PLANNING APPLICATIONS COMMITTEE
17 JANUARY 2019

(7.15 pm - 8.30 pm)

PRESENT Councillor Linda Kirby (in the Chair), Councillor Najeeb Latif, Councillor Laxmi Attawar, Councillor David Chung, Councillor Daniel Holden, Councillor Russell Makin, Councillor Simon McGrath, Councillor Dennis Pearce, Councillor Peter Southgate and Councillor Dave Ward

ALSO PRESENT Jonathan Lewis – Planning Team Leader South
Lisa Jewell – Democratic Services Officer

1 APOLOGIES FOR ABSENCE (Agenda Item 1)

Apologies for absence were received from Councillors Marsie Skeete and David Dean.

Councillors Dennis Pearce and Daniel Holden attended as substitutes

2 DECLARATIONS OF PECUNIARY INTEREST (Agenda Item 2)

There were no declarations of pecuniary interest.

3 MINUTES OF THE PREVIOUS MEETING (Agenda Item 3)

RESOLVED: That the minutes of the meeting held on 13 December were agreed as an accurate record.

4 TOWN PLANNING APPLICATIONS (Agenda Item 4)

Supplementary Agenda: Amendments and modifications to the Officer's report were published in a Supplementary Agenda. This applied to items 5 and 6.
Order of the meeting – The Chair announced that the items would be taken in the following order 5, 6, 7, and 8.

5 WYVERN CENTRE, 18 ARRAS AVENUE, MORDEN, SM4 6DF (Agenda Item 5)

Proposal: Conversion of Wyvern Youth Centre into 6 x residential units (comprising 2 x 1 bed, 1 x 2 bed and 3 x 3 bed flats) involving re-roofing, installation of skylights, new door and window openings, with associated parking, refuse, landscaping and cycle storage.

The Committee noted the officers report and presentation and additional information in the Supplementary Agenda. The Committee received verbal representations from two objectors, the Applicant/Agent and Ward Councillor Natasha Irons

The Objectors made points including:

- Residents have accepted that the application agreed in February 2018 was as good as they could get, particularly as the doors on this application were spaced evenly around the building
- This new application introduces six doors, some of which are only 5m from the existing properties. This will give rise to increased noise disturbance to neighbours
- Neighbours disagree that this new amendment won't cause any harm, and believe it is a step too far
- Objectors believe that the applicant did not tell the truth about their dealings with the Scout Group
- The Scout group have not given their permission and so the permission cannot be enacted, and believe that legally a permission cannot be granted if it cannot be enacted
- The Designing Out Crime Officer's advice has been ignored by the Planning Officer. This new design creates 6 new back doors which will result in an increase in burglaries and reduce security for the Scout Hut
- The proposed replacement roof should be of red clay tiles to match the surrounding buildings on the road.

The Applicant/Agent made points including:

- This amendment represents the best design solution for the site
- This is much better scheme than the scheme allowed in 2018
- The use of this building is established as community use, and so it has always created some noise
- 2 additional doors is a non-material change

Ward Councillor Natasha Irons made points including:

- Very aware of need for housing in the Borough, but developments should not negatively impact on their neighbours
- Was happy to accept the February 2018 application with its evenly spaced doors
- This application will cause overlooking on neighbouring properties,
- The Scouts require disabled access, by law, and this will reduce their access path from 2.6m to 1m
- The plans show space for two euro-bins, but Veolia will only collect wheelie bins from this size development. The neighbours at number 20 will have a refuse store next door.

In reply to Members' questions, the Planning Team Leader made points including:

- The earlier applications for this site proposed demolishing the original building. The previously allowed application in February 2018 kept and converted the original building.
- The Scout Hut still has its main access on Connaught Gardens. The planning officer had considered objections raised at the consultation stage and was able to advise members that while some of the access across this site will reduce in width the wider of the two paths would be 1.5m wide, as previously approved and will still be wide enough for wheelchair access according to published guidance.

- Planning officers would not have recommended approval had the proposals removed the main access to the Scout Hut.
- Planning Officers have attached a Condition to require the details on Bin Storage to be submitted and approved prior to occupation of the development
- Tiles and slates are commonly used roofing materials. The house next door has recently changed its roofing material to grey tiles. As the site is not in a conservation area, the building is not listed or a heritage asset, the proposed roof tiles are considered acceptable in this case
- The Planning Officer noted that there was a condition requiring the submission of details of boundary treatment and felt that the applicant would be amenable to increasing the height of the required boundary treatment, if that is what the Committee wanted.

One Members commented that there was no Planning reason to refuse the application ; the bin storage was covered by Condition, and even if fully occupied by 18 or 19 people, the noise generated would not be significant. He continued by saying that the proposed amenity space, abutting the existing gardens, was not an issue and occurred elsewhere.

However other Members commented that they did not like the design of this proposal and that they were concerned about the proposed layout of the rear amenity space. Members were concerned about the proposed roof material and also the proximity of the existing building to the neighbours would result in the new units overlooking their neighbours.

A motion to refuse was proposed on the grounds that the proposal would constitute an unneighbourly and intrusive development owing to the rear amenity space being at right angles to the existing gardens, and that the proposal would cause overlooking.

This motion was seconded, put to the vote and carried.

RESOLVED

The Committee agreed to:

1. REFUSE the application for the following reasons:
- The conjunction of the rear amenity space being at right angles to the existing gardens, constitutes an un-neighbourly and intrusive development
- The proposed development would cause overlooking.

2. DELEGATE to the Director of Environment & Regeneration the authority to make any appropriate amendments in the context of the above to the wording of the grounds of refusal including references to appropriate policies

6 28 NEW BARNS AVENUE, MITCHAM CR4 1LE (Agenda Item 6)

Proposal: Retention of rear roof extension and the raising of the chimney stack

The Committee noted the officer's report and presentation and the additional representation in the Supplementary Agenda – Modifications.

In reply to Members questions, the Planning Officer made points:

- There are ongoing formal complaints made by a neighbour, both letters of complaint have been written by this same neighbour. The formal complaints are against the Council's Building Control department. In these circumstances it was considered prudent to bring the application before Planning Committee for determination so as to enable a full and proper examination in public of the application.
- The application is retrospective, the submitted plans adequately reflect what has been built. There is a 4-6cm difference (as measured by the set back of the roof extension from the eaves) between what was built and what could have been built, under permitted development, without a planning application being necessary.
- Many matters raised, including fire safety are covered by Building Control legislation and are not Planning matters. However, the Building Completion Certificate has been issued which meaning that the development meets Building Control Regulations.
- The planning officer read from the Certificate which indicated that the development as far as the Council can ascertain meets the Building Regulations.
- The planning Officer can neither say nor comment on whether the cracks in the home of the complainant are due to the application works.
- While other neighbouring properties could apply to build similar extensions, each application is judged on its own merits, and the planning officer advised members that roof extensions on similar properties tended to be designed so as to fall within permitted development.

RESOLVED

The Committee voted unanimously to GRANT Planning Permission.

7 PLANNING APPEAL DECISIONS (Agenda Item 7)

RESOLVED: Members noted the report on Planning Appeal Decisions

8 PLANNING ENFORCEMENT - SUMMARY OF CURRENT CASES (Agenda Item 8)

RESOLVED: Members noted the report on Planning Enforcement