

## Planning Committee

7 August 2019

## PLANNING COMMITTEE

7 August 2019 at 7.30 pm

**MEMBERS:** Councillor Kevin Burke (Chair), Councillor Drew Heffernan (Vice-Chair) and Councillors Ben Andrew, Vincent Galligan, Amy Haldane, Peter Geiringer, Tony Shields and Tim Foster

**ABSENT** Councillor(s) Jill Whitehead and Eric Allen

**18. WELCOME AND INTRODUCTIONS**

The Chair, Councillor Kevin Burke, welcomed those present.

**19. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor Eric Allen and Councillor Jill Whitehead with Councillor Param Nandha and Councillor Williams attending as substitutes respectively.

**20. MINUTES OF THE PREVIOUS MEETING**

The Chair, Councillor Kevin Burke, read an email to the committee from Councillor Tim Crowley in respect of the minutes of 5 June 2019 expressing his dissent to the minutes as he believed they were not a fair representation of what took place. The committee voted to accept the minutes without any changes.

**RESOLVED:** that the minutes of the meeting held on 5 June 2019 and 3 July 2019 be agreed and be signed by the Chair as a fair and accurate record.

**21. DECLARATIONS OF INTEREST**

Councillor Shields made a declaration on behalf of the Conservative group members to advise the committee that in respect of application **DM2019/00848 216-220 HIGH STREET SUTTON SM1 1NU**, queries had been raised regarding the relationship of the Sound Lounge and the London Borough of Sutton, the selection of this prospective tenant, and the rental level being offered. He did not believe a satisfactory response had been provided regarding how the Sound Lounge had been selected as tenant for this Council-owned building at a rent below market value. Concern was also expressed as the petition prayer from the residents' petition had not been circulated to members in advance of this committee meeting. The declaration argued that the full prayer should be made public. Due to this, the Conservative group wished to express concern regarding the openness and transparency of the Council and therefore declared that they were predisposed to this application but not predetermined.

**Order of items**

The Chair announced that he would amend the order of items to hear item seven ahead of item five.

**22. APPLICATION NO.DM2019/00606 1 SELBY ROAD CARSHALTON SM5 1LE**

The committee considered a report on the above application for erection of a new part one, two-storey, one- bedroom house. The application included provision of one off-street parking space, bin storage, and bicycle store.

The committee moved to vote.

<b>APPLICATION NO.DM2019/00606 - 1 SELBY ROAD, CARSHALTON (Committee Report)</b>	
A poll vote on the officers’ recommendation to refuse planning permission was held in accordance with Standing Order 31.4, when there voted:	
<b>RESOLVED:</b> That planning permission be refused for application No. DM2019/00606	
Councillor Kevin Burke	Against
Councillor Drew Heffernan	Against
Councillor Ben Andrew	Against
Councillor Vincent Galligan	Against
Councillor Amy Haldane	Against
Councillor Peter Geiringer	Against
Councillor Tony Shields	Against
Councillor Tim Foster	Against
Councillor Chris Williams	Against
Councillor Param Nandha	Abstain
<b>Rejected</b>	

**23. APPLICATION NO.DM2019/00833 31 ONSLOW GARDENS WALLINGTON SM6 9QL**

The committee considered a report on the above application for demolition of the detached garage and erection of a detached, four-bedroomed dwelling, alterations to existing access, provision of new vehicular access, and provision of two car parking spaces for existing property

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Following the presentation by Sarah Buxton Deputy Planning Manager, members requested clarification regarding:

- The reasons that this application was previously refused and the comments made by the Planning Inspectorate on appeal. The officer responded accordingly.
- If permitted development rights would remain in place. It was confirmed that this would be the case.
- Comments made by the Planning Inspectorate regarding the layout and if the issues regarding light would be resolved by removing the existing conservatory. Officers advised that they believe by removing the conservatory and adding glass folding doors that the concerns of the inspectorate would be addressed.

Philip Foyle and Blaine Pinto, objectors, addressed the meeting under Standing Order 31, and the applicant replied.

The principal issues raised by the objectors were:

- The amenities of residents at 29 Onslow Gardens had not been taken into account.
- Essential light will be cut off.
- The proposed new application building would only be one metre from the boundary to the property at 29 Onslow Gardens.
- This application is not in keeping with the street and would create a terraced effect.
- The proposed two-storey, four bedroom house is not acceptable on this plot.
- The car parking spaces are not of sufficient size and so cars will park on the public highway, worsening this problem.
- South Wallington is an area of special local character and this kind of infill development is to the detriment of local character.

4 minutes and 8 seconds

Members asked the objectors if they believed this development would be suitable for the site. They responded that infilling is speculative and spoils the look and feel of their road. Residents and neighbours are concerned that this will set a precedent for infill housing to be acceptable in this area.

Members asked if the objectors would feel any development whatsoever on this plot would be acceptable and they responded that a proposal would have to be more sympathetic to the site and be smaller so as not to impact on light to neighbouring properties.

4 minutes and 10 seconds

The applicant, Mr Hemant Sohoni, addressed the committee. The principal issues raised by the applicant were:

- Against the backdrop of the Mayor's aspiration for more housing this would provide a much needed new home.
- The proposed development is in keeping with the surrounding area.
- It is considered acceptable to convert the existing garage in an area where many houses do not have a garage.

- Other recent infill developments in this area were given approval on smaller plots.
- The proposed scheme provides the Council’s maximum parking spaces and the Highways engineer provided no objection to this scheme.
- The Planning Inspectorate advised there would be no issue of loss of light for the neighbouring property.
- The application site is in an area of proposed intensification.

4 minutes and zero seconds

Members asked for clarification on the size of the parking spaces. The Highways officer advised that these spaces do comply with the required standard size.

Members queried if there should be a standard distance that a new building should be away from the boundary of the neighbouring property and the officer responded accordingly.

There were no other questions.

In debate, members were mindful of the high number of objections and that the application site is in an area of special local character. Members were aware of the inspectorate’s comments at appeal and that the amendments made had satisfied the outstanding issues.

Members commented that if this application was put forward without the Inspectorate’s comments they would be minded to refuse.

<b>APPLICATION NO.DM2019/00833 31 ONSLOW GARDENS, WALLINGTON SM6 9QL (Committee Report)</b>	
A poll vote on the officers’ recommendation to grant permission was held in accordance with Standing Order 31.4, when there voted:	
<b>RESOLVED:</b> That planning permission be granted for application No.DM2019/00833 subject to the conditions, reasons and informatives set out in the Planning Portal.	
Councillor Kevin Burke	For
Councillor Drew Heffernan	For
Councillor Ben Andrew	Against
Councillor Vincent Galligan	For
Councillor Amy Haldane	Against
Councillor Peter Geiringer	Against
Councillor Tony Shields	For

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Councillor Tim Foster	For
Councillor Chris Williams	For
Councillor Param Nandha	For
<b>Agreed</b>	

**24. APPLICATION NO.DM2019/00848 216-220 HIGH STREET SUTTON SM1 1NU**

The Committee considered a report on the above application for change of use of ground floor from Use Class A2 (Bank) to a mixed use including Use Classes A3 (Food and Drink), A4 (Drinking Establishment), D1 (Non-residential institutions), D2 (Assembly and leisure), and B1a (Office) along with the first and second floors in use as offices (Use Class B1a). Towards the rear elevation would be the installation of an extractor duct.

Following the presentation by Sarah Buxton, Deputy Planning Manager, members requested clarification regarding:

- waste storage at the rear of the property and if waste could be contained by condition. The officer confirmed there is sufficient space within the building undercroft for the waste to be contained.
- the consultation with residents and the number of objectors and supporters. Officers confirmed that there were six letters of support and also a petition from residents who were against the proposal. Officers explained the issue with clarifying the number of people that had signed the petition and the anomalies with the document provided. Members requested details of the petition and prayer be shared with the committee and this was agreed by the Chair and circulated to all members.
- car parking spaces and the officer responded accordingly.
- whether the rear of the property would be used as a smoking area and a place for people to congregate which could create noise disturbances for local residents. Members also queried if noise from the music would be an issue and sought clarification on the measures in place regarding noise limitation. Officers advised that the applicants would address these queries.
- the details around fire exits from the building. The officer responded accordingly.

Officers reminded members that should consider the requested change of use on planning merits and if this would be an appropriate use for this building in Sutton Town Centre. Members were reminded of the flexibility on use in the local plan to keep the High Street vibrant.

Angela Smith, an objector, addressed the meeting under Standing Order 31, and the applicant replied.

The principal issues raised by the objector were:

- The close proximity of the application site to residents' homes and that this could create more noise and disturbance.

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- That current antisocial behaviour issues experienced on the Elm Grove estate could be worsened by this application.
- There are a high proportion of vulnerable residents who believe their lives will be worsened if this proposal goes ahead
- Residents had agreed to the petition to make officers aware of their concerns and do not feel they are being listened to nor that any action is being taken to help improve the current antisocial behaviour issues.
- Existing waste collections start at 04:30 every day except Sunday and this creates noise and, due to the close proximity to the High Street, residents can hear noise from market traders in the High Street so they are concerned they will also hear noise from the music at the application site.

6 minutes and 24 seconds

Members thanked the resident for highlighting existing issues and asked how the existing problems will link to this application.

Hannah White and Keiron Marshall, supporters and prospective tenants, and George McCullough and Michael Hunte, representing the applicant, addressed the committee and introduced themselves and their roles in the application. The principal issues raised by the applicant and supporters were:

- Applicants believe the Sound Lounge will create a worthwhile use to this town centre location
- Part of the building will be used as an engagement hub, a key element of the housing regeneration strategy to provide an opportunity to improve engagement with residents.
- Sound Lounge explained their track record since 2015 and spoke of their aims and the facilities that would be offered to the local community.
- There will be no electronic music. Acoustic tests have been completed to ensure that there will be no noise leakage. This will primarily be a cultural folk and jazz music venue for small groups with ticketed events.
- The venue will be used during the day to offer volunteering and training opportunities and family workshops for local residents.
- It was confirmed the space at the rear of the building will not be used as a drinking or smoking area, and that the car park will be used as a fire exit only

6 minutes and 26 seconds

Members sought more details on the sound-proofing and potential noise issues. Applicants advised the internal structure of the building is very good at sound-proofing and noise tests showed no noise leakage.

Members asked if the existing antisocial behaviour issues that had been highlighted had been considered. Supporters responded that their own personal experiences have shown that musical and cultural offerings can be a force for positive change and believe that this offering will engage and support the community and that it will help alleviate antisocial behaviour problems and have a positive impact.

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Members queried what would happen to the site if the Sound Lounge moved to another location. Supporters advised they were hoping to sign a five-year lease and intend to stay in that location.

Members sought more information regarding the commerciality of the proposed rent. The Legal Advisor Allison Letts advised that the leasehold terms of the tenant should not be discussed as part of this application.

In debate, members considered:

- If the community offering would create a positive influence on the existing antisocial issues being experienced and create positive change.
- If there had been an open tender to attract all business proposals for this site.
- If there would be an issue with the change of use if the Sound Lounge move on. Members pointed out that because the Council is the owner it can choose the subsequent tenant which should resolve this issue.
- The benefit to the area of this type of use in making the area more vibrant and of benefit to the local community.
- If the location is too close to local residents and were concerned that the petition indicated that local residents believe this could make antisocial behaviour worse.
- Concern that the High Street survives and a belief that this would be good for the High Street
- That this would be a meanwhile use and that the building could become part of the regeneration of Elm Grove in due course and help the local area in the meantime.

**APPLICATION NO.DM2019/00848 - 216-220 HIGH STREET, SUTTON SM1 1NU  
(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 No. DM2019/00848, subject to the conditions, reasons and informatives set out in the Planning Portal.

Councillor Kevin Burke	For
Councillor Drew Heffernan	For
Councillor Ben Andrew	For
Councillor Vincent Galligan	For
Councillor Amy Haldane	For
Councillor Peter Geiringer	Abstain
Councillor Tony Shields	Abstain

Councillor Tim Foster	Against
Councillor Chris Williams	For
Councillor Param Nandha	Against
<b>Agreed</b>	

*Meeting adjourned 21.28. Meeting restarted 21.34*

**25. ANY URGENT BUSINESS**

There was no urgent business.

The meeting ended at 10.10 pm

Chair: .....

Date: .....