

Agenda Item 3

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PLANNING APPLICATIONS COMMITTEE

20 OCTOBER 2022
(7.20 pm - 11.10 pm)

PRESENT Councillors Councillor Aidan Mundy (in the Chair),
Councillor Simon McGrath, Councillor Thomas Barlow,
Councillor Sheri-Ann Bhim, Councillor Michael Butcher,
Councillor Edward Foley, Councillor Susie Hicks,
Councillor Dan Johnston and Councillor Gill Manly

ALSO PRESENT Councillor Matthew Willis
Jonathan Berry (Interim Head of Development Control and
Building Control), Tim Lipscomb (Planning Officer), Stuart
Adams (Development Control Team Leader South), Jill Tyndale
(Conservation Officer), Andrew Robertson (Head of Democracy
and Electoral Services) and Amy Dumitrescu (Democracy
Services Manager)

**ATTENDING
REMOTELY** Councillor Caroline Cooper-Marbiah
Councillor Linda Kirby

1 APOLOGIES FOR ABSENCE (Agenda Item 1)

Apologies were received from Councillor Martin Whelton, Councillor Caroline Charles attended as substitute.

2 DECLARATIONS OF PECUNIARY INTEREST (Agenda Item 2)

Councillor Sheri-Ann Bhim declared that two applications were located within her ward.

3 MINUTES OF THE PREVIOUS MEETING (Agenda Item 3)

RESOLVED: That the minutes of the meeting held on 22 September 2022 are agreed as an accurate record.

4 TOWN PLANNING APPLICATIONS (Agenda Item 4)

The Committee noted the amendments and modifications to the officer's report. The Chair advised that the agendas would be taken in the published agenda order.

5 BENNETTS COURTYARD, WATERMILL WAY, SW19 2RW (Agenda Item 5)

Proposal: Erection of roof extensions to the three residential blocks which comprise Bennetts Courtyard to provide 17 x self contained flats (comprising 9 x 1 bed and 8 x 2 bed flats)

The Planning Officer presented the report.

At the end of the presentation, the Financial Viability Officer spoke to advise that having looked at the application, including the build costs whereby some savings had been identified and the sales values which were considered fair and reasonable. The profit level of 20% was reduced to 17.5% in line with previous work undertaken on the scheme. The design fees and sales and marketing fees had also been reduced. Following consultation with officers the CIL amount had also been reduced. The residual land value of £518,000 therefore resulted in a surplus of £468,000.

The Conservation Officer spoke to advise that the buildings were on the local list. The initial application was not deemed to be enhancing, the new design within the current proposal followed through the initial design and extended it upwards by one storey, which preserved the original qualities and did not detract from the conservation area.

The Committee received presentations from an objector who made points including:

- This application is taller and broader and has additional flats to the initial application
- The proposal is within a conservation area and within a heritage area

Councillor Cooper-Marbiah, Ward Councillor spoke to acknowledge the progress made to the application and raising concerns that the property was within a conservation area, the potential disruption to residents and noted there was no affordable housing proposed and would not address the need for more family housing in Merton.

The Applicant spoke in response and raised points including:

- The amendments made to the application had addressed the Conservation Officers' concerns
- The scheme had been subject to independent viability specialists assessments
- The Council's sustainability officer had confirmed the proposal met the standards and no carbon offset was required
- The scheme would deliver 17 new homes in the Borough

In response to the comments received within the presentations, the Planning Officer advised that whilst disruption couldn't be used as a reason for refusal, this was a common occurrence across the Borough and could be controlled as far as reasonably possible. There was an affordable housing offer of £470,000. There are no family sized proposals however this was due to matching the setup of the existing building.

In response to questions from Committee members the Planning Officer and Conservation Officer advised that:

- The money could be requested as a cumulative sum and spend on affordable housing in any way we saw fit, such as affordable rent or intermediate rent or an on site provision of 2 shared ownership properties.
- If there was a rooftop extension the impact should be minimised and conditions can be placed – condition 15 requiring a construction management plan and condition 8 and 9 were included in terms of reducing disruption and would be looked at through the condition discharge process
- The height of the building now is acceptable within the context of other developments within the area
- The applicant would be free to make any further application in the future and the Council could grant or refuse permission based on the impact.
- Local Planning Authorities are permitted under the legislation to take into account multiple applications in certain circumstances, for instance where there is a contiguous boundary, adjoining applications within a specific period of time and also which come under the same land ownership and can take account of those at a later stage to then take forward the affordable housing provision from this application to ensure that the total after a second application ends up providing the right amount as if the two storeys were applied for now.
- The Committee could if so minded, include a clause within the legal agreement that any future development would invoke the full affordable housing requirements.
- There would need to be a financial viability assessment of any future application as a whole development
- Whilst this group of buildings had received an award from good design, the Conservation officer did not believe this would detract from the design of these buildings and would remain lower than the buildings nearby to the site, some of which were within the same conservation area. It was the officers' view that one storey being added with the same materials and design would be acceptable and would retain its' good design
- Cleanliness of the halls inside could be conditioned to ensure no ambiguity
- A residential management plan for existing residents could be requested from the Applicant as part of a condition – this could be in consultation with ward members.

Committee members commented on the application, noting the conservation officers' comments and the difficulty of the tilted balance situation.

Members expressed concerns about the impact on residents and agreed that additional conditions should be included to make it clear that the financial viability assessment for any future storey addition consider the property as a whole, a residential management plan be included to include cleanliness and timelines and an

update would be brought to Planning Committee on this and that construction hours be limited at the weekend.

The officer recommendation was put to the vote including the additional conditions and it was

RESOLVED: That Permission was GRANTED subject to conditions and s.106 legal agreement

The Chair did not participate in the vote on this application.

6 35 WOODLAND WAY, MITCHAM, CR4 2DZ (Agenda Item 6)

Proposal: Demolition of existing side garage and conservatory and erection of a part single storey, part two storey side extension. Erection of a two-storey rear extension, conversion of roofspace and erection of a rear roof extension. Modified block will be sub-divided to create 1 x 3-bedroom, 1 x 2 bedroom and 2 x 1 bedroom selfcontained flats.

The Development Control Team Leader (South) presented the report

The Committee received presentations from one objector who made points including:

- There were concerns about the impact on services in the area
- There were concerns regarding the impact on parking noting that after 6.30pm and during weekends parking was difficult in the street and this would be increased with additional properties
- The conversion to flats would minimise family development
- The shape and size of the building would be out of context with the other buildings in the area
- The proposal did not fit with the requirement in DMD2 in regards to the impact on neighbouring properties
- There were concerns about overlooking from the balcony onto other properties and gardens
- There would be loss of light resulting from the proposal
- There were concerns about noise vibration and dust from the development
- The London Plan Housing SPG – the site had a PTAL rating of 2 and the density of the property would be 74 units which would lead to greater impact to the area

The Applicant spoke in response and raised points including:

- There was great demand for properties within this area
- There were a number of flats being developed within this road

- Feedback at the pre-application stage had been supportive subject to a number of conditions and a downscaled version had been submitted following consultation with officers to ensure it was policy compliant

In response to the comments received, the Development Control Team Leader (South) clarified points including:

- In regards to parking and permit free – if a permit free development was imposed on the flats this would discourage car parking and this would also promote sustainable transport
- In relation to family accommodation there would be 2x3 bedroom flats which are defined as family accommodation
- This is a modest scale development so there is no suggestion that there would be a large impact on local services
- The policy CS14 does restrict a number of house conversions

In response to questions from Committee members, the Development Control Team Leader (South) advised that:

- In terms of bin storage, the proposal was to have storage in the back gardens of each of the flats and the level of this would be controlled as part of the condition following consultation with the Councils' waste officers. It was desirable to hide the bin storage as much as possible, noting there was scope to provide larger bins on site.
- In terms of the power plant, as part of the condition the climate change officer would be consulted
- The majority of the extension would be on the side a distance from neighbouring properties, whilst there might be some loss of light this would not in officers' view warrant refusal of the application
- The hip to gable would be the subject of a separate application
- If members felt it necessary, an additional condition could be added for further measures to be approved in relation to noise
- There is a degree of overlooking currently from existing windows and officers feel the proposal would not add to additional overlooking
- The feasibility of electric charging points could be assessed
- A condition is attached to the application in terms of air quality
- The rear gardens are a large size for flats in relation to London Plan space standards
- Potential increase of damp would be covered under building control

Committee members commented on the application encouraging the applicant to consider the aesthetic of the front of the property, noting there were some good conditions attached and requesting whether a bicycle hanger could be included.

The Interim Head of Development Control responded that a general boundary treatment condition could be included to enhance the appearance of the site.

The officer recommendation with the additional conditions of general boundary treatment, inclusion of an air source heat pump, soundproofing and the larger 240litre wheeled bin to be provided to the properties as well as screening for the bins and the inclusion of one car charging point was put to the vote and it was

RESOLVED: That Permission was GRANTED subject to conditions and s.106 legal agreement

The Chair did not participate in the vote on this application.

The meeting was briefly adjourned at 21.09 and resumed at 21.23

7 191 WORPLE ROAD, RAYNES PARK, SW20 8RE (Agenda Item 7)

Proposal: Demolition of re-fabricated storage building to rear and the erection of a two storey rear extension to provide enlarged commercial floorspace (storage space for existing restaurant) at ground floor and a 1bed flat at first floor level, with rear facing balcony

The Planning Officer presented the report drawing the Committees' attention to the modifications sheet.

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

- There were concerns regarding reduction of natural light
- Privacy would be affected and there would be an increase in noise
- The ground floor extension is now listed as commercial and so could be used as additional seating
- The number of deliveries to the property would increase and this would increase noise
- The second storey would look out of character and disproportionate to nearby properties
- The access way would now be a main entrance to the new property, how do deliveries and post delivery persons find the property
- The refuse is shared with the side restaurant and it is not clear whether it has been agreed to close in this

Councillor Willis, Ward Councillor spoke to note that para 7.4.2 of the report and 7.4.8 – Environmental Health concerns had led to an acoustic report but did not cover the adjoining property. Impact on neighbouring amenity and expressing concerns. There had been no noise impact assessment.

In response to the comments received, the Planning Officer advised that in relation to the obscure glazing this would prevent the majority of views out but the level of overlooking was felt to be low. However it wouldn't be unreasonable to add as an condition that these windows be shut. The space met with the relevant standards in

terms of floor area and light penetration. Urban design guidance encourage frontages onto the main road however whilst this is desirable this must be taken into context with the rest of the development.

In response to questions from Committee members, the Planning Officer responded:

- There isn't an air conditioning unit within the proposal currently and the addition of one would require a planning application
- It is not a requirement to supply details on fire safety (this comes under building regulations) but this would be required by building control
- If a heat pump were proposed this could be provided however Planning are only able to enforce a 19% reduction in carbon dioxide levels, anything over that would be under building control
- A condition could be added for noise insulation to the neighbouring properties – there have been discussions between the applicant and Environmental Health regarding this however environmental health have not raised any objection
- There would be a marginal loss of morning sunlight but officers do not deem this to be significant
- The existing restaurant already has bins on site and any issues would likely be existing but this might require additional bin storage or frequency of collection – a condition could be added to require details of the waste management for the restaurant as well as the residential unit

Committee members commented on the application, noting the bulk in a small space, was short on windows and expressing concern regarding the impact on neighbours. Members expressed concern about the fire escape route from the property which was not clear.

The officer recommendation was put to the vote and it fell. Members therefore proposed reasons for refusal and voted on refusal for those reasons. The Chair did not participate in the vote on this application.

RESOLVED:

1. That the Committee REFUSED the application for the following reasons:
The proposal would result in an overdevelopment of the site to the visual detriment of the character and appearance of the area. There would be inadequate standards of amenity and a harmful impact on the living conditions of neighbouring occupiers.
2. That the Committee DELEGATED to the Interim Director of Housing and Sustainable Development 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

8 153 LINKS ROAD, TOOTING, SW17 9EW (Agenda Item 8)

Proposal: Application for the proposed change of use of a dwelling house to a 7-bed (7 person) House in Multiple Occupation

The Development Control Team Leader (South) presented the report.

Councillor Linda Kirby spoke on the proposal, expressing this was an overdevelopment with concern that the amenity space at the rear would be further reduced by the bins. The development does not appear to meet DMD2 criteria to not to have an undue negative impact on neighbours, through quality of living conditions, privacy, visual intrusion and noise. There were already 55 registered HMOs within the ward.

The Development Control Team Leader (South) responded that the bins in the rear garden could be conditioned which would lead to a breach of condition if stored at the front. It was noted no objections were received from neighbouring properties.

In response to questions from Committee members, the Development Control Team Leader (South) responded:

- The 2007 report is the most up-to-date report and is included within the report
- There is a guide in relation to the sizes of bedrooms and living areas and this property does meet those standards
- The changes proposed are a proposal and whilst there was a previous application for a certificate of lawfulness this was refused.

Members commented on the application and expressed concern that the amenity and size and quality of design were not sufficient on the application.

The officer recommendation was put to the vote and it fell. Members therefore proposed reasons for refusal and voted on refusal for those reasons.

The Chair did not participate in the vote on this application.

RESOLVED:

1. That the Committee REFUSED the application for the following reasons: Overdevelopment, lack of quality planning and unacceptable impacts in terms of amenity and waste management arrangements.

2. That the Committee DELEGATED to the Interim Director of Housing and Sustainable Development 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

9 225 STREATHAM ROAD, STREATHAM, SW16 6NZ (Agenda Item 9)

Proposal: Demolition of existing single storey buildings (shops and garage/workshop) and erection of a steel frame single storey structure for use as motor repairs (class B2), provision of hand car wash business (Sui Generis) and car sales (Sui Generis)

The Interim Head of Development Management and Building Control presented the report.

Councillor Kirby, Ward Councillor spoke to raise points including

- The site has been derelict for over five years and since the changes on the site the site had been used and a retrospective planning application was submitted.
- Work has been undertaken on the site without planning permission and since enforcement action no further work has taken place
- Housing is needed on this site and the poor state of this site is an eyesore for local residents

The Agent for the application spoke to raise points including

- The previous application had been deferred by the Committee requesting further information which had now been provided
- There had been a recommendation to approve the application however the recommendation was now for refusal

The Interim Head of Development Control and Building Control responded that the main reason for recommending refusal was the visual impact. The highways engineer had acknowledged an error was made in terms of the swept path analysis not being correct. Design is subjective and the Planning Committee could overturn the officer recommendation should they wish to.

In response to questions from Committee members the Interim Head of Development Control responded

- The reasons for refusal in the report were recommended outside of the highways analysis issues
- The design and lack of biodiversity were two other reasons given for the recommendation to refuse

Committee members commented on the application and made comments on the visual impact of the proposal.

There was a challenge by the applicant as to whether the highways plan was the latest plan. The officer recommended there was insufficient information on the access arrangements and members agreed to add this as an additional reason for refusal.

The officer recommendation was put to the vote.

The Chair did not participate in the vote on this item.

RESOLVED:

1. That the Committee REFUSED the application for the reasons of design, visual impact, lack of sufficient biodiversity net gain and access arrangements
2. That the Committee DELEGATED to the Interim Director of Housing and Sustainable Development 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

10 GALPINS ROAD (Agenda Item 10)

The Interim Head of Development Management and Building Control provided a presentation to the Committee on the most recent updates to the ongoing situation at Galpins Road. It was noted that there had been a number of routine safety inspections undertaken within the red exclusion zone at the start of October. All properties between 262 and 288 were inspected and bespoke advisory letters detailing the issues with the properties were provided to residents – these issues were loose roof tiles, broken windows, both or no issues. The Head of Development Control gave members an overview of the site findings and the next steps, noting that Building Control were facilitating discussions between insurers, loss adjustors and residents.

In response to questions from members, the Interim Head of Development Control advised that the Council was sourcing legal advice for residents in regards to their rights.

Members thanked the officers for their work.

11 PLANNING APPEAL DECISIONS (Agenda Item 11)

The Head of Development Control presented the report which was noted.

12 PLANNING ENFORCEMENT - SUMMARY OF CURRENT CASES (Agenda Item 12)

The report was noted. The in depth report on enforcement was deferred to a future meeting.