

**Planning Committee****4 November 2020****PLANNING COMMITTEE****4 November 2020 at 7.30 pm**

**MEMBERS:** Councillor Drew Heffernan (Chair), Councillor Kevin Burke (Vice-Chair) and Councillors Richard Clare, Vincent Galligan, Amy Haldane, Jill Whitehead, Eric Allen, Peter Geiringer, Tony Shields and Tim Foster

**61. WELCOME AND INTRODUCTIONS**

The Chair, Councillor Drew Heffernan, welcomed those present.

**62. APOLOGIES FOR ABSENCE**

Apologies for lateness were received from Councillor Amy Haldane and Councillor Tony Shields.

**63. MINUTES OF THE PREVIOUS MEETING**

**RESOLVED:** that the minutes of the meeting of Wednesday, 7 October, 2020 were an accurate record of the meeting.

**64. DECLARATIONS OF INTEREST**

Councillor Kevin Burke declared a personal interest in item nine (DM2020/01082 - 4 Beggars Roost Lane) as he knew neighbours of the applicant. Although he declared he felt he could approach the case with an open mind, he advised he would excuse himself from the meeting for the application.

**65. ANY URGENT BUSINESS**

The Chair advised he had accepted one item of business as urgent but that he would consider application DM2018/01898, 195 Middleton Road, as the next item of business so as not to unduly delay the speakers on that item.

The Chair advised he had accepted application DM2020/01313, Cumbrian House, as an urgent item in accordance with S100B(4) of the Local Government Act 1972. The Chair advised the reasons had been published ahead of the meeting, and were as follows:

The contract is currently out for tender to deliver the proposed project at Cumbrian House and the programme timeframe has been predicated on the planning application being presented to the Planning Committee meeting on 4 November 2020.

It has recently become apparent that a delay by presenting the application to a later meeting would jeopardise the tender process as the outcome of the planning permission, and any conditions attached, will need to be considered fully before final bids are submitted for the contract. Not to do so may increase costs to the applicant.

The applicant has submitted their application in accordance with the council's procedures for consideration by the committee.

The report was presented by Gavin Chinniah, Development Management Planning Manager.

The committee noted that the deadlines to register to speak and submit Written Statements on the application had been extended by the Chair but that no representations had been received.

In response to questions raised by the committee, it was noted that:

- The addition of a lift shaft to the new construction would exceed the height of the current edifice by 0.3m
- The applicant was Sutton Council because it was the owner of the land in question, but that this application was a part of the wider London Cancer Hub development

In debate, the committee endorsed the prospect of increasing opportunities for cancer research on the site.

## Planning Committee

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<b>DM2020/01313 - Cumbrian House (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 DM2020/01313 - Cumbrian House, subject to the conditions, reasons and informatives set out in the planning portal.	
Councillor Drew Heffernan	For
Councillor Kevin Burke	For
Councillor Richard Clare	For
Councillor Vincent Galligan	For
Councillor Amy Haldane	For
Councillor Jill Whitehead	For
Councillor Eric Allen	For
Councillor Peter Geiringer	For
Councillor Tony Shields	For
Councillor Tim Foster	For
<b>Agreed</b>	

**66. APPLICATION NO. DM2018/01898 - 195 MIDDLETON ROAD, CARSHALTON, SM5 1HE**

The report was presented by Katy Johnson, Deputy Planning Manager.

The committee noted the Written Statement on the application.

No ward councillors or objectors who had registered to speak on this application.

Ms Michelle Coker, the applicant, addressed the committee, noting:

- There had been no complaints received prior to the construction of the log cabin on the site
- Other residential properties in the borough had already been converted into nurseries
- The parents of some children at the nursery were St Helier hospital staff and the nursery had remained open to these children throughout the COVID-19 pandemic
- The nursery is located in an area with a high rate of deprivation

The committee discussed concerns about parking in the area around the site, with the applicant advising a survey of parents had been undertaken to consider how the concern could be addressed and that on-site parking was provided for staff.

Councillor Amy Haldane and Councillor Tony Shields joined the meeting at 19:44. Both Councillors Haldane and Shields declared they did not have any interests to declare on any item on the agenda. However, Councillors Haldane and Shields advised the Chair that, because they had joined the item part way through, they would neither vote for nor against the application.

In response to the committee's questions, it was clarified that:

- The noise of children playing was not consistently loud through the day
- The hours in which children would play outside would be consistent through the year, but that time outside was always balanced with time inside

In debate, members noted that noise and parking seemed to be the primary concerns with the application, particularly the concern with parking, but that this seemed to be common to the area and was not something that could be controlled by the committee.

## Planning Committee

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**DM2018/01898 - 195 Middleton Road (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 DM2018/01898 - 195 Middleton Road, subject to the conditions, reasons and informatives set out in the planning portal.

Councillor Drew Heffernan	For
Councillor Kevin Burke	For
Councillor Richard Clare	For
Councillor Vincent Galligan	For
Councillor Amy Haldane	Abstain
Councillor Jill Whitehead	For
Councillor Eric Allen	For
Councillor Peter Geiringer	For
Councillor Tony Shields	Abstain
Councillor Tim Foster	For

**Agreed**

**67. APPLICATION NO. DM2020/01024 - 21 HIGHER DRIVE, BANSTEAD, SM7 1PL**

The report was presented by Ivona Bryant, Planning Officer.

Councillor Eric Allen made the committee aware that as a ward councillor for the application he had received a number of representations from residents but that in every case he had informed residents that he was a member of the Planning Committee and so had not pre-judged the application.

In response to the committee's questions, it was clarified that:

- The proposed application would not create any further bedrooms within the property
- The proposed development to the garage was to increase the living space in the property rather than to add a bedroom
- The 30% figure in relation to increased external volume of the built form in the Local Plan is a measure regarding developments in the green belt but not an upper limit to extensions, as confirmed by several recent appeals

The committee noted the Written Statement on the application.

Mr Robbie Bourke, objector, addressed the committee, noting:

- Development on the site began in February 2020 when boundary trees and hedges were replaced with walls without consultation with the neighbours
- An earlier application was submitted and subsequently withdrawn
- Further developments were continued despite the concerns raised regarding the tree works
- There were concerns that further development may be undertaken on the site
- There were concerns that the property may be converted into a care home in the future, noting that a care home business had recently been registered at the address

In response to the committee's questions, it was clarified by the objector and Planning Officers that:

- The council's Tree Officer provided a representation against the previous application but that boundary trees were subsequently removed by the applicant
- Planning permission would be required if ever the property were to be converted into a care home, although the application in question was not for a change of use
- The primary objection to this application was one of overdevelopment rather than whether or not the property was intended to be used for residential or business purposes

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Councillor Holly Ramsey, ward councillor, addressed the committee, noting:

- There were concerns that the property would be converted into a care home in the future
- There were concerns that this application constituted an overdevelopment of the site, exceeding the 30% development figure noted in section 24E of the Local Plan
- The prospect of adding a condition to prohibit its conversion into a care home should be explored further
- Greenery had already been removed and replaced with high walls around the property

Andy Webber, Head of Development Management and Strategic Planning, and Ivona Bryant, Planning Officer, advised that the felling of the trees on the site was not prohibited as there were no Tree Preservation Orders in place, nor was the site situated in a conservation area.

In response to the committee's questions, it was clarified by that:

- Planning permission would be required to convert the property into a care home
- Conditions to prohibit a change of use could not be added to the application

Ms Arya Sunny, agent for the application, addressed the committee, noting:

- The previous, larger application was withdrawn by the applicant ahead of the submission of a new, smaller application
- The application had received pre-application advice from the local planning authority, with some suggested revisions but generally positive feedback
- The applicant had reiterated their commitment that this property was intended for residential use, not commercial use

In debate, the committee discussed matters already raised in questioning and the attitude of the applicant toward the planning process. It was commented that the applicant had seemingly improved how it had approached the planning process in recent months.

The committee discussed deferring the application in order that legal advice be presented to the committee on the prospect of including some form of legal agreement in the application. The Clerk, Matthew Stickley, advised the committee that, should it defer the decision, it would need to provide the reasons for deferral and that, when the deferred application returned to the committee, the committee would return to the item at the point which had been reached before the deferral took place.

Councillor Tony Shields moved a motion to defer the application for clarification and further information of options available to the committee, via mutual consent between the applicant and the London Borough of Sutton, to bring the future usage, as intended by the applicant, in line with the expectations of local residents, subject to the exigencies of the committee. This was seconded by Councillor Geiringer and put to a vote held in accordance with Standing Order 31.4, when there voted:

In accordance with Standing Order 23.2, the Chair advised the committee that the order of business would remain as set out on the agenda but that, given the time limitations of the meeting, application DM2020/01082 (4 Beggars Roost Lane) was unlikely to be given the time for debate the committee would wish for it to have and so would be considered as a matter of priority at the next meeting of the committee.

**DM2020/01024 - 21 Higher Drive (Committee Report)**

Councillor Tony Shields moved a motion to defer the application for clarification and further information of options available to the committee, via mutual consent between the applicant and the London Borough of Sutton, to bring the future usage, as intended by the applicant, in line with the expectations of local residents, subject to the exigencies of the committee. This was seconded by Councillor Geiringer and put to a vote held in accordance with Standing Order 31.4, when there voted:

**RESOLVED:**

That application DM2020/01024 - 21 Higher Drive be deferred subject to clarification and further information of options available to the committee, via mutual consent between the applicant and the London Borough of Sutton, to bring the future usage, as intended by the applicant, in line with the expectations of local residents, subject to the exigencies of the committee.

Councillor Drew Heffernan	For
Councillor Kevin Burke	Abstain
Councillor Richard Clare	Abstain
Councillor Vincent Galligan	For
Councillor Amy Haldane	Against
Councillor Jill Whitehead	Abstain
Councillor Eric Allen	For
Councillor Peter Geiringer	For
Councillor Tony Shields	For
Councillor Tim Foster	For

**Agreed**

## Planning Committee

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**68. APPLICATION NO. DM2019/00847 - 39 PLOUGH LANE, PURLEY, CR8 3QJ**

Ben Rochford, Planning Officer, introduced the report.

There were no registered speakers for the application.

<b>DM2019/00847 - 39 Plough Lane (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 DM2019/00847 - 39 Plough Lane, subject to the conditions, reasons and informatives set out in the planning portal.	
Councillor Drew Heffernan	For
Councillor Kevin Burke	For
Councillor Richard Clare	For
Councillor Vincent Galligan	For
Councillor Amy Haldane	For
Councillor Jill Whitehead	For
Councillor Eric Allen	For
Councillor Peter Geiringer	For
Councillor Tony Shields	For
Councillor Tim Foster	For
<b>Agreed</b>	

**69. APPLICATION NO. DM2020/01082 - 4 BEGGARS ROOST LANE, SUTTON, SM1  
2DX**

In accordance with Standing Order 23.2, the Chair advised the committee that the order of business would remain as set out on the agenda but that, given the time limitations of the meeting, application DM2020/01082 (4 Beggars Roost Lane) was unlikely to be given the time for debate the committee would wish for it to have and so would be considered as a matter of priority at the next meeting of the committee.

The meeting ended at 9.10 pm