

# Agenda Item 3

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## PLANNING APPLICATIONS COMMITTEE

14 JULY 2022

(7.20 pm - 10.28 pm)

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

**ALSO PRESENT** Jonathan Berry (Interim Head of Development Management and Building Control), Tim Bryson (Development Control Team Leader – North), Stuart Adams (Development Control Team Leader – South), Leigh Harrington (Planning Officer), Andrew Robertson (Head of Democracy and Electoral Services) and Amy Dumitrescu (Democracy Services Manager)

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

Apologies for absence were received from Councillor Charles. Councillor Neaverson attended as substitute.

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

Councillor Barlow declared that he had taken part in the consultation for agenda item 8, Oriel House and therefore would not be voting on that item.

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

**RESOLVED:** That the minutes of the meeting held on 16 June 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 items would be taken in the published agenda order.

### 5 LAND REAR OF 20 PELHAM ROAD, WIMBLEDON, SW19 1SX (Agenda Item 5)

The Development Control Team Leader (North) presented the report, noting that an additional condition had been added to the application.

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

- The proposal was inappropriate
- There were concerns regarding the impact of the building on nearby properties
- The proposal would increase density in an already crowded area
- The proposal would breach Policy D5 of the London Plan
- The steps are insufficiently able to accommodate a stairlift
- Access to the public footpath would cease during construction works and this footpath forms a main route to local schools
- An Equality Impact Assessment should be undertaken
- Greening works within the alleyway which had been undertaken by residents would be damaged by the proposed works and a condition should be imposed to repair any damage caused
- The proposal would have an adverse effect on the local community
- There were concerns relating to the removal of green spaces and noise pollution
- The proposal would have an effect on local wildlife and remove charm and character in a conservation area

The Applicant spoke in response and raised points including:

- The application sought to provide an additional home and met the needs of the relevant plan policies
- The design was contemporary and low impact to the surroundings
- The property would not overlook any neighbours
- The site was within a Conservation area however would not be detrimental to the street frontage or the area as a whole and would not be seen from Pelham Road
- The development would be sustainable, designed in accordance with passivhaus standards. The property would be car-free.
- The application was supported by a construction and logistics plan

Councillor Brunt, Ward Councillor spoke to raise concern about the proximity of the proposed building to neighbouring properties, ambient noise, loss of privacy and vehicular access. Councillor Brunt queried where refuse containers would be collected from as there is no clear curtilage for collection and questioned whether the green roof would be used as an extension of the garden and therefore cause issues of overlooking. Councillor Brunt felt the proposal was not adding to the area and proposed a number of possible conditions.

The Development Control Team Leader (North) responded to the points raised noting that the covenants were not a material Planning consideration and that in terms of precedent, each application is assessed on its' own merits. Highways officers had been consulted in relation to the footpath and had advised that a licence to close the highway would be required if permission were granted. The green roof would not be used as an outdoor space and the application contained a condition which restricted that.

In response to questions from the Committee, Planning Officers advised that:

- As part of the landscaping scheme, mitigation with tree planting could be put in place
- Not every scheme could provided the outdoor space provision detailed within policy DMD2 and it would be a judgement for the Committee whether this was deemed sufficient for this proposal
- Environmental Health condition a standard noise limit for construction works
- As is standard for basement applications, there is a condition within the application seeking further detail on the drainage scheme
- If any damage were caused to the highway as part of the development this would be required to be returned to the prior standard, however it might be unreasonable to add planting in the alleyway as wider public realm improvements as part of this development

Members commented on the application raising concern around diminution of amenity, welcoming the use of cross-laminated timber and noting that the loss of a private garden would not be a reason for refusal particularly as the area is well served by parks and public spaces.

In regards to conditions, members requested that a condition be added to retain access to the public footpath and replacement of lost trees.

Planning Officers advised that in regards to the public footpath, the condition would be pursued as far as possible if achievable and that the landscaping condition would be made more robust.

With the two additional conditions, the recommendation was put to the vote and it was

RESOLVED:

That the Committee GRANTED planning permission subject to conditions and S106 Agreement

6 43 WOODSIDE, WIMBLEDON, SW19 7AF (Agenda Item 6)

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

The Committee received a presentation from one objector who raised points including:

- The area mainly consisted of family dwellings and a large HMO (House of Multiple Occupation) would be unsuitable
- The proposal would change the character of the area, with no other HMOs in the immediate vicinity and have a detrimental effect on the neighbourhood
- The use of the property garden by the occupants would lead to excessive noise
- The new entrance would be sited opposite a nursery which was an unsuitable location

- The size of the shared kitchen/diner would be unable to accommodate 8 households and there were only 3 bathrooms included in the proposal.

The Application responded to the points raised and advised:

- The proposed site was close to public transport and provided one off-street parking space
- The proposal met a local need in providing affordable accommodation
- The property had a large rear garden and the proposal would require no additional works as the property already contained 8 bedrooms
- All rooms could be used as single occupancy and the property was already designed to host 8 people
- The property had a large dining space and outdoor amenity
- The property is detached and would be let out to working professionals and the level of noise was not expected to increase
- Security cameras were sited at entrance points

The Development Control Team Leader (North) responded to the points raised noting that officers would be guided by the Merton HMO 2021 guidance document and the application did conform to the requirements within this guidance. The property would not be occupied by children or families and therefore an increase in noise would be less likely, however noise nuisance could be reported to the Council.

In response to questions from members, Planning Officers responded that the proposal was for 8 occupants, however there may be occasions where there were more people in the property, however should a complaint be submitted that there were regularly more than 8 persons within the property, the Planning Enforcement team could assess this and this would also lead to a breach of the HMO licence by the Applicant. An informative could be added to the application to enforce that the property must only be occupied by a maximum of 8 persons.

Members commented on the proposal, requesting that a further condition be placed on the application to ensure that the refuse bins outside the property were capable of holding the waste generated and raising concerns that there would be more than 8 persons in the property.

The Interim Head of Development Management and Building Control responded that a condition could be imposed in relation to the refuse space and the details would be referred to the waste team as well as informing them of the views of the Committee. It could also be conditioned that the development implementation be entirely in accordance with the plans.

The Chair moved to the vote and it was

RESOLVED:

That the Committee GRANTED Planning permission subject to conditions and S106 Agreement

7 9 LANCASTER ROAD, WIMBLEDON VILLAGE, LONDON, SW19 5DA  
(Agenda Item 7)

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

Councillor Max Austin, Ward Councillor spoke on the application and raised points including:

- Residents had raised concerns over the scale of the site which was located in a small cul-de-sac
- The development would be reliant on the daily use of HGVs and this would lead to issues with the accessibility of the cul-de-sac particularly for emergency service vehicles, carers and other visitors
- If approved, the application would require a construction management plan which protected the cul-de-sac which required constant access to and from the road

The Development Control Team Leader (North) responded that whilst officers could never fully mitigate against the effects of construction works, condition 9 had been imposed to assist with those issues.

In response to questions from members, officers advised that the green area was outside of the application area and therefore this restricted the ability of officers to impose conditions as this would be a third party civil issue. There would be a land ownership process to go through with a requirement to serve notice and an informative could be added to advise the applicant of this. The documents could be circulated for comments in consultation with the members of the Committee and ward councillors. Members agree that they would like to proceed with this approach and requested a condition be added to the application to this effect.

The Chair moved to the vote including the additional condition and it was

RESOLVED:

That the Committee GRANTED planning permission subject to conditions.

8 ORIEL HOUSE, 26 THE GRANGE, WIMBLEDON, SW19 4PS (Agenda Item 8)

The Development Control Team Leader (North) presented the report, noting that a further condition had been added as detailed within the modifications sheet.

In response to questions from members, officers advised that a flood risk and structural engineer had been consulted on the application and an information had been added to the application in regards to swift boxes.

The Chair moved to the vote and it was

RESOLVED

That the Committee GRANTED permission subject to conditions.

The meeting was adjourned briefly between 21.06 and 21.16

9 HADLEY ROAD COMMUNITY ALLOTMENT, MITCHAM, CR4 1LG (Agenda Item 9)

The Planning Officer presented the report.

Members raised concerns regarding the consultation between ploholders and the landowner of the site. Planning officers advised that the land was Council property with the Allotment Association taking over the management of it. Planning officers advised that this would be a legal agreement and not a planning matter however a condition could be added that a legal agreement for terms of use and defining the relationship between the landowner and the users be drawn up and submitted under a condition under a discharge of condition application. Officers would make the Committee aware once this had been received.

Members requested that this also include confirming that their constitution had been followed.

Members commented on the application and the Chair moved to the vote.

RESOLVED:

That the Committee GRANTED permission subject to relevant conditions.

10 TPO 5 PARKSIDE AVENUE, WIMBLEDON, SW19 5ES (Agenda Item 10)

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

RESOLVED:

That the Merton (No.777) Tree Preservation Order 2022 be confirmed without modification.

11 TPO 1 WEIR ROAD, WIMBLEDON, SW19 8UG (Agenda Item 11)

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

In response to a question from members regarding whether trees being cut back and then cut down could be prevent elsewhere, officers advised that they would look at tree retention schemes and conditions to fence off trees and serve TPOs where applicable.

RESOLVED:

Recommendation: That the Merton (No.772) Tree Preservation Order 2022 be confirmed but be modified by removing T1 (Elder) from the Order.

12 TPO 296 COOMBE LANE, RAYNES, PARK, SW20 0RW (Agenda Item 12)

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

In response to questions from members, officers advised that if a tree were causing a structural problem this would be a major factor weighing against the retention of it, however in this case, officers felt this could be monitored and if cut back sufficiently the tree shouldn't cause damage and the tree was not causing sufficient damage that would outweigh the visual contribution of the tree.

RESOLVED:

Recommendation: That the Merton (No.773) Tree Preservation Order 2022 be confirmed without modification.

13 ADVERTISING PANEL OUTSIDE 87 THE BROADWAY, LONDON, SW19 1QE (Agenda Item 13)

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

Councillor Fairclough, Ward Councillor spoke on the item and raised points including:

- The panel was located in an area of high footfall and there were a number of other pieces of street furniture on the pavement
- A number of groups had objected to the application on numerous grounds
- Councillor Fairclough quoted para 127 of the National Planning Policy Framework stating spaces should be safe inclusive and accessible and noting that guidance stated design of approach routes should meet the needs of wheelchair users and persons with visual impairments
- Circumstances had changed since 2016 particularly post-Covid

In response, the Development Control Team Leader (North) advised that the highways officer had assessed the application and requested it to be cited further to increase pedestrian space however had not objected to the application. Technical advice had been sought and officers were satisfied with it in terms of pedestrian safety.

In response to questions from members, officers advised that the previous application for citing the panel had been granted in 2016 and permissions lasted for 5 years. If granted, the panel would remain in place for an additional 5 years, unless

complaints were received which led to enforcement action. Permission had to be granted or refused based on the plan submitted, however officers noted that the area of land was Council owned and Councillors would be able to contact the appropriate Council departments to request movement of bicycle racks and other street furniture.

In response to further questions, officers advised that if permission were not granted, the consent had run out, noting the 5 years was a standard term set out in legislation. If that consent were not renewed, the panel could be discontinued and removed. Relocation of the panel would require a separate planning application.

Members raised concerns about the space for pedestrians.

The Chair moved to the vote on the officer recommendation to grant the application. The vote fell and it was therefore proposed to refuse the application on the basis it was not safe or inclusive and affected the amenity of future users.

The Chair moved to the vote to refuse and it was

RESOLVED: The Committee agreed to:

1. REFUSE the application for the following reasons: That the proposal, by reason of its location and size, does not accord with the obligation to create places that are safe, inclusive and accessible which promote health and well-being and high standards of amenity for existing and future users. The proposal is therefore in conflict with Policies DM D2 and DM D5 of the Sites and Policies Plan 2014, Policy CS14 of the Core Strategy 2011, Policies D4 and D8 of the London Plan 2021 and Paragraph 130 of the NPPF 2021.

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

#### 14 PLANNING APPEAL DECISIONS (Agenda Item 14)

The report was noted.

#### 15 PLANNING ENFORCEMENT - SUMMARY OF CURRENT CASES (Agenda Item 15)

The report was noted.