.

## RESOLVED

The Committee voted to GRANT Planning Permission subject to conditions and S106 agreement

8 WELLINGTON WORKS, WELLINGTON ROAD, WIMBLEDON PARK, SW19 8EQ (Agenda Item 8)

Proposal: Single storey side extension to existing building to provide additional workshop space.

The Committee noted the officers report and presentation and additional information in the Supplementary Agenda-Modifications

The Committee received verbal representations from one objector to the application, the Applicant's Agent and the Ward Councillor Ed Gretton.

The Objector made points including:

- Currently all access to the site is via Wellington Road, there is no history of access via Dawlish Avenue, which is a residential road
- Dawlish Avenue, is a residential cul-de-sac, commercial traffic would be dangerous for the children who play on the road and also for the families who use the road for access to the primary schools and recreation ground
- The Council have already identified risk in this area, and access to this site was deemed dangerous in the 2018 application

The Applicant's agent made points including:

- A similar application on the Wellington Road Industrial Estate last year received no objections
- This development is acceptable under the policies for scattered employment.
- No harm will be caused by the proposal, and there will be no impact on residential amenity
- Highways officers raised no objections as the proposal will generate only one additional movement per hour.

The Planning Team Leader North, reminded the Committee of the following points:

- The 2017 application for this site included 24 residential units. Officers refused this scheme and successfully defended their decision at Appeal
- However the current application does not include any residential units.
- The application site has a lawful industrial use class, and this application is for an extension to this lawful use.
- The current lawful usage includes both accesses – Wellington Road and Dawlish Avenue
- This application would only generate one additional journey per hour

The Ward Councillor, Ed Gretton, made comments including:

- Referring to the 2018 application, the Inspector found that an increase in capacity was difficult and that one of the accesses is very narrow and busy
- Dawlish Avenue has not been used as an access for several decades. It is too narrow, and a risk to children who play on the road
- All residents say this proposal will not work.
- There is an ongoing concern about the hours of use, omitted from this application

In reply to Member's questions, the Planning Team Leader North made comments including:

- The access to Dawlish Avenue varies in width but it is clearly narrow and single vehicle width, but a truck could access.
- The existing site is currently vacant, but its use class still stands.
- Highways engineers have calculated that the additional space created by this proposal would generate one additional journey per hour for eight hours. This calculation is established practice and is based on the current lawful use of the site
- Hours of use are currently unrestricted and Officers think it would be unreasonable to add these.
- Highways Officers did not raise any safety issues with regard to this specific application.
- The 2018 application for residential units is yet to be determined
- The use of both access road is currently allowed and lawful, it would be very difficult to defend a refusal based on dangerous access. The 2017 application was not refused on these grounds

Members commented that they were unhappy with the application and felt that it would affect traffic and Highway Safety in the area, particularly for vehicles accessing and exiting the site.

A motion to refuse was proposed and seconded for the reason of Highway Safety, but this was not carried by the vote.

The Committee voted on the Officer recommendation to Approve but this was not carried by the vote.

The Chair reminded members that they could not refuse an application without valid reason for the refusal.

However Members did not propose further reasons for refusal, but indicated that they would vote again on the previously proposed motion to refuse

Members voted again on the motion to refuse for reasons of Highway Safety and again this was not carried. The Chair returned to the vote on the Officer Recommendation to Approve and this was then carried by the vote.

RESOLVED

The Committee voted to GRANT Planning Permission subject to conditions and S106 agreement

9 WEST LODGE, 4 WEST SIDE COMMON, WIMBLEDON, SW19 4TN  
(Agenda Item 9)

Proposal: Listed Building Consent and Planning Permission for the erection of a single storey rear extension/garden room and excavation of basement level swimming pool beneath rear garden with access via garden room; erection of a dormer window to rear roof slope; erection of a detached two storey double garage with guest room and access from Chester road; and realignment of entrance gates off Westside and installation of railings to front boundary wall (along Westside). Demolition of existing garage.

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

The Committee received verbal representations from two objectors to the application, and the Applicant.

The Objectors made points including:

- For one objector the main concern is the new garage with a bedroom in the roof. This is much bigger than other garages in the area, as it is 7.5m wide with accommodation in the roof and dormers. Owing to its size and scale it will not protect the character of the Conservation Area. It will also cause overlooking from its staircase.
- The second resident spoke of his concerns with relocating the streetlight which would result in a dangerous unlit area on Chester Road. He also expressed concern about the excessive size of the proposed garage, which would set a precedent.

The Applicant made points including:

- This proposal will restore the property and will be a family home
- Worked with Council Officers on the proposal
- Council Highways officers surveys show that there is parking capacity in the area, but we will work to replace the lost space if necessary
- The garage will replace the 1980's garage. All planning applications must be judged on their own merits
- There will be a net increase in trees of over 30

In reply to Members Questions Officer replied:

- There is a bedroom and bathroom proposed above the new garage. These rooms are deemed 'ancillary' to the main property by condition. Therefore they cannot be let or sold as a separate property. The property has been split into 3 separate dwellings in the past, the applicant would require a separate planning permission to return to this.
- Two car parking spaces would be affected by the proposal, with a net loss of one space. Highways Officers have reported parking capacity in the area and so there is no concern regarding the lost space

- The Conservation Officer has said that the breakthrough of the listed boundary wall is acceptable as it is in a location away from the main house
- The rooms above the garage have less usable space than the garage owing to the dormers.
- The extensions to the listed building are of a contemporary design and have been accepted by the Conservation Officer. Contemporary design is often used in this way to show a striking difference between old and new.
- An informative can be added to request that the new lamppost will still light the same area. This cannot be enforced by condition because it is not on the site.

Members made comments including:

- Surprised that the design is acceptable for a listed building, the extension should respect the listed building
- The garage with rooms above is bigger than a whole house in other parts of the borough, and is potentially a separate home
- Other members supported the design

RESOLVED

The Committee voted to GRANT Planning Permission subject to conditions

The Committee voted to GRANT Listed Building Consent subject to conditions

10 PLANNING APPEAL DECISIONS (Agenda Item 10)

The Planning Applications Committee noted the report on Planning Appeal Decisions

11 PLANNING ENFORCEMENT - SUMMARY OF CURRENT CASES (Agenda Item 11)

The Planning Applications Committee noted the report on Planning Enforcement

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