

LONDON BOROUGH OF SUTTON  
DEVELOPMENT CONTROL COMMITTEE  
WEDNESDAY, 7 JULY 2010



7.30 pm at the

Civic Offices, St Nicholas Way, Sutton, SM1 1EA

**SECOND DISPATCH**

To all members of Development Control Committee:-

*The following papers, which were not available for dispatch with the agenda, are attached. Please bring them with you to the meeting:-*

**1. MINUTES** (Pages 1 - 8)

of the meeting held on 23 June 2010 (ENCLOSURE).

*Paul Martin  
Chief Executive  
Civic Offices  
St Nicholas Way  
SUTTON  
SM1 1EA*

*1 July 2010*

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Copies of reports are available in large print on request

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**DEVELOPMENT CONTROL COMMITTEE****23 June 2010 at 7.30 pm**

**MEMBERS:** Councillor John Leach (Chair), Councillor Janet Lowne (Vice-Chair) and Councillors Anisha Callaghan, Stephen Fenwick, Tony Shields, Stan Theed, Jill Whitehead and Graham Whitham.

**Officers:** Karen Fossett, John Rawlinson, Andy Webber, Charles Ward and Peter Snow.

**1. MINUTES**

The Minutes of the meeting held on 9 June 2010 were approved as a correct record, and signed by the Chair.

**2. 2A-8 BRAMBLEDOWN ROAD, WALLINGTON - APPLICATION NO. D2010/62215/FUL**

The Committee considered a report on the above retrospective application for the demolition of the existing dwellings and the erection of a part two, part three, part four storey building comprising 31 one-bedroom and eleven two-bedroom self-contained flats for the elderly, with manager and guest accommodation, communal and ancillary facilities, refuse store, 14 car parking spaces and vehicular access onto Woodbourne Gardens.

The application had been de-delegated by Councillor Colin Hall.

The application was identical to one granted previously on appeal, except that the applicant had submitted evidence that the development would no longer be viable if the previously agreed contribution towards affordable housing had to be provided, and proposed not to do so. The applicant had agreed to enter into a 'section 106' agreement to complete the development within 18 months if permission were granted; and to covenant, if it were not completed within that time, to submit a revised viability assessment, taking into account prevailing market conditions, to demonstrate at that point whether or not it would be reasonable to contribute towards off-site affordable housing.

Officers amended their recommendation accordingly.

Members noted that the applicant's evidence had been accepted by the Council's valuers, and that the assessment of viability was based on current property values, but that those could improve markedly by the time the first units were offered for sale. Whilst the absence of a contribution towards affordable housing would impact on the provision of such housing, to insist on a contribution would render the scheme unviable and none of the housing would be provided.

The Chair suggested that members might wish to defer consideration of the application pending the submission of further information regarding the valuation.

A poll vote on the suggestion to defer consideration was held in accordance with Standing Order 33.4, when there voted:

To defer (8) Councillors Anisha Callaghan, Stephen Fenwick, John Leach, Janet Lowne, Tony Shields, Stan Theed, Jill Whitehead and Graham Whitham.

**Resolved:** That consideration of application No. D2010/62215/FUL be deferred pending the submission of further information regarding the basis of the applicant's valuation that precludes a 'section 106' contribution towards the provision of affordable housing.

**Development Control Committee  
23 June 2010**

**3. 150 EPSOM ROAD, SUTTON - APPLICATION NO. A2010/62734/FUL**

The Committee considered a report on the above application for the use of the land and premises for class A1 (retail) purposes and the provision of three car parking spaces.

The application was referred to the Committee because the agent had recently had a contract with the Council.

Officers submitted an amended plan showing a reduction in the number of car parking spaces from six to three, to ensure vehicles could enter and leave the site in forward gear. They also recommended amendments to their proposed conditions to reflect advice that both the proposed refuse storage facilities and existing hard surfaces were considered acceptable, and to delete a requirement to seek planning permission for some minor alterations.

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 Anisha Callaghan, Stephen Fenwick, John Leach, Janet Lowne, Tony Shields, Stan Theed, Jill Whitehead and Graham Whitham.

**Resolved:** That planning permission be granted for application No. A2010/62734/FUL, subject to the conditions, reasons and informatives set out in the Appendix to these Minutes.

**4. FORMER 46, 46A AND 46B ALBION ROAD, SUTTON - APPLICATION NO. B2010/62520/FUL**

The Committee considered a report on the above application to amend a planning consent (reference B2007/58883/FUL) for the provision of 12 self-contained flats; to include a covered front porch; amendment of the gables; additional and re-positioned windows, doors and rooflights; amendment of the parking layout; and the replacement of the refuse store with a bicycle store at the rear and the re-location of the approved refuse store at the front.

Members believed that, generally, the amendments would improve the development, but there was some concern that the refuse store at the front, because of the way it would be used, would appear untidy and be detrimental to the street scene. It was suggested that the refuse store should be retained at the rear of the development.

Officers explained that the concerns were a management issue and that, bearing in mind that the refuse stores for other similar developments in the area were at the front, it would be difficult to insist that it should be at the rear of the development in this case.

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

To grant (7)                      Councillors Anisha Callaghan, Stephen Fenwick, John Leach, Janet Lowne, Stan Theed, Jill Whitehead and Graham Whitham.

Abstained (1)                  Councillor Tony Shields.

**Resolved:** That planning permission be granted for application No. B2010/62520/FUL, subject to the conditions, reasons and informatives set out in the Appendix to these Minutes.

**5. 43 WOODCOTE ROAD, WALLINGTON - APPLICATION NO. D2010/62413/FUL**

The Committee considered a report on the above application for the erection of a single storey rear extension, installation of an extract duct and provision of a new shop front; use of the ground floor of the premises for purposes falling within use class A5 (hot food takeaway) of the Town and Country Planning (Use Classes) Order 2005 (as amended), with ancillary offices on the first floor and conversion of the second floor into a self-contained one-bedroom flat; and the provision of a refuse and bicycle store at the rear.

The application had been de-delegated by Councillor Colin Hall.

An address submitted by Councillor Jayne McCoy, a ward councillor, was read on her behalf.

The principal issues raised by Councillor McCoy were:-

- The change of use would detract from the vitality and viability of Wallington
- Noise, litter and additional traffic would adversely affect the amenity of nearby residents
- People felt unsafe using the town centre in the evenings
- The existing takeaways encouraged anti-social behaviour
- Additional takeaway premises would increase the likelihood of anti-social behaviour, noise and litter
- Delivery vans and customers would create additional parking problems

Mr Christopher Maidment addressed the meeting under Standing Order 33, on behalf of the applicant.

The principal issues raised by Mr Maidment were:-

- The application followed five months of constructive consultation with officers
- The additional footfall would add to the vitality of the town centre
- The proposal was a socially responsible project
- The proposal would create 13 local jobs
- The franchisee's premises elsewhere had not given rise to any complaints
- The premises would close at 11:00 pm – earlier than similar premises in the area
- Staff would undergo training in conflict resolution
- The proposed flue would be wholly within the building and eliminate all fumes and particulates

Members understood the concerns expressed by ward councillors and noted the large number of hot food takeaway premises in Wallington, but officers believed that their recommended conditions would protect the amenity of the area so far as was possible. Members noted that the proposal would create a residential unit in Wallington town centre. Officers drew attention to recommended conditions Nos. 9 and 11 in response to concerns about the proposed extract duct and soundproofing. They also pointed out that there was no optimum position for additional litter bins if permission were granted, and confirmed that none were sought.

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 Anisha Callaghan, Stephen Fenwick, John Leach, Janet Lowne, Tony Shields, Stan Theed, Jill Whitehead and Graham Whitham.

**Development Control Committee  
23 June 2010**

**Resolved:** That planning permission be granted for application No. D2010/62413/FUL, subject to the conditions, reasons and informatives set out in the Appendix to these Minutes.

The meeting ended at 8.35 pm

Chair: .....

Date: .....

**Appendix to Minutes:  
Development Control Committee  
23 June 2010**

**PLANNING CONDITIONS, REASONS AND INFORMATIVES**

**150 EPSOM ROAD, SUTTON - APPLICATION NO. A2010/62734/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) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) Order 2010 (or any Order amending or revoking and re-enacting that Order) Part 42, planning permission shall be required in respect of development falling within Classes A (extensions only) and B (erection or construction of a trolley store) to the schedule to that Order.

Reason: To restrict the size and height of structures/buildings on these premises.

(3) The development hereby permitted shall not be open for customers outside the following hours:-

09.00 - 18.00 Mondays to Saturdays.

10.00 - 16.00 Sundays including bank and public holidays.

Reason: To maintain the amenities of neighbouring properties.

(4) The development shall not be occupied until space has been laid out within the site in accordance with the approved plans for three cars and two bicycles to be parked and for the loading and unloading of vehicles and for vehicles to turn so that they may enter and leave the site in forward gear. The parking and turning area shall be used and permanently retained exclusively for its designated purpose.

Reason: To prevent obstruction and inconvenience to other highway users (especially pedestrians, cyclists and those with disabilities), and also in the interest of highway safety.

**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.

(2) Attention is drawn to the need to comply with the Disability Discrimination Act. The implementation of this planning permission does not over-ride the need to achieve full compliance with the Disability Discrimination Act.

(3) The drawing No(s). relating to this decision is/are Design, Access and Planning Statement, 10/10-01B and 10/10-00.

(4) 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.

(5) The applicant's attention is drawn to the comments from Transport for London that during construction and maintenance of the development, the carriageway and footway of the A24 Epsom Road must not be blocked. Any temporary obstruction should be kept to a minimum and should not obstruct the flow of traffic or encroach on the clear space needed to provide safe passage for pedestrians, or obstruct the flow of traffic. In addition, no skips or construction materials shall be kept on the footway or carriageway of the A24 Epsom Road at all times.

**Appendix to Minutes:  
Development Control Committee  
23 June 2010**

**FORMER 46, 46A AND 46B ALBION ROAD, SUTTON - APPLICATION NO. B2010/62520/FUL**

(1) The development shall not be occupied until the proposed vehicular modified access to Albion Road has been constructed in accordance with the approved plans (Dwg. No. 1117/PLN/300 of Jan 2010) and thereafter be permanently retained.

Reason: In the interest of road safety.

(2) The development shall not be occupied until space has been laid out within the site in accordance with the approved plans (Dwg. No. 1117/PLN/300 of Jan 2010) for 12 cars and 12 bicycles to be parked and for vehicles to turn so that they may enter and leave the site in forward gear. The parking and turning area shall be used and permanently retained exclusively for its designated purpose.

Reason: To prevent obstruction and inconvenience to other highway users (especially pedestrians, cyclists and those with disabilities), and also in the interest of highway safety.

**INFORMATIVES**

(1) This decision notice should be read in conjunction with the conditions and agreement under section 106 of the Town and Country Planning Act 1990 dated 4 December 2008 which was attached to application numbered B2007/58883/FUL approved planning permission on 12 December 2008.

(2) The drawing No(s). relating to this decision is/are 1117/PLN/300, 1117/PLN/301, 1117/PLN/310, 1117/PLN/311, LBS1 and Design and Access Statement.

(3) 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.

(4) 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.

(5) The permission hereby granted shall not be construed as authority to carry out works on the highway. The applicant is advised that under the Highways Act 1980, a licence must be obtained from the Head of Highways and Streetcare at 24 Denmark Road, Carshalton (tel. 020 8770 5000), before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway. In the case of developer related S278 Highways Act 1980 highway improvement works, the S278 agreement must be concluded before works can start on the public highway.

**43 WOODCOTE ROAD, WALLINGTON - APPLICATION NO. D2010/62413/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 ground floor use hereby permitted shall operate only between the hours of 0700 to 2300 Mondays to Saturdays and between the hours of 0900 to 2300 Sundays and Bank Holidays.

Reason: To safeguard the amenities of adjacent residential properties.

**Appendix to Minutes:  
Development Control Committee  
23 June 2010**

(3) All service deliveries shall take place to or from the application premises from the Woodcote Road frontage, and not from the rear, and shall only take place between the hours 0700 to 2200 Mondays to Saturdays, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the amenities of adjacent residential properties.

(4) All external facing materials, treatments and finishes of the approved rear extension 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.

(5) The method of refuse storage (including recycling facilities) shall be the subject of a detailed scheme to be submitted in writing to the Local Planning Authority for approval. The approved refuse storage shall be provided prior to the occupation of any part of the development hereby permitted and thereafter retained.

Reason: To ensure that this facility is provided in a satisfactory manner and to ensure compliance with policy DM2 of the Site Development Policies Proposed Submission version which seek to ensure that such ancillary buildings integrate with the principal development.

(6) The development shall not be occupied until space has been laid out within the site in accordance with details to be submitted to and approved in writing by the Local Planning Authority for six bicycles to be parked. The parking area shall be used and permanently retained exclusively for its designated purpose.

Reason: To prevent obstruction and inconvenience to other highway users (especially pedestrians, cyclists and those with disabilities), and also in the interest of highway safety.

(7) Noise from the plant including the kitchen extraction system, cold room compressors and air conditioning units shall not exceed a noise level (measured as an LAeq(5 minutes)) 5dB below the background noise level (measured as LA90(5 minutes)) at a distance of 0.5 metres from nearby noise sensitive windows. Alternatively, the noise from the plant shall not exceed 35dB LAeq(5 minutes) at 0.5 metres from nearby noise sensitive windows. If noise from plant is tonal or intermittent in character, as described in BS4142:1997, the noise level from plant shall not exceed a noise level (measured as an LAeq(5 minutes)) 10dB below the background noise level (measured as LA90(5 minutes)) at a distance of 0.5 metres from nearby noise sensitive windows. Alternatively, the noise from the plant shall not exceed 30dB LAeq(5 minutes) at 0.5 metres from nearby noise sensitive windows.

Reason: To safeguard the amenities of adjacent residential properties.

(8) The development shall not be occupied until the fan and fan housing are acoustically isolated from the structure of the building in accordance with a detailed scheme to be submitted to and approved in writing by the Local Planning Authority. The measures shall be provided prior to use and permanently retained.

Reason: To protect the amenities of surrounding properties.

(9) In addition to the installation of the kitchen extract duct and odour abatement plant as specified in "Appendix 1 Mechanical Services Plan" dated 25 February 2010, the development shall not commence until a scheme showing;

- i. flow rates of extracted air;
- ii. volume of air to be treated specified for the cooking equipment used; and
- iii. the correct sizing of the ozone deodorising equipment;

demonstrating compliance with DEFRA guidance is submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be installed prior to the permitted use commences and be permanently retained.

**Appendix to Minutes:  
Development Control Committee  
23 June 2010**

Reason: To protect the amenities of surrounding properties in terms of odour and noise and to ensure compliance with policy TCS7 of the Sutton Unitary Development Plan and policy DM3 of the Site Development Policies (DPD) Proposed Submission.

(10) The development shall not commence until a scheme showing the duct terminating vertically and screening measures for the ducting system on the rear roof slope is submitted to and approved in writing by the Local Planning Authority. The approved scheme be provided prior to the permitted use commencing and thereafter permanently.

Reason: To protect the visual amenities of the area.

(11) The development shall not commence until a scheme showing;

- i. that all habitable rooms fronting onto Woodcote Road have suitable soundproofing measures capable of achieving a reduction of 33dB(A) across the structure (from outside to inside);
- ii. acoustically treated ventilation using ventilators, as specified within the Noise Insulation Regulations 1975 to enable the windows on the main road facade to remain closed if necessary;
- iii. noise from the extract duct would not exceed a noise level within habitable rooms of the 2nd floor flat 43 Woodcote Road of 30 dB LAeq(5 minutes);

is submitted to and approved in writing by the Local Planning Authority. The approved scheme be provided prior to the permitted use commencing and thereafter permanently.

Reason: To protect the amenity of the future residential occupiers.

(12) The flat roof of the permitted extension shall not be used as a terrace or for sitting out purposes at any time.

Reason: To safeguard the amenities of adjacent residential properties.

#### 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.

(2) 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.

(3) The drawing No(s) relating to this decision are BD/961/09 A3: 1000, 01, 100, 101, 200, 201, 250 and 252.

(4) The permission hereby granted confers no rights on the applicant to encroach upon, extend over or otherwise enter upon property not in his ownership for any purposes connected with the implementation of this planning permission.

(5) The applicant's attention is drawn to the fact that the London Borough of Sutton monitors the implementation of permissions and in particular that conditions imposed are fully complied with. Should you have any queries with regard to the discharge of the conditions please telephone 020 8770 5070 for further information.