

# Agenda Item 3

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## DEVELOPMENT AND PLANNING APPLICATIONS COMMITTEE

26 APRIL 2023  
(7.15 pm - 11.17 pm)

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

ALSO PRESENT: Jonathan Berry (Head of Development Management and  
Building Control) Tim Lipscomb (Principle Planning Officer),  
Stuart Adams (Area Manager, Development Management –  
South), Jayde Watts (Democratic Services Officer)

IN ATTENDANCE Amy Dumitrescu (Democracy Services Manager)  
REMOTELY:

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

There were no apologies for absence.

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

Declarations of interest were made by Councillor Thomas Barlow who informed the committee that he would not take part in the discussion or vote on item 5 of the agenda.

There were no further declarations of interest.

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

RESOLVED: That the minutes of the meeting held on 16 March 2023 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 agenda would be taken in the published agenda order.

Please note that members of the public, including the applicant or anyone speaking on their behalf, are expressing their own opinions and the Council does not take any responsibility for the accuracy of statements made by them.

5 WIMBLEDON CHASE RAILWAY STATION, KINGSTON ROAD & 45-48  
ROTHESAY AVENUE, RAYNES PARK, LONDON, SW20 8JT (Agenda Item  
5)

The Planning Officer presented the report.

The committee received presentations from two objectors who stated:

- Approving this development in its current form would do more harm than good.
- Development was too high and would impact daylight and privacy on both sides of the station as well as impact mental health.
- Merton's Local Plan designates Wimbledon Chase as a neighbourhood parade and 'not appropriate for tall buildings'. Merton Council's tall building paper quotes 'new developments should not significantly alter the skyline' but this proposal would.
- The application went against Merton policy CS14 and if approved would open the gates for future high-rise developments.
- The development did not match the height of the existing parade so would ask the council to limit the height to match the existing parade.
- Daylight calculation used central London allowances which were inappropriate for Greater London.
- The development only offered 20% affordable housing.
- The proposal did not meet DMH2 and H11.3 of the Council's building requirements.
- The lack of step free access was unacceptable and went against London Plan Policy D5.
- Pipe work was unable to cope with the volume of sewage in the area, the addition of 74 homes would make things worse. Only a sub analysis had been undertaken with no sewage calculations considered.
- Size and bulk of the building was not in keeping of the area due to height, weight and style which also lacked quality.
- Concerns were raised within the report such as ventilation, overheating and a single lift.
- Residents were alarmed by the lack of sunlight caused by such a tall building.
- The development had a high number of single aspect units with, for example, no windows in bathrooms with many on the first floor facing directly onto the railway embankment.
- The Transport Officers Report highlighted concerns about resident safety during the build with a high risk to the public during the unloading of materials, particularly on the corner of Rothesay Avenue, Kingston Road and where the bus stop was.
- There were safety concerns over where the temporary exit was proposed to be on Chaseside Avenue as the current pavement did not meet safety standards.
- No feasibility study into how the new station entrance could be achieved without breaching safety standards or disruption to Chaseside Avenue residents.

- Not safe for school children who would need to pass the construction site and for those who used school buses.

The committee received presentations from Ward Councillors Anthony Fairclough and Councillor Victoria Wilson who raised points including:

- Para 2.16 of the report stated that Merton did not have a five-year supply of deliverable housing and an application could be resisted where the reverse effect of granted permission would outweigh the benefits.
- The development would be at least three storeys higher and nearly double the height of the next tallest building. The NPPF stated that an application must respect the appearance, materials, scale, bulk, proportions and character of their surroundings. The report highlighted that planning officers were not keen on the height, bulk and massing of the application.
- Planning officers pushed for affordable housing which was a positive but there was a recent example of the Bushey Road development who were not able to find a registered provider for a similar number of units to this application. If the developer was unable to find a registered supplier for the affordable units, would they amend the plans and reduce the heights.
- The policy position would be for 40% affordable housing, moving to 50% in the emerging forward plan but this scheme would only provide half of this.
- The proposed development would not have step free access. Although this could be obtained via government funding, this would not be guaranteed and would be a separate decision to that of the committee.
- 44 of the 74 units would be single aspect which would not be in accordance with the planning rules. Climate change has resulted in more intense summers and the limited ventilation options in single aspect accommodations would put residents at risk from overheating.
- As this was a residential area, if the application were to be approved would a condition of no construction work Saturdays be considered.
- As the Council tried to increase the boroughs canopies through planting new trees, it would make no sense to fell the mature trees on Kingston Road.

The committee received presentation from the agent Jonathan Murch and the Stakeholder Manager Patrick Ladbury, who raised points including:

- The scheme presented had taken five years and evolved considerably over that time with the assistance from Planning officers.
- Although the site would be taller than its surroundings, this would be appropriate due to its location on top of a public transport node and at the heart of a local centre.
- The scheme would provide a new entrance to Wimbledon Chase Station and had the full support of Network Rail.
- Due to the height of the station's platforms, the central location between the tracks and the distance to Kingston Road, step free access would cost in the region of £9 million pounds which could not be met by this scheme. The proposed design safeguarded the future construction of step free access without the need for station closure.

- An application to the government for step free funding had been submitted, with a decision expected in autumn.
- The scheme would contribute 74 new homes and contribute to the Councils housing targets.
- The viability of the development was reviewed by two different consultancy practices, and both confirmed viability challenges. Despite this they have agreed to provide 20% affordable housing which would include large three- and four-bedroom family homes for social rent.
- The schemes relationship with neighbouring properties had been carefully considered.
- The officers report recommended for the application to be granted.
- The current entrance to the station was old, in poor condition, had poor lighting, poor flooring with manholes, risk of flooding and was an inefficient use the space.
- It had been difficult for the station team to manage the space due to two lease agreements in place but the new entrance would help with this.
- The application would provide better staff facilities, better lighting and better flooring with a safer entrance.
- The development would provide a storage place for bins and gritting units.
- In their experience, applications for step free funds are more often approved when there was a designed scheme.

The Chair invited Councillor Stephen Alambritis, Cabinet Member for Transport, to address the committee who raised points including:

- It remained a key commitment for Merton Council to make public transport accessible for everyone.
- Merton Council had worked hard to make it easier for those with mobility restrictions to use stations within Merton via step free access.
- The Council Leader had contacted the Transport Minister about the redevelopment of Wimbledon Chase Station and appealed for the government to use the Access For All Scheme for step free access to the Thames Link Station which would be decided in Autumn.
- This opportunity to make Wimbledon Chase station more accessible should not be missed.
- Additional housing for Merton residents would be welcomed alongside the opportunity to improve access for residents with mobility impairments.
- Work with Network Rail and Southwestern Railways had taken place at Motspur Park Station to make the station fully accessible through the access for all scheme which had developed plans for a new covered footbridge with full access by lifts, stairs, new lighting and security cameras.
- Delivering step free access at Wimbledon Chase Station would benefit the local community.

In response to questions raised, Planning Officers advised:

- Page 56 of the report highlighted that the Council was obliged to maintain a five-year supply of deliverable available sites which was significantly increased by the London Plan, known as the Step Change in Housing delivery. At present Merton could not demonstrate a five-year supply of deliverable housing and as advised by the NPPF there was a presumption in favour of sustainable development and therefore developments should only be refused if the adverse effect of doing so would outweigh the benefits. In summary this would mean that if Merton did not meet its housing supply, greater weight would need to be given to the provision of housing in the planning balance.
- Whether the adoption on the Local Plan would assist in the five-year supply would depend on if the Councils position on the methodology of working out the five-year supply was accepted by the inspector.
- Merton Council had put forward a staggered housing supply which would mean that the Council would not meet the housing supply set out by the London Plan in the first few years but would exceed it in the years to follow.
- As the Council at present could not demonstrate a five-year housing land supply as per the current requirement of the national policy framework, it meant that the Councils current adopted policy was out of date which was why careful consideration must be given. Social economic and environmental considerations remained an important area of consideration however planning inspectors had given great weight to there not being a five-year housing land supply. Merton Council have attempted to change the Local Policy but at present this would be outweighed by national policy. Therefore, careful consideration would be required when making a decision on this application based on there not being a five-year housing land supply as well as this being a brownfield site.
- There was a policy requirement for a percentage of affordable housing to be provided however this would be subject to financial viability based on the surplus of profit which would determine how many units of affordable housing could be offered.
- An assessment took place on the original scheme, which was for more units than the current application and this indicated that five units of affordable homes could be provided. The scheme had since been scaled down due to concerns with bulk and massing, so a subsequent viability assessment was commissioned. The second assessment concluded that there would only be a profit uplift of around £60,000 when worked out against the accepted and established methodology. The applicant had since made an offer of 20% and it is for such reasons that officers have recommended that the provision of affordable housing carried significant weight.
- There would be some windowless bathrooms due to no access to an external wall. To address concerns of mould, this would be managed via extractor fans.
- The viability assessment was based on a reasonable developer profit which would be between 15% - 25%. There would be profit on this development, up to 17.5% and then £60,000 beyond that.
- Commercial use would be retained with a wide frontage with a shopfront that had a regular footprint.
- If a registered provider could not be found, a commuted sum could be secured as an alternative.

- Section 106 would ensure that if the 20% affordable homes could not be met, a new planning application would be required.
- Amendments have been made to address concerns of massing and it is considered that a significantly taller building could be accommodated on the site.
- The BRE guidelines stated that if a window was completely unfettered it had a 40% visible sky component which shouldn't be reduced to less than 27%. As this application fell to the mid-teens it had been looked at closely and was supported by a number of appeals.
- A provision to extend the Car Club for longer than 3 years could be included in a Section 106 legal agreement.
- Concerns with flooding would be addressed by building regulations but the response from Thames Water has not highlighted concerns.
- A condition is included which requires that an ecological assessment is carried out. It is possible to update such a condition to include swift boxes and insect boxes.
- Section 106 allowed parking permits for registered disabled occupiers and it was possible for the committee to include affordable units within this. If such condition was to only apply to the three and four bedroom units it would need to be looked into further and if the committee agreed, this could then be added.
- A condition was included in the modification sheet for landscaping although the wording would be updated.
- No trees would be removed but there was a requirement to prune some alongside tree protection measures for existing street trees.
- A condition could be included for a local liaison group to be implemented.

The Chair invited the applicant to respond to clarify details raised within questions from the committee.

The applicant informed the committee of the following:

- An example of another scheme like this application where step free access had been tunnelled through an embankment would be Peckham Rye Station.
- Windowless bathrooms were not unusual. They would use mechanical ventilation with heat recovery that formed part of a system that would ventilate the whole property. This would be a more energy efficient ventilation system.
- The housing mix was good for the location. The larger homes had been allocated for social renting and the smaller units for private renting.
- An agent had been appointed to address 7 registered providers of which 2 had shown a strong interest but there would not be any further commitment until the planning application was agreed.
- The application was presented to the Design Review Panel in March 2020.
- Comfort cooling had been provided for the single aspect accommodations.
- The design officer raised concerns about the cycle storage. The reason for 2 doors at the back was due to the fire strategy so a door could not be removed.

The doors would be 1200 wide which was in line with the Cycle Design Standards with enough space for larger bikes.

- The doors have been situated for fire reasons and had to remain closed but could be fob operated. In the case of a lift breaking down or a fire which necessitated access the doors would fail-safe open.
- Restricted construction work on a Saturday morning would lengthen the development time and there would also be an impact to cost. An option could be that where possible, quiet activities such as painting would occur on Saturday mornings.

The Chair invited Councillor Stephen Alambritis, Cabinet Member for Transport to respond to clarify details raised within questions from the committee.

Councillor Stephen Alambritis informed the committee of the following:

- The ambition of step free access for all has not changed and the aim was for step free access at Wimbledon Chase.

In response to concerns raised by the Council's Transport Planner in relation to the proposed loading bay (and potential omission of the loading bay), Officers suggested that this matter be resolved through discussions between the applicant, planning officer and Transport Planner to ensure that a satisfactory solution is achieved prior to the issuing of the permission.

The Chair moved to the vote on the Officers' recommendation with the following additional conditions and changes to the s.106 agreement which carried:  
Votes For – 6, Against – 3 , Abstentions – 1.

- Car Club Membership extended to 5 years
- Family sized affordable housing units to have access to parking permits
- Swift bricks, insect boxes and bat boxes condition to be included, hedgehog tunnels to be further investigated.
- Condition - No noisy works and no use of heavy machinery or equipment on Saturday mornings.
- Condition - Details of management of fob controlled access for all residents to doors between the two cores.
- Condition – Addition to Construction Management Plan condition to include a Local Liaison Group.

**RESOLVED:** That the Committee GRANTED Planning Permission Subject to Conditions

6 THE WHITE HART, 144 KINGSTON ROAD, WIMBLEDON, SW19 1LY  
(Agenda Item 6)

The Planning Officer presented the report.

The committee received presentations from two objectors who stated:

- The building would be two storeys too high, three times higher than the sheltered housing and twice the height of the buildings in Kingston Road.
- Pavement at 3.9 meters would be too narrow.
- Missed opportunity of Cycle Lane.
- Merton highways and TfL stated that no reversing would be permitted from Kingston Road, the number of vehicle movement and the length of construction would be significantly increased.
- The legacy of existing developments would be destroyed if this proposal was not amended.
- Reference to the 2021 application should be considered invalid.
- This development would not meet the values laid out in the Merton planning policy.
- Brick cladding had been proposed instead of traditional hand laid bricks.
- The applicant failed to listen to local residents.
- The use of a pub should be included in the new development

The committee received presentations from Ward Councillor John Braithwaite and Councillor Mike Brunt.

Councillor John Braithwaite raised points including:

- Although there was support for student accommodation, residents were concerned with the height and mass of the building. Residents would prefer if the development was reduced by at least one floor or set back further from Rutlish Road.
- The governments published national design guide had not been taken into consideration.
- The junction of Kingston Road, Rutlish Road and the Tram track remained one of the most dangerous in the area so a cycle lane would be beneficial.

Councillor Mike Brunt raised points including:

- Emphasised and agreed with points raised in relation to the size and bulk of the building.
- If the development was further back from Rutlish Road and Kingston Road it would reduce the impact.
- Encouraged by the positive response to a cycle lane particularly if it went as far as Dorset Road.
- An established community liaison group would be beneficial beyond construction.

The committee received presentations from the applicant, Jayne Knowles and the Managing Director Justin Elcombe who raised points including:



- University Arts London was ranked number 2 in the world for art design education and has been part of the community for a long time with graduates that have been known internally.
- Many students had long commutes to campus due to limited university halls which were spread across London, with the closest halls of residence currently in Streatham.
- The University encouraged students from less affluent backgrounds into education, which was further supported with affordable accommodation.
- The proposed 271 rooms allowed for all first-year students to be offered accommodation close to the college.
- It has taken five years to identify this site.
- The design would be highly sustainable and energy sufficient which evolved with the collaboration of planning officers, design panel, local councillors, local residents and local interest groups. The hope was for this to continue with a construction resident working group.
- Apprenticeship training and construction jobs would be offered.
- The pavement width on Kingston Road would be more than doubled from 1.7 to 4.5, the tram path would be widened and the building would be set back from two meters up to four meters. Rutlish Road increased from two meters to three meters.
- There would be new trees and landscaping, improved access to the tram stop and a new independent convenience store and café.

The Chair invited Councillor Stephen Alambritis, Cabinet Member for Transport, to address the committee who raised points including:

- Merton Council installed segregated cycle tracks at numerous locations.
- TfL stated that the widening of Kingston Road would be a benefit and supported the proposal.
- The new pavement width would be wide enough for shared use space or a segregated cycling facility, which would be beneficial.

In response to questions raised, Planning Officers advised:

- The previous application was not determined, and no Council decision was made although it did reach a point where the application was largely supported.
- The suggestion of a Cycle Lane to the frontage was supported by transport colleagues and as the applicant indicated a willingness, officers were happy to look into this further.
- There were measures and safeguards within Section 106 which ensured that the cost of rent would be carried out in a way that was recognised in the industry and could be reasonably controlled.
- The Council Highway Authority and Transport Planner raised concerns of reversing in from Kingston Road. This could be addressed by a pre

commencement condition that no development would be permitted until a plan was agreed. Planning was required to limit the impact of construction as far as reasonably possible, but it was not a area where they could reasonably refuse permission if mitigation could be put in place. A conversation took place with Future Merton who were satisfied that this could be resolved via a condition.

- A condition could be included to further enforce that students were not allowed cars whilst in their halls.

The Chair invited the applicant to respond to clarify details raised within questions from the committee.

The applicant informed the committee of the following:

- The highest point of the building would be on Kingston Road and then scaled down to be in scale with houses on Rutlish Road.
- A condition to address construction concerns would be supported. At the earlier stage of construction, it would be likely that vehicles could be turned around onsite and other solutions were possible as construction progressed.
- A construction residents association group would help to minimise disruption to residents and keep residents informed.
- TfL did not object to the method of construction and it was agreed that there would be no uploading or offloading from Kingston Road.
- The bathroom doors within the accommodations would open inward to avoid door clashing.
- The university allocated timeslots for parents to drop off and pick up students. For international students, the University offered a collect and drop off service from the airport to the student halls.
- There would be a designated area for service deliveries to help avoid deliveries on residential roads.
- The tenancy would prohibit students from owning a car whilst in their halls which the University would enforce. If students did not comply, they would be asked to leave.

In response to a suggestion that a cycle lane be included to the frontage of the site, Officers will engage in discussions with the applicant and Transport Planner to identify whether this can reasonably be provided, prior to the issuing of a permission.

The Chair moved to the vote on the Officers' recommendation and the below condition which carried:

Votes For – 8, Against – 2, Abstentions – 0.

- Copies of the tenancy agreements were to be shared to provide assurance that everyone was signed up to not owning a car in the area, which would exclude students with disabilities.
- A pre commencement condition that no development would be permitted until a revised Construction Management Plan was agreed, to overcome the

- concerns identified by the Council's Transport Planner in regard to construction vehicles reversing into Rutlish Road from Kingston Road.
- A construction resident and ongoing community resident group be established.
  - Details of provision of bat boxes and any details of enhancements that could be made for hedgehogs if feasible
  - No heavy machinery on a Saturday but if there was a need the applicant would apply for an exemption which would be reviewed by officers.

The minutes should record that a condition would be applied to allow exemption from the parking ban for any disabled student who needs a car, so that they can have a permit to park in a designated blue bay.

RESOLVED: That the Committee GRANTED Planning Permission Subject to Conditions

7 OBJECTION TO THE MERTON (NO.784) TREE PRESERVATION ORDER 2022 AT 12 THURLESTON AVENUE, MORDEN, SM4 4BW (Agenda Item 7)

The Head of Development Management and Building Control presented the report and drew members attention to the location plan.

The Chair moved to the vote on the Officers' recommendation which carried:

Votes For – 10, Against – 0, Abstentions – 0.

RESOLVED: That the Merton (No.784) Tree Preservation Order 2022 be confirmed without modification.

8 DECISION LOG (Agenda Item 8)

This item was deferred.

9 PLANNING APPEAL DECISIONS (Agenda Item 9)

This item was deferred.

10 PLANNING ENFORCEMENT - SUMMARY OF CURRENT CASES (Agenda Item 10)

This item was deferred.

11 LETTER FROM MERTON COUNCIL (Agenda Item 11)

This item was deferred to July 2023.

12 GLOSSARY OF TERMS (Agenda Item 12)

13 MODIFICATIONS SHEET (Agenda Item 13)

