

**PLANNING COMMITTEE**

**22 February 2017 at 7.30 pm**

**MEMBERS:** Councillor Samantha Bourne (Chair), Councillor Muhammad Sadiq (Vice-Chair) and Councillors Hamish Pollock, Jason Reynolds, Kevin Burke, Margaret Court, Vincent Galligan, Tony Shields, Tim Crowley, and Graham Whitham

**138. APOLOGIES FOR ABSENCE**

Councillor Tim Crowley attended as a substitute for Councillor Patrick McManus.

**139. MINUTES**

The Minutes of the meetings held on 21 December 2016 and 11 January 2017 were approved as a correct record, and signed by the Chair.

**140. DECLARATIONS OF INTEREST**

7. APPLICATION NO. 2016/74612/FUL 2 Vernon Road Sutton.

Councillor Kevin Burke, Personal, as he knew Colin Shea, an objector, however confirmed he could approach the item with an open mind.

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Councillor Vincent Galligan, Prejudicial, because he had been involved in discussions with residents regarding the application, and he confirmed that he would leave the room whilst the application was considered.

**141. ORDER OF ITEMS**

The Chair announced that Item 5 on the agenda (APPLICATION NO. 2016/75813/FUL 14 The Avenue, Cheam) was to be withdrawn. As such, the applications were considered as follows in the minutes.

**142. APPLICATION NO. 2016/75591/FUL FELNEX PIPEWORK**

The Committee considered a report on the above application for the installation of underground heating pipes, electrical cabling, communication cabling and associated works to allow transfer of hot water and high speed data through a decentralised energy network.

Councillor Crowley asked for details regarding the pre-application advice received by the application from the Case Officer, and asked what measures would be put into place to negate the fact that the application site falls on a floodplain. Andy Webber, Head of Planning, confirmed that the only advice given to Barratt Homes was following the LPA's screening of their application for an Environmental Impact Assessment. There was no pre-application advice as such, merely an ongoing discussion about the need for this application following the grant of the Felnex reserved matters application in September 2017. In respect of flooding, Officers advised that these details were conditioned as part of the previously approved section 73 application in July 2016 and in addition the Environment Agency had raised no objections to this applications. Following a question from Councillor Shields, Andy Webber confirmed that the prospect of the Energy Recovery Facility being decommissioned was in the distant future and uncertain and that planning applications had to deal with the situation in the present.

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Councillor Nick Mattey, an objector, addressed the meeting under Standing Order 31, and Steve Mellor, the applicant on behalf of Barratt Homes, replied.

The principal issues raised by Nick Mattey were:-

- The presentation suggests that the pipework could work both ways, however the housing estate is unlikely to have the capability to produce heat.
- The application is to prepare the Felnex Estate to connect to SDEN, which Sutton council has an interest in as the principal shareholder.
- SDEN Ltd, the adjacent site, would not be able to expand West and it is difficult to gauge the carbon footprint should it expand, something that has not been considered in this application.
- It is not clear whether there would be enough energy developed within the Felnex Estate site to run autonomously, thus creating a reliance on the SDEN site, extending its necessity beyond the predicted lifespan of 25 years.

The principal issues raised by Steve Mellor were:-

- Pipes do not usually require planning permission, however the application included pipes that would carry hot water which is an anomaly in planning policy.
- There is no policy requirement on the applicant to give preference to any one energy supplier. The application does not describe what the source would be.
- The provision of a DEN was stipulated within the existing Section 106 agreement.

Councillor Crowley asked for clarification on whether there was any kind of agreement or intended agreement with SDEN Ltd or the London Borough of Sutton on who the supplier would be. Steve Mellor confirmed that no decision had already been made, and that if there had been, a commercial agreement would not be a material planning consideration. Councillor Whitham asked what was going to be done locally to ensure archaeological survival, Steve Mellor referred to the site's previous owners who had discharged the archaeological conditions already. John Qualtrough, the authority's Legal Advisor present at the meeting, confirmed that although the council had an interest in the application, there were multiple options for suppliers to the pipeline and that the Planning authority would not consider this to be a relevant planning consideration.

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

To grant (8)                      Councillors Samantha Bourne, Muhammad Sadiq, Hamish Pollock,  
Jason Reynolds, Margaret Court, Vincent Galligan, Graham Whitham,  
Kevin Burke,

Against (2)                      Councillors Tony Shields and Tim Crowley

**Resolved:** That planning permission be granted for application No. 2016/75591/FUL, subject to the conditions, reasons and informatives imposed by the Planning authority.

**143. APPLICATION NO. 2016/75975/FUL SOUTHFIELDS COURT, 180 SUTTON COMMON ROAD**

The Committee considered a report on the above application for the demolition of existing 22 garages and erection of a detached two storey building comprising eight 1-bedroomed self-contained flats involving cycle and refuse stores and alterations to existing parking layout.

Following questions from Councillors, Iain Williams, Planning Officer, and Don Anyiam, Principal Engineer for Highways and Transport, confirmed that there would be one car parking space per unit and that only three of the garages currently at the site were used for parking vehicles. It was also confirmed that there would be some accessible flats to correspond with the disabled parking spaces proposed and that the spaces would cease to be allocated as disabled spaces should there be no requirement, however that the two spaces would be reserved to become disabled parking spaces should a disabled resident move in.

Councillor Penneck, a Ward Councillor, addressed the meeting under Standing Order 31.

The principal issues raised by Councillor Penneck were:-

- The site is close to Sutton Common Bypass and would pose difficulties turning right when exiting the site, however it would be difficult to impose a 'no right turns' policy.
- Although the application falls on a brownfield site, it is not dissimilar to a back-garden development as it falls on an enclave between neighbouring properties and he wished for this to be taken into consideration.
- He was unclear on what balances would be in place to prevent further development on the site which could cause significant disruption on the aforementioned points.

Councillor Bourne asked for confirmation that further development would require further planning applications. Andy Webber confirmed that as the application would concern flats, further extension would not fall under permitted development and would require permission. Councillors also sought clarification on lighting and landscaping proposals.

A motion was moved by Councillor Pollock and seconded by Councillor Whitham to grant the application subject to a condition on lighting considerations for neighbouring properties being drafted and included by officers. A poll vote was held in accordance with Standing Order 31.4, when there voted:

To grant (10)                      Councillors Samantha Bourne, Muhammad Sadiq, Hamish Pollock,  
Jason Reynolds, Margaret Court, Vincent Galligan, Graham Whitham,  
Kevin Burke, Tim Crowley, Tony Shields

**Resolved:** That planning permission be granted for application No. 2016/75975/FUL, subject to the conditions, reasons and informatives imposed by the Planning authority, including an additional condition to take into account the lighting considerations for neighbouring properties.

#### **144. APPLICATION NO. 2016/74612/FUL 2 VERNON ROAD SUTTON**

Councillor Galligan left the room for the duration of this item, as he had declared an interest as per minute 140 above.

The Committee considered a report on the above application for the demolition of existing buildings and erection of a two storey building with roof accommodation to provide four 4 bedroomed dwellings and one car parking space. The application had been de-delegated by Councillor Bartolucci.

Councillors discussed concerns regarding overdevelopment on the site and the possibility of the development being converted into several Houses of Multiple Occupation and Andy Webber explained that this had been a concern of the Planning authority and although previous conditions imposed regarding HMOs had been rejected by the Planning Inspectorate, they would be happy to consider imposing a condition on this application to prevent the realisation of these concerns.

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Colin Shea and Mark Davis, objectors addressed the meeting under Standing Order 31.

The principal issues raised by Mark Davis were:-

- The character and bulk of the design would not be in keeping with neighbouring properties.
- There was not sufficient parking spaces proposed for the development.

The principal issues raised by Colin Shea were:-

- Speaking as an architect, the development drawings were unrealistic and it would not be possible or safe to build as drawn.
- The plans are inaccurate.

A discussion followed on the design of the building and it was confirmed that once the application returns to committee should it be deferred, it would be considered afresh to allow for changes in areas that Councillors had raised concern about.

Councillor Pollock proposed the motion that the application be refused on the grounds that the proposed development would not provide an appropriate addition to the area by reason of its design, bulk and massing and would not make a positive contribution to the street scene or the character and appearance of the New town Area of Special Local Character. The development is therefore contrary to Policy BP12 of the Council's adopted Core Planning Strategy and policies DM1, DM3 and DM4 of the Council's adopted Site Development Policies DPD. The motion was seconded by Councillor Shields. A poll vote was held in accordance with Standing Order 31.4, when there voted:

For (9) Councillors Samantha Bourne, Muhammad Sadiq, Hamish Pollock, Jason Reynolds, Margaret Court, Graham Whitham, Kevin Burke, Tim Crowley, Tony Shields

Against (0)

**Resolved:** That planning permission be refused for application No. 2016/74612/FUL on the grounds that the proposed development would not provide an appropriate addition to the area by reason of its design, bulk and massing and would not make a positive contribution to the street scene or the character and appearance of the New town Area of Special Local Character. The development is therefore contrary to Policy BP12 of the Council's adopted Core Planning Strategy and policies DM1, DM3 and DM4 of the Council's adopted Site Development Policies DPD.

**145. ANY URGENT BUSINESS,**

There was no urgent business brought forward.

The meeting ended at 9.36 pm

Chair: .....

Date: .....