

**DEVELOPMENT CONTROL COMMITTEE**

**13 October 2010 at 7.30 pm**

**MEMBERS:** Councillor John Leach (Chair), Councillor Janet Lowne (Vice-Chair) and Councillors Mary Burstow, Adrian Davey, Bruce Glithero, Lester Holloway, Tony Shields and Graham Whitham.

**Officers:** Darren Richards, Karen Fossett, John Rawlinson, Andy Webber, Peter Loveday, Allison Letts and Peter Snow.

**Also present:** Councillors Richard Clifton, Peter Geiringer, Brendan Hudson, Hamish Pollock, Alan Salter and Jill Whitehead.

**747. MINUTES**

The Minutes of the meeting held on 29 September 2010 were approved as a correct record, and signed by the Chair.

**748. WENTWORTH HALL, 80 RUSKIN ROAD, CARSHALTON - APPLICATION NO. C2008/60587/FUL**

The Committee considered a report on the above application to increase the roof height; and for the provision of an additional floor within the roof space to provide additional community facilities, enlargement of the existing flat, involving the formation of three dormer extensions at the front and three dormer extensions at the rear; and the retention of the security gate at an increased height.

The Chair explained that the applicant, Mr Lal Hussain, was a former member of the Council, having stood down at the local elections in 2006, and therefore known to the majority of existing councillors. The Chair was not aware that that created a personal or prejudicial interest for any existing councillor. When asked by a councillor Mr Hussain confirmed that he was a member of the Liberal Democrat party.

Officers reported that, subsequent to the preparation of their report, they had received a further five letters of objection and one of support. The grounds for objection reiterated those already dealt with in their report.

In response to questions officers explained that: The long time taken to deal with the application had arisen because of the need to seek clarification and additional information, and to undertake a parking survey, and because the applicant had asked for a postponement. The parking survey had been undertaken by the applicant's consultant between 1:00 pm and 1:45 pm on several occasions; and had shown that attendances generally fluctuated between 25 and 40, but could reach 120 for certain events on not more than six occasions annually; that there was evidence of car sharing; that the application, if granted, was likely to lead to an increase in activity, but not necessarily commensurate with the proposed increase in floor space; and that there could be as many as 55 parking spaces within 200 metres of the Hall. 200 metres was generally considered to be the longest distance that most people were prepared to walk from a parked vehicle. The applicant had been given guidance to undertake the parking survey and officers had taken observations to corroborate the information supplied. A displayed photograph showing parking in Woodstock Road had been taken that morning and officers' visits to the area at different times had confirmed that on-street parking spaces were available. Officers had taken into account residents' objections and had asked the applicant to re-survey the parking availability. Officers were not aware of any complaints about parking in the area prior to the current planning application.

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A motion to defer consideration of the application pending a parking survey by the Council's officers was not seconded.

Mr John Faulkner and Mr John Bailey, objectors, and Councillor Hamish Pollock, a ward councillor, addressed the meeting under Standing Order 33, and the applicant, Mr Lal Hussain, replied.

The principal issues raised by Mr Faulkner were:-

- Their survey had shown that on eight consecutive Fridays there had been a minimum of 70 and a maximum of 159 parking spaces – an average of 110 spaces
- The additional vehicle movements would increase the risk of accidents and the level of aggravation for residents
- The proposal would lead to an increase in car journeys
- Attendances had not reduced following the establishment of nearby mosques

The principal issues raised by Mr Bailey were:-

- The proposed increase in the size of the Hall would worsen the parking position
- The Hall had been leased for social and cultural use – not worship
- Noise, disturbance and vehicle exhaust fumes were now at an unacceptable level
- The applicant's organisation was now part of the community, but the Hall was not suitable
- The applicant's organisation needed ample parking and a location away from residents

In response to questions Mr Faulkner and Mr Bailey explained that the applicant's survey had begun at 1:21 pm on a Friday, after the peak time for parking, and had ended at 2:00 pm, after the Hall had been vacated, whereas Council officers had surveyed the area at 1:00 pm and had returned on a Monday for comparison purposes. Residents had calculated the level of use by counting the number of vehicles at two different times, but had only done it on Fridays. They believed that the applicant's organisation should have a facility, but not in its present location, and acknowledged that some residents wanted the application site to be redeveloped. They believed that the Hall was available for wider community use but that there was no demand. They claimed the use of the Hall for prayers on Fridays caused congestion and latecomers drove too fast in their efforts to find a parking space, and that an increase in the size of the Hall would only exacerbate the situation, particularly on Fridays.

The principal issues raised by Councillor Pollock were:-

- The planning application was a particularly difficult one to resolve
- There was considerable opposition by residents
- Residents' most obvious concern was parking when the Hall was in use
- Late arriving worshippers drove too fast when looking for a parking space
- The Hall was completely surrounded by houses and well away from public transport
- The proposal must inevitably lead to some increase in use and parking
- The Hall was not used much by local people
- Could the hours of use be limited by condition?

In response to questions Councillor Pollock suggested that anti-social hours would be similar to those for Christian church services on special occasions; that the truth about the availability of parking spaces probably lay somewhere between the two surveys; said that he had witnessed the congestion and fast driving, which he likened to that near a church on a Sunday; and agreed that churches were part of the community and that residents near them had to accept the consequences.

The principal issues raised by Mr Hussain were:-

- The Muslim Cultural and Welfare Association had restored the Hall for the community at its own expense and had saved it from being an eyesore
- The Hall needed continuous repair because of its age
- The Hall met cultural, social, welfare and religious needs
- The Hall was used for numerous non-Muslim events
- The Association did not allow loud music or alcohol in deference to local residents
- The Association provided a uniformed traffic warden to control parking
- The parking survey had been undertaken by a professional company in the presence of Council officers
- Almost 200 parking spaces were available in nearby streets
- The parking survey had been undertaken each day over a one week period and the Friday had been a public holiday
- Some of the objections were purposely misleading and were from addresses outside the Borough

In response to questions Mr Hussain explained that the increased floor space would be used by existing classes; that a large increase in the number of worshippers was not expected; that to alleviate the parking difficulties prayer sessions on Fridays were staggered; that there had been an increase in the number of Muslims in the area and they wanted to use the Hall because it was convenient; that the Association did everything possible not to aggravate its neighbours; that a controlled parking zone would not present a problem because many users of the Hall travelled by bicycle or public transport, or shared cars.

The Chair said that there had not been any significant objections to the proposed alterations to the building and suggested that the application turned on the issue of parking. Comparisons had been made with churches, where there could be similar parking problems. It was acknowledged that some people drove unusual distances to worship at a specific church and the position in other faiths was no different. The area was particularly badly affected by parking on Fridays and during festivals and the question was posed whether that was sufficient reason to object to the application.

Members noted the consequences of car use and the use of the Hall by the wider community. They suggested that it would have been useful if the Council had undertaken its own parking survey and that an increase in the size of the premises implied some increased level of use.

A poll vote on the officers' recommendation to grant permission was held in accordance with Standing Order 33.4, when there voted:

To grant (6)                      Councillors Mary Burstow, Adrian Davey, Bruce Glithero,  
Lester Holloway, John Leach and Janet Lowne.

Against (2)                      Councillors Tony Shields and Graham Whitham.

**Resolved:** That planning permission be granted for application No. C2008/60587/FUL, subject to the conditions, reasons and informatives set out in the Appendix to these Minutes.

**749. 229-245 CARSHALTON ROAD, CARSHALTON - APPLICATION NO. C2010/63256/FUL**

The Committee considered a report on the above application for demolition of all of the existing buildings and the erection of a part three, part four storey building comprising 395m<sup>2</sup> of commercial floor space (within Use Classes A1, A2, B1 and D1) at ground floor level; and two one-bedroom, 36 two-bedroom and six three-bedroom self-contained flats at ground, first, second and third floor levels; together with a total of 29 undercroft and surface car parking spaces.

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Officers reported, subsequent to the preparation of their report, the receipt of comments from Transport for London and the Senior Highways Engineer; a further 41 letters of objection reiterating grounds similar to those already referred to in their report and one letter of support; and correspondence from the applicant regarding acceptable materials and rebutting comments made in letters of objection. Amendments to recommended conditions were submitted. It was also reported that the scheme represented more than 20% of Sutton's affordable housing target for 2011 and that funding for it would be lost if permission were refused.

In response to questions officers explained: that if a housing scheme was designed for disabled people it was expected to include a considerable number of parking spaces designed for disabled drivers – approximately five spaces in this case; that the design was very similar to that of the previous application granted on appeal; that parking for the proposed 65 place nursery would be available in the layby in Carshalton Road (2) and within the application site (7), the details of which would be subject to a recommended condition; that if those places were full there would be on-street parking available, and some parents would live within walking distance; that the details of the refuse arrangements were reserved by a recommended condition; that the combined number of parking spaces within and outside the application site was believed to be adequate, assuming not all parents would drive; that the proposed nursery would be open for longer hours than nearby schools so the local parking requirement would be staggered; and that if permission were refused and the Council lost on appeal the costs could be between £25,000 and £30,000.

It was noted that the application granted on appeal included provision for a larger nursery than now proposed.

Mrs Janice Funnell, an objector, and Councillors Jill Whitehead and Alan Salter, ward councillors, addressed the meeting under Standing Order 33, and Mr Roger Tullett replied for the applicant.

The principal issues raised by Mrs Funnell were:-

- If parking in the layby was not available parents would have to drive round the block because Shorts Road was one-way
- Comments about the cost of an appeal if permission was refused amounted to blackmail
- There were objections to the proposed development because of its bulk and poor design, which was better suited to an inner city site
- Nobody objected to the development of the site in principle
- The proposed development would produce an unacceptable and cramped design and accommodation
- The proposal would be an over development of the site
- The proposed development showed no consideration or respect for future residents
- The proposed design would be out of keeping and unsympathetic, and have considerable impact on the local community
- The proposed design would overwhelm adjoining small two storey houses
- Objectors supported the principle of affordable housing

In response to questions Mrs Funnell said that parking in the area was appalling; that she frequently could not park in Alma Road in the evening; and that the proposed development would lead to overlooking into the playground of St Philomena's School.

The principal issues raised by Councillor Whitehead were:-

- There were very few changes compared with the previously refused scheme
- The reasons for rejecting the previous scheme were still valid
- The modern design would be out of keeping with the area
- The height and bulk of the proposed development would be too great

- The proposed development would overlook properties in adjoining roads, and in particular St Philomena's School and St Mary's Junior School
- There would be only a small reduction in the number of flats compared with the refused scheme
- 50 parking spaces would be needed for residents of the proposed development
- Shorts Road was one-way and narrow and access roads would be congested by traffic

The principal issue raised by Councillor Salter was that the school population had grown and the existing schools in the area were too small.

The principal issues raised by Mr Tullett were:-

- Permission for the previous application had been granted on appeal
- The applicant had tried to mirror the design and appearance of the previous scheme
- The proposed scheme would meet the Council's design standards and interior room sizes
- The proposed scheme would meet Lifetime Homes standards and Level 3 of the Code for Sustainable Homes, neither of which would be achieved in the previous scheme
- The residential units would provide 100% affordable housing
- The proposed scheme would meet the funding standards for affordable housing
- The applicant would encourage the use of sustainable transport and constrain car ownership
- A survey had suggested that there would be 40% car ownership in the residential element of the scheme
- The applicant did not wish to provide excess parking spaces and so encourage car use

In response to questions Mr Tullett confirmed: that there was approved funding for the proposed scheme; that a smaller development would always be more comfortable but market conditions meant that the applicant had to secure the maximum potential of the site so that any scheme would be viable; that whilst there could be more parking provision and larger residential units the applicant had to respond to commercial considerations; that the applicant was prepared to consider a car share scheme and encourage parents to use non-car methods of transport; that there was no intention to increase the height of the proposed scheme; and that whilst one of the two access points to the residents' amenity area would be along a narrow path it would be well lit.

Members noted the proximity of the proposed parking spaces to the children's play area, and that the distance between the rows of parking spaces was too small to allow parents entering the parking area, and finding it full, to turn their cars around and exit in one manoeuvre, thus increasing the likelihood of congestion. They also noted that the applicant could choose to build the previous scheme granted on appeal, but believed that neither scheme would be in keeping with the character of the area. They believed that the scheme now proposed would not provide sufficient parking and did not take sufficient account of the density of traffic in the area at certain times of the day.

Members were mindful of the possible costs if permission were refused but granted on appeal. There was a motion to defer consideration to enable the applicant to consider members' concerns, but it was suggested that instead the Committee should make a decision on the application.

A poll vote on the officers' recommendation to grant permission was held in accordance with Standing Order 33.4, when there voted:

To grant (0)

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Against (8) Councillors Mary Burstow, Adrian Davey, Bruce Glithero, Lester Holloway, John Leach, Janet Lowne, Tony Shields and Graham Whitham.

**Resolved:** That planning permission for application No. C2010/63256/FUL be refused for the reasons set out in the Appendix to these Minutes.

*Councillor Adrian Davey declared a personal interest in the above application because his brother lived in Alma Road, Carshalton.*

**750. SUTTON JUNIOR TENNIS CENTRE CLUB, ROSEHILL RECREATION GROUND, ROSE HILL, SUTTON - APPLICATION NO. B2010/62997/FUL**

The Committee considered a report on the above application for the provision of roof lights/ventilators at roof level and alterations to the elevations.

A poll vote on the officers' recommendation to grant permission was held in accordance with Standing Order 33.4, when there voted:

To grant (8) Councillors Mary Burstow, Adrian Davey, Bruce Glithero, Lester Holloway, John Leach, Janet Lowne, Tony Shields and Graham Whitham.

**Resolved:** That planning permission be granted for application No. B2010/62997/FUL, subject to the conditions, reasons and informatives set out in the Appendix to these Minutes.

**751. ALBURY COURT, BENHILL WOOD ROAD, SUTTON - APPLICATION NO. B2010/63319/3FR**

The Committee considered a report on the above application for the replacement of balcony walls with steel framed railings and infill panels.

A poll vote on the officers' recommendation to grant permission was held in accordance with Standing Order 33.4, when there voted:

To grant (8) Councillors Mary Burstow, Adrian Davey, Bruce Glithero, Lester Holloway, John Leach, Janet Lowne, Tony Shields and Graham Whitham.

**Resolved:** That planning permission be granted for application No. B2010/63319/3FR, subject to the conditions, reasons and informatives set out in the Appendix to these Minutes.

**752. SHANKLIN COMMUNITY CENTRE, ROOKLEY CLOSE, SUTTON - APPLICATION NO. B2010/63279/3FR**

The Committee considered a report on the above application for the erection of additional fencing and gates and re-surfacing of the contained area, to provide a secure play area.

A poll vote on the officers' recommendation to grant permission was held in accordance with Standing Order 33.4, when there voted:

To grant (8) Councillors Mary Burstow, Adrian Davey, Bruce Glithero, Lester Holloway, John Leach, Janet Lowne, Tony Shields and Graham Whitham.

**Resolved:** That planning permission be granted for application No. B2010/63279/3FR, subject to the conditions, reasons and informatives set out in the Appendix to these Minutes.

### 753. PLANNING ENFORCEMENT SERVICE - PROGRESS REPORT

**Resolved:** To note the summary of planning enforcement action during the period 1 March to 31 August 2010.

### 754. HAREDON HOUSE, 810 LONDON ROAD, NORTH CHEAM - APPLICATION NO. A2010/63251/FUL

The Committee considered a report on the above application for partial change of use extensions at ground floor level and external alterations to provide: a mixed use development comprising one one-bedroom, six two-bedroom and two three-bedroom self-contained flats at third floor level; retention and refurbishment of Use Class B1 office space at second and part third floor levels; provision of Use Class D1 (excluding places of worship, religious instruction and church halls) at first and ground floor levels; and provision of three additional Use Class A1 retail units, one A2 unit and one A3 unit at ground floor level, incorporating extensions; together with communal amenity space on the roof of the ground floor extensions for residential use; refuse and recycling facilities, and pedestrian and vehicular access ramps; reconfiguration of the car parking to provide 39 spaces; and provision of 61 bicycle spaces, landscaping and a new footpath.

Officers reported the receipt, subsequent to the preparation of their report, of additional comments from Environmental Health Officers and Transport for London, and an objection on behalf of St Anthony's Hospital, all of which were covered by recommended conditions, amendments to certain of the recommended conditions and additional recommended conditions.

In response to questions officers explained: that the proposed parking spaces had been allocated to meet the Council's standards; that the proposed college would be for students on low incomes and so they were unlikely to be car owners; that similar premises owned by the college elsewhere provided a minibus service from local public transport links and the applicant was likely to do the same in respect of the application site; that the operating hours of the college were specified in a recommended condition and consistent with the applicant's other premises; and that they were not prepared to consider other uses within Use Class D1 as part of the current application.

*10:42 pm – The Chair withdrew from the meeting and the chair was taken by the Vice-Chair.*

Ms Janet Howard, an objector, and Councillor Brendan Hudson, a ward councillor, addressed the meeting under Standing Order 33.

The principal issues raised by Ms Howard were:-

- Residents living opposite the proposed flats would have hardly any privacy
- There would not be enough parking spaces
- There was already insufficient on-street parking
- The proposed development would create overlooking into the living rooms and bedrooms of adjoining residents

In response to questions Ms Howard confirmed that she had lived in Gander Green Lane since November 2009, and explained that residents of the proposed flats at third floor level would be able to look down and into her property.

*10:48 pm – The Chair resumed the chair.*

The principal issues raised by Councillor Hudson were:-

- The proposed development would bring an empty building into use and it would cease to be an eyesore
- The proposed flats would be on the top floor

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- There would be very little amenity space for the residents, which should be adequate in relation to the scale of the development
- A financial contribution to off-site open space would not be sufficient mitigation
- The proposed flats would have large panoramic windows that would increase the likelihood of overlooking that did not arise with the previous office use
- The proposed flats should not prejudice the proper use of existing dwellings
- The proposed development should not have a detrimental effect on adjoining properties

In response to members' questions the Chair ventured that the prospective students were likely to be aged 16 and above, but otherwise there was no information about the proposed college use. Officers believed that most of the questions indicated by members were dealt with in their report.

A poll vote on a motion to defer consideration of the application and give the applicant a further opportunity to attend and respond to questions was held in accordance with Standing Order 33.4, when there voted:

To defer (8)                      Councillors Mary Burstow, Adrian Davey, Bruce Glithero,  
Lester Holloway, John Leach, Janet Lowne, Tony Shields and  
Graham Whitham.

**Resolved:** That consideration of application No. A2010/63251/FUL be deferred until the Committee's meeting on 17 November 2010 to enable the applicant to attend and provide further information.

The meeting ended at 10.57 pm

Chair: .....

Date: .....

## **PLANNING CONDITIONS, REASONS AND INFORMATIVES**

### **WENTWORTH HALL, 80 RUSKIN ROAD, CARSHALTON - APPLICATION NO. C2008/60587/FUL**

(1) The development must be begun not later than the expiration of three years beginning with the date hereof.

Reason: To comply with section 91 of the Town and Country Planning Act 1990, as amended.

(2) All external facing materials, treatments and finishes shall be identical to those of the original building. Where this is not possible the type and treatment of the materials to be used shall be agreed in writing by the Local Planning Authority prior to the development being carried out.

Reason: To ensure that the extension harmonises with the existing building.

(3) The dormer windows in the east elevation of the development hereby approved shall be glazed with obscure glass and fixed shut in a manner that they cannot be opened and so maintained.

Reason: To safeguard the current level of privacy enjoyed by the occupants of adjoining properties.

(4) The development shall not be occupied until space has been laid out within the site in accordance with the approved plans or details to be submitted to and approved in writing by the Local Planning Authority to provide:

(a) Secure cycle parking, changing facilities, safe pedestrian and cycle routes.

(b) Information for residents, staff and visitors regarding public transport rail, light rail and buses; and walking and cycling.

The approved details shall be implemented, and thereafter be permanently maintained.

Reason: PPG 13 sustainability objectives - To encourage access by non-car modes and facilitate integration between sustainable forms of transport.

(5) The development hereby permitted shall be carried out in accordance with the following approved plans: OS Site Plan; NWH-P-01 Block Plan; WE/LH/PL01; WE/LH/PL02 Rev B; WE/LH/PL03.

Reason: For the avoidance of doubt and in the interests of proper planning.

### **INFORMATIVES**

(1) Should you require details of the consideration of the application that has led to this decision, the file may be inspected under the provisions of the Local Government (Access to Information) Act 1985. An appointment can be made for this purpose by telephoning 020 8770-5070.

### **229-245 CARSHALTON ROAD, CARSHALTON - APPLICATION NO. C2010/63256/FUL**

(1) The proposal, by reason of the level of parking provision, would not be adequate for either users of the day nursery or occupiers of the flats proposed in the application. This would lead to likely congestion in the car park to the detriment of its users, and increased on street parking in the locality, to the

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detriment of traffic flows, the amenity of local residents and the local environment. The application is therefore contrary to policy TR13 of the Sutton Unitary Development Plan and policy DM22 of the Site Development Policies Development Plan Document (DPD) - Proposed Submission Version.

(2) The proposed third floor of the development, by reason of its extent, size and siting, would adversely affect the appearance of the building and the character of the area. The application is therefore contrary to policies BP12 and BP13 of the Core Planning Strategy DPD, policy DM1 of the Site Development Policies DPD - Proposed Submission Version, and the aims and objectives of Creating Locally Distinctive Places (Supplementary Planning Document 14).

**SUTTON JUNIOR TENNIS CENTRE CLUB, ROSEHILL RECREATION  
GROUND, ROSE HILL, SUTTON - APPLICATION NO. B2010/62997/FUL**

(1) The development must be begun not later than the expiration of three years beginning with the date hereof.

Reason: To comply with section 91 of the Town and Country Planning Act 1990, as amended.

(2) The development hereby permitted shall be carried out in accordance with the following approved plans: PL1100A, PL1101A, PL1110, PL1200, PL1201A, PL1202A, PL1203, PL1300 B and PL1301 A.

Reason: For the avoidance of doubt and in the interests of proper planning.

**INFORMATIVES**

(1) This application has been assessed against the relevant policies of the Sutton Unitary Development Plan. The proposal is generally in accordance with section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) and for this reason planning permission is granted.

**ALBURY COURT, BENHILL WOOD ROAD, SUTTON - APPLICATION NO.  
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(1) The development must be begun not later than the expiration of three years beginning with the date hereof.

Reason: To comply with section 91 of the Town and Country Planning Act 1990, as amended.

(2) The development hereby permitted shall be carried out in accordance with the following approved plans: Flats 1-12, Albury Court, Existing, dated 30/07/2010; Flats 13-18, Albury Court, Existing, dated 30/07/2010; Flats 1-12, Albury Court, Proposed, dated 20/08/2010 and Flats 13-18, Albury Court, Proposed, dated 20/08/2010.

Reason: For the avoidance of doubt and in the interests of proper planning.

**INFORMATIVES**

(1) This application has been assessed against the relevant policies of the Sutton Unitary Development Plan. The proposal is generally in accordance with section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) and for this reason planning permission is granted.

**SHANKLIN COMMUNITY CENTRE, ROOKLEY CLOSE, SUTTON -  
APPLICATION NO. B2010/63279/3FR**

(1) The development must be begun not later than the expiration of three years beginning with the date hereof.

Reason: To comply with section 91 of the Town and Country Planning Act 1990, as amended.

(2) All materials, treatments and finishes in relation to the fence and gates shall be similar to those of the existing fence and gates. Where this is not possible the type and treatment of the materials to be used shall be agreed in writing by the Local Planning Authority prior to the development being carried out.

Reason: To ensure that the extension harmonises with the existing building.

(3) The development hereby permitted shall be carried out in accordance with the following approved plans: DWG001, DWG002, DWG003, DWG004, 2932/P7 and email dated 24 September 2010 from Andrew Chalk confirming resurfacing of area to be enclosed, forms part of this application.

Reason: For the avoidance of doubt and in the interests of proper planning.

**INFORMATIVES**

(1) This application has been assessed against the relevant policies of the Sutton Unitary Development Plan. The proposal is generally in accordance with section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) and for this reason planning permission is granted.





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