

# Public Document Pack



## PLANNING COMMITTEE

Tuesday, 26th April, 2016 at 7.30 pm  
Venue: Dugdale Centre, Rooms 2 & 3,  
Thomas Hardy House, 39 London Road,  
Enfield, EN2 6DS.

Contact: Jane Creer / Metin Halil  
Committee Administrator  
Direct : 020-8379-4093 / 4091  
Tel: 020-8379-1000  
Ext: 4093 / 4091

E-mail: [jane.creer@enfield.gov.uk](mailto:jane.creer@enfield.gov.uk)  
[metin.halil@enfield.gov.uk](mailto:metin.halil@enfield.gov.uk)  
Council website: [www.enfield.gov.uk](http://www.enfield.gov.uk)

## TO FOLLOW AGENDA

3. **MINUTES OF THE PLANNING COMMITTEE 22 MARCH 2016.** (Pages 1 - 8)

To receive the minutes of the Planning Committee meeting held on Tuesday 22 March 2016.

5. **P13/03636PLA - 36 WALSINGHAM ROAD, ENFIELD, EN2 6EY** (Pages 9 - 12)

To receive the Addendum Report for the above application.

6. **15/04043/FUL - KEBLE PREPARATORY SCHOOL, WADES HILL, LONDON, N21 1BG** (Pages 13 - 14)

To receive the correct site plan for the above application.

Please note that this page replaces page 50 of the original agenda.

This page is intentionally left blank

## PLANNING COMMITTEE - 22.3.2016

**MINUTES OF THE MEETING OF THE PLANNING COMMITTEE  
HELD ON TUESDAY, 22 MARCH 2016****COUNCILLORS**

- PRESENT** Dinah Barry, Lee Chamberlain, Jason Charalambous, Dogan Delman, Christine Hamilton, Ahmet Hasan, Jansev Jemal, Derek Levy, Anne-Marie Pearce, George Savva MBE and Toby Simon
- ABSENT** Christiana During
- OFFICERS:** Bob Griffiths (Assistant Director - Planning, Highways & Transportation), Andy Higham (Head of Development Management), Andy Bates (Planning Decisions Manager), Kevin Tohill (Planning Decisions Manager) and David B Taylor (Transportation Planning) and Metin Halil (Secretary)
- Also Attending:** Approximately 25 members of the public, applicant and agent representatives  
Councillor Terry Neville, Grange Ward councillor

**487****WELCOME AND APOLOGIES FOR ABSENCE**

Councillor Simon, Chair, welcomed all attendees and explained the order of the meeting.

Apologies for Absence was received from Councillor During.

Apologies for lateness was received from Councillor Hassan.

**488****DECLARATION OF INTERESTS**

## NOTED

1. Councillor Simon declared a Non-Pecuniary interest - He lived in Enfield Town Conservation Area, but the application did not affect his house – P13-03636PLA
2. Councillor Pearce declared a Non-pecuniary interest - She went through the applicant's correspondence, no pre-determination, she only listened to concerns as ward councillor – 16/00034/HOU.

**PLANNING COMMITTEE - 22.3.2016**

**489**

**MINUTES OF THE PLANNING COMMITTEE 23 FEBRUARY 2016**

**AGREED** the minutes of the Planning Committee meeting held on 23 February 2016 as a correct record.

**490**

**REPORT OF THE ASSISTANT DIRECTOR, PLANNING, HIGHWAYS AND TRANSPORTATION (REPORT NO. 218)**

RECEIVED the report of the Assistant Director, Planning, Highways and Transportation (Report No. 218).

**491**

**ORDER OF THE AGENDA**

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

**492**

**P13-03636PLA - 36, WALSINGHAM ROAD, ENFIELD, EN2 6EY**

NOTED

1. Development Management had received a letter from Solicitors representing a local resident and as there had not been time for officers' to fully review the contents and decide whether it has any bearing on the assessment of the application to be determined before members of the planning committee.
2. It was therefore proposed that the application be deferred and not considered at this meeting. A review of the letter will be appended to the Officers report when it comes before Planning Committee at the 26<sup>th</sup> April 2016 meeting.
3. The unanimous support of the committee to defer the application.

**AGREED** that the application is deferred to a future meeting.

**493**

**15/04472/FUL - 100, HIGH STREET, N14 6BN**

NOTED

1. Introduction by Kevin Tohill (Planning Decisions Manager), clarifying the proposals.
2. Letters were sent to 347 adjoining and nearby residents. Four responses were received which raised concerns, set out in the committee report.
3. The nearest residential properties are those at Leigh Hunt Drive, Bournside Crescent and Grange Gardens. The nearest blocks are at

**PLANNING COMMITTEE - 22.3.2016**

25-42 Grange Gardens approximately 20 metres away (north east of the site), Bournside Crescent approximately 20 metres away (north of the site) and 312-317 Leigh Hunt Drive approximately 50 metres away (south east of the site).

4. Members and officers attended a committee site visit on Saturday 19<sup>th</sup> March, 2016, viewing the site from the surrounding area and neighbours flat at 38 Grange Gardens.
5. Members' debate and questions responded to by officers regarding roof mounted equipment, screening measures for the closest residents and electric charge points.
6. It was recommended that planning permission be granted subject to a Section 106 agreement to secure highway contributions. Officers requested authority be delegated to Head of Development Control and Decisions Managers to finalise and agree the Section 106 and the minor changes to the condition triggers to allow for staggered submissions (prior to commencement of development above ground).
7. The unanimous support of the committee for the officers' recommendation.

**AGREED** that planning permission be granted subject to a Section 106 agreement to secure highway contributions, conditions set out in the report and the following:

1. Condition 6 including control relating to roof mounted equipment.
2. Condition added requiring mitigation measures for the closest residents.
3. Signing of Section 106 (authority delegated to the Head of Development Control and decisions managers).
4. Alterations to condition triggers to allow for staggered submissions (authority delegated to the Head of Development Control and decisions managers).

**494**

**16/00426/106REV - CHASE FARM HOSPITAL, THE RIDGEWAY, ENFIELD, EN2 6JL**

NOTED

1. The introduction by the Head of Development Management clarifying the proposals.
2. The application sought permission for a deed of variation in respect of the Section 106 agreement linked to the outline planning permission for the redevelopment of the Hospital which the Committee had previously considered leading to outline planning consent being granted.
3. The existing Section 106 agreement contained a number of obligations which limit the ability to occupy more than 69% of residential units before the transfers of land to a school provider and the school has been substantially commenced.
4. This application had been submitted to remove the link between the residential and the delivery of the school. The land had now been

**PLANNING COMMITTEE - 22.3.2016**

acquired by the Council as Education Authority. The delivery of the 3FE school and any risk associated with this is therefore mitigated through this direct control over the land. Also, as part of the application, Planning had received commitments from the Council as Education Authority to the scheme, together with timescales for the construction programme. It is considered that this timescale is appropriate to ensure educational need is met. The need is already being met at a temporary school (The Ridgeway at Suffolk's) which is delivering the current 1FE. A provision has been made should the construction programme not be delivered for alternative measures to meet the need.

5. The unanimous support of the committee for the officers' recommendation

**AGREED** that a deed of variation to the existing Section 106 agreement be agreed in principle and delegated authority be granted to the Head of Development Management/Planning Decisions Managers to issue the deed of variation subject to agreement on the wording of relevant definitions and clauses.

**495**

**15/02745/FUL - KINGSWOOD NURSERIES, BULLSMOOR LANE, ENFIELD, EN1 4SF**

NOTED

1. The introduction by Andy Bates (Planning Decisions Manager), clarifying the proposals.
2. Permission was sought for the redevelopment of the site and that the scheme is anticipated to be the first of a two-phase development. The second phase to include land to the north (Redgates Nursery).
3. Members' debate and questions responded to by officers, including access to and from the site, impact of additional traffic on roads which Enfield is the Highways Authority for, the height of the development, density issues, on site contamination, internal noise levels, green wall proposal and a condition for a communal satellite system.
4. The officers' recommendation was supported by the majority of the committee: 10 votes for and 1 abstention.

**AGREED** that subject to the completion of a Section 106 Agreement to secure the obligations as set out in Section 6.9 of the report the Head of Development / Planning Decisions Manager be authorised to grant planning permission subject to conditions set out in the report and the following additional condition:

"Development shall not commence until details for the provision of a communal television system/satellite dish have been submitted to and approved in writing by the Local Planning Authority. The development shall only be undertaken in accordance with the approved detail.

**PLANNING COMMITTEE - 22.3.2016**

Reason: In order to mitigate the possibility of numerous satellite dishes being installed on the buildings hereby approved in the interests of the visual appearance of the development, in particular, and the locality in general.

**496**

**15/05669/HOU - 29 AVONDALE ROAD, LONDON, N13 4DX**

NOTED

1. The introduction by Andy Bates (Planning Decisions Manager) clarifying the proposals.
2. Applications for development of this nature would normally be determined under delegated authority. However, the agent is retained by the Council's Building Control team for occasional work and thus in accordance with the scheme of delegation, this application is reported to Planning Committee for consideration.
3. Planning consent was sought for the demolition of the existing ground floor bay window on the rear of the existing back edition and erection of a single – storey extension that infills the gap between the primary building and back addition of the site.
4. The unanimous support of the committee for the officers' recommendation.

**AGREED** that planning permission be approved subject to the conditions set out in the report.

**497**

**15/05793/HOU - 29, AVONDALE ROAD, LONDON, N13 4DX**

NOTED

1. The introduction by Andy Bates (Planning Decisions Manager) clarifying the proposals.
2. Applications for development of this nature would normally be determined under delegated authority. However, the agent is retained by the Council's Building Control team for occasional work and thus in accordance with the scheme of delegation, this application is reported to Planning Committee for consideration.
3. Planning consent was sought for an extension of the roof at the side, to form a gable-end.
4. The unanimous support of the committee for the officers' recommendation.

**AGREED** that planning permission be approved subject to the conditions set out in the report.

**498**

**16/00034/HOU - 36, SOUTH LODGE DRIVE, LONDON, N14 4XP**

NOTED

**PLANNING COMMITTEE - 22.3.2016**

1. The introduction by Kevin Tohill (Planning Decisions Manager), clarifying the proposals.
2. A planning application of this nature would normally be determined under delegated authority. However, the agent occasionally works for the Building Control team within Development Management and in accordance with the scheme of delegation; the application is reported to planning committee for consideration.
3. The unanimous support of the committee for the officers' recommendation.

AGREED that planning permission be approved subject to the conditions set out in the report and the following additional informatives:

- Notwithstanding the nature of the certificate which accompanied your application, this decision notice is issued on the understanding that there are no rights of way over the common passageway to the side of your property that would be affected by the implementation of the permission unless the prior agreement of the adjoining owner/occupier has been obtained.
- Notwithstanding the nature of the certificate which accompanied your application, this decision notice is issued on the understanding that no gutters, footings or any other part of the development extends beyond the curtilage of the application premises, unless the prior agreement of the adjoining owner/occupier has been obtained.
- It is also noted that the extension will be rendered/treated to match the external finish of the existing dwelling and this requirement is emphasized in the conditions of this planning permission. However, this permission in no way conveys any authority to enter upon the neighbour's land to carry out works of construction or to render/treat the external walls of the extension. The applicant should, therefore, check to ensure that the neighbour will allow access for such work before commencing any construction. If access is refused, an alternative form of finishing material for the flank wall may need to be agreed with the planning department prior to any work on the extension commencing.

**499**

**FUTURE MEETINGS**

NOTED

1. It was unlikely that the provisional date of 3 May 2016 would be required.
2. The next meeting of the Planning committee would be Tuesday 26 April 2016.



## LONDON BOROUGH OF ENFIELD

### PLANNING COMMITTEE

**Date :** 26 April 2016

### ADDENDUM REPORT of

Assistant Director, Planning, Highways & Transportation

**Contact Officer:**

Andy Higham  
Andy Bates  
Mr S Newton

**Ward:** Grange

**Ref:** P13-03636PLA

**Category:** Householder Developments

**LOCATION:** 36 WALSINGHAM ROAD, ENFIELD, EN2 6EY

**PROPOSAL:** Subdivision of site and erection of 1 x 2 storey 4 -bed dwelling incorporating access to Walsingham Road.

**Applicant Name & Address:**

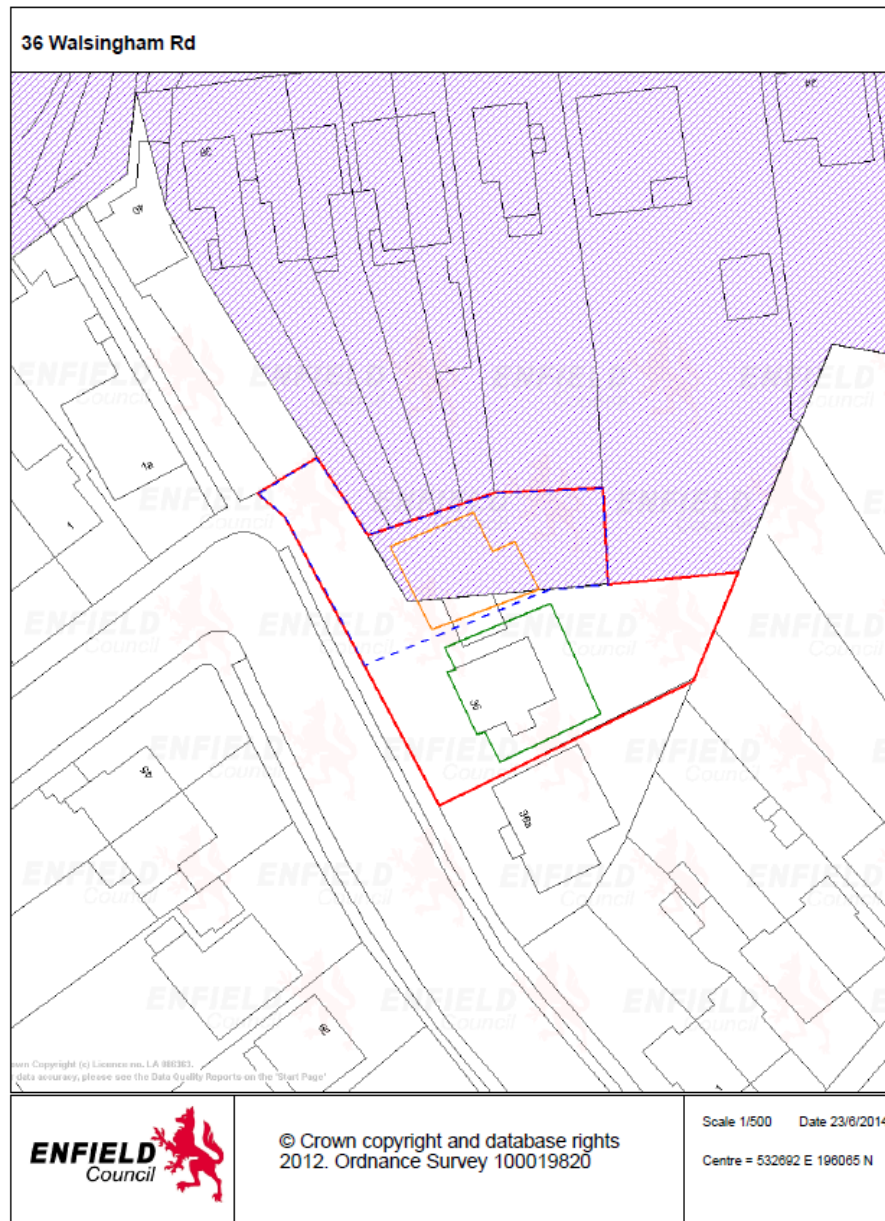
Mr Kevin Fitzgerald  
36, WALSINGHAM ROAD,  
ENFIELD,  
EN2 6EY

**Agent Name & Address:**

Andy Meader  
Pegasus Group  
Abbey House  
Grenville Place  
Bracknell  
Berkshire  
RG12 1BP

**1. Addendum Report**

- 1.1. The application is reported back to committee following its withdrawal from the March committee meeting due to the late receipt of a letter from Farrer & Co, acting on behalf of a group of objectors, the Essex Road Residents Association. Members are advised that this Addendum Report is provided in response to some of the points raised in the Farrer & Co letter circulated on 22 February 2016. Members are also advised that a separate letter has been issued to Farrer & Co by the Council’s legal department.
- 1.2. The significance of the previous High Court proceedings (that is the judicial review “JR”), as set out in para.6.11.1 to 6.11.4 of the Officer Report has meant that the Council must consider the application afresh. As set out at para.6.11.2 of the Report, the Council conceded Ground 1, therefore, as properly set out in the Report, the Court did not have to consider the remaining six Grounds, and the quashing order was made. An award of costs has no bearing on the [re]determination of the planning application.



- 1.3. Part of the application site is within the conservation area, this is not incorrect but a simple fact. In Image 1 provided above, the red line denotes the application site area and includes the existing house and the side garden upon which the proposed dwelling would be constructed. The blue dashed-line is the approximate proposed curtilage for the new dwelling. The green line is the approximate footprint of the existing dwelling (following implementation of the approved extensions). The orange outline is the approximate footprint of the proposed dwelling. The “red line” area amounts to a total site area of approximately 993.5sqm. Of this, approximately 252.4sqm falls within the conservation area (25.4%). Para 6.2.21 of the Report acknowledges that 57% of the proposed curtilage for the new dwelling will be inside the conservation area. With regard to the footprint of the proposed dwelling, approximately 80% of it will be inside the conservation area.
- 1.4. The 2011 Officer Report (TP/10/1386) for extensions to No.36 Walsingham, quoted from what was at the time, the recently refused 2010 scheme (TP/10/0818) for a new dwelling on the side garden. With regard to the 2010 refused scheme, the Officer had quoted directly from the Conservation Area Character Appraisal (“Character Appraisal”) but also appeared to not have regard to what has been identified as the “special interest” or the “problems and pressures” identified for the conservation sub-area (these are set out at paras 6.2.21 & 6.2.22 of the Report) or to the identified “key views” (provided in image following para.6.2.27 of the Report). The assessment of the importance of the garden was re-appraised for the current Report, having regard to the Character Appraisal, the Drury McPherson Report (“DMR”), the applicant’s Heritage Statement and the comments from the Conservation Officer, with justification for the change of opinion provided at paras.6.2.26 to 6.2.29. There is a general consensus between the DMR, the submitted Heritage Statement and the Conservation Officer that the side garden does not contribute to the significance of the conservation area. It is the opinion of Officers that the correct approach has now been adopted and that the independent advice is not flawed. Members are obviously able to draw on the expert professional advice, provided by both the Officers and the independent assessments of both the Applicants Heritage Assessment (specifically referred to at para.6.2.26, 6.2.28, 6.2.30 of the Report) and the DMR.
- 1.5. The Council’s approach to heritage considerations was the subject of the JR, not the DMR. The DMR was not discredited as a result of the quashing order. The opinions provided in the DMR were the opinion of an independent heritage consultant. Moreover, the views of the Conservation Officer have not been “tainted”. The Conservation Officer is supportive of the development but was objecting to materials proposed (e.g. uPVC windows in particular). Paragraph 203 of the NPPF advises that *“Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions”*. As set out in the Report, Officers are of the opinion that improvements to the materials proposed could reasonably be secured via conditions. With the agreement of the applicant, wooden fenestration is sought by condition (Condition 3). To seek greater clarity over the quality of the bricks and bonding proposed, Condition 6 has been proposed.
- 1.6. Advice to Members is not muddled<sup>1</sup>. The development will continue to preserve the identified special interest of the conservation area and at the same time, its setting is enhanced through the blocking of views towards Tower Point from some vantage points. It is further incorrect to imply that Officers have solely relied upon the DMR -

---

<sup>1</sup> There is, in any event, a difference in wording between the Listed Buildings Act and the NPPF (down to local policy) where the Act states: *“preserving or enhancing the character or appearance of that area”* (s.72); the NPPF and local policies refer to *“conserve **and** enhance”* (emphasis added)

Officers have had regard to full range of considerations including the DMR, the submitted Heritage Statement, the views of the Conservation Advisory Group (“CAG”), the Conservation Officer, the Enfield Town Conservation Area Study Group, and to all relevant policy, national guidance and legislation.

- 1.7. It is contended that the scheme referred to at Trent Lodge (ref: 15/05617/FUL) only involved a simple change of elevational details. This was but one element to the proposal for the conversion of the garages at the rear to provide staff accommodation and additional ancillary accommodation in the main property. Four reasons for refusal were provided. In addition to the first reason quoted by Farrer & Co, the remaining reasons related to:
  - The unacceptable fragmentation of the surviving historic settlement pattern of this part of the conservation area;
  - An unacceptable impact on neighbour amenity due to increased comings and goings to the rear of the site, beyond the established pattern of development; and
  - A failure to make any contributions towards necessary infrastructure.
- 1.8. One of the basic principles of planning is that each application should be assessed on its own merits and Officers would comment as follows:
  - The scheme at 36 Walsingham Rd is considered to satisfy all of the relevant policy, unlike that for Trent Lodge.
  - With regard Walsingham Road, the part of the site within the conservation area, historically belonged to No.28 Essex Road. The curtilage of 28 Essex Road was fragmented through the sale of No.28 Essex Road without the piece of garden and subsequent erection of boundary fencing. The development proposal does not further fragment the site. Moreover, the development proposal has been assessed having regard to the significance of the conservation area (and sub-area).
  - As set out in the Report, the development at Walsingham Road is considered to not unduly harm the existing amenities of the occupiers of the adjoining properties.
  - The scheme at Walsingham Road is making an appropriate level of contribution.
- 1.9. The Report at 6.2.35 does not state that the development will completely block views of Tower Point, only from certain vantage points. Para.6.2.27 confirms that from certain other vantage points, views into the CA will remain unchanged.
- 1.10. Officers would contend that the Report is not flawed but has addressed all of the relevant matters that were raised by the JR. Although it is acknowledged that mediation had been suggested previously, it is considered that mediation is not appropriate in this instance because the scheme before Members is what the local authority has been asked to determine, whilst objectors do not wish to see a two storey dwelling at the end of their gardens.

Ref: 15/04043/FUL LOCATION: Keble Preparatory School, Wades Hill, London, N21 1BG



Reproduced by permission of Ordnance Survey on behalf of HMSO. ©Crown Copyright and database right 2013. All Rights Reserved. Ordnance Survey License number 100019820

Scale 1:1250



This page is intentionally left blank