Official

Minutes of a meeting of the Planning Applications Committee held remotely on Tuesday, 19th May, 2020 at 7.30 p.m.

PRESENT

Councillor Humphries (Chairman) ; Councillor Field (Deputy Chairman) ; Councillors Belton, Byrne, Carpenter, Crivelli, Gilbert, Loveland, McCausland and Richards-Jones.

Apologies:

There were no apologies for absence were received on this occasion.

The Committee proceeded to consider the business set out on the agenda for their meeting (a copy of which is interleaved, together with a copy of each of the supporting papers).

1. Minutes - 23rd April 2020

RESOLVED – That the minutes of the Planning Applications Committee meeting held on 23rd April 2020 be confirmed and signed as a correct record.

2. Declarations of Interest

No disclosable pecuniary interests were declared.

Councillor Loveland declared personal interests in Application Number 2019/4206 'Balham Boxing and Youth Club 366 Cavendish Road and Football Pitch East of 366 Cavendish Road' as he subscribed to the Friends of Tooting Common, and Application Number 2019/4999 '101a - 113 Tooting High Street' as he was a member of Tooting History Group.

Councillor Field declared a personal interest in Application Number 2019/4206 'Balham Boxing and Youth Club 366 Cavendish Road and Football Pitch East of 366 Cavendish Road' as he was a trustee of the Woodfield Project on Tooting Common.

As the interests did not affect Members' ability to consider the applications with an open mind they were not precluded from participation in any debate or vote on the matters.

3. Applications (Paper No. 20-162)

The Committee had before it the report of the Assistant Director (Planning and Transport) on the details of applications to develop in the Borough and the corresponding recommendations. The Committee considered each of the applications in turn.

RESOLVED – (By 9 votes to 1) that planning permission be granted as set out in the report, noting the additional information as set out in the late items of correspondence paper.

(vi) Falcon Wharf (Hotel Rafayel) 34 Lombard Road SW11 3RY (2019/0731)

The Chairman read out a written objection to the application from Councillors Hampton and Morgan (St. Mary's Park Ward Councillors), in which they raised the following concerns:

- Planning infringement issues over a number of years involving structures on the roof and the behaviour of patrons.
- Loss of amenity for residents.
- Concerns for residents' personal safety
- A serious incident outside the hotel in July 2019.

The Committee discussed the development and it was reported by Planning Officers the development was over a larger area than what had been granted in the previous consented. However, the development was over the 18th floor of the existing building and it was considered that the impact of the proposal was within acceptable parameters.

The Chairman noted the issues raised with regards to the behaviour of patrons and management of the hotel but commented that those were matters to be addressed through licensing, rather than the Planning Applications Committee.

RESOLVED – that planning permission be granted as set out in the report.

(vii) Balham Boxing And Youth Club 366 Cavendish Road and Football Pitch East of 366 Cavendish Road SW12 0PP (2019/4206)

The Chairman read out a written objection to the application from Councillor Fraser (Bedford Ward Councillor), in which she raised the following concerns:

- The impact on the stay and play provision.
- The reduction in space and gender equality provision on the site for Balham Boxing Club, which would have an adverse effect on its operations and ability to generate revenue.
- Light pollution would result from the installation of floodlights would negatively impact upon surroundings, as well as have a detrimental impact on local wildlife and biodiversity.
- A lack of parking provision would create problems due to a lack of available parking on Cavendish Road, especially given the likely increased number of users of the site.
- The application would result in a loss of trees, shrubs, grassland and a resulting impact on birds, insects, other wildlife, impact on air quality, wellbeing and health of common users. An attempted mitigation by way of tree planting was not considered adequate to counteract the increased urbanisation of the site.

- The pitch would be taken out of the common, and out of common use, which was considered to be a fundamental shift from publicly accessible to all, to privately controlled and accessible only to a paying few.

The Planning Officer advised that a paper had been submitted to the Finance and Corporate Resources Overview and Scrutiny Committee (FCROSC) in November 2018, which had set out a number of principles for the site. Namely, those principles included the disposal of the facility for a 25-year lease and the terms of that lease. It was considered that many of the issues raised by members of the public had already been considered by FCROSC and were not materially relevant to this application. The Planning Officer drew Members' attention to the list of factors that comprised the principles of development that were considered material considerations pertaining to this application, which were contained within the report.

Councillor Belton commented that the triangle was a special piece of land on the common and that he considered that some of the objections had arisen out of confusion as to the details of what area the application covered. He also raised a question regarding the loss of vegetation and asked the Planning Officer to explain to the Committee the consultation process involved for determining this type of application.

The Planning Officer advised that the Town and Country Planning (Development Management Procedure) Order 2015 set out the statutory obligations in order for a consultation exercise to be lawful. Typically, this involved sending either letters to direct neighbouring occupiers' land or erecting signage providing notice of the proposed development. Whilst there was no direct bordering occupier of the development as it was on the common, officers had sent 34 letters to nearby occupiers of land in close proximity to the site, as well as erecting six site notices in prominent locations around the common, which was considered proportionate and lawful for a development of this size.

With regards to vegetation, the Planning Officer drew Members' attention to the section in the report that considered the impact on arboriculture, ecology and landscaping, and advised that there would be some trees that required pruning / crown-lifting. It was explained that in order to ensure this was undertaken adopting best practice, there was a condition for there to be a site pre-inspection with an arboriculturist prior to any works taking place. It was also explained to the Committee that the application had been developed in extensive consultation with the Council's Biodiversity Officer.

The Planning Officer explained the scale of the development, noting there was an increase in size of 58m^2 to the existing floor plan, and provided details of what was covered by the application. It was noted that there would be no further encroachment onto the common.

Responding to a question raised in relation to the floodlights, it was reported to the Committee that the site did currently have floodlights, even though they had not been used for a considerable time. The application included an installation of new floodlights, but they would be two metres lower in height than the existing floodlights with more effective illumination technology.

Councillor Field asked questions relating to some of the objections received in relation to the development. Notably, those objections had been regarding the fencing around the site, with it being noted that some of the objections cited 'unlawful fencing'. He also noted that there had been concerns raised regarding traffic, with it being noted that there would not be a car park onsite so cars would need to park in nearby streets. Another set of objections had been in relation to the size of the female changing facilities.

The Planning Officer explained that as part of the development, an existing chain linked fence would be removed. He also reported that there would be replacement fencing installed around the playing pitches. It was explained that the issue of lawfulness of the fencing could not yet be decided as the applicant had to work through three layers of approvals before full consent for their proposals was granted. The first layer had been the initial granting of the lease, which had been considered by FCROSC and then the Executive. The second phase was the application currently being considered by the Committee. Finally, and dependent upon permission being granted by the Committee, the applicant would be making an application to the Government's Secretary of State through the Planning Inspectorate to install fencing in order to enclose and secure the playing pitches. It would only be at the third stage that the lawfulness of the fencing would be decided under the terms of the Long Act. It was also explained to Members that the fencing off of common land was lawful with the scope of a planning permission and the question of 'openness' was not a test of general public access but related more to a visual test, i.e. there being a lack of solid mass for the enclosure that could potentially harm the sense of openness of the open space.

In terms of vehicular access, it was confirmed that the application contained no provision for parking and that the local area had CPZ control. It was noted by the Planning Officer that the application had been considered in the context of the site and pitch being in existing use, and that the development would entail only a relatively small extension. Therefore, it had been considered that an individual targeted assessment of the traffic impact would not be warranted. Councillor Gilbert noted a previous application for space on Wandsworth Common, for which issues had arisen relating to the inadequacy of the review on the impact on transport and parking, so was therefore concerned that the issue had not been fully investigated before a decision was made on this application.

Councillor Loveland raised a concern regarding the intensity of use of the site following the development. The Football Club wanting to use the site drew support from a wide area across London, so he considered that transport implications should have been investigated in greater detail. He also questioned the classification of the land as 'Use Class D2' (a sports or recreational facility), noting that the site had a long history of community use and raising concerns over the lack of community offer that would be provided in the event of the application being approved. He therefore suggested that the application be deferred so these matters could be investigated further. The Planning Officer reported that the officer assessment was that the site should be classified as Class D2.

Councillor Crivelli commented on the impact of the development on the Balham Boxing Club, noting the number of objections that had been received citing loss of gym space and concerns over the sustainability of the Boxing Club in the event of

the application being approved. The Planning Officer advised that there was no specific Local Plan guidance on the minimum size of floorspace required for sports facilities and that a decision had been taken as part of the application process that the space allocated to the boxing club was an acceptable size. The Chairman considered those discussions would be a matter for the operator of the site.

Councillor Gilbert raised further concerns regarding how accessible the pitch would be if the application would be approved, which would be limited to those paying a fee.

Councillor Carpenter proposed that the Committee should defer the application in order to resolve the various concerns that had been raised in the debate, particularly in order to enable a review of the transportation plan, and as a result of the weight of public opposition. This was seconded by Councillor Belton. A vote was taken and with 4 votes for the motion and 6 votes against, the motion was not passed.

Councillor Humphries proposed that the application should be approved in accordance with the recommendation in the report. This was seconded before a vote was taken and, with 7 votes for the recommendation and 3 abstentions, the recommendation was agreed.

RESOLVED – (by 7 votes for and 3 abstentions) that planning permission be granted as set out in the report, noting the additional information as set out in the late items of correspondence paper.

(viii) Former Balham Bowling Club, rear of 7-9 Ramsden Road Ramsden Road SW12 8QX (2019/4841)

Councillor Field noted that he would abstain from voting on the item as he had previously voted against this application.

RESOLVED – (By 9 votes for and 1 abstention) that planning permission be granted as set out in the report.

(ix) 101a – 113 Tooting High Street SW17 0SU (2019/4999)

The Chairman read out a written objection to the application from Councillor Gibbons (Graveney Ward Councillors), in which he raised the following concerns over the following:

- The height and mass of the development, which would be taller than most other buildings in the area and would restrict light.
- Overlooking of neighbouring properties.
- Parking and traffic.
- Service traffic access and lack of sufficient drop off and pick up points.
- A number of rooms would have a lack of external windows.
- The proximity to listed buildings, for which the development would be out of character.