

**MINUTES OF THE MEETING OF THE PLANNING COMMITTEE
HELD ON THURSDAY, 17 DECEMBER 2009**

COUNCILLORS

PRESENT Alan Barker, (Chairman) Dogan Delman, Peter Fallart, Jonas Hall, Ahmet Hasan, Chris Joannides, Henry Lamprecht, Dino Lemonides, Kieran McGregor, Anne-Marie Pearce and Toby Simon

ABSENT Jayne Buckland, Lee Chamberlain and Donald McGowan

OFFICERS: Andy Higham (Area Planning Manager), Steve Jaggard (Environment & Street Scene), Aled Richards (Head of Development Services), David Snell (Area Planning Manager), Ann Redondo (Secretary) and Sandra Bertschin (Secretary)

Also Attending: Councillors Ertan Hurer and Achilles Georgiou.
Approximately 20 members of the public, applicants, agents and their representatives.
Dennis Stacey, Chairman of the Conservation Advisory Group.

612

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.

613

APOLOGIES FOR ABSENCE

NOTED that apologies for absence were received from Councillors Buckland, Chamberlain and McGowan. Apologies for lateness were received from Councillor Lemonides.

614

DECLARATION OF INTERESTS

Councillor Constantinides declared a personal interest in application LBC/09/0036 – Florence Hayes Recreation Ground, N18 as he had been part of the original steering committee that helped drive the scheme through.

615

REPORT OF THE ASSISTANT DIRECTOR, PLANNING AND ENVIRONMENTAL PROTECTION

RECEIVED the report of the Assistant Director, Planning and Environmental Protection (Report NO. 168)

616

APPLICATIONS DEALT WITH UNDER DELEGATED AUTHORITY

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

617

ORDER OF THE 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.

618

4, RADCLIFFE ROAD, LONDON, N21 2 SE

NOTED

1. Two additional letters of objection, circulated to Members and summarised verbally summarised by the Planning Officer.
2. Additional conditions had been proposed.
3. The deputation of Mr. Ferrary, agent for Mr. and Mrs. Ward residents of no. 2 Radcliffe Road including the following points:
 - (i) No further technical information had been provided by the applicant or Planning officers as requested at the previous Planning meeting, on what measures would be taken to prevent structure-borne noise and vibration to neighbouring properties.
 - (ii) Enfield Environmental Health had elected not to set maximum noise levels stating ' setting a noise level is inherently difficult as we do not know how the sound will transfer through the structure of the building'.
 - (iii) Planning Officers had provided new case information offering information which was presented as a precedent within the London Borough of Enfield. However, the example offered was for a large detached property on Cockfosters Road and was inherently different to this proposal as there was physical connection to the adjoining property.
4. The deputation of Mr. Geoff Rubenstein, neighbouring resident, including the following points:
 - (i) The proposed development would be contrary to UDP policies. His written representation listed relevant UDP policies.
 - (ii) Concerns were raised previously over the inaccuracies in the Ordnance Survey Map and the officer verbally corrected this at the September Planning meeting. The inaccuracies were repeated in the present Committee report and Committee Members may be misled to believe that the building work would not go right up (and possibly encroach) the property boundaries of 6, 8 & 10 Radcliffe Road.

PLANNING COMMITTEE - 17.12.2009

- (iii) There would be a loss of mature boundary trees.
 - (iv) The overall detrimental effect of the proposed development would include a curtain wall of brickwork built up to and potentially over the rear boundaries of No's 6-10 Radcliffe Road. His outlook, amenities and enjoyment of the garden would be compounded by the loss of mature boundary trees at the rear of his garden.
5. The statement of Councillor Hurer, ward councillor, including:
- (i) The proposal had been deferred at the September Planning Committee to allow for further technical data to be provided to determine how noise and vibration would not impact on neighbouring properties, this information had not been provided.
 - (ii) The proposal would be a substantial extension that would impact on visual amenity.
 - (iii) A comparison could not be made with the officers' report detailing a similar development on a detached house on the Cockfosters Road.
6. The response of Mr. Michael Walliss, PMSS, the Agent and architect, including the following points:
- (i) The noise that would emanate from the proposed lift would be minimal, comparing it to the noise of a domestic lawnmower.
 - (ii) The development would not encroach boundaries due to the foundations.
 - (iii) The company that would be installing the lift was an International corporation who had to comply with the highest European standards.
 - (iv) The boroughs Environmental Health and Building Control were 'happy' to accept that noise levels would be acceptable.
 - (v) In response to Councillor Simon, Mr. Wallis confirmed that the European Standard that applied to the installation covered all areas of the development, including, mechanical parts, vibration rates and noise levels.
 - (vi) The planning officer advised that an extra condition could be added to include the European Standard being applied to the development.
7. Planning officers' confirmation that building regulations covered foundation depths.
8. In response to Councillor Hall, the Planning officer's confirmation that the development would not encroach on neighbouring properties.
9. Planning Officers' confirmation that any outstanding issues could be resolved by mitigation and that noise / vibration concerns could be managed by conditions.
10. Councillor Delman's concerns that the request for further technical data to be provided, as detailed in the previous September Planning minutes did not materialise. Further concerns over no guarantees with regard to compliance noise / vibration concerns.
11. The Planning Officers' confirmation that any breach of condition would be a Planning issue.

12. Councillor Lamprecht's concerns over the lack of technical data which would have provided further insight on the vibration / noise levels that may impact on neighbouring properties.
13. A proposal not to accept the officers' recommendation supported by the majority of the Committee.
14. A proposal that planning permission be refused supported by the majority of the committee.

AGREED that planning permission be refused for the reasons below.

Reasons:

The proposed development due to its size, siting and massing would represent an overdevelopment of the site, detrimental to and out of keeping with the character and appearance of the surrounding residential area, contrary to Policies (I)GD1, (I)GD2 and (II)GD3 of the Unitary Development Plan and Policy 4B.8 of the London Plan.

The proposed development due to the absence of technical specification regarding the operation of the car lift, could give rise to conditions through noise and vibration that would be detrimental to the amenities of the adjoining and neighbouring residential properties. This would be contrary to Policies (II)EN30, (I)GD1 and (I)GD2 of the Unitary Development Plan.

619

TP/09/1198 1 JUTE LANE, ENFIELD EN3 7PJ

NOTED

1. Councillor Simon's concerns over Councillor Hurer's intention to speak on behalf of the applicant. He said that he believed it was only ward councillors that could speak on behalf of applicants.
2. Councillor Hurer's explanation that he was speaking on behalf of the applicant as he was asked for assistance due to the fact that Turkish was their first language and he was one of three Councillors in the borough that could help with any language barrier. He stated that he had no prejudicial or personal interest in the proposed development. He added that he had previously spoken on behalf of residents who were not in his ward for the same reason.
3. Councillor Simon commented that he still felt that in principal, it sets a precedence, whatever the merits of the case.
4. The Chairman accepted the reasons for Councillor Hurer's speaking on behalf of the applicant.
5. The statement of Councillor Hurer, including:
 - (i) The conditions imposed on the development should reassure residents in the area that the proposed nightclub would not cause any direct noise pollution.
 - (ii) The site was an industrial unit and had previously been a snooker club, where the age of the clientele would have been similar.

(iii) The applicant was aware of all the conditions imposed and had agreed to comply with them.

6. Councillor Simon said that the development was in his ward and did cause some consternation amongst residents in the area, particular concerns were over noise and ASB that may derive from the nightclub. He understood the concerns of residents, but realised that Licensing Laws could control any problems of this nature. Councillor Simon added that nightclubs do need to be sited at these types of areas ie: industrial sites, and that on balance, he felt that the proposal was acceptable.

AGREED that planning permission be granted, subject to a legal agreement requiring that the use only operates with the provision of car parking proposed in application reference TP/09/1605 subject to the conditions set out in the report, for the reasons set out in the report.

620

TP/09/064 129, PALMERSTON ROAD, LONDON, N22 8QX

NOTED

1. The statement of Councillor Georgiou, ward councillor, who reiterated the officers recommendation for refusal .

AGREED that planning permission be refused for the reason set out in the report.

621

TP/09/1575 94, NATAL ROAD, LONDON, N11 2HY

NOTED

1. The statement of Councillor Georgiou, ward councillor, including the following points:
- (i) He was against the officers recommendation for approval.
 - (ii) He felt that the area 'needed relief' from these types of multiple developments.
 - (iii) 3 x units would mean at least 6 further vehicles, there was no off street parking and to compound the parking problems there was a CPZ installed in the vicinity of Bounds Green Tube Station.
 - (iv) The officers report details that within the proposed studio flat approximately 10 sq m of the floor space would be lost due to insufficient head height.
2. The Planning officer's acknowledgement that the development was already divided into flats. The conversion into three units did mean that although the proposed studio flat was inadequate in size, it was sufficient enough to meet planning requirements. *

3. The Traffic and Transportation officer's comment that the point made by Councillor Georgiou regarding the CPZ, was fair and that it does have an impact on parking in the area.
4. In response to Councillor Pearce, the Planning Officer confirmed that planning permission was granted in 2005 for 3 units and was implemented in 2006, but did not complete the roofing works. This application was to 'regularise' the development.

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

622

LBC/09/0019 FORTY HALL, FORTY HILL, ENFIELD EN2 9EU

NOTED the Conservation Advisory Groups' support for the proposals.

AGREED that in accordance with Regulation 13 of the Planning (Listed Buildings and Conservation Areas) Regulations 1990 the Director of Education, Children's Services and Leisure be invited to make an application to the Secretary of State for Communities and Local Government who should be invited to attach the conditions set out in the report to any approval.

623

LBE/09/0029 FORTY HALL, FORTY HILL, ENFIELD, EN2 9EU

NOTED the Conservation Advisory Groups' support for the proposals.

AGREED that Planning Permission be granted, subject to 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.

624

LBE/09/0036 FLORENCE HAYES RECREATION GROUND, FORE STREET, LONDON, N18 2SP

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

625

TP/96/0150/3 LAND TO SOUTH OF WILLIAM GIRLING RESERVOIR, LOWER HALL LANE, CHINGFORD, LONDON, E4

AGREED that planning permission be refused for the reason set out in the report.

626

TP/09/1091 1-18, OLD PARK HOUSE, OLD PARK ROAD, LONDON, N13 4RD

PLANNING COMMITTEE - 17.12.2009

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