

**MINUTES OF THE MEETING OF THE PLANNING COMMITTEE  
HELD ON TUESDAY, 23 NOVEMBER 2010**

**COUNCILLORS**

**PRESENT** Andreas Constantinides, Toby Simon, Kate Anolue, Dogan Delman, Ahmet Hasan, Ertan Hurer, Nneka Keazor, Dino Lemonides, Paul McCannah, Terence Neville OBE JP, Anne-Marie Pearce, Martin Prescott and George Savva MBE

**ABSENT** Ali Bakir and Yusuf Cicek

**OFFICERS:** Linda Dalton (Legal representative), Bob Griffiths (Assistant Director, Planning & Environmental Protection), Andy Higham (Planning Decisions Manager), Steve Jaggard (Traffic & Transportation Officer) and Aled Richards (Head of Development Management) Jane Creer (Secretary) and Kasey Knight (Secretary)

**Also Attending:** Approximately 20 members of the public, applicants, agents and their representatives.  
Dennis Stacey, Chairman of Conservation Advisory Group.  
Councillor Elaine Hayward.

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**WELCOME AND LEGAL STATEMENT**

The Chairman welcomed attendees to the Planning Committee, and introduced Linda Dalton, Legal representative, who read a statement regarding the order and conduct of the meeting.

**520**

**APOLOGIES FOR ABSENCE**

NOTED that apologies for absence were received from Councillors Bakir and Cicek.

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**DECLARATION OF INTERESTS**

NOTED

1. Councillor Prescott declared a personal and prejudicial interest in application TP/10/1019 – Garages adjacent to 2, Fox Lane, and to rear of 2-36, Caversham Avenue, London, N13, as he had spoken against the previous application at the meeting of Planning Committee on 30/04/09. With the agreement of the Chairman, Councillor Prescott would be permitted to address the Committee before leaving the room and taking no part in the discussion or vote.

2. Councillor Delman declared a personal and prejudicial interest in application TP/10/1215 – 4 (formerly known as Visteon UK), Morson Road, Enfield, EN3 4NQ, as he had been involved in negotiations with the applicant on another site on behalf of his company.

3. Councillor Simon declared a personal interest in application TP/10/0818 – 36, Walsingham Road, Enfield, EN2 6EY, as he lived nearby.

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**MINUTES OF PLANNING COMMITTEE 26 OCTOBER 2010**

NOTED that a revised set of minutes were distributed for approval, to incorporate further comments received.

**AGREED** the minutes of the meeting held on Tuesday 26 October 2010 as a correct record.

**523**

**REPORT OF THE ASSISTANT DIRECTOR, PLANNING AND ENVIRONMENTAL PROTECTION (REPORT NO. 122)**

RECEIVED the report of the Assistant Director, Planning and Environmental Protection (Report No. 122).

**524**

**TP/10/0002 - 15, TURKEY STREET, ENFIELD, EN3 5TT**

NOTED

1. The deputation of Mr Chris Frangoudes, the applicant, including the following points:
  - a. He had bought the property in 1986, and he had received planning permission for an extension similar to that now being sought, but that permission had expired.
  - b. In the past two years, planning applications had been approved at no. 17A, Turkey Street. He considered his proposal to be similar in nature and detail. Officers' objections in this report could have equally applied in that case.
  - c. The proposal would provide a needed improvement to the external appearance.
  - d. The borough needed more housing.
  - e. He disputed officers' references to historical importance in the reasons for refusal. The property was not listed and there was no evidence in support.
  - f. The second reason for refusal was not unique to this application and would also have applied to no. 17.
  - g. With regard to the third reason for refusal, in size this proposal was very similar to the extension previously approved, and similar to the application granted at no. 17, which was also closer to neighbouring property.

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- h. He also disagreed with the fourth reason for refusal and would argue that this development would be in keeping and sympathetic to the street scene and would restore balance.
  - i. He would willingly work with the Council towards meeting the objections.
2. The response of the Planning Decisions Manager, including the following:
    - a. Attention was drawn in particular to the objections raised by the Conservation Advisory Group (CAG) and that the site was in the Turkey Street Conservation Area.
    - b. He acknowledged the previous approval, but that was for a first floor extension and the circumstances were very different.
    - c. Officers shared the concerns of CAG and did not consider the development would preserve or enhance the conservation area.
    - d. The compromising of the 45-degree line from the rear window would affect the neighbour's dwelling, and the kitchen would receive little natural light, giving poor living conditions for the occupants.
  3. In response to Councillor Savva's queries it was advised that the conservation area had been designated in the 1980s, but the character appraisal which defined the historical significance of the area was developed in the last two to three years and that was the benchmark against which the proposal was now being judged.
  4. The advice of the Head of Development Management in response to points raised by Members, including the following points:
    - a. The previous approval was to extend upwards on the first storey. This proposal was for an additional two-bed two-storey dwelling on the site.
    - b. The resulting amenity space provision for the new dwelling and for the original dwelling would be sub-standard.
    - c. The development at no. 17 did not set a precedent; each application was dealt with on its own merits, and there had been a material change in circumstances, with regard to the character appraisal.
    - d. The applicant's offer to negotiate with officers was noted, but there were a number of reasons for refusal of the application and it would be very difficult to overcome the issue of amenity space provision on the small site.
  5. Member discussion resulted in additional reason for refusal on amenity space being agreed.
  6. Members' unanimous support for the officers' recommendation.

**AGREED** that planning permission be refused, for the reasons set out in the report and the additional reason set out below.

Additional reason for refusal:

The proposed dwelling by virtue of its restricted curtilage and overall footprint would provide an inadequate level of private amenity space detrimental to the living conditions of future occupiers and the quality of the resultant dwelling house. This is contrary to Policy CP30 of the adopted Core Strategy and

Policy H9 of the saved Unitary Development Plan as well as Policy 3A.6 of the London Plan.

**525**

**TP/10/0818 - 36, WALSINGHAM ROAD, ENFIELD, EN2 6EY**

NOTED

1. Introductory statement by the Head of Development Management confirming the change of recommendation since the previous meeting of the Planning Committee. He explained that the issues involved were subjective and therefore subject to differing opinions. However the department felt that having visited the site the original case officer recommendation could not be sustained and therefore the department took the exceptional action to change the recommendation to that of refusal as it is felt that the proposed loss of garden space and erection of a dwelling did neither enhance nor preserve the setting of the conservation area.
2. A number of objectors had raised additional issues in relation to the outlook from properties, but these were not considered sufficiently strong to be recommended as a reason for refusal.
3. The deputation of Mr Ian Wood, IWPS Planning, the agent, including the following points:
  - a. The borough had a shortage of family accommodation; within this application he could provide such a family home which would be sustainable and comply with all necessary standards.
  - b. There had been no objections from other statutory consultees; and Planning officers had been satisfied previously, with the application being recommended for approval at the last Planning Committee.
  - c. Members were being asked to make difficult decisions and they were not being helped by contradictory reports.
  - d. Not all parts of a conservation area contributed the same significance; and any proportionate loss was against the benefit to the borough as a whole.
4. The deputation of Mrs Tracey Fitzgerald, the applicant, including the following points:
  - a. She had lived in Enfield all her life, did not want to change the conservation area, and had submitted this application in good faith.
  - b. The planning process had not been transparent.
  - c. Unlike objectors, she had received no home visit.
  - d. The land concerned was no longer garden land.
  - e. Any views would be from restricted vantage points and the development would not be within the eyeline of Essex Road properties.
  - f. She questioned whether the proposal would genuinely degrade the area.
5. The response of Mr Richard Berndes, neighbouring resident, including the following points:
  - a. He thanked officers for arranging the site visit in response to genuine concerns.

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- b. The proposal was in a conservation area, in a lovely location, and the residents' and wider community's response to the plan was that it would damage the area's beauty.
- c. The report rightly highlighted the importance of the gardens and the views, which were an essential part of the area.
- d. There were objections to the size, height and dominance of the building.
- e. Conservation areas were created to preserve unique areas of the borough. This proposal would do nothing to enhance the area.

6. The response of Mr Tom Meadows, neighbouring resident, including the following points:

- a. People living in a conservation area did so with full acceptance that along with the benefits came restrictions beyond those on average home owners.
- b. The proposal would have an impact on residents' parking, many of them did not have driveways but relied on bays and would find it harder to park.
- c. There would be a loss of trees and landscaping currently enjoyed by residents and visitors, exacerbated by the safety stipulations in para 4.1.1, and neighbours would be forced to look at a side aspect of a garage and a naked driveway.
- d. Residents hoped that having seen the plot in context, Members would share their objections.

7. Members' discussion and comments in support of the officers' recommendation, including the following points:

- a. This would be over-development on a cramped plot.
- b. The proposal would not enhance or preserve the conservation area; there would be a loss of important garden space which was a vital aspect of it.
- c. Parking space would be affected, with two existing spaces being lost, and pedestrians' access to the park would be made more difficult and dangerous.
- d. It was observed on the site visit that the street was fully parked and the site was on a dangerous bend and at an access to Town Park.
- e. Concern that Traffic and Transportation department had made no comments or set out a reason for refusal on traffic and parking grounds.

8. The Head of Development Management's recommendation, if Members were minded to refuse planning permission, that officers be given delegated powers to add a second reason for refusal, based on highway matters and loss of car parking.

9. Members' unanimous support for the officers' recommendation.

**AGREED** that planning permission be refused for the reason set out in the report and the additional reason below.

Additional reason for refusal:

The proposed development due to the position and design of the access arrangements, would result in vehicle movements crossing the footway which as a result of poor sight lines, would give rise to conditions prejudicial to the free flow and safety of pedestrians and vehicles using the adjoining highways.

This would be contrary to Policies (II)GD6 and (II)GD8 of the saved Unitary Development Plan.

**526**

**TP/10/1019 - GARAGES ADJACENT TO 2, FOX LANE, AND TO REAR OF 2-36, CAVERSHAM AVENUE, LONDON, N13**

NOTED

1. Introduction by the Planning Decisions Manager, including the following points:
  - a. He drew attention to the previous application which was refused and the appeal which was dismissed.
  - b. Three key issues were highlighted by the Planning Inspector: (i) insufficient amenity space provision; (ii) impact on the oak tree; and (iii) overlooking to gardens in Caversham Avenue.
  - c. How the applicant sought to address the issues was set out in the report.
  - d. The Planning Inspector had not supported the safety concerns.
  - e. The main difference in the current application was the change in orientation. Slides were shown of the context with Fox Lane and the relationship with the properties in Caversham Avenue.
  
2. Receipt of two further letters of objection, including the following points:
  - a. Too much flexibility had been given by the Planning Inspector.
  - b. Insufficient amenity space.
  - c. The housing would not be high quality.
  - d. The development would produce a feeling of enclosure.
  - e. The potential of overlooking would remain from some first floor windows.
  - f. Safety was still an issue.
  - g. Visibility was compromised by the bridge.
  
3. Receipt of an additional four letters of support, including the following points:
  - a. The development would provide needed family housing.
  - b. Safety and security would be improved if the site was developed.
  - c. The site was an eyesore, attracting anti-social behaviour and vandalism.
  
4. The deputation of Mr William Cook, local resident, including the following:
  - a. He represented residents of Caversham Avenue who were opposed to the development.
  - b. The distance from existing properties was insufficient as the site was too narrow having a width of only 22 metres.
  - c. There would be problems of loss of privacy, overlooking, and loss of sunlight especially in winter.
  - d. There would be overlooking from first floor windows due to the close proximity of houses to the common boundary.
  - e. Reasons for rejection of the first application still applied.
  - f. The site entrance was close to the hump-back bridge and dangerous and he suggested a site visit was made to assess.
  - g. There was a TPO on the site but trees would be lost.

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- h. The wildlife corridor was unique and thriving and should be saved.
- i. The site was a soakaway for the whole Lakes Estate, with the drainage ditch dating from the time the railway was built. Loss of trees and vegetation would also affect drainage in the area. The natural springs needed inspection.

5. The statement of Councillor Elaine Hayward, Winchmore Hill Ward Councillor, including the following points:

- a. She acknowledged there were residents with different points of view on the proposal, and that residents living directly adjacent would like to see a speedy resolution to end their security concerns.
- b. She had been asked to speak against the recommendation by the Fox Lane and District Residents' Association and was representing residents who objected to the application, whose objections were also set out in the report.
- c. The three points raised by the Planning Inspector at the time of the previous appeal still applied.
- d. Overlooking and loss of privacy would result from the development.
- e. The safe future of the oak tree was questionable given the works.
- f. A green space should be left for the community.

6. The statement of Councillor Martin Prescott, Winchmore Hill Ward Councillor, including the following points:

- a. He was on record as having raised objections previously and he also objected to this application on behalf of residents and himself.
- b. He highlighted the reason for refusal in relation to access which was over-ruled by the Planning Inspector and considered that the S106 highway works would not be possible to implement and this reason would be valid for refusal.
- c. An office block directly opposite already had an access to the road which would also be heavily used if the block was converted to flats as was likely.
- d. The hump-back bridge made sight lines very difficult and he recommended a left-out, left-in only rule for the access. To turn across the carriageway at that point was dangerous and arguably sufficient reason for refusal alone.
- e. This was no longer classed as a brownfield site and there was no longer a presumption of approval.
- f. He fully understood residents' concerns, and if Members were minded to grant approval would ask that they make a site visit.

7. Councillor Prescott left the room having made the statement and took no part in the discussion or vote on the application.

8. The response of Mr Luke Emmerton, of DP9, the agent, including the following points:

- a. The suitability of the site for residential development was acknowledged by the Council and the Planning Inspectorate.
- b. The report made clear that officers supported these proposals and that they were policy compliant.
- c. The Planning Inspectorate supported the design, appearance and access arrangements. The proposed Section 106 agreement could be secured to introduce measures on Fox Lane to improve safety at that access.
- d. The developer had worked closely with Council officers to remove overlooking concerns. There would be no windows on flank walls, buildings

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had been re-orientated, there was greater visual permeability, and the oblique views had been accepted by officers.

e. Amenity space had been improved. There was private amenity space for families. Communal space was now green space not hard landscaping.

f. The site area had been extended, there was more protected area for the first oak tree and the second oak would also be safeguarded.

g. The 33 garages on the site previously generated more traffic movements than this proposal would.

9. Advice of the Traffic and Transportation Officer, including the following:

a. The application must be considered in the current circumstances; potential future use of the office block opposite could not be taken into account.

b. The block opposite did have an access point which would be available to any successive user.

c. Any application made for the block would be considered at that time.

d. Refuse vehicles' access to the site had been considered.

e. A left-in left-out rule, and methods to ensure compliance, was an option which could be investigated.

10. Advice of the Planning Decisions Manager, including the following points:

a. In relation to distances from a common boundary, there were no set standards in relation to a flank wall. Overall, the relationships and separations were considered sufficient to address overlooking and overshadowing.

b. Discussions with the developer had led to amendments of the gable end to a hipped roof design to reduce the bulk and massing.

c. Changing the orientations had in officers' opinion addressed the concerns in relation to overlooking. There would be windows on the first floor but they would be oblique and there would be no undue impact.

d. The arboricultural officer was satisfied that with the additional open area the trees could be safeguarded.

e. The Planning Inspector had stressed the need for flexibility and that the space was reasonable and would provide for family accommodation.

11. Councillor Neville's concerns in relation to the need for quality design in the borough and conservation areas in particular; and in relation to road safety around the access to the development. He also considered the development would be very narrow and cramped.

12. Councillor Simon's comments in relation to the former garages and traffic generation from that use to Fox Lane, which had been satisfactory for numerous years. He also considered that the trees on the site would also have affected light to the existing houses and gardens, and highlighted that the borough had a need for housing.

13. Councillor Anolue's agreement that all issues had been addressed to the satisfaction of Planning officers.

14. Councillor Savva's comment that the entrance to Skinners Court was nearer to the hump back bridge and was heavily used with no safety issues.



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15. The Planning Decisions Manager's advice in response to Councillor McCannah's query, that PP3 was not relevant to this application as the site was not classed as back garden land.

16. Councillor Hurer's ongoing concerns in relation to road safety and the proximity to the hump back bridge.

17. Officers' advice in response to Members' queries, including:

- a. Confirmation that cleansing vehicles would be able to enter and turn.
- b. It had not been possible to access accident reports to bring to the meeting, but that highway safety issues were raised at the appeal and did not carry weight with the Planning Inspector.
- c. Clarification of the width of the access road and confirmation that it was sufficient for vehicles to pass.
- d. Overall separation was still 22 metres and there would now be no direct overlooking from first floor windows.
- e. Amenity space was on balance considered suitable: four gardens did not meet the overall standard, but the Planning Inspector had given a clear direction for flexibility and there was a larger open space to benefit residents.
- f. The site itself was not inside the conservation area, and Condition 3 would cover Details of Materials, which could be used to deal with fenestration.

18. Members voted in support of the officers' recommendation 7 for and 5 against with no abstentions.

**AGREED** that subject to the completion of a Section 106 Agreement contribution regarding a contribution towards education provision and off site highway works planning permission be granted, for the reasons set out in the report, subject to the conditions set out in the report and amendments to Condition 3 and 5.

**527**

**TP/10/1112 - GALA CLUB, BURLEIGH WAY, ENFIELD, EN2 6AE**

NOTED

1. Introduction by the Planning Decisions Manager to clarify the change in circumstances and reduction in scale from the previous agreed application.

2. Confirmation received from the developer that all plant would be located in the basement plant room, with only AOV fans on the roof, which would not be seen from viewpoints, which should address concerns raised by CAG.

3. Members' discussion of the Section 106 agreement that residents would not be permitted to purchase a parking permit for the CPZ, and the Traffic and Transport Officer's advice in respect of protection for existing permit holders and progress towards a car club for the borough.

4. Members voted unanimously in support of the officers' recommendation.

**AGREED** that planning permission be granted subject to conditions and subject to a Section 106 Agreement in respect of the heads of terms as detailed in the report and as previously agreed.

**528**

**TP/10/1215 - 4 (FORMERLY KNOWN AS VISTEON UK), MORSON ROAD, ENFIELD, EN3 4NQ**

NOTED

1. Councillor Delman left the room and took no part in the discussion or vote on the application.
2. It was understood that the Environment Agency had a solution to the only objection that was outstanding.
3. Receipt of a written representation in support from ex-councillor Bill Price, in his capacity as Meridian Business Park Association Manager.
4. Members voted unanimously in support of the officers' recommendation.

**AGREED** that officers be afforded delegated powers to approve the application subject to conditions, subject to the applicant overcoming the Environment Agency's outstanding objection and the satisfactory completion of a Section 106 Agreement to include the head of terms referred to.

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**TP/10/1294 - 47, LAKENHEATH, LONDON, N14 4RR**

**AGREED** that planning permission be granted subject to conditions, for the reasons set out in the report.

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**APPEAL INFORMATION**

NOTED

1. Members noted the information on town planning appeals received from 12/10/10 to 10/11/10, summarised in tables as requested, but full details of each appeal could be viewed on the departmental website.
2. A correction to the table of Committee decisions which should read 1 appeal against refusal as per officer recommendation; and 3 appeals against refusal against officer recommendation, of which 2 were dismissed.

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**COMMUNITIES AND LOCAL GOVERNMENT CONSULTATION DOCUMENT ON PLANNING AND SCHOOLS (REPORT NO. 123)**

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NOTED the Head of Development Management's introduction to the consultation document and the recommended response, which was fully supported by Members.

**AGREED** the response to the consultation as set out in the report to be forwarded to Communities and Local Government.