

# Agenda Item 3

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## PLANNING APPLICATIONS COMMITTEE

19 JUNE 2019

(7.15 pm - 10.25 pm)

PRESENT Councillors Councillor Linda Kirby (in the Chair),  
Councillor Stephen Crowe, Councillor David Dean, Councillor  
John Dehaney, Councillor Russell Makin,  
Councillor Rebecca Lanning, Councillor Joan Henry and  
Councillor Dennis Pearce

### ALSO PRESENT

Neil Milligan – Building and Development Control Manager  
Tim Bryson – Planning North Team Leader  
Sarath Attanayake – Transport Planning Officer  
Lisa Jewell - Democratic Services Officer

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

Apologies for absence were received from Councillors: Najeeb Latif, Simon McGrath, Peter Southgate, Billy Christie and Dave Ward.

The Chair thanked the Councillors attending as substitutes

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

There were no declarations of pecuniary interest.

However Councillor David Dean declared, in the interest of openness and transparency that his son attended sporting events at the application site of Item 12. He choose to leave the Chamber for the duration of the item, taking no part in the discussion or vote.

Councillor Russell Makin declared, in the interest of openness and transparency, that he may attend a sporting event at the application site of Item 12 in the future. However this did not prevent him from taking part in the decision.

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

RESOLVED: That the minutes of the meeting held on 25 April 2019 were 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 6, 8, 9, 10, 11, and 12.

Order of the meeting – The Chair announced that the items would be taken in the following order 10, 8, 12, 5, 15, 6, 7, 9, 11, 13, 14, 16 and 17.

5 13-24 ALWYNE MANSIONS, ALWYNE ROAD, WIMBLEDON SW19 7AD  
(Agenda Item 5)

Proposal: Variation of condition 2 (approved plans) attached to LBM Planning Permission 17/P2397 relating to the conversion of roofspace into 4 x self-contained flats, involving the erection of rear dormer roof extensions and front facing rooflights (Scheme 2)

The Committee noted the officer's report and presentation

The Committee received a verbal representation from Ward Councillor Daniel Holden who raised residents' concerns including:

- Application is using elements of the two previous schemes, and this combination of raising the roof and extending the dormers is overdevelopment
- There are inconsistencies in the application
- The application does not consider loss of daylight and sunlight to local residents
- Compton Road residents will be most affected by this proposal

Members asked officers about the applications allowed on Appeal and how this application relates and noted that this application is to amend the approved plans associated to 17/P2397 (Scheme 2) and therefore the main consideration relates to the increased depth of the rear dormers by 0.51m. Scheme 2 has a 0.4m higher ridge height than Scheme 1 (17/17/2396)

RESOLVED

The Committee voted to GRANT Variation of Condition subject to conditions

6 LAND TO THE REAR OF 2A AMITY GROVE, RAYNES PARK, SW20 0LJ  
(Agenda Item 6)

Proposal: Erection of a two storey building comprising of 3 x residential units with associated landscaping and cycle parking.

The Committee noted the officer's report and presentation and additional information in the Supplementary Agenda.

In reply to Members' questions, officers made points including:

- The site is not on contaminated land, it is many years since it was a petrol station
- Concerns regarding daylight and sunlight informed the design, hence the sloping roof and set back. There will be very little impact on daylight or sunlight. There are already tall buildings in the vicinity
- small gardens and small patios are proposed – these meet policy requirements
- Condition 6 requires the refuse storage to be implemented and available for use prior to occupation of the development

Members made comments including:

- Proposal is too big, is overdevelopment and will have problems with waste

RESOLVED

The Committee voted to GRANT Planning Permission subject to conditions and a Section 106 agreement.

7 36 GRENFELL ROAD, MITCHAM, CR4 2BY (Agenda Item 7)

Proposal: Demolition of residential block and erection of a replacement building comprising 3 x self-contained flats across two floors, roofspace and basement level.

The Committee noted the officer's report and presentation.

In reply to Members' questions, Officers made points including:

- The development is policy compliant
- The lower floor not quite a basement, it creates a light-well that is open to the elements and so is a sunken garden.
- The conditions cover issues of groundwater
- The Council's engineers have assessed the site and are content with the application. Building Control will cover issues related to the construction process and neighbouring properties. Party Wall agreements are not a Planning matter
- The proposed development matches its neighbours in terms of bulk and scale.

Members made comments including:

- Understand that it is policy compliant but don't like the bulk, scale or sunken garden.
- It is a very complicated construction on a small site

RESOLVED

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

8 14 Highbury Road, WIMBLEDON, SW19 7PR (Agenda Item 8)

Proposal: Removal of existing garage extension, erection of a single storey rear extension; alterations to existing first floor balcony and balustrade; replacement of existing rear dormer window with two dormer windows, associated internal alterations and construction of a basement beneath part of rear garden.

The Committee noted the officer's report and presentation and additional information in the Supplementary agenda

The Committee Received verbal representations from two objectors to the application who made points including:

- This application is in a Conservation Area and it is still too large and unneighbourly
- Nothing has changed - this is a huge underground development
- The Planning Inspectors report incorrectly states that the basement was size was reduced to address the concerns of neighbours
- This is a very un-green application, consider the thousands of tons of cement to construct it and the ongoing water and heating requirements of the pool
- The garden will be decimated and trees lost, including a magnificent magnolia tree.
- The Officers report does not consider the large number of underground streams in the area. There are warnings that the development will act as a dam, re-routing large amounts of water to neighbouring properties
- The Councils Flood Risk Officer has concerns
- The development will cause ecological damage, no ecological appraisal has been carried out contrary to CS13
- The basement construction method statement warns that the vast excavation will create so much waste water that it will need to be removed in a tanker
- This report also says that Ground conditions may be unstable during excavation which is terrifying for close neighbours

The Committee Received verbal representations from the Applicant and their Agent who made points including:

- Applicants want to restore this locally listed building
- The Planning Inspector had concerns with the first floor extension on the previous application
- With all the information available to him, The Planning Inspector did not refuse the appeal for the previous application on the basement
- The basement in this application is 39% of the garden size and is therefore policy compliant
- The application is supported by the Council's Tree Officer
- The Environment Agency classify the area as low flood risk
- Thames Water say that the waste water can be discharged into the foul water mains
- No development can take place until the Flood Risk survey is approved?
- Only one tree will be removed – the Magnolia tree. All trees are set within the boundaries
- The Applicant said that her son was a very promising swimmer and having a 25m pool would enable him to train twice a day and help him reach his potential.

The Committee Received verbal representations from Ward Councillor Andrew Howard who made points including:

- This application is still unacceptable – it has not changed from last time
- Residents' concerns are still not given due respect

- Residents have raised the same objections as for the previous application

In reply to Members' Questions, Officers made points including:

- The Planning Inspectors report on the previous application can be challenged regarding statements of fact. Planning Officers have to take this report as a material consideration. Expert views are that this application is acceptable and policy compliant
- The Environment Agency classify this area as Flood Risk 1 – which is low risk
- Officers have checked, and the basement will cover 39% of the garden. This is below the allowed coverage of 50%. The garden area includes the land down the side and at the back.
- It is a large basement but it is in a large plot. The definition of how the 50% take up is judged is it is based on which garden space the basement would extend under (i.e. rear basement you only take into account the rear garden space in the calculations).
- The basement size has been reduced from 42% of the garden area to 39%. Although this is a small change it is material, and Members should note that the basements in both schemes are policy compliant.
- The distance between next door fence and the basement wall is 2.6m
- The Planning Inspector does not pass comment on the basement in his report. Officers interpret this as meaning that the Inspector was content with the basement. If he had an issue with the basement it would have been mentioned in his report. Paragraph 18 of the Inspectors report outlines that the scheme would 'overall' not be harmful to the character and appearance of the Conservation Area.

Members made comments including:

- This application is a dilemma for members as it was previously refused for the rear extension and the basement, but the Inspector only commented on the single story extension.
- We need to consider the environmental impact of this construction, both in building and filling the pool with water that will require topping up and changing
- Residents are very concerned about flooding
- Do not accept that the Planning Inspector was content with the basement. The fact is that the appeal on the previous application was dismissed, including the basement.
- Members are uncomfortable with the size of the swimming pool and basement, but noted that it is policy compliant

RESOLVED

The Committee agreed to:

1. REFUSE Planning Permission for the following reasons:
  - The size of the proposed basement is disproportionate to the size of the house
  - The proposal represents overdevelopment in a Conservation Area
  - The size of the proposed basement too large and is unneighbourly.

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

9 GARAGES R/O 38 INGLEMERE ROAD, MITCHAM, CR4 2BT (Agenda Item 9)

Proposal: Demolition of garages and erection of 4 x 3 bed dwellinghouses with associated parking and landscaping.

The Committee noted the officer's report and presentation

In reply to Members' questions officers said:

- It is not known if the garages ever belonged to the existing houses. The parking survey showed that there are 48 spaces in the area, so even if the garages are currently used for parking cars, the loss of the garages would not create a parking issue.
- An 'Angled Privacy Screen' is a mechanism to prevent direct overlooking of neighbours whilst still allowing light into the property

RESOLVED

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

10 3 LINCOLN AVENUE, WIMBLEDON PARK, SW19 5JT (Agenda Item 11)

Proposal: Erection of 3 x six bedroom detached houses with basements

The Committee noted the officer's report and presentation and additional information in the Supplementary Agenda including corrections to the number of bedrooms of each proposed unit.

Members noted that there was already an approved scheme for this site, and that this new scheme proposed a more modern design.

RESOLVED

The Committee voted to GRANT Planning Permission subject to conditions and Section 106 Agreement

11 MERTON HALL, KINGSTON ROAD, WIMBLEDON, SW19 1LA (Agenda Item 10)

Proposal: Application To Vary Condition 8 (Hours Of Operation) In LBM Planning Permission 17/P2668, Relating to alterations and extensions to existing Merton Hall building 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, cafe, foyer and meeting/group rooms for use of by Elim Pentecostal Church.

Variation proposed To Condition 8: To (Extend use of Church beyond 10pm to 10.30pm Monday to Sunday and beyond that time on no more than 10 separate occasions a year. No Church service or similar activity shall take place after 10pm Mondays To Sundays. These restrictions would not apply to administrative use including small meetings of no more than 15 Persons)

The Committee noted the officer's report and presentation and additional information in the Supplementary agenda.

The Committee received verbal presentations from two objectors who made points including:

- The current opening hours are a vital safeguard to residents
- Merton Hall is surrounded by family homes, it is 15m away from children's bedrooms.
- The roof ventilation system will generate noise.
- Elim Church has been gifted the freehold of Merton Hall
- It is unreasonable that Elim Church have made this application before they have even taken possession of the new building. The extra noise levels, sound protection, disturbance and pollution have not been tested.
- Police have been called 18 times in a year to Elim Church at the current site in High Path
- If Elim had any respect for local residents they would stick to a 9pm finish time

The Committee received a verbal presentation from the Applicant's representative who made points including:

- I am a Church Elder, I am responsible for the music in the Church and I live very close to Merton Hall. I would not be happy to think that children were having their sleep disturbed.
- It is common practice to turn off mechanical plant so that it does not cause a disturbance
- This application is about the Logistics of living in London. The Church needs to open at times suitable for us to attend after work, and to fit in the additional use of the building by other the Sri Lankan and Brazilian congregations we host. The building will also be used by the Pelham School Community Choir, and Merton's food bank
- The building will be available for the use of other community groups – its value as an asset is only limited by what people ask for.
- The building cannot brought into operation without sensible functioning arrangements that allow for sensible practical logistics

The Committee received a verbal presentation from Ward Councillor Nigel Benbow who made points including:

- I am calling for this application to be rejected
- The Voices of Abbey Ward residents must be heard. Over 200 objections have been made to this application

- The local police are opposed to this application
- This is a quiet residential area, there are no other noisy buildings on this part of Kingston Road that are open seven nights a week
- Elim Church have had noise issues, and the police called, to their current location on High Path
- Elim Church were re located to High Path, from a building close to Kingston Road, because of parking problems.

The Building and Development Control Manager reminded the Committee that this application was about extending the opening hours and the procurement and history of the site was not relevant.

In reply to Members Questions, the Building and Development Control Manager made points including:

- Hours can be adjusted as an application progresses through the planning system. The application before you tonight is for an extra ½ hour opening until 10.30pm each night.
- The original application, granted in September 2017, allowed for opening until 10pm. The application before you tonight is an amendment to an amendment, the original amendment was for an extra hours opening until 11pm each night. The Police were concerned about the 11pm extension but are not concerned about the 10.30 extension.
- The Application before you tonight also contains additional late opening on up to 10 separate events per year. This application is a mechanism to do away with the Church having to apply separately for a change of hours for each of these events.
- Conditions 9,10 and 11 of the original application cover noise control Music will be played at the back of the hall. It is the noise level at the boundaries that is important, not the noise level in the hall. The Church will have to design and operate suitable sound proofing and noise management to prevent noise disturbances to neighbours.

Members made comments including:

- Other Elim Churches do not open this late
- Lots of assumptions have been made about the policing of this amendment; that activities will stop at 10pm, that meetings will have less than 15 people attending, that the soundproofing will be adequate, that people will disperse quietly at the right time. But we are not able to police this, and this is a quiet residential area. This application is too vague about these assumptions.
- The potential for noise disturbance is not just the music in the hall, it is also from people leaving the Church, having conversations in the street and returning to their cars
- Don't understand the logistical need for late meetings, we started at 7.15 tonight and many of us work in London
- The Church needs to respect its neighbours



## RESOLVED

The Committee voted unanimously to

1. REFUSE the variation to conditions for the following reasons:
  - The additional operating hours will cause a Disturbance to Neighbours in terms of noise and amenity
  - The application was contrary to policies DMD2 and DMEP2
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

### 12 OLD RUTLISHIANS ASSOCIATION SPORTS GROUND, POPLAR ROAD, MERTON PARK (Agenda Item 12)

Proposal: Installation of new cricket nets to replace existing, erection of new storage shed & erection of mesh-wire fencing along western and eastern boundaries to height of 1.8m.

The Committee noted the officer's report and presentation and additional information in the Supplementary agenda

The Committee received a verbal representation from one objector who made points including:

- Nets have already been erected, and the planning application is incomplete
- These nets are only 6.5m from houses, they used to be 30m away
- The nets are used up until 9.30pm in the evenings and every weekend from 8.30am to 9pm. Residents are woken up every weekend at 8.30am. In the Summer holidays there will be Summer camps in addition
- Even when not in use the nets attract children
- The bowling machines make even more noise, and the whole application has a huge impact on local residents quality of life

The Committee received a verbal representation from a representative of the Applicant who made points including:

- I am a volunteer on this site where 1000 people play sport
- This application is exactly the same size as the previously allowed scheme, but it is in a different location to allow us to make better economical use of the Land
- We have not seen any complaints
- Since the build we recognise that
  - there needs to changes to the curtains.
  - That early morning use must stop – we have already changed the start time to 9am
  - We recognise that the bowling machines are noisy and we will listen to the neighbours and make changes
- We want the hedge to grow to help prevent vandalism

In reply to Members Questions, The Development and Planning Manager made points including:

- The structure is not permanent so we cannot put hours of use restrictions on it
- The hours of use are restricted by daylight
- The nets have been positioned to accommodate other sports pitches on site

RESOLVED

The Committee voted to GRANT Planning Permission subject to conditions

13 72 SOUTHDOWN ROAD, RAYNES PARK, SW20 8PX (Agenda Item 13)

Proposal: Conversion of single storey dwellinghouse to create 1 x three bedroom flat and 1 x two bedroom flat

The Committee noted the officer's report and presentation

Officer replied to members' questions:

- Permit Parking is allowed for the current house. This application does not increase this; so there is a condition limiting permit parking to one of the new properties.

RESOLVED

The Committee voted unanimously to GRANT Planning Permission subject to conditions and Section 106 Agreement

14 7 SUNNYSIDE PLACE, WIMBLEDON SW19 4SJ (Agenda Item 14)

Proposal: Erection of a three storey rear extension and installation of new balustrade to existing front roof terrace and alterations to façade.

The Committee noted the officer's report and presentation

RESOLVED

The Committee voted unanimously to GRANT Planning Permission subject to conditions

15 TREE PRESERVATION ORDER (NO.738) AT 5 Highbury Road, WIMBLEDON, SW19 7PR (Agenda Item 15)

The Committee noted the officers report and presentation.

The Ward Councillor, Thomas Barlow, spoke and raised points including:

- Speaking on behalf of the residents of 5 Highbury Road
- They have had technical surveys done, to industry standards by structural engineers and arboricultural experts, that recommend the removal of the trees

- The trees are causing lifting and cracking to drives and pavements
- The trees cause shadowing all day
- The residents would plant younger trees in slightly different location if they could remove the application trees

The Planning development Manager informed the Committee that:

- The Council's tree officer says that these trees are worthy of protection, and should not be removed
- Tree Officers do allow trees to be removed if the evidence suggests that it is necessary. If the applicant has further evidence this should be resubmitted for reconsideration
- A minor crack in the pavement does not mean that a tree has to be removed
- If the TPO is not confirmed then the trees can be removed

RESOLVED

That the Merton (No.738) Tree Preservation Order 2019 be confirmed, without modification.

16 PLANNING APPEAL DECISIONS (Agenda Item 16)

RESOLVED: The Committee noted the report on Planning Appeal Decisions

17 PLANNING ENFORCEMENT - SUMMARY OF CURRENT CASES (Agenda Item 17)

The Chair reminded Members that they should talk to Officers if they have any enforcement issues in their ward.

RESOLVED: The Committee noted the report on Current Enforcement Cases.

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