

PLANNING COMMITTEE**18 May 2016 at 8.00 pm**

MEMBERS: Councillor Samantha Bourne (Vice-Chair) and Councillors Kevin Burke, Vincent Galligan, Patrick McManus, Hamish Pollock, Jason Reynolds, Tony Shields and Graham Whitham

198. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Margaret Court (Councillor Hanna Zuchowska attended as substitute) and the Chair, Councillor Clifton.

A statement was read out by Vice Chair Councillor Bourne, acting as Chair, on behalf of Councillor Clifton, explaining the reasons for his absence.

199. MINUTES

The Minutes of the meeting held on 20 April 2016 were approved as a correct record, and signed by the Chair, subject to the amendment of Minute 192, where it was in fact Councillor Graham Whitham who raised the motion, seconded by Councillor Hamish Pollock.

200. ORDER OF ITEMS

Members agreed to rearrange the order of the agenda so that the planning applications without objections could be discussed first. Items 10 and 11 were brought forward to this effect.

Item 12 was incorrectly positioned within the agenda and was moved forward to follow Item 9.

201. DECLARATIONS OF INTEREST

Members declared interests regarding the following agenda items:

5. APPLICATION NO. D2016/73711 - Marston Court Part of 98-106 Manor Road, Wallington, SM6 0DW.

Councillor Kevin Burke, Non Pecuniary, knew a Council Officer involved in the application personally but had not spoken to them in the past year.

9. APPLICATION NO. A2015/73137 - 700 London Road, North Cheam, SM3 9BY.

Councillors Hanna Zuchowska, Jason Reynolds, Kevin Burke, Samantha Bourne, Vincent Galligan, Hamish Pollock, Non Pecuniary, as a new office of the Sutton Liberal Democrats Group will be located nearby on the same road.

12. APPLICATION NO. D2016/73856 - 154 Beddington Lane, Beddington, CR9 4QD.

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Councillor Hamish Pollock, Pecuniary, employed by the Agent mentioned in the application.

202. APPLICATION NO. B2016/74052 - WESTBOURNE PRIMARY SCHOOL, ANTON CRESCENT, SUTTON, SM1 2NT

The Committee considered a report on the above application for the erection of a single storey extension to provide breakfast/holiday club for pupils together with a flexible teaching space with kitchen facilities.

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, Kevin Burke, Hanna Zuchowska, Vincent Galligan, Patrick McManus, Hamish Pollock, Jason Reynolds, Tony Shields and Graham Whitham.

Resolved: That planning permission be granted for application No. B2016/74052, subject to the conditions, reasons and informatives set out in the Appendix to these Minutes.

203. APPLICATION NO. B2016/73920 - ROBIN HOOD INFANTS SCHOOL, ROBIN HOOD LANE, SUTTON, SM1 2SF

The Committee considered a report on the above application for the erection of a part first floor extension to provide additional teaching and associated facilities.

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, Kevin Burke, Hanna Zuchowska, Vincent Galligan, Patrick McManus, Hamish Pollock, Jason Reynolds, Tony Shields and Graham Whitham.

Resolved: That planning permission be granted for application No. B2016/73920, subject to the conditions, reasons and informatives set out in the Appendix to these Minutes.

204. APPLICATION NO. D2016/73695 - 23-50 RICHMOND GREEN, BEDDINGTON, CR0 4SA

The Committee considered an additional report on the above application for the demolition of existing bungalows and erection of twelve 2-bedroomed 2 storey houses and nine 3-bedroomed 3 storey houses (100% affordable) with refuse and cycle storage, 33 car parking spaces and new vehicular accesses, following its deferral from the previous meeting on 20 April 2016.

Following the Officer presentation of the additional report, Members asked for clarification on the following points:

- The exact location of the conservation area.

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- Planning condition 5 (on the subject of obscure glazed windows).
- How the bungalows and scenery are described within the designation of the conservation area.

The Officer responded that no detailed appraisal of the conservation area was conducted at the time of its designation.

It was pointed out by a Member that condition 20 repeated condition 13, and condition 33 repeated condition 15, with clarification that clause 36 referred to the London Mayor and that the word 'London' should be added to this effect. The Officer agreed.

Mr Tim Foster and Mr Brian Gould, Objectors, and Ward Councillors Nick Matthey and Pathumal Ali, addressed the meeting under Standing Order 31.

The principal issues raised by the Objectors concerned:-

- A failure of Ward Councillors to further liaise with residents as suggested, in order to explain the difference between Housing Law and Planning Law, and a lack of response to e-mail correspondence.
- The assessment of non-significant impact as subjective opinion.
- Demolition of unlisted buildings in a conservation area.
- The procedure followed and documentation used in applying for planning permission as incorrect.
- Violation of the Town and Country Planning Act 1990, the Town and Country Planning (General Permitted Development Order) 1995 and the accompanying Department of Environment circular with regards to demolition requirements.
- The findings of elevation, flood and subsidence assessments.
- A 'commercially sensitive' soil report which had allegedly not been made public.
- Reduced outlook and amenity.

In accordance with Standing Order 14.4, the Chair issued two warnings to a member of the public gallery following their interruption of the proceedings.

Following questions from Members, Officers clarified that no alternative soil report exists, the boring of holes was to discover what kind of foundations are required and piling is a matter for building regulations.

It was added that questions of demolition, excavation and piling are covered by conditions 19, 20 and 21 of the application. Officers clarified that following a Court of Appeal decision, the separate requirement for demolition associated with a planning application had been removed. Instead an application for demolition and development in a Conservation Area can be made on a single application form. It was further confirmed that there remained a provision to apply for demolition of an unlisted building in a conservation area where planning permission is required, but where there is no associated application for a replacement development. Officers explained that they were satisfied that the correct procedure had been followed.

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In terms of the flooding issues, the Applicants had commissioned water engineers to undertake a detailed study based on a topographical survey and information provided by the Environmental Agency.

Finally, it was confirmed by Officers that they had approached the Fire Brigade following concerns raised at the previous Planning Committee. The Fire Brigade confirmed their satisfaction in writing that the scheme met the relevant building regulations following a survey they had conducted. The Borough Commander was also present in the public gallery.

The principal issues raised by the Ward Councillors were:-

- The circulation of rumours and incorrect facts.
- Concern as to whether all the residents' concerns have been addressed.
- A petition underway with regards to the demolition of the bungalows.
- The demolition of bungalows in a conservation area prior to new construction and the eviction of elderly residents.
- The flood risk of the area.
- The noise pollution of air-to-surface heat pumps.
- The expectation that residents will cycle rather than drive.
- Solar panels placed in ineffective positions on the roof.

A Committee Member asked the Ward Councillors how the bungalows had been vacated but the Chair reminded all those present that only material planning considerations could be taken into account by the Committee in their decision. Clarification was then sought by the Chair of what is meant by matters material to a planning application from the Planning Officers and lawyer there present.

In accordance with Standing Order 14.4, the Chair issued a final warning to a member of the public gallery following their interruption of the proceedings.

A Committee Member asked Ward Councillor Nick Matthey if the proposals were an improvement to the conservation area, particularly with regards to the height of the new buildings. The Ward Councillor responded that the current bungalows fit very well in the area and their replacement is a political decision. The Chair reminded the Councillor that such an answer did not respond to the question raised by the Committee. The Ward Councillor responded with concerns relating to quality of life and noise pollution from heat pumps.

On behalf of the applicant, Mr Jamie Campbell was then invited to address the meeting under Standing Order 31, in response to the concerns raised by objectors and Ward Councillors.

A Member of the Committee asked the Applicant to justify his statement that neighbouring properties would not be affected. The applicant clarified that he had been speaking in relation to the flood risk. Another Member of the Committee asked for further clarification in the same vein and the applicant responded that such matters had already been addressed in the Officer presentation and responses, and that his answer would not differ.

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The Chair warned Ward Councillor Nick Matthey not to approach individual Members of the Committee during the proceedings and to remain seated.

Further detail was sought from the Committee of the consultation process with residents and the applicant responded that this had begun in August 2015 and included meetings with the Beddington North Neighbourhood Forum as well as letters sent to neighbouring properties in accordance with planning guidance.

Following continued interruptions from the public gallery, the Chair called for the meeting to be adjourned for 15 minutes under Standing Order 14.4 as the business could not be heard.

Once the meeting resumed, the Applicant continued to answer questions from Members with regards to the question of noise pollution. The Applicant responded that he was not sure what the Ward Councillor had been referring to as there were no heat pumps proposed for the development, only gas-fired boilers. Officers confirmed that heat pumps were not incorporated in the energy scheme of this development.

Following resumed interruption from a member of the public gallery, the Chair ordered the person concerned to leave the meeting under Standing Order 14.4.

With no debate ensuing after the conclusion of questions to the Applicant, a poll vote on the Officers' recommendation to grant permission was held in accordance with Standing Order 31.4, when there voted:

To grant (7) Councillors Samantha Bourne, Kevin Burke, Hanna Zuchowska, Vincent Galligan, Hamish Pollock, Jason Reynolds and Graham Whitham.

Against (2) Councillors Patrick McManus and Tony Shields.

Resolved: That planning permission be granted for application No. D2016/73695, subject to the conditions, reasons and informatives set out in the Appendix to these Minutes.

205. ORDER OF ITEMS

At the suggestion of the Chair, the Members agreed to continue with Items 6 and 7, in the absence of any registered speakers for these applications, thereafter returning to Items 8 and 9.

206. APPLICATION NO. B2016/73983 - TIMES SQUARE SHOPPING CENTRE, HIGH STREET, SUTTON, SM1 1LF

The Committee considered a report on the above application for variation of conditions 2 (drawing nos.), 7 (electric vehicle charging points & barrier system), 21 (car park management) and 25 (Unit B opening hours) of planning approval B2014/70990 for 'Demolition of buildings fronting Throwley way (retaining south access ramp) unit 65 Times Square and 100- 106 High Street. Provision of two new entrances onto High Street and revised internal layout of shopping mall including internal alterations and amalgamation of smaller retail units at levels one and two to

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provide three large anchor units for Class A1 (Retail) use; a flexible Anchor Unit B of 1610 square metres for uses falling within Class D2 (Assembly and Leisure) and A1 (Retail) created from existing D2 and A1 uses, provision of new parking area at level 3 and associated access arrangements'.

Prior to any Officer presentation, Councillor Graham Whitham moved to take the application as tabled, seconded by Councillor Hamish Pollock. A poll vote on the Officers' recommendation to grant permission was held in accordance with Standing Order 31.4, when there voted those present:

To grant (7) Councillors Samantha Bourne, Kevin Burke, Hanna Zuchowska, Hamish Pollock, Jason Reynolds, Graham Whitham and Patrick McManus.

Resolved: That planning permission be granted for application No. B2016/73983, subject to the conditions, reasons and informatives set out in the Appendix to these Minutes.

207. APPLICATION NO. C2016/73426 - WOODCOTE GROVE HOUSE, WOODCOTE GROVE, COULSDON, CR5 2XL

The Committee considered a report on the above application for amendments to previously approved application incorporating changes to internal layout, modifications of window positions, removal of PV units, roof garden and Brie Soleil (northern edge), amendment of sunken roof to flat, roof penetration for ventilation and air extraction, omission of roof light requirements, use of Spanish Slate in place of re-used slate from demolished Selkirk Wing, reduction in height by 700mm, reduce depth of front first floor terrace and amendment to flower beds (Variation of condition no 18 (Drawing Numbers) of application number (D2015/73316/FUL) in connection with new two storey building with basement accommodation to provide a 51 bedrooled dementia and nursing care unit.

Prior to any Officer presentation, Councillor Hamish Pollock moved to take the application as tabled, seconded by Councillor Graham Whitham. A poll vote on the Officers' recommendation to grant permission was held in accordance with Standing Order 31.4, when there voted those present:

To grant (8) Councillors Samantha Bourne, Kevin Burke, Hanna Zuchowska, Hamish Pollock, Jason Reynolds, Vincent Galligan, Graham Whitham and Patrick McManus.

Resolved: That planning permission be granted for application No. C2016/73426, subject to the conditions, reasons and informatives set out in the Appendix to these Minutes.

208. APPLICATION NO. D2015/73381 - 31-35 STAFFORD ROAD, WALLINGTON, SM6 9AP

The Committee considered a report on the above application for redevelopment to provide a three storey building and a four storey building comprising two retail Class A1 or A2 units (468 sq.m) and 29 one, two and three bedroom flats (9 x one-bed, 18 x two-bed and 2 x three-bed units) four of which are affordable units, with

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associated off-street parking spaces (20 residential and 8 commercial), cycle parking spaces (65 spaces) private and communal amenity space.

Following the Officer presentation of the report, Members asked for clarification on the following points:

- The design chosen for the building with regards to the overall street scene.
- The height of the building.
- The provision of 65 bicycle spaces.
- A nearby tree.
- Planning condition 8 concerning all of the windows on the western flank elevations of Building A and Building B.

The Officer responded that it was their opinion the building was of a good design, that the site is suitable for a building of 4 to 6 storeys and that the street scene was of variable quality. The bicycle spaces were stated as in accordance with the London plan and the location reserved by condition. It was confirmed that a significant tree was in a state of decay and would be removed. Finally, with regards to condition 8, the Officer explained which windows were required to have obscure glaze in the south western corner of the site.

Mr Robert Landeryou, a supporter, and Councillor Jayne McCoy, a Ward Councillor, addressed the meeting under Standing Order 31.

The principal issues raised by the Supporter were:-

- A clarification that the play area at the rear of the building was to be accessible by residents only.
- A preference for any shop to be of A1/A2 classification.

A Committee Member asked the Supporter to further elaborate on his point relating to the play area. The Officer confirmed that access is only possible through the building.

The principal issues raised by the Ward Councillor were:-

- The considerable interest of local residents, their concerns and their satisfaction with the response of the Applicant.
- The landscaping proposed and its maintenance.
- Access for commercial parking.

A Committee Member asked the Ward Councillor whether there were any other buildings in the road of a similar design. Councillor Jayne McCoy responded that there were other modern buildings but not necessarily of the same colour. She added that there was no one dominating style in the road and that residents are comfortable with the design following reassurances.

The applicant, Mrs Jo Tasker, was then invited to speak to the Committee in response to the issues raised by the Supporter and Ward Councillor. The applicant

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stated that an 18 month consultation had been carried out with the residents and that she was present this evening to respond to any questions of the Members.

Members asked questions on the nature of the bike spaces, the design of the building, the landscaping and parking. The Applicant clarified that there was a mix of bicycle storage, including covered areas, and that their primary usage was intended for bicycles rather than other items. It was added that Stafford Road had no overarching design style and that a detailed landscaping scheme will be available. Finally, condition 12 was pointed to with regards to delivery and parking access.

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

To grant (6) Councillors Samantha Bourne, Kevin Burke, Hanna Zuchowska, Vincent Galligan, Jason Reynolds and Graham Whitham.

Against (3) Councillors Hamish Pollock, Patrick McManus and Tony Shields.

Resolved: That planning permission be granted for application No. D2015/73381 subject to the conditions, reasons and informatives set out in the Appendix to these Minutes.

209. ORDER OF ITEMS

In accordance with Standing Order 23.2, two and a quarter hours after the meeting began, the Chair informed the meeting of the priority order of outstanding items and that Item 5 would be discussed next, followed by Items 9 and 12.

210. APPLICATION NO. D2016/73711 - MARSTON COURT PART OF 98-106 MANOR ROAD, WALLINGTON, SM6 0DW

The Committee considered a report on the above application for demolition of an existing building and erection of a part four part five storey building comprising two self contained studio units and nine 1 - bedroomed, three 2 - bedroomed and six 3 - bedroomed self contained flats with communal roof garden together with eight car parking spaces served by hydraulic lift system, cycle, refuse and recycling facilities all enclosed within proposed building.

Following an initial suggestion to move to vote, the Chair invited the Highways Officer present to speak to the Committee on the subject of the objections received under paragraph 3.6 of the report relating to insufficient car parking, increased traffic and loss of pedestrian safety. The Highways Officer spoke of the Council's maximum parking standard and the entitlement of the applicant to propose parking provision between 1 and the maximum. Where, as in this case, the applicant cannot make the maximum provision, other tools are added to deal with the shortage and a condition has been recommended to assess new measures to this effect. The claim of increased traffic was countered by assessment as was the loss of pedestrian safety.

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Committee Members expressed their concern at the low parking provision to which the Highways Officer responded that one counter measure included a car club. It was also asked whether the hydraulic lift system for the parking was appropriate in a residential building. The Planning Officer explained that the parking spaces are in the basement and the lift was required to access them. It was added that the site was a five minute walk from the station with many buses serving the area.

Committee Members also asked for clarification from the Officers of parking provisions in the surrounding area, particularly given the parking stress in nearby Springfield Road and Clifton Road.

The Agent, Andy Hollins, was then invited to address the Committee on behalf of the Applicant. The Agent explained that a parking survey of Springfield Road was conducted in 2015, and stress was found not to exceed 70% and that this meant there was 20% capacity.

A Member of the Committee then questioned what the 20% meant with regards to the 70% and what it represented quantitatively. The Chair directed this question to Officers during debate. An Officer explained that sustainable high density growth in district centres may not always be accompanied by large parking provisions and pointed to the site's proximity to Wallington Train Station as well as the context of the Local Plan Review.

The Committee returned to the question of the number of parking spaces represented by the previously raised capacity figure of 20%. The Highways Officer explained that the answer depended on the length of the road being assessed and that exact figures could not be given to the Committee at this meeting today. Members' attention was drawn nonetheless to condition 5, related to highways, and the parking management plan which would address the concerns expressed.

The Agent was invited by the Chair to clarify the question of parking, estimating the capacity to represent 16 spaces which could be extrapolated across the area to represent up to 50 spaces.

Councillor Tony Shields motioned that the application be refused on the grounds of over intensification with insufficient parking leading to the wider detriment of Wallington. With no seconder in response, the Chair then motioned that the item be deferred for further information on parking stress in the area, as well as other parking issues, and on the advice of Officers that it would not be a safe decision to refuse permission without a full Officer presentation of all the relevant material considerations.

The motion was voted on:

To defer (6) Councillors Hanna Zuchowska, Vincent Galligan, Hamish Pollock, Jason Reynolds, Tony Shields and Graham Whitham.

Against (3) Councillors Samantha Bourne, Patrick McManus and Kevin Burke.

Resolved: That the decision to grant permission for application No.D2016/73711 be deferred to a later meeting of the Committee.

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211. APPLICATION NO. A2015/73137 - 700 LONDON ROAD, NORTH CHEAM, SM3 9BY

The Committee considered a report on the above application for the use of premises falling within Class A3 (Restaurants & Cafes) and installation of an extract duct at rear.

Following the Officer presentation, a Member of the Committee asked what the shop had been used for prior to it being a charity shop. The Planning Officer responded that the unit had been classified as A1 for a number of years but that a detailed history was not available.

Lisa Waterman, an objector and resident of London Road, had submitted a representation to the Committee and addressed the meeting under Standing Order 31, and the principal issues raised were:-

- The environmental impact, pollution and traffic consequences of fast food deliveries.
- The red route road in front of the parade and parking.
- The ineffectiveness of the existing extractor ducts of units along the parade.
- Increased traffic and pollution with a school nearby.
- The noise pollution of the extractors as well as the cars of customers waiting for their takeaways.
- The obscuring of natural light by the proposed duct.
- That ducts of such a design would never be permitted on the front of the buildings.

As the complaints of the Objector related to neighbouring properties to the application and were occurring in her Ward, the Chair promised to bring the matters to the attention of Environmental Health and Enforcement Officers.

The Chair questioned the objector as to whether the specific application for a cake shop made any difference to objections in relation to takeaways. The Objector confirmed that concerns relating to traffic, parking and fumes, remained irrespective of the nature of the occupant.

A Member of the Committee questioned the over-concentration of fast food takeaways in the area as a material concern. A Planning Officer clarified that the shop in question was not a hot food takeaway and the Objector responded that there was an existing problem of fumes and that a cake shop would still add to this.

The Objector was then asked by the Committee to point to the location of her flat on the plan and photos of the Officer presentation in relation to the proposed duct.

The Applicant Zafar Nazim responded to the points raised, accompanied by the Agent Michael Traynor, and clarified that the business primarily made wedding cakes and desserts with 80% of business relating to catering and orders only with a low volume of walk-in traffic. The Applicant added that fumes from their activity were nominal and required a smaller extractor than a takeaway. The business had been

operating from a unit on Tooting Bec Road, with flats above, for 4 years without objection.

Moving to debate, Members of the Committee sought clarification from Officers of what steps would be required should the business leave and a takeaway wanted to move into the unit. The Planning Officer expanded upon the definition of class A3 and that permission for this application would allow café / restaurant use. If a change in ducting was required by a restaurateur, there would be a potential further requirement to come back before the Committee. It was then asked if the same principles applied to a change in the hours of operation to which the Officer pointed to condition 2.3. The Chair sought clarification from the Applicant of the distinction between the hours of operation and hours of opening, reminding them that they must conform to the planning conditions in this respect.

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

To grant (6) Councillors Kevin Burke, Hanna Zuchowska, Vincent Galligan, Patrick McManus, Hamish Pollock, and Tony Shields.

Against (3) Councillors Samantha Bourne, Graham Whitham and Jason Reynolds.

Resolved: That planning permission be granted for application No. A2015/73137, subject to the conditions, reasons and informatives set out in the Appendix to these Minutes.

212. APPLICATION NO. D2016/73856 - 154 BEDDINGTON LANE, BEDDINGTON, CR9 4QD

In accordance with Standing Order 23.2, the Item was adjourned for consideration at the next meeting of the Committee.

213. ANY URGENT BUSINESS,

APPENDIX TO THE MINUTES

The meeting ended at 11.12 pm

Chair:

Date:

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