

Planning Committee

Wednesday, 2 December 2020

7.30 pm

Virtual Meeting



SUPPLEMENTAL AGENDA

To all members of the Planning Committee:-

Please bring the following papers with you to the meeting:-

3. Minutes of the previous meeting 1 - 10

To approve as a correct record the minutes of the meeting held on 4 November 2020.

Addendum 11 - 16

Helen Bailey
Chief Executive
27 November 2020

Enquiries to: Committee Services, Tel: 020 8770 4990 | Email: committee.services@sutton.gov.uk

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Planning Committee**4 November 2020****PLANNING COMMITTEE****4 November 2020 at 7.30 pm**

MEMBERS: Councillor Drew Heffernan (Chair), Councillor Kevin Burke (Vice-Chair) and Councillors Richard Clare, Vincent Galligan, Amy Haldane, Jill Whitehead, Eric Allen, Peter Geiringer, Tony Shields and Tim Foster

61. WELCOME AND INTRODUCTIONS

The Chair, Councillor Drew Heffernan, welcomed those present.

62. APOLOGIES FOR ABSENCE

Apologies for lateness were received from Councillor Amy Haldane and Councillor Tony Shields.

63. MINUTES OF THE PREVIOUS MEETING

RESOLVED: that the minutes of the meeting of Wednesday, 7 October, 2020 were an accurate record of the meeting.

64. DECLARATIONS OF INTEREST

Councillor Kevin Burke declared a personal interest in item nine (DM2020/01082 - 4 Beggars Roost Lane) as he knew neighbours of the applicant. Although he declared he felt he could approach the case with an open mind, he advised he would excuse himself from the meeting for the application.

65. ANY URGENT BUSINESS

The Chair advised he had accepted one item of business as urgent but that he would consider application DM2018/01898, 195 Middleton Road, as the next item of business so as not to unduly delay the speakers on that item.

The Chair advised he had accepted application DM2020/01313, Cumbrian House, as an urgent item in accordance with S100B(4) of the Local Government Act 1972. The Chair advised the reasons had been published ahead of the meeting, and were as follows:

The contract is currently out for tender to deliver the proposed project at Cumbrian House and the programme timeframe has been predicated on the planning application being presented to the Planning Committee meeting on 4 November 2020.

It has recently become apparent that a delay by presenting the application to a later meeting would jeopardise the tender process as the outcome of the planning permission, and any conditions attached, will need to be considered fully before final bids are submitted for the contract. Not to do so may increase costs to the applicant.

The applicant has submitted their application in accordance with the council's procedures for consideration by the committee.

The report was presented by Gavin Chinniah, Development Management Planning Manager.

The committee noted that the deadlines to register to speak and submit Written Statements on the application had been extended by the Chair but that no representations had been received.

In response to questions raised by the committee, it was noted that:

- The addition of a lift shaft to the new construction would exceed the height of the current edifice by 0.3m
- The applicant was Sutton Council because it was the owner of the land in question, but that this application was a part of the wider London Cancer Hub development

In debate, the committee endorsed the prospect of increasing opportunities for cancer research on the site.

Planning Committee

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DM2020/01313 - Cumbrian House (Committee Report)	
A poll vote on the officers' recommendation to grant permission was held in accordance with Standing Order 31.4, when there voted:	
RESOLVED: That planning permission be granted for application DM2020/01313 - Cumbrian House, subject to the conditions, reasons and informatives set out in the planning portal.	
Councillor Drew Heffernan	For
Councillor Kevin Burke	For
Councillor Richard Clare	For
Councillor Vincent Galligan	For
Councillor Amy Haldane	For
Councillor Jill Whitehead	For
Councillor Eric Allen	For
Councillor Peter Geiringer	For
Councillor Tony Shields	For
Councillor Tim Foster	For
Agreed	

66. APPLICATION NO. DM2018/01898 - 195 MIDDLETON ROAD, CARSHALTON, SM5 1HE

The report was presented by Katy Johnson, Deputy Planning Manager.

The committee noted the Written Statement on the application.

No ward councillors or objectors who had registered to speak on this application.

Ms Michelle Coker, the applicant, addressed the committee, noting:

- There had been no complaints received prior to the construction of the log cabin on the site
- Other residential properties in the borough had already been converted into nurseries
- The parents of some children at the nursery were St Helier hospital staff and the nursery had remained open to these children throughout the COVID-19 pandemic
- The nursery is located in an area with a high rate of deprivation

The committee discussed concerns about parking in the area around the site, with the applicant advising a survey of parents had been undertaken to consider how the concern could be addressed and that on-site parking was provided for staff.

Councillor Amy Haldane and Councillor Tony Shields joined the meeting at 19:44. Both Councillors Haldane and Shields declared they did not have any interests to declare on any item on the agenda. However, Councillors Haldane and Shields advised the Chair that, because they had joined the item part way through, they would neither vote for nor against the application.

In response to the committee's questions, it was clarified that:

- The noise of children playing was not consistently loud through the day
- The hours in which children would play outside would be consistent through the year, but that time outside was always balanced with time inside

In debate, members noted that noise and parking seemed to be the primary concerns with the application, particularly the concern with parking, but that this seemed to be common to the area and was not something that could be controlled by the committee.

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DM2018/01898 - 195 Middleton Road (Committee Report)

A poll vote on the officers' recommendation to grant permission was held in accordance with Standing Order 31.4, when there voted:

RESOLVED:

That planning permission be granted for application DM2018/01898 - 195 Middleton Road, subject to the conditions, reasons and informatives set out in the planning portal.

Councillor Drew Heffernan	For
Councillor Kevin Burke	For
Councillor Richard Clare	For
Councillor Vincent Galligan	For
Councillor Amy Haldane	Abstain
Councillor Jill Whitehead	For
Councillor Eric Allen	For
Councillor Peter Geiringer	For
Councillor Tony Shields	Abstain
Councillor Tim Foster	For

Agreed

67. APPLICATION NO. DM2020/01024 - 21 HIGHER DRIVE, BANSTEAD, SM7 1PL

The report was presented by Ivona Bryant, Planning Officer.

Councillor Eric Allen made the committee aware that as a ward councillor for the application he had received a number of representations from residents but that in every case he had informed residents that he was a member of the Planning Committee and so had not pre-judged the application.

In response to the committee's questions, it was clarified that:

- The proposed application would not create any further bedrooms within the property
- The proposed development to the garage was to increase the living space in the property rather than to add a bedroom
- The 30% figure in relation to increased external volume of the built form in the Local Plan is a measure regarding developments in the green belt but not an upper limit to extensions, as confirmed by several recent appeals

The committee noted the Written Statement on the application.

Mr Robbie Bourke, objector, addressed the committee, noting:

- Development on the site began in February 2020 when boundary trees and hedges were replaced with walls without consultation with the neighbours
- An earlier application was submitted and subsequently withdrawn
- Further developments were continued despite the concerns raised regarding the tree works
- There were concerns that further development may be undertaken on the site
- There were concerns that the property may be converted into a care home in the future, noting that a care home business had recently been registered at the address

In response to the committee's questions, it was clarified by the objector and Planning Officers that:

- The council's Tree Officer provided a representation against the previous application but that boundary trees were subsequently removed by the applicant
- Planning permission would be required if ever the property were to be converted into a care home, although the application in question was not for a change of use
- The primary objection to this application was one of overdevelopment rather than whether or not the property was intended to be used for residential or business purposes

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Councillor Holly Ramsey, ward councillor, addressed the committee, noting:

- There were concerns that the property would be converted into a care home in the future
- There were concerns that this application constituted an overdevelopment of the site, exceeding the 30% development figure noted in section 24E of the Local Plan
- The prospect of adding a condition to prohibit its conversion into a care home should be explored further
- Greenery had already been removed and replaced with high walls around the property

Andy Webber, Head of Development Management and Strategic Planning, and Ivona Bryant, Planning Officer, advised that the felling of the trees on the site was not prohibited as there were no Tree Preservation Orders in place, nor was the site situated in a conservation area.

In response to the committee's questions, it was clarified by that:

- Planning permission would be required to convert the property into a care home
- Conditions to prohibit a change of use could not be added to the application

Ms Arya Sunny, agent for the application, addressed the committee, noting:

- The previous, larger application was withdrawn by the applicant ahead of the submission of a new, smaller application
- The application had received pre-application advice from the local planning authority, with some suggested revisions but generally positive feedback
- The applicant had reiterated their commitment that this property was intended for residential use, not commercial use

In debate, the committee discussed matters already raised in questioning and the attitude of the applicant toward the planning process. It was commented that the applicant had seemingly improved how it had approached the planning process in recent months.

The committee discussed deferring the application in order that legal advice be presented to the committee on the prospect of including some form of legal agreement in the application. The Clerk, Matthew Stickley, advised the committee that, should it defer the decision, it would need to provide the reasons for deferral and that, when the deferred application returned to the committee, the committee would return to the item at the point which had been reached before the deferral took place.

Councillor Tony Shields moved a motion to defer the application for clarification and further information of options available to the committee, via mutual consent between the applicant and the London Borough of Sutton, to bring the future usage, as intended by the applicant, in line with the expectations of local residents, subject to the exigencies of the committee. This was seconded by Councillor Geiringer and put to a vote held in accordance with Standing Order 31.4, when there voted:

In accordance with Standing Order 23.2, the Chair advised the committee that the order of business would remain as set out on the agenda but that, given the time limitations of the meeting, application DM2020/01082 (4 Beggars Roost Lane) was unlikely to be given the time for debate the committee would wish for it to have and so would be considered as a matter of priority at the next meeting of the committee.

DM2020/01024 - 21 Higher Drive (Committee Report)

Councillor Tony Shields moved a motion to defer the application for clarification and further information of options available to the committee, via mutual consent between the applicant and the London Borough of Sutton, to bring the future usage, as intended by the applicant, in line with the expectations of local residents, subject to the exigencies of the committee. This was seconded by Councillor Geiringer and put to a vote held in accordance with Standing Order 31.4, when there voted:

RESOLVED:

That application DM2020/01024 - 21 Higher Drive be deferred subject to clarification and further information of options available to the committee, via mutual consent between the applicant and the London Borough of Sutton, to bring the future usage, as intended by the applicant, in line with the expectations of local residents, subject to the exigencies of the committee.

Councillor Drew Heffernan	For
Councillor Kevin Burke	Abstain
Councillor Richard Clare	Abstain
Councillor Vincent Galligan	For
Councillor Amy Haldane	Against
Councillor Jill Whitehead	Abstain
Councillor Eric Allen	For
Councillor Peter Geiringer	For
Councillor Tony Shields	For
Councillor Tim Foster	For

Agreed

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68. APPLICATION NO. DM2019/00847 - 39 PLOUGH LANE, PURLEY, CR8 3QJ

Ben Rochford, Planning Officer, introduced the report.

There were no registered speakers for the application.

DM2019/00847 - 39 Plough Lane (Committee Report)	
A poll vote on the officers' recommendation to grant permission was held in accordance with Standing Order 31.4, when there voted:	
RESOLVED:	
That planning permission be granted for application DM2019/00847 - 39 Plough Lane, subject to the conditions, reasons and informatives set out in the planning portal.	
Councillor Drew Heffernan	For
Councillor Kevin Burke	For
Councillor Richard Clare	For
Councillor Vincent Galligan	For
Councillor Amy Haldane	For
Councillor Jill Whitehead	For
Councillor Eric Allen	For
Councillor Peter Geiringer	For
Councillor Tony Shields	For
Councillor Tim Foster	For
Agreed	

**69. APPLICATION NO. DM2020/01082 - 4 BEGGARS ROOST LANE, SUTTON, SM1
2DX**

In accordance with Standing Order 23.2, the Chair advised the committee that the order of business would remain as set out on the agenda but that, given the time limitations of the meeting, application DM2020/01082 (4 Beggars Roost Lane) was unlikely to be given the time for debate the committee would wish for it to have and so would be considered as a matter of priority at the next meeting of the committee.

The meeting ended at 9.10 pm

Report to:	Planning Committee	Date:	2 December 2020
Report title:	Addendum Report - late observations and further information		
Report from:	Report of the Assistant Director of Environment, Housing and Regeneration Directorate		
Ward/Areas affected:	South Beddington, Sutton North and Cheam		
Chair of Committee/Lead Member:	Councillor Drew Heffernan		
Open/Exempt:	Open		

1. Purpose

- 1.1 To advise members of further consultation responses and additional information received in respect of the following planning applications on the meeting agenda, received after the publication of the report. Furthermore to report amendments to the draft decision letter and the report, except where those changes are so material as to require deferment of the item until a later date.
- 1.2 Following review of the additional information, for the avoidance of doubt the committee report recommendations remain unchanged.

2. Recommendations

- 2.1 To note and consider the further consultation responses and additional information received in respect of each item in reaching their decision and changes to the draft decision notice/report.

3. Additional late matters to note and consider

- 3.1 **Agenda items 8 and 9 : DM2020/01212 and DM2019/02064 43-45 Stayton, Road Sutton SM1 1QY**
- 3.2 A late letter of objection has been received from Mr R Nowland of 10 Pylbrook Road, stating that a previous application, submitted to the Council was not referred to in the officers reports and that it is a material planning consideration. Officers can confirm that application B2017/78280 was submitted by the same applicant but was withdrawn before the proposal was fully considered and at that time the applicant did not want to pursue the proposal. This withdrawn application is therefore not a material consideration of any note for which regard is to be had in the consideration of the two applications on this agenda. The objector has also raised concerns about not being able to comment on these two planning applications, however interested parties have been able to comment on these applications during the consultation period. Furthermore, officers can confirm that objections have been received from Mr Nowland in respect of the two current planning applications.

3.3 Agenda item 10: DM2020/00781 Waddon House, 283 Stafford Road Wallington, CR0 4FA

3.4 Attached as an appendix to the addendum is the Planning Inspector’s report for the refused planning application ref: DM2018/01088 which was dismissed at appeal on the 11 February 2019.

3.5 Agenda Item 11: DM2020/00462 - 35 Downs Side, Cheam SM2 7EH

3.6 A further letter has been received from Peter Matthey on behalf of the Belmont & South Cheam Residents Association expressing support for the proposal following the improvements to the design and appearance of the proposed extension.

4. Audit Trail

Audit Trail		
Version	Final	27 November 2020

Appendix

Appendix A	Planning Inspector’s report for the refused planning application ref: DM2018/01088
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Appeal Decision

Site visit made on 2 January 2018

by N Thomas MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 February 2019

Appeal Ref: APP/P5870/W/18/3212866

Waddon House, 283 Stafford Road, Wallington CR0 4FA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr J Curtis of IDM South London Ltd against the decision of the Council of the London Borough of Sutton.
 - The application Ref DM2018/01088, dated 15 June 2018, was refused by notice dated 24 August 2018.
 - The development proposed is the erection of a three storey building comprising 9 self-contained flats (8x2b, 1x3b), 9 off-street car parking spaces and cycle and bin stores.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are (i) the effect of the proposed development on the character and appearance of the area, (ii) whether the proposal would provide adequate living conditions for future occupiers with regard to air quality, and (iii) the effect of the proposed development on public and highway safety and the safe functioning of the local highway network with regard to parking provision.

Reasons

Character and appearance

3. The appeal site is on a prominent corner plot and Waddon House is a tall building that is prominent in local views. It has a simple form with a flat roof and fronts onto both Kings Way and Stafford Road, with its adjacent car park giving it an open setting alongside Stafford Road. This contrasts with the traditional form of terraced two storey buildings which front the opposite side of Stafford Road and are set back behind front gardens or forecourts. On the opposite side of Kings Way and either side of Princess Way are large modern commercial buildings. The area is therefore characterised by a range of building types, with the open car park of the appeal site and its boundary wall providing a sense of openness to this part of Stafford Road, where the built form is set back from the road frontage.
4. The appeal proposal would introduce a building in block form and of a design that contrasts with surrounding properties. The front elevation would be broken up by the wide balconies and large stairwell, but these elements would create a bulky appearance that is out of character with the prevailing built form. Due to

the proximity of the building to the front boundary of the site and the undercroft parking area, it would result in a bulky and dominant appearance that would not integrate with the character and appearance of the surrounding area. There is a lack of sufficient space around the building for any softening of its setting through landscape planting and as a result the building would sit awkwardly on this open part of the street scene. Consequently it would appear incongruous with the character of this part of Stafford Road. I therefore find that the proposal would fail to respect the character and appearance of the area.

5. The proposal would thus be in conflict with Policy 28 of the Sutton Local Plan 2018 (the Local Plan), insofar as it seeks to ensure that new development respects the local context, responds to local character and is of a suitable scale, massing and height to the setting of the site. It would also be contrary to the guidance in Sutton's Urban Design Guide 'Creating Locally Distinctive Places' Supplementary Planning Document 14.

Living conditions for future occupiers

6. I understand from the evidence that the appeal site is in an area where there is a large amount of traffic at busy periods of the day and this is supported by my observations on site. The building would be located close to Stafford Road with doors and windows serving habitable rooms on the front elevation. The appeal proposal indicates that to mitigate air pollution issues, filtration would be fitted on the fresh air intake to the proposed flats. However, no detailed evidence has been put forward to indicate that this would be suitable mitigation in order to achieve adequate living conditions for future occupiers of the flats. As a result I am not satisfied that this matter could be dealt with through a planning condition, if the appeal were to be allowed. The proposed development would therefore fail to provide adequate living conditions for future occupiers with regard to air quality.
7. The proposal would thus be contrary to Policy 34 of the Local Plan, insofar as it seeks to restrict development that would expose the public to existing sources of air pollution unless appropriate mitigation measures are put in place, and Policy 29 of the Local Plan which seeks, amongst other matters, to ensure that new development does not adversely affect the amenities of future occupiers.

Highway safety

8. The appeal site includes the existing 87 flats at Waddon House, along with a large private car park and vehicular access from Kings Way. Stafford Road had a constant flow of traffic at the time of my site visit, which was early afternoon on a weekday. Kings Way also had a fairly constant flow and provides a link to the A23 at Purley Way, as well as serving a large commercial area. While this is only a snapshot of local traffic conditions, it would be reasonable to assume that traffic would increase at peak hours. Roadside parking is restricted during the day on Stafford Road, with on street parking evident at my site visit on Kings Way and Princess Way, which have sections of double yellow lines.
9. I note from the evidence that 10 parking spaces would be required for the flats to meet the maximum parking standards of the Council. It is my understanding that the provision of 66 parking spaces is a requirement of the permission for the conversion of Waddon House to 87 flats (ref D2015/72715), although I have not had sight of the details of this or any planning conditions. I am also

aware that planning permission was refused for the loss of 27 parking spaces (ref DM/2018/00284) on the grounds of an increase in on street parking causing significant detriment to the continued safe functioning of the local highway network. The appeal proposal indicates a total of 67 spaces for the existing and proposed flats, one more than currently exists. There would thus be a shortfall of 9 spaces, on the basis that the proposed flats would be provided with parking to meet the maximum standard.

10. In view of the proposed provision of parking below the maximum set by the local parking standards for the site as a whole, and the moderate Public Transport Accessibility Level (PTAL 3) rating, it appears likely that some overspill parking would occur on local roads as a result of the development. However, the appellant has provided a parking survey that demonstrates there is some capacity on local roads to accommodate some overspill without resulting in illegitimate parking, taking the worst case scenario of 9 additional cars. The Council has provided no detailed evidence to demonstrate that the parking survey is flawed or that there is insufficient capacity on local roads for overspill parking. Furthermore, the Council has not indicated how overspill parking by 9 cars would be harmful to highway safety, public safety or the safe functioning of the local highway network, given that the parking survey indicates that there is adequate capacity for additional on street parking on nearby roads in a safe manner.
11. The extent to which the proposed building supports would interfere with the ease of use of some of the parking spaces is unclear, but I have seen no evidence to suggest that this could not be dealt with at a more detailed design stage through a planning condition, if I were minded to allow the appeal.
12. I have had regard to representations from local residents regarding the cost and availability of spaces to buy or lease within the car park and the suppressing effect on the take up of spaces. However, I have considered the proposal on its planning merits based on the total number of parking spaces as indicated on the submitted drawings, irrespective of the control of individual spaces. The take up of parking spaces by existing residents has not therefore had any bearing on my decision.
13. I therefore conclude that the proposal would not be harmful to public or highway safety and the safe functioning of the local highway network with regard to parking provision. As a result the proposal would not be contrary to Policy 36 of the Local Plan which seeks amongst other matters, to ensure that development proposals are assessed in terms of their impact on the highway, or Policy 37 of the Local Plan insofar as it sets out car parking standards.

Other Matters

14. I acknowledge that the site is allocated for housing, but I understand from the Council's evidence that the indicative capacity of 87 dwellings in the allocation was based on the conversion of Waddon House from offices to flats which has already taken place, and therefore I have considered the proposal on its merits and on the basis of the relevant development plan policies, as required by statute.
15. I have taken into account the support in the National Planning Policy Framework for the development of small sites and that the proposal would make a contribution towards the supply of housing in the Borough, making use

of previously developed land at a sustainable location, but these considerations do not outweigh the harm I have identified in relation to the main issues.

16. I have had regard to the concerns raised by neighbouring residents, including those in relation to their living conditions, the scale and proximity of the building to Waddon House, noise and disturbance during construction, security, parking, highway safety, trees, waste storage and matters relating to the security of Waddon House, but these matters do not affect my findings on the main issues and therefore I have not pursued them further.

Conclusion

17. Although I have found in favour of the appellant in relation to public and highway safety and the safe functioning of the local highway network, this does not outweigh the harm I have identified in relation to the other main issues.
18. For the reasons given above, and taking into account all matters raised, I dismiss the appeal.

N Thomas

INSPECTOR