

PLANNING COMMITTEE

15 July 2015 at 7.30 pm

MEMBERS: Councillor Richard Clifton (Chair), Councillor Samantha Bourne (Vice-Chair) and Councillors Margaret Court, Vincent Galligan, Amy Haldane, Patrick McManus, Hamish Pollock, Graham Whitham and Hanna Zuchowska

OFFICERS: Peter Loveday, Victoria Lower, Kelly Sweeney, Andrew Vaughan and Andy Webber

24. APOLOGIES FOR ABSENCE

Apologies were received from Councillors Kevin Burke and Jason Reynolds.

Councillors Amy Haldane and Hanna Zuchowska attended as substitutes.

25. MINUTES

The Minutes of the meeting held on 24 June 2015 were approved as a correct record, and signed by the Chair.

26. DECLARATIONS OF INTEREST

Councillor Patrick McManus informed the Committee that he had a non-pecuniary interest in Item 11 as his daughter attended Overton Grange School.

Councillor Amy Haldane informed the Committee that she had worked at Westcroft Leisure Centre, the subject of Item 8 on the agenda, for a period of ten years but no longer worked there.

Councillor Hamish Pollock informed the Committee that he knew the applicant of Item 6 and the resident who spoke in objection to the application, Ms Christine Lindsay.

Councillor Margaret Court informed the Committee that she also knew the residents who spoke in objection to Item 6, Ms Christine Lindsay.

Councillors McManus, Haldane, Pollock and Court stated that they were considering these applications with open minds.

27. OAKS PARK CAFÉ, CROYDON LANE, BANSTEAD, SM7 3BA - APPLICATION NO. C2015/71596/FUL

The Committee considered a report on the above application for the erection of a single storey front extension, a single storey rear extension and formation of a veranda and decking at side to provide additional external seating and alterations to elevations. (Part amendment to previously approved application number 14/68762)

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

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To grant (9) Councillors Samantha Bourne, Richard Clifton, Margaret Court, Vincent Galligan, Amy Haldane, Patrick McManus, Hamish Pollock, Graham Whitham and Hanna Zuchowska

Resolved: That planning permission be granted for application No. C2015/71596/FUL, subject to the conditions, reasons and informatives set out in the Appendix to these Minutes.

28. 243 WRYTHE LANE, CARSHALTON, SM5 1UA - APPLICATION NO. C2015/71727/HHA

The Committee considered a report on the above application for the formation of a vehicular access onto a classified road.

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

To grant (9) Councillors Samantha Bourne, Richard Clifton, Margaret Court, Vincent Galligan, Amy Haldane, Patrick McManus, Hamish Pollock, Graham Whitham and Hanna Zuchowska

Resolved: That planning permission be granted for application No. C2015/71727/HHA, subject to the conditions, reasons and informatives set out in the Appendix to these Minutes.

29. OVERTON GRANGE SCHOOL, 36 STANLEY ROAD, SUTTON - APPLICATION NO. B2015/71983/FUL

The Committee considered a report on the above application for the erection of a part ground, part first, part second floor extension to provide five additional classrooms with ancillary accommodation, three single storey extensions to provide additional canteen, kitchen and storage facilities together with roof canopy to main front entrance a detached store, soft and hard landscaping involving a reduction in the number of parking spaces.

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

To grant (9) Councillors Samantha Bourne, Richard Clifton, Margaret Court, Vincent Galligan, Amy Haldane, Patrick McManus, Hamish Pollock, Graham Whitham and Hanna Zuchowska

Resolved: That planning permission be granted for application No. B2015/71983/FUL, subject to the conditions, reasons and informatives set out in the Appendix to these Minutes.

30. ROBIN HOOD INFANTS SCHOOL, ROBIN HOOD LANE, SUTTON, SM1 2SF - APPLICATION NO. B2015/72051/3FR

The Committee considered a report on the above application for the erection of a single storey extension to existing ICT Room.

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

To grant (9) Councillors Samantha Bourne, Richard Clifton, Margaret Court, Vincent Galligan, Amy Haldane, Patrick McManus, Hamish Pollock, Graham Whitham and Hanna Zuchowska

Resolved: That planning permission be granted for application No. B2015/72051/3FR, subject to the conditions, reasons and informatives set out in the Appendix to these Minutes.

31. CHEAM PARK DEPOT, CHEAM PARK, TUDOR CLOSE, CHEAM, SM3 8QS - APPLICATION NO. A2015/72004/3FR

The Committee considered a report on the above application for the replacement of existing roof with a metal insulated roofing panel.

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

To grant (9) Councillors Samantha Bourne, Richard Clifton, Margaret Court, Vincent Galligan, Amy Haldane, Patrick McManus, Hamish Pollock, Graham Whitham and Hanna Zuchowska

Resolved: That planning permission be granted for application No. A2015/72004/3FR, subject to the conditions, reasons and informatives set out in the Appendix to these Minutes.

32. SITE F, KIMPTON PARK WAY, SUTTON - APPLICATION NO. A2015/71816/FUL

The Committee considered a report on the above application for the erection of a building for use as a sui generis builders merchant with related open storage, access, parking and servicing

Councillors suggested the Condition 15 (g) should be tightened to state the hours of construction. Officers stated that due to the location of the development in an industrial estate it is not felt to be necessary to state the hours of work, however they would be agreed with the applicant.

Councillors also queried whether BREEAM Very Good was achievable with this type of development as the building will doors open regularly. Officers stated that the applicant was aware of the draft conditions and had not raised any concerns.

Mr Jonathan Best, the applicant's agent, addressed the meeting under Standing Order 31.

The principal issues raised by Mr Best were:-

- The hours of construction work would be agreed with officers, although it was likely they would be normal working hours.

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- BREEAM Very Good would be a challenge, however the applicant had not requested that this was revised.

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

To grant (9) Councillors Samantha Bourne, Richard Clifton, Margaret Court, Vincent Galligan, Amy Haldane, Patrick McManus, Hamish Pollock, Graham Whitham and Hanna Zuchowska

Resolved: That planning permission be granted for application No. A2015/71816/FUL, subject to the conditions, reasons and informatives set out in the Appendix to these Minutes.

33. PART OF CARSHALTON COLLEGE FRONTING DENMARK ROAD, CARSHALTON, SM5 2JA - APPLICATION NO. C2015/71897/FUL

The Committee considered a report on the above application for the removal of condition 17 (submission, within 3 months of building work starting on site, a Code for Sustainable Homes Interim (Design Stage) Certificate), and condition 18 (submission, prior to first occupation of the building, a Code for Sustainable Homes Final (Post-Construction) Certificate) from previously approved app. no. C2014/70740/FUL for the demolition of existing buildings and erection of a part three, part three with roof accommodation, part four storey building to provide thirty eight 1 - bedroomed and nineteen 2 - bedroomed sheltered accommodation for the elderly with communal facilities and guest room together with refuse store, eighteen car parking spaces and scooter parking at rear, under croft driveway, new access road and associated soft and hard landscaping.

Officers informed the Committee that the Code for Sustainable Homes had been withdrawn by the Government, and elements of the code would be incorporated within the Building Regulations. It was felt by officers that the requirements would not be as stringent under Building Regulations as they were under the current regime. It was noted that other planning applications would be affected by this change in regulations, however most would not need to be considered by the committee as they were not major applications.

The Committee stated its disappointment that planning powers had been removed and expressed concern that high standard levels would no longer be maintained.

Officers assured the Committee that they responded to Government consultations on proposed changes detailing the effect they would have to the borough.

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

To grant (9) Councillors Samantha Bourne, Richard Clifton, Margaret Court, Vincent Galligan, Amy Haldane, Patrick McManus, Hamish Pollock, Graham Whitham and Hanna Zuchowska

Resolved: That planning permission be granted for application No. C2015/71897/FUL, subject to (a) the written conclusion of a 'section 106'

agreement by 10 August 2015, or such longer period as may be agreed in writing by the Executive Head of Economic Development, Planning and Sustainability, after which time the decision to grant planning permission will be rescinded; and (b) the conditions, reasons and informatives set out in the Appendix to these Minutes.

The Committee agreed to express their concern at the changes in planning law that had led to this application and requested their concern was raised with local MPs and the Chair of the Housing, Economy and Business Committee.

34. 5 ST MARY AVENUE, WALLINGTON, SM6 7JH - APPLICATION NO. D2015/71537/HHA

The Committee considered a report on the above application for the erection of a single storey rear extension and formation of a front entrance porch.

The application had been de-delegated by Councillor Melican.

In response to Member questions officers confirmed that Highways had been consulted on the opening of the porch onto the shared access and had raised no concerns as it was felt there was sufficient space to manoeuvre cars. Officers also confirmed that there were no similar porches on the road; however some houses did have front extensions, and this property was set back from some neighbouring properties.

Christine Lindsay, an objector, and Councillor Marian Radford, a ward councillor, addressed the meeting under Standing Order 31.

The principal issues raised by Ms Lindsay were:-

- Building works started in March 2015 and were taking place six days a week.
- An inspector attended the premises and advised the applicant that works would need to stop and a planning application would need to be submitted.
- Paragraph 5.4 of the report was incorrect as from number 5 St Mary Avenue properties were on the same property line.
- The porch was sited at the narrowest point on the shared access path making it difficult to access via car.
- Paragraph 5.5 of the report did not consider the visual impact of the porch as the windows make the extension seem larger.
- The extension was oversized and out of keeping with the surrounding area.
- The rear extension left no space for rendering the rear elevation as it was sited on the boundary wall.
- There were variations between the plans for the rear extension and what had been built to-date.
- There had been a number of errors by the Planning Department in relation to this application.
- Suggested that Members visit the site before making a decision.

In response to Member questions Ms Lindsay stated that a neighbour had noted that the applicant struggled to manoeuvre their car down the shared passageway.

The principal issues raised by Councillor Radford were:-

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- The application for the front porch was retrospective.
- Have visited the site and assessed the height and bulk of the building.
- The extension is set only 0.5 metres away from the boundary to the neighbouring property.
- Significant impact on neighbour with loss of light.
- There had been a number of amendments to the plans.
- Letter from Mr Loveday regarding the front porch was incorrect as the door opens from the side.
- In the rear garden there was already a large timber building and so only around 5 metres of garden space would be left if the conservatory was built.
- Suggest the decision is deferred until a site visit has been completed.

In response to Member questions it was clarified the height of the conservatory would be 3.3 metres at the highest point. Officers informed the Committee that 5 metres² was the required amount of garden space for a two bedroom property, with 1 metres² required for each bedroom thereafter, under the London Plan and so there would be sufficient garden space.

Officers confirmed that breeze blocks had been removed on the wall that had been built to-date, and that the plan was to having glazing above the current breeze blocks height.

The Committee discussed the need to establish demonstrable harm if they were to refuse permission. It was felt that the front porch was not in keeping with the area as it went beyond the building line of the road. Furthermore the lantern above the conservatory was felt to increase the bulk and impact of the extension.

Officers suggested that discussions could be had with the applicant regarding the rear extension and as to whether the lantern could be removed from the plans. The Chair suggested that if the application was deferred that the Committee visit the site to view the completed front extension and assess the impact of the planned rear extension.

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

To grant (0)

A poll vote to defer the application was held in accordance with Standing Order 31.4, when there voted:

To defer (9) Councillors Samantha Bourne, Richard Clifton, Margaret Court, Vincent Galligan, Amy Haldane, Patrick McManus, Hamish Pollock, Graham Whitham and Hanna Zuchowska

Resolved: To defer consideration of application no. D2015/71537/HHA for further negotiation and consideration.

**35. 101 CHEAM ROAD, SUTTON, SM1 2BE - APPLICATION NO.
B2014/70685/FUL**

The Committee considered a report on the above application for the erection of a detached single storey annexe at rear to be used by people with learning difficulties.

The application had been de-delegated by Councillor Burke.

Mrs Burke, an objector, and Councillor Wendy Mathys, a ward councillor, addressed the meeting under Standing Order 31.

The principal issues raised by Mrs Burke were:-

- That residents were open to change and had not objected to previous applications.
- The care home maintained good relationships with local residents.
- The application was effectively for a bungalow in the back garden and there were concerns that this would set a precedent in the area.
- There was an upward slope to the bottom of the garden which would make the development look taller and more imposing.
- Residents felt that the revised application would still cause harm to neighbours.
- The horse chestnut tree was a prominent feature of the conservation area and it was feared the development would affect the tree in the long term.
- The Council had stringent policies for conservation areas and it was felt these were not being upheld with this application.

In response to Member questions officers confirmed that the tree would not be removed and the proposed development would be sited two metres from the tree. Officers had consulted a tree expert who had looked at the scheme in detail and had suggested a method of construction which would safeguard the root system.

Mrs Burke stated in response to Members questions that the development would be visible from Landseer Road as it would be higher up the garden than neighbouring properties.

The Head of Planning stated that this application was for an annex to the house and not for a standalone residential building as it would not have its own garden, parking or refuse storage. The application was similar to a granny annex and there was a growing trend for these to be developed across the borough. It was not felt to be back land development by officers.

The principal issues raised by Councillor Mathys were:-

- All three ward councillors oppose the application.
- Over development which posed a risk to a protected tree.
- The application fell within a conservation area which was valued by residents.
- The back gardens of the properties were long but narrow and the existing outbuildings of neighbouring properties were garages or sheds.
- The development would be clearly visible and overbearing.
- It is felt to be back garden development through the back door.
- There would be movement to and from the main house all day and night which would disturb neighbouring residents.

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- The proposed access would be very close to number 103.
- Queried whether fire hazards have been considered.
- The application posed a dangerous precedent for back garden development in the area.

Officers clarified that there was 24 hour staff cover with four fulltime staff members. Risk assessments relating to the management of the home were for the organisation to consider and the Care Quality Commission to monitor. Furthermore fire risks were assessed by Building Control and were not a factor the committee could consider when looking at the application. Officers stated they were not aware of any external lighting being proposed alongside this application.

Some councillors felt that there would be an increase in similar applications due to an aging population and increasing property prices, however it was important to consider that this was a business enterprise and not for private family use.

Councillors raised concerns that there was not sufficient protection for the tree and that horse chestnuts shed branches which would affect the development. It was felt by some councillors to be back garden development and the amenity of neighbours would be affected.

Officers clarified that the annex could not be sold as a separate residential property from the main house as it would require planning permission. It would need to be sold as an annex to the main house.

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

To grant (3) Councillors Samantha Bourne, Patrick McManus and Hanna Zuchowska

Against (3) Councillors Margaret Court, Hamish Pollock and Graham Whitham

Abstained (3) Councillors Richard Clifton, Vincent Galligan and Amy Haldane

The Chair used his casting vote and voted to grant permission.

Resolved: That planning permission be granted for application No. B2014/70685/FUL, subject to the conditions, reasons and informatives set out in the Appendix to these Minutes.

36. WESTCROFT LEISURE CENTRE, WESTCROFT ROAD, CARSHALTON - APPLICATION NO. D2015/71987/3FR

The Committee considered a report on the above application to excavate a trench along the elevations of Westcroft Leisure Centre marked in red on the attached plan. To install a waterproofing membrane to prevent further flooding issues. Once complete to reinstate the land back to its original status.

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

To grant (9) Councillors Samantha Bourne, Richard Clifton, Margaret Court, Vincent Galligan, Amy Haldane, Patrick McManus, Hamish Pollock, Graham Whitham and Hanna Zuchowska

Resolved: That planning permission be granted for application No. D2015/71987/3FR, subject to the conditions, reasons and informatives set out in the Appendix to these Minutes.

37. MANOR PARK PRIMARY SCHOOL, GREYHOUND ROAD, SUTTON, SM1 4AW - APPLICATION NO. B2015/72020/3FR

The Committee considered a report on the above application for the retention of a single storey modular classroom with W.C facilities together with canopy at side.

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

To grant (9) Councillors Samantha Bourne, Richard Clifton, Margaret Court, Vincent Galligan, Amy Haldane, Patrick McManus, Hamish Pollock, Graham Whitham and Hanna Zuchowska

Resolved: That planning permission be granted for application No. B2015/72020/3FR, subject to the conditions, reasons and informatives set out in the Appendix to these Minutes.

The meeting ended at 9.43pm

Chair:

Date: