

PLANNING COMMITTEE

25 April 2018 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, Patrick McManus, Tony Shields and Graham Whitham

75. APOLOGIES FOR ABSENCE

76. MINUTES

The Minutes of the meeting held on 21 February 2018 and 21 March 2018 were approved as a correct record, and signed by the Chair.

77. ORDER OF ITEMS

The Chair announced that item 6 APPLICATION NO: DM2018/00395 - Avenue Primary Academy, Avenue Road, Belmont, Sutton, SM2 6JE had been withdrawn and items would be heard in a revised order as follows:

- Item 9 -DM2018/00233 - 36 Seymour Road, Mitcham Junction, Mitcham, CR4 4JX
- Item 10 - DM2018/00215 - 54 Lynwood Drive,Worcester Park, KT4 7AB
- Item 4 - TPO 2017/18 - 6 Peaches Close, Cheam, SM2 7BJ
- Item 5 - DM2018/00184 - St Helier Open Space, Wrythe Lane, Carshalton, SM5 1SL
- Item 7 - C2017/78018/FUL - 76A Westmead Road, Sutton, SM1 4JF
- Item 8 - DM2018/00216 - 12 Peaches Close, Cheam, SM2 7BJ.

78. DECLARATIONS OF INTEREST

There were no declarations of interest.

79. APPLICATION NO. DM2018/00233 - 36 SEYMOUR ROAD, MITCHAM JUNCTION, MITCHAM, CR4 4JX

The Committee took the report for the above application for the erection of a two storey side extension as read.

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

Grant (10)

Councillor Samantha Bourne, Councillor Muhammad Sadiq, Hamish Pollock, Jason Reynolds, Kevin Burke, Margaret Court, Vincent Galligan, Patrick McManus, Tony Shields, Graham Whitham

Resolved: That planning permission be granted for application No. DM2018/00233, subject to the conditions, reasons and informatives.

80. APPLICATION NO. DM2018/00215 - 54 LYNWOOD DRIVE, WORCESTER PARK, KT4 7AB

The Committee took the report for the application for the demolition of utility room and erection of a single storey rear extension as read.

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

Grant (10)

Councillor Samantha Bourne, Councillor Muhammad Sadiq, Hamish Pollock, Jason Reynolds, Kevin Burke, Margaret Court, Vincent Galligan, Patrick McManus, Tony Shields, Graham Whitham

Resolved: That planning permission be granted for application No. DM2018/00215, subject to the conditions, reasons and informatives.

81. APPLICATION NO. TPO 2017/18 - 6 PEACHES CLOSE, CHEAM, SM2 7BJ

The Committee considered a report and addendum report on the above application to confirm Tree Preservation Order (TPO) 2017/18 protecting one black pine tree (T1). The tree is located within a raised planter on land to the rear within the curtilage of 6 Peaches Close.

The committee briefly adjourned at 19:46 for 4 minutes, resuming at 19:50, to allow Committee members and attendees additional time to consider the addendum report.

Mr Taber, the applicant, accompanied by the property tenant, referred to his submitted representations and raised the issues that:

- Correct procedures had not been followed as regards the revocation of the 2006 Order and the making of TPO 2017/18, in accordance with the Regulations made under the Town and Country Planning Act.
- He held a certified copy of the confirmed 2006 TPO and was aware that the council do not hold an original of that Order.
- The tenant had at no time considered felling the tree.
- The tree should remain protected by a TPO and that since the 2006 TPO had not been revoked it remained in force and the TPO 2017/18 was not required and was ultra vires.
- It was not possible to place two TPOs on the same tree.

Officers confirmed to members that the original 2006 TPO had not been located in the Council's records during a review of TPO records. It was explained that TPO 2017/18 aimed to ensure that the Black Pine (T1) was protected and an enforceable order was in place for this purpose given the tree's amenity value. The Legal Advisor present confirmed that were TPO 2017/18 confirmed, the tree would be protected by a single order and the 2006 TPO would be formally revoked.

Councillor Shields suggested that the application could be deferred, and a 6 month TPO placed on the tree while further information was sought. The Legal Adviser responded that confirmation of TPO 2017/18 has provisional effect and the protection it provided to the Black Pine (T1) would automatically lapse if the Order was not confirmed within six months of its making (i.e by 29/05/18).

In debate, Members discussed the health of the tree, and whether damage was being caused to by ivy at its base, as well as the amenity value of the tree to the area.

A poll vote on the officers' recommendation to confirm TPO 2017/18, subject to modification was held in accordance with Standing Order 31.4, when there voted:

To grant (8)

Councillor Samantha Bourne, Muhammad Sadiq, Hamish Pollock, Jason Reynolds, Kevin Burke, Margaret Court, Vincent Galligan, Graham Whitham

Against (1) Councillor Patrick McManus

Abstained (1) Councillor Tony Shields

Resolved: That Tree Preservation Order (TPO) 2017/18 be confirmed, subject to the following modifications: -

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1. That the Situation of the tree in column 3 of the Schedule to the Order be modified to read "*6 Peaches Close, Cheam, Surrey situated in the rear garden fronting Old Barn Close*". And
2. To insert a new Article 5 to read "*The London Borough of Sutton (6 Peaches Close, Cheam, Surrey) Tree Preservation Order 2006/011 is hereby revoked*".

82. APPLICATION NO. DM2018/00184 - ST HELIER OPEN SPACE, WRYTHE LANE, CARSHALTON, SM5 1SL

The Committee considered a report on the above application for the use of the site for a car boot sale every Wednesday and Saturday between the hours of 08:00 and 13:00, with a maximum of 488 sellers pitches and 197 off street parking spaces.

Following the officer presentation, Members requested clarification on:

- Responsibility for repair of the land and any insurance required;
- Any condition associated with usage in adverse weather and the option for a management plan;
- Access to and exit from the site, including the impact on traffic in the local area and the option for future review;
- Consultation of local partners.

The applicant, Mr Kelly, and the Operator addressed the meeting, and the principal issues raised were that:

- It is in the interest of the applicant to maintain the site in good a condition.
- Idverde have been working with the Council Parks Department discussing the condition of the grass following trial events.
- The operation would not continue in adverse weather conditions.
- Working with local businesses and the local community has provided positive feedback.
- Litter is cleared by the operator by 3pm on the days the event is held.
- Traffic queues are held on site rather than on the roads.
- The operator would have public liability insurance.

Members asked how traffic and noise would be managed for those arriving before the 8am start time. The applicant outlined that traffic would be held in a waiting area on the site with engines off, staff would be present from 5.30am to manage the set up and sellers are advised not to arrive before 6.45am.

No Member recalled being informed of any complaint following the 25 trials. In response to concerns raised about the access point, the Principal Engineer explained that this could be reviewed during the trial were issues to arise.

The Head of Development Management and Strategic Planning explained that the application had come to Committee due to permitted development rights only allowing a limited number of events per year and that temporary permission was requested which could be reviewed after one year.

A motion to defer was proposed by Councillor Burke to allow members opportunity to view how the operation works, receive information about the traffic movement and management, and obtain a view from the London Ambulance service.

The deferral motion was seconded by Councillor Shields.

The applicant was requested to provide dates of the next planned operations to the Planning Department, Committee Services and the Safer Sutton Partnership, and request the Safer Sutton Partnership pass the information to TfL and the London Ambulance Service.

Agree (9)

Councillor Samantha Bourne, Muhammad Sadiq, Hamish Pollock, Jason Reynolds, Kevin Burke, Margaret Court, Vincent Galligan, Graham Whitham, Tony Shields

Against (1)

Councillors Patrick McManus

Resolved: that the application DM2018/00184 be deferred.

83. APPLICATION NO. C2017/78018 - 76A WESTMEAD ROAD, SUTTON, SM1 4JF

The Committee considered a report on the above application for the alteration, extension to front and excavation to create lower ground floor level in connection with the conversion of existing building to provide four one bedroom units and the provision of 4 car parking spaces.

Following the officer presentation, Members asked for clarification about parking provision, soft landscaping and flood risk. Officers confirmed that the site is not in a flood zone and that flood risk had been considered. Officers drew attention to the parking and a soft landscape area shown on the maps provided which are managed within the confines of the site.

Members asked for clarification about the basement and height levels and were referred by Officers to maps and plans for confirmation.

Miheer Mehta on behalf of the applicant responded:

- The application layout links to the current leases and ownership of the building and land.
- Cycle provision will be available on the site.

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)

Councillor Samantha Bourne, Muhammad Sadiq, Hamish Pollock, Jason Reynolds, Kevin Burke, Margaret Court, Graham Whitham, Patrick McManus and Tony Shields

Against (0)

Abstained (1) Councillor Galligan

Resolved: That planning permission be granted for application No.C2017/78018, subject to the conditions, reasons and informatives.

84. APPLICATION NO. DM2018/00216 - 12 PEACHES CLOSE, CHEAM, SM2 7BJ

The Committee considered a report on the above application for demolition of existing garage and shed and erection of a two storey side/rear extension to form a new 3 bedroomed end of terrace house and provision of bin storage and 2 car parking spaces for both new and donor dwelling (one each to the front accessed from Peaches Close and one each to rear accessed from Old Barn Close).

Mr Holloway and Mr Martin, objectors, addressed the meeting under Standing Order 31 and raised the following points:

- The maintenance of a wall shown on the plan, due to its location.
- Loss of views to the neighbouring property.
- The alteration of a neighbouring property from a semi detached house to a terraced property as an overdevelopment of the site.
- Splitting the garden would make each garden too small and lead to overlooking and a lack of privacy.
- Additional noise would be created by having two properties on the site.
- The application is not significantly different to previous applications which had been refused.

Members questioned the objectors and officers who provided confirmation that:

- The windows at the side of the neighbouring property are secondary windows and not the sole source of light to the rooms.
- There have been other conversions of semi-detached houses to terraces in other areas of the borough.
- Loss of a view is not a material planning consideration.

The applicant, Ms Cole replied that:

- The application is for a 'self build' project with a CIL levy applied, reducing the likelihood of sale within 3 years.
- Sufficient parking provision has already been granted.
- The neighbouring property has both side and front windows, and the side windows are not the sole light to the rooms.
- Numbers 8 and 10 Peaches Close currently have divided back gardens, which are overlooked from above.
- 13 letters of support for the application have been received.

Councillors discussed and clarified that:

- The current property is set at an angle which provides a larger space in which to fit the application.
- This application would provide property which contributes positively to development within the area.

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)

Councillor Samantha Bourne, Muhammad Sadiq, Hamish Pollock, Kevin Burke, Margaret Court, Vincent Galligan, Graham Whitham, Patrick McManus and Tony Shields

Against (0)

Abstained (1) Councillor Jason Reynolds

Resolved: That planning permission be granted for application DM2018/00216, subject to the conditions, reasons and informatives.

85. ANY URGENT BUSINESS,

No urgent business was raised.

The meeting ended at 10.15 pm

Chair:

Date: