

**MINUTES OF THE MEETING OF THE PLANNING COMMITTEE  
HELD ON MONDAY, 30 NOVEMBER 2009**

**COUNCILLORS**

**PRESENT** Alan Barker, Dogan Delman, Jayne Buckland, Lee Chamberlain, Peter Fallart, Jonas Hall, Ahmet Hasan, Chris Joannides, Henry Lamprecht, Dino Lemonides, Donald McGowan, Kieran McGregor, Anne-Marie Pearce and Toby Simon

**ABSENT** Andreas Constantinides

**OFFICERS:** Bob Ayton (Schools Organisation & Development), Linda Dalton (Legal Services), Bob Griffiths (Assistant Director, Planning & Environmental Protection), Andy Higham (Area Planning Manager), John Hood (Legal Services), Steve Jaggard (Environment & Street Scene), Maria Jennings (Housing Strategy Manager), David Snell (Area Planning Manager) and Mike Brown (Team Leader - Conservation) Jane Creer (Secretary) and Ann Redondo (Secretary)

**Also Attending:** Councillors Achilleas Georgiou, Paul McCannah, Michael Lavender and Martin Prescott.  
Approximately 50 members of the public, applicants, agents and their representatives.  
Dennis Stacey, Chairman of the Conservation Advisory Group.

**522**

**WELCOME AND LEGAL STATEMENT**

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

**523**

**APOLOGIES FOR ABSENCE**

NOTED that apologies for absence were received from Councillor Constantinides.

**524**

**DECLARATION OF INTERESTS**

NOTED

1. Councillors Simon, Buckland, Lemonides and McGowan declared a personal interest in application TP/09/1492 – 601, Hertford Road,

## **PLANNING COMMITTEE - 30.11.2009**

Enfield, EN3 6UP, as it was in the same block as the headquarters of the Enfield North Labour Party and the office of Joan Ryan MP.

2. Councillor Delman declared a personal and prejudicial interest in application TP/09/0488 – 1-6, Clock Parade, London Road, Enfield, as a company he was associated with had been interested in developing this site.
3. Councillor Fallart declared a personal and prejudicial interest in application TP/09/0488 – 1-6, Clock Parade, London Road, Enfield, as he was employed by the supermarket company involved in the proposed development.
4. Councillor Fallart declared a personal and prejudicial interest in application LBE/09/0032 – 1, Wolsey Road, Enfield, EN1 3QQ, as he was a Director of Enfield Homes.

**525**

### **MINUTES OF PLANNING COMMITTEE 20 OCTOBER 2009**

**AGREED** the minutes of the meeting held on 20 October 2009 as a correct record with the addition of the wording “on a vote” at the end of Minute 408.17.

**526**

### **REPORT OF THE ASSISTANT DIRECTOR, PLANNING AND ENVIRONMENTAL PROTECTION (REPORT NO. 150)**

RECEIVED the report of the Assistant Director, Planning and Environmental Protection (Report No. 150).

**527**

### **APPLICATIONS DEALT WITH UNDER DELEGATED AUTHORITY**

NOTED that a copy of those applications dealt with under delegated powers was available in the Members' Library and via the Council's website.

**528**

### **ORDER OF AGENDA**

**AGREED** that the order of the agenda be varied to accommodate the members of the public in attendance at the meeting. The minutes follow the order of the meeting.

**529**

### **TP/09/1282 - 1, LANCASTER AVENUE, BARNET, EN4 0EP**

NOTED

**PLANNING COMMITTEE - 30.11.2009**

1. An amendment to the recommendation to delete wording below Obscured Glazing in the recommendation.
2. The deputation of Mr Stephen Atkinson, neighbouring resident, including the following points:
  - (i) He was the owner of no.3, Lancaster Avenue, which adjoined the property.
  - (ii) He passed around five photographs to illustrate his concerns.
  - (iii) The development did not comply with UDP policies regarding residential development and maintenance of privacy.
  - (iv) The terrace had been built first, rather than being an afterthought as suggested.
  - (v) If the terrace had been included in the original planning application, issues would have been shown up, and this was why permission was being sought retrospectively.
  - (vi) The dimensions suggested this was a large family area and external dining area, not just a space for pots and plants.
  - (vii) This was not replacing 'like for like'. The terrace was not smaller than the original. There were inaccuracies on the original drawings.
3. The response of Mr Alex Evans, the applicant, including the following points:
  - (i) The terrace was originally built in the early 1990s by the then-owner and its existence predated Mr Atkinson's purchase of no.3.
  - (ii) Planning permission had been granted in September 2008 for a rear extension, and as part of the building process the terrace was rebuilt, using reclaimed London brick which was a more sympathetic material, to the same height and the same area, and the views remained the same.
  - (iii) Access stairs to the garden had been removed and access to the terrace was now through the extension so it may be less well used.
  - (iv) Several other houses in the vicinity had terraces with access from rear French windows and were similar to this and co-existed happily with neighbours.
4. The statement of Councillor Paul McCannah, ward councillor, including the following points:
  - (i) He shared Mr Atkinson's concerns, and the impact could be seen as this application was retrospective.
  - (ii) There were significant differences between the raised terraces at no.3 and no.1 Lancaster Avenue, which measured 3.9m<sup>2</sup> and 12.6m<sup>2</sup> respectively. The terrace at no.3 was more characteristic of neighbouring properties.
  - (iii) Access to the terrace at no.1 would be via the French doors and sliding doorway and it was feared it would be used as an extension of living space.
  - (iv) The construction at no.1 increased the scope for activity and was not comparable to what already existed there.
  - (v) Inclusion of an obscured glazed screen was an admission there were privacy issues.

5. Officers highlighted key issues identified in the report in response to Members' queries.

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

**530**

**TP/09/1415 - 109, BERKSHIRE GARDENS, LONDON, N13 6AE**

NOTED

1. The statement of Councillor Achilleas Georgiou, ward councillor, including the following points:
  - (i) He was speaking on behalf of many residents in Berkshire Gardens.
  - (ii) Local residents had responded to the consultation and raised a number of concerns including the number of converted houses in the vicinity, the changing character of the area, parking concerns, loss of daylight and privacy, and lack of amenity space.
  - (iii) In two years there had been a five-fold increase in the number of conversions in the road, up from five in 2007 to 18 out of 130 houses. The attractiveness to developers to convert to flats and bedsits was making the wider area become unsustainable.
  - (iv) At the moment this house had off-street parking, but a conversion would mean an increase in the number of cars at the site and an increase in traffic.
  - (v) The development would be contrary to London Plan policies and UDP policies, did not respect the area's character, and would be detrimental to the local environment.
2. The Planning officer's clarification of the policy and percentage threshold figure for number of conversions permitted in any one road.
3. Members' concerns regarding loss of a family home and the lack of amenity space for the two-bed upstairs flat, and advice of Planning officers on relevant policies and standards.
4. A proposal not to accept the officers' recommendation supported unanimously by the Committee.
5. A proposal that planning permission be refused supported unanimously by the Committee.

**AGREED** that planning permission be refused for the reasons below.

Reasons:

The conversion of the single family dwelling into two flats (comprising 1 x 1-bed and 1 x 2-bed) results in the loss of a single family dwelling house and due to the number of conversions already existing along Berkshire Gardens

and in the vicinity of the application property, would adversely affect the residential amenity and character of this locality contrary to Policies (II)H16, (I)GD1, (I)GD2 and (II)GD1 and Appendix A1.9 of the Unitary Development Plan and the Supplementary Planning Guidance on flat conversions, as well as Policy 3A.6 of the London Plan (2008) and the objectives of PPS1 and PPS3.

The proposed conversion, due to the absence of any amenity space associated with the larger first floor two bedroom flat would result in a sub standard form of accommodation, detrimental to the amenities of future occupiers and the standard of accommodation within the borough. This would be contrary to Policies (II)H16, (I)GD1, (I)GD2 and (II)H9 and Appendix A1.9 of the Unitary Development Plan and the Supplementary Planning Guidance on flat conversions, as well as the objectives of PPS1 and PPS3.

**531**

**TP/09/1418 - 71, RIVERSFIELD ROAD, ENFIELD, EN1 3DH**

**NOTED**

- 1, The Planning officer's advice in respect of the appeal decision in relation to a previously dismissed scheme, and officers' concerns.
2. The deputation of Mr Andrew Neil of Andrew Neil Associates Ltd, the agent, including the following points:
  - (i) If planning permission was granted for this application, the applicant would enter a legal agreement to prohibit the implementation of the approved two-storey side extension.
  - (ii) An identical application to this was refused in February 2009, and the appeal was dismissed, but the Planning Inspector stated that the design was appropriate as it took its inspiration from the prevailing style in the area, and that there was sufficient space from the properties to either side.
  - (iii) The appeal conclusion was that there would be no adverse effect on the local character and appearance.
  - (iv) The two-storey side extension was considered unsatisfactory by the Planning Inspector, but a unilateral S106 agreement had been drafted meaning that the extension would not be constructed and the permission would be allowed to lapse.
  - (v) There were at least three similar detached houses close to this site, and many similar consents in the borough.
3. The deputation of Mr Alvin Ormonde, Planning and Project Management Services, on behalf of the agent, including the following points:
  - (i) He confirmed this application was a duplicate of that which had been subject to appeal, with a correction of the omission of paragraphs regarding the S106 agreement.
  - (ii) Planning committees should not fail to give due weight to Planning Inspectors' decisions.

4. Debate between Members, and the Planning officer's advice that a subjective design judgement had to be made in this case.
5. The Planning officer's confirmation that the Planning Inspector's decision was a material consideration.
6. The Planning officer's confirmation that if permission was granted, conditions to the approval would be standard for this type of development and could be delegated to officers to deal with, along with the S106 agreement.
7. A proposal not to accept the officer's recommendation supported by a majority of the Committee.
8. A proposal that planning permission be granted supported by a majority of the Committee.

**AGREED** that planning permission be granted, subject to conditions and a S106 Agreement in the terms offered by the applicant for the following reason: The proposal, by virtue of its design, siting, plot size and relationship to the site boundaries, would not represent a cramped or intrusive form of development in the street scene that would be detrimental to the prevailing character and appearance of the surrounding area having regard to Policies (I)GD1, (I)GD2 and (II)GD3 of the Unitary Development Plan. With imposition of conditions delegated to officers.

**532**

**LBE/09/0026 - 305-313, GREEN LANES, LONDON, N13 4YB**

NOTED that the works had already been implemented.

**AGREED** that planning permission be granted in accordance with Regulation 3 of the Town and Country Planning General Regulations 1992, subject to the condition set out in the report, for the reasons set out in the report.

**533**

**LBE/09/0028 - EVERSLEY PRIMARY SCHOOL, CHASEVILLE PARK ROAD, LONDON, N21 1PD**

NOTED the correction to the application address.

**AGREED** that in accordance with Regulation 3 of the Town and Country Planning (General Regulations) 1992 consent is deemed to be granted subject to the conditions set out in the report, for the reasons set out in the report.

**534**

**LBE/09/0032 - 1, WOLSEY ROAD, ENFIELD, EN1 3QQ**

NOTED that Councillor Fallart left the room and took no part in the consideration of this application.

**AGREED** that planning permission be deemed to be granted in accordance with Regulation 3 of the Town and Country Planning General Regulations 1992, subject to the conditions set out in the report, for the reasons set out in the report.

**535**

**TP/09/0488 - 1-6, CLOCK PARADE, LONDON ROAD, ENFIELD, EN2 6JG**

NOTED

1. Councillors Delman and Fallart left the room and took no part in the consideration of this application.
2. Only the Members who were in attendance at the meeting of Planning Committee on 20 October when the application was originally presented and a deputation and response received, were eligible to consider and vote on this application.
3. A correction to page 48 of the report that the reference to 'Private Road Conservation Area' should read 'Bush Hill Park Conservation Area'.
4. Circulation to Members of figures and representations by the applicant relating to their affordable housing assessment.
5. Receipt of a further letter from Private Road Residents' Association reiterating their previous concerns regarding the provision of access off Private Road and the long term maintenance of this section of the street. Their request that consideration be given to a S106 Agreement to safeguard maintenance.
6. Receipt of five letters commenting that revised plans did not address neighbours' concerns.
7. Receipt of amended plans incorporating a clock feature.
8. The advice from officers relating to the issue of impact on a Wildlife Corridor along Sadlers Mill Stream.
9. The advice of officers on the requirements of the Three Dragons Affordable Housing Toolkit and the deficiencies of the applicant's submission. It was for the developer to demonstrate that it was not reasonable for them to make a contribution to affordable housing. Officers considered it was not credible for the applicant to suggest that a loss would be generated in this development even when no affordable housing was provided.

10. The majority of the Committee's support on a vote, to add a further reason for refusal in respect of the inadequacy of amenity space provision having regard to UDP Policy (II)H9.

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

The proposal provides for an inadequate level of amenity space provision to provide a visual setting for the building and the needs of residents having regard to Policy (II)H9 and Appendix A1.7 of the Unitary Development Plan.

**536**

**TP/09/0969 - 311B, CHASE ROAD, PICKARD CLOSE, LONDON, N14 6JS**

NOTED

1. At the meeting of the Planning Committee on 22 September 2009, it was agreed to defer consideration of this application to enable further assessment of the traffic and highway implications arising from the proposal.
2. Request that Members defer consideration of this application to enable further assessment of the traffic generation implications for Pickard Close in the light of ongoing highway concerns and further discussion since closure of the report.
3. Confirmation that there would be a full debate when Planning Committee considered this application and all Members would be eligible to take part and vote.

**AGREED** that a decision on the application be deferred.

**537**

**TP/09/1051 - KING EASTON GARDEN CENTRE, 69, STATION ROAD, LONDON, N21 3NB**

NOTED

1. Members noted that the applicant had provided written confirmation that the appeal would be withdrawn if Members approved the scheme.
2. Members' comments on improvements to previous proposals.

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

**538**

**TP/09/1071 - CREWS HILL GOLF CLUB, CATTLEGATE ROAD, ENFIELD, EN2 8AZ**



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

**539**

**TP/09/1238 - LAND REAR OF, 483/499, GREEN LANES, LONDON, N13**

NOTED

1. A decision was made to defer the application at the 20 October meeting of the Planning Committee for further guidance from officers on potential reasons for refusal.
2. Request that Members defer consideration of this application to enable officers to respond more comprehensively in the 'Note for Members', in responding to concerns at the previous meeting regarding issues of access to the development from / onto Green Lanes.

**AGREED** that a decision on the application be deferred.

**540**

**TP/09/1457 - MAIN BUILDING, ST IGNATIUS RC COLLEGE, TURKEY STREET, ENFIELD, EN1 4NW**

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

**541**

**TP/09/1492 - 601, HERTFORD ROAD, ENFIELD, EN3 6UP**

NOTED

1. An amendment to the recommendation, to delete Condition 2.
2. Amendment of Condition 4 to refer to the internet café use only and to restrict opening hours to between 07:00 and 23:00 hours.
3. Officers' advice regarding minicabs parking and waiting, and confirmation that customers would not be picked up at the premises.

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

**542**

**TP/96/0971/5 - 8, UPLANDS WAY, LONDON, N21**

NOTED

1. Only the Members who were in attendance at the meeting of Planning Committee on 20 October when the application was originally

presented and a deputation and response received, were eligible to consider and vote on this application.

2. Members had received further representations from several interested parties, which they had been advised to disregard.
3. An update on the application with reference to the status of the application and purpose of 'Note for Members'.
4. Request for two additional conditions by Transportation to mitigate concerns.
5. Councillor Pearce's suggestion that the nursery's garden fence should be higher, to mitigate noise and increase safety and privacy.
6. Members' expression that they would not look favourably on any further application to increase numbers of children attending.
7. Officers' advice that there was continuing demand for nursery accommodation, that officers had recognised concerns but that on balance recommended that the application be approved.

**AGREED** that planning permission be granted subject to the conditions set out in the report, and additional conditions below, and a Directive covering the height of fencing around the rear garden, for the reasons set out in the report.

**Additional Conditions:**

1. Prior to the implementation of this permission, a Travel Plan incorporating the components set out in Appendix C of the ODPM/DfT publication "Using the planning process to secure travel plans" has been submitted to and approved in writing by the Local Planning Authority. The approved Travel Plan shall thereafter be implemented and adhered to.

Reason – In the interests of sustainability and to ensure that traffic generated from the site is minimised.

2. Prior to the implementation of this permission, proposals must be submitted to, and approved by, the Local Planning Authority to detail the provision of drop-off/pick-up arrangements within the curtilage of the front garden of the application site. This arrangement is to include the creation of an additional footway crossover to Langham Gardens and facilitate the provision of a layout that creates a separate access/egress. The approved new layout shall be constructed prior to the implementation of the planning permission, and shall be available for use at all times that the nursery is open, and not be obstructed by parked vehicles owned by the nursery owners or their staff.

Reason – in the interests of highway safety and the free flow of traffic on the neighbouring highways.

## TOWN PLANNING APPEALS

NOTED the information on town planning application appeals received from 01/10/2009 to 13/11/2009.

**544**

### **CONSERVATION AREA REVIEW PHASE III - CONFIRMATION OF ARTICLE 4 DIRECTIONS (REPORT NO. 151)**

RECEIVED the report of the Director of Place Shaping and Enterprise.

**AGREED** that the Planning Committee, having considered the representations received from householders and stakeholders, makes permanent the Article 4 (2) Direction under The Town & Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008, in respect of those Parts/Classes of the Order scheduled against each Conservation Area in Appendix A of the report, removing permitted development rights and that the statutory notification requirements be followed forthwith to enact this decision.

**545**

### **BULL LANE PLAYING FIELDS - VILLAGE GREEN APPLICATION (REPORT NO. 152)**

RECEIVED the report of the Director of Finance and Corporate Resources.

NOTED

1. The Legal officer's verbal introduction and background information in relation to this application, and confirmation of the conclusion of the independent Inspector.
2. The Legal officer's advice that each episode of deferral of use by inhabitants of the relevant neighbourhood when there were organised matches on the rented pitches meant that the use had not been continuous and without interruption.
3. Members' lengthy debate of issues, particularly in regard to use of the playing fields for football on the rented pitches and informal use by local inhabitants.
4. The Legal officers' advice on alternative options to accepting the findings of the independent Inspector, and on the implications of Village Green registration.

**AGREED** to accept the recommendations of the independent Inspector that neither the whole nor any part of the application site should be added to the Register of Town and Village Greens because on the evidence it does not meet the statutory tests required for such registration.

546

**DATE AND TIME OF NEXT MEETING**

**AGREED** that the next meeting on Thursday 17 December 2009 to start at the earlier time of 7.00 pm.

547

**EXCLUSION OF THE PRESS AND PUBLIC**

**RESOLVED** in accordance with Section 100A(4) of the Local Government Act 1972 to exclude the press and public from the meeting for the item of business listed on part 2 of the agenda on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 7 of Part 1 of Schedule 12A to the Act (as amended by the Local Government (Access to Information) (Variation) Order 2006).

548

**JJ ROOFING, SKEW BRIDGE, HOPPERS ROAD, WINCHMORE HILL  
(REPORT NO. 155)**

RECEIVED the report of the Head of Development Services.

**NOTED**

1. The reports listed on the agenda had been circulated in accordance with the requirements of the Council's Constitution and the Local Authorities (Executive Arrangements) (Access to Information) (England) Amendment Regulations 2002 with the exception of Report No.155.
2. The Chairman's agreement to receive the urgent item due to the level of public concern.
3. The Planning officer's verbal introduction with background information to long-standing issues regarding use of the site.
4. The statement of Councillor Martin Prescott, Winchmore Hill ward councillor, reporting residents' concerns regarding operations at the site, traffic movements and the dangerous highway situation.
5. The Planning officer's advice regarding the options available.
6. The Traffic and Transportation officer's advice regarding highway safety and personal injury records.
7. Members' debate and vote on the available options for action.

**AGREED** to accept the recommended option (ii) in the report.

