

**MINUTES OF THE MEETING OF THE PLANNING COMMITTEE
HELD ON TUESDAY, 28 SEPTEMBER 2010**

COUNCILLORS

PRESENT Andreas Constantinides, Kate Anolue, Ali Bakir, Yusuf Cicek, Dogan Delman, Ahmet Hasan, Ertan Hurer, Nneka Keazor, Dino Lemonides, Paul McCannah, Anne-Marie Pearce, Eleftherios Savva and George Savva MBE

ABSENT Toby Simon and Terence Neville OBE JP

OFFICERS: Bob Ayton (Schools Organisation & Development), Bob Griffiths (Assistant Director, Planning & Environmental Protection), Andy Higham (Area Planning Manager), John Hood (Legal Services), Steve Jaggard (Environment & Street Scene), Aled Richards (Head of Development Services) and Mike Brown (Team Leader - Conservation) Jane Creer (Secretary) and Kasey Knight (Secretary)

Also Attending: Approximately 30 members of the public, press, applicants, agents and their representatives.
Tony Dey, Vice Chairman of Conservation Advisory Group.
Councillor Martin Prescott.

309

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.

310

APOLOGIES FOR ABSENCE

NOTED that apologies for absence were received from Councillors Neville and Simon. In the absence of Councillor Simon, Councillor Lemonides acted as Vice Chairman.

311

DECLARATION OF INTERESTS

NOTED

1. Councillor Hasan declared a personal and prejudicial interest in application TP/09/1826 - 293-303, Fore Street, London, N9 0PD as he knew the applicant very well through business and fundraising activity.

PLANNING COMMITTEE - 28.9.2010

2. Having received advice from the Legal representative, Councillor Bakir declared a personal and prejudicial interest in application TP/09/1826 - 293-303, Fore Street, London, N9 0PD as he had submitted a letter supporting the application.

312

MINUTES OF PLANNING COMMITTEE 31 AUGUST 2010

NOTED that Councillor Keazor had been mistakenly recorded as absent though she had been present at the meeting.

AGREED the minutes of the meeting held on 31 August 2010 as a correct record, subject to the above amendment.

313

REPORT OF THE ASSISTANT DIRECTOR, PLANNING AND ENVIRONMENTAL PROTECTION (REPORT NO. 74)

RECEIVED the report of the Assistant Director, Planning and Environmental Protection (Report No. 74).

314

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.

315

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.

316

TP/07/1560/NM1 - PROPOSED NON MATERIAL ALTERATION RE EXTANT PLANNING PERMISSION FOR REDEVELOPMENT OF 110-112, ALDERMANS HILL, LONDON, N13 4PT (REPORT NO. 77)

NOTED

1. The three applications concerning the site at 110-112, Aldermans Hill listed on the agenda for this meeting would be discussed together, then considered in sequence.
2. The introductory statement of the Planning Decisions Manager, including the following points:
 - a. Apologies for the late item TP/07/1560/NM1 circulated on Supplementary Agenda No. 2, with the agreement of the Chairman. Due to the level of interest in the two applications reported on the main

PLANNING COMMITTEE - 28.9.2010

agenda, it was felt that this item should also be considered by Planning Committee in the interests of openness.

b. In October 2007 planning permission was granted for the demolition of the existing nursing home and erection of a 2-storey block of 10 x 2-bed self-contained flats with accommodation in roof space, front, side and rear dormers and parking to the rear.

c. The first reason for the decision to grant permission was that “the demolition of the existing building and the construction of a block of ten self-contained flats, by virtue of its external design and siting and the internal layout, would be in keeping with the existing street scene and the residential character of the surrounding area”.

d. Neither the permission or conditions formally specified the plan numbers.

e. The site previously contained a pair of 2-storey semi-detached Edwardian style buildings. The Character Appraisal for the Conservation Area described the original buildings as having a positive contribution to the character and appearance of the area.

f. When the Conservation Area was designated in February 2010 the requisite notices were published and letters sent out by recorded delivery, the letter for this site being returned undelivered.

g. A Section 80 counter notice under the Building Act was served to the Council and demolition took place in April 2010 and the site was now vacant.

h. The designation of the Conservation Area had placed a statutory requirement on the developer to secure Conservation Area Consent for the demolition of the original building.

i. The design of the replacement building accepted in 2007 was not of the standard required had the Conservation Area designation been in place at the time.

j. Amendments had been proposed to the design which significantly improved the development and which officers considered to have an acceptable form and appearance which would make a positive contribution to the character and local distinctiveness of the historic environment.

k. Concerns had been raised in relation to the Council's failure to prosecute the developer over the breach of planning control. Officers wished to advise that the issue had not been ignored and no decision had been taken at this time. There was no evidence that the breach was a deliberate act and it was important to take all factors into account, including the willingness of the developer to enter into dialogue with the Council.

l. The Conservation Area designation did not invalidate the planning permission granted in 2007, and that permission carried considerable weight.

m. Legal Counsel had confirmed that the gain in the replacement building was legitimate in this instance.

n. The three applications must each be considered in turn in the order TP/07/1560/NM1; TP/07/1560/MM1 and lastly CAC/10/0007, which was dependent on the acceptability of the replacement scheme.

PLANNING COMMITTEE - 28.9.2010

- o. Concerns of local residents had been taken into account, as well as the opinion of the Council's Conservation Team and the Conservation Advisory Group.
 - p. Counsel had been consulted on the procedure adopted and merits of prosecution and their view was one of support for the Council's approach.
 - q. If the three applications were agreed this evening, the option of implementing the scheme agreed in 2007 would be removed.
3. The advice of the Legal representative, including the following points:
- a. A written "Advice Note to Committee Members on the Non Material and Minor Material Amendment Applications" had been circulated.
 - b. The procedure to be adopted took account of recent changes in legislation.
 - c. The "first application" (TP/07/1560/NM1) was for the insertion of an additional condition listing the approved drawing numbers upon which the original permission was granted.
 - d. The "second application" (TP/07/1560/MM1) was to effectively replace the condition mentioned in the first application with a fresh condition requiring the external appearance and precise siting of the development to be constructed in accordance with a number of new plans which showed the developer's amended scheme.
 - e. The "third application" (CAC/10/0007) was a retrospective application for demolition of an existing building (the former nursing home) in connection with approved redevelopment of the site.
 - f. He reassured Members that the procedure was entirely lawful and was supported by guidance produced by the Department for Communities and Local Government. Also, opinion was sought from leading Counsel on the procedure and he has confirmed that the Council is taking the appropriate route.
 - g. The demolition of the former nursing home without Conservation Area Consent did not invalidate the original permission and unless it was amended, the Council could end up with a development that was undesirable in the Conservation Area. The approach being followed by the Council would ensure that the only implementable permission which could be built out was the amended 2010 development.
 - h. It was crucial that the three applications were determined in the correct order consequentially. If Members were minded not to accept the officers' recommendation for the first application then the second application would fall away and likewise for the third application if Members did not accept the recommendation in respect of the second application.
 - i. The first application was made pursuant to Section 96A of the Town and Country Planning Act 1990 and sought to insert an additional condition to the original permission listing the drawing numbers which formed part of the original application. Officers' opinion was that such an application could be considered as a Non Material Amendment since it inserted a condition that was already arguably part of the permission itself and reflected what were known to be the relevant drawings at the time. Members were advised that the acceptability of

the scheme contained in the second application was not to be considered here. If Members were minded to accept the officers' recommendation the Committee would move on to consider the second application.

j. The second application was made pursuant to Section 73 of the 1990 Act and could only be made as a consequence of the condition, which was the subject of the first application, being inserted in the original permission. Applications under Section 73 could only be made if there was a suitable condition which could be varied to achieve the aim of the Minor Material Amendment. This application, if approved, would have the effect of attaching to the original permission a condition which listed revised plans for the amended scheme. This would mean that the development would be built out with an external appearance that officers considered to be appropriate in the Conservation Area. It was considered that the amendment was one whose scale and nature resulted in a development which was not substantially different from the one already approved.

k. It was highlighted that the Council carried out consultation on a much wider basis than required in respect of the second application. This was considered appropriate given the level of public interest in this application.

l. Only if Members were minded to accept the officers' recommendation in respect of the second application, would the Committee be able to move on to consider the third application. This was because the application for Conservation Area Consent has been made on the basis of the revised 2010 scheme coming forward.

4. The Chairman had agreed that a deputation and response limited to a total of five minutes each would be accepted in relation to the three applications being considered in conjunction.

5. The deputation of Mr Andy Barker of the Fox Lane and District Residents' Association, and Mr David March of Improving Our Place Group, including the following points:

a. Fox Lane and District Residents' Association represented over 530 household members, and had submitted a 126 signature petition of objection.

b. The Residents' Association had worked for many years towards obtaining Conservation Area designation, and felt that it had been destroyed within two months.

c. Residents were pressing the Council to prosecute the developers who were riding roughshod over the rules.

d. It was important that the Council showed it was committed to dealing with such breaches in a professional way to maintain the confidence of residents.

e. Residents considered the consultation period to have been too short.

f. Mr March, a qualified architect, highlighted that it was a criminal offence to demolish a building in a Conservation Area without having

PLANNING COMMITTEE - 28.9.2010

obtained Conservation Area Consent. It was also necessary to obtain a Section 80 'counter notice' under the Building Act.

g. The Planners were told of the risk of demolition of these houses by a local resident on 30 March, via email.

h. The response on 7 April failed to note that Conservation Area Consent was needed for demolition; only that planning permission had been granted in 2007.

i. The Planners were told, by phone and email, when demolition started on 20 April, yet neglected to send an Enforcement Officer. On 30 April, following the intervention of the Director of Place Shaping and Enterprise, officers agreed that Conservation Area Consent was needed and the Enforcement Officer was sent.

j. Residents were advised by the Council that the demolition could not be stopped in law.

k. The application for retrospective Conservation Area Consent for demolition is deficient as no Design and Conservation Statement has been submitted; a national requirement.

l. The officers' report is deficient because it contains no explanation of the circumstances of the demolition of the buildings; there is no architectural description or assessment of the design of the buildings that existed on the site; and it does not refer to the statement in the Conservation Area Character Appraisal for the area the "No site within the Conservation Area is currently subject to development proposals, or vacant and available for development".

m. The Committee was urged to defer consideration of the application, pending a full report into the circumstances of the demolition and the submission of a Design and Conservation Statement.

n. However, if Members were minded to grant Conservation Area Consent, there should be a S106 agreement to keep the hoarding free from signage and graffiti until the development is completed.

o. On 27 May the Director of Place Shaping and Enterprise advised him that officers had informed the developer that the 2007 planning permission had fallen away. Yet, officers approved details of the 2007 scheme under delegated powers on 27 August, despite requests that all the applications should be reported together to the Planning Committee.

p. Officers were rushing the new design through the 'minor material amendment' procedure, when Government advice states that it is intended for dealing with minor changes only.

q. The changes are not minor and amount to a new scheme for which a full planning application should be required and could be challengeable. There is no Design Statement, which is challengeable in law. The building has been moved and breaches the Derwent Road building line – a major change. The external design is unrecognisable from the 2007 scheme.

r. The new design should be as good as the buildings that were illegally demolished. The proposal is not. The revised design is missing: the four ground floor bay windows; the first floor corbelled brick panels; and the step in the roof profile. Also: the corner turret, front window openings and oriels don't match the originals; a 'scraped'

PLANNING COMMITTEE - 28.9.2010

white render is not appropriate; and the dormers do not match the originals. This gives the building a pastiche-like appearance.

s. In addition: off-street parking for 10 cars is inappropriate; the front garden wall should match no. 120, Aldermans Hill; the refuse store should be relocated; all eaves lines should follow the main eaves line of the building; the two original front doors openings of the houses should be reinstated; and the proposed conditions were not tight enough to control the detailed design of the elevations.

t. The Committee was requested to defer the application and instruct officers to negotiate further revisions as above.

6. The statement of Councillor Martin Prescott, including the following points:
 - a. He appreciated the efforts made by all parties in the last few weeks, but this was “shutting the stable door after the horse had bolted”.
 - b. The demolition was an unlawful act, and the Council was very slow in doing something about it.
 - c. It was accepted that once demolition had started, it could not be halted as the building would be left unsafe, but it should not have been demolished in the first place. The paperwork which should have been submitted in law was not done.
 - d. It was not possible to determine one application without considering the others, and he suggested deferring any decision until the Council had the opportunity to ensure that everything was being done in accordance with the law.

7. The response of Mr Dean La Tourelle, Curl La Tourelle Architects, the Agent, including the following points:
 - a. They and the applicant had worked very consistently with officers towards the amendments to the development and felt this was a satisfactory solution to an unusual problem.
 - b. He could understand the anxiety and anger of the local residents, but it was important to understand other factors of this situation, particularly the developer’s intentions. They would be very good neighbours; one of the applicants will live in the accommodation and 60% would be held in trust for the applicant’s family.
 - c. They were doing everything possible to build what would meet the neighbours’ and Council’s aspirations.
 - d. Demolition had been carried out to stop squatters occupying the vacant building; not to frustrate the Council’s plans for the Conservation Area, and planning permission was already granted.
 - e. It was only after the demolition was done that the Council told them the site was in a new Conservation Area. Immediately on realising that a Conservation Area had been designated, the applicant recognised that raised new issues and worked with officers who took advice from the Conservation Advisory Group and objectors regarding the new appearance. Features from the former nursing home and house facades had been incorporated to make a positive contribution to the Conservation Area.

PLANNING COMMITTEE - 28.9.2010

- f. He urged the Committee to accept the applications and achieve a positive resolution to the building in the Conservation Area.
8. The Planning Decisions Manager's response to points raised, including:
- a. New guidance had been issued this year so that the requirement for a Design and Access Statement under Section 73 of the Town and Country Planning Act 1990 was lifted.
 - b. He understood concerns raised in relation to the Minor Material Amendment process, but could not ignore the material weight of the 2007 planning permission, which must influence the Council's approach. Legal Counsel also agreed that the procedure being followed was appropriate.
9. Tony Dey spoke on behalf of the Conservation Advisory Group (CAG) to amplify their comments set out on page 77 of the agenda pack. CAG deplored the unauthorised demolition of the building and was very concerned about any unauthorised demolition in Conservation Areas, but was grateful for the efforts of the Conservation officers in this situation. CAG was supportive of the proposed replacement building as it closely replicates the original and reflects the style of its robustly designed neighbours.
10. The comments of Mike Brown, Team Leader Conservation, including:
- a. The loss of the original buildings was regrettable, however it was accepted from a number of negotiations with the developers that this was a mistake and not a malicious act.
 - b. A number of new Conservation Areas had been designated and in every instance there were applications that pre-dated the designation and which had involved difficult decisions which the Council had to accept.
 - c. He acknowledged the efforts made by the developer and agent, and advised that the solution put forward this evening was satisfactory to all concerned; discharged the statutory duty to preserve or enhance the Conservation Area; was supported by most professionals; and was appropriate for the Council to support. He hoped it would then be possible to move on and that the Lakes Estate would go on to happier times.
11. In response to Councillor Hurer's queries, the Planning Decisions Manager confirmed that the email of 30 March referred to by the depute was received by the Planning Policy section, but his department was not made aware. He confirmed that procedures had now been changed so that messages were copied to the Planning Department to enable them to assess planning implications. The Chairman emphasised his hope that the measures put in place would ensure a similar situation would not happen again.
12. In response to Councillor Hurer's query whether that applicant was notified at the time of demolition that this was a Conservation Area, the

PLANNING COMMITTEE - 28.9.2010

Planning Decisions Manager advised that notification letters were returned from the address, which was understood to be squatted at the time.

13. Councillor Hurer referred to the deputies' request regarding measures to ensure the hoarding was kept free from signage and graffiti. Planning officers advised that any conditions needed to be enforceable by the applicant and in this situation they had no control over third parties. However, an arrangement could be agreed whereby the applicant would be notified and the hoarding cleaned within a set timescale.
14. Councillor Hurer suggested that the decision whether to proceed with a prosecution would be up to the Enforcement team and that objectors may wish to liaise with them. The Assistant Director, Planning and Environmental Protection, advised that a range of factors must be taken into account when considering whether prosecution was right and proper. He was not able to say anything at this meeting that may fetter the Council in its decision regarding any prosecution and could not give any indication at this stage what the Council's position would be.
15. Highlighting the objectors' concerns, Councillor Hurer asked about the merits of deferring any decision to discuss improvements to the design and consult further on the most recently revised plans. The Planning Decisions Manager advised that on the basis of the original plans for application TP/07/1560/MM1, CAG had raised no objection to the amendments. Concerns raised by residents had been picked up and the applicant had made further amendments. Officers considered that these had improved the scheme, and there was no requirement to consult further as they had improved the position.
16. In response to disruptive behaviour, the meeting was adjourned for five minutes then reconvened to continue in an orderly fashion.
17. In response to Councillor Lemonides' concern that this situation may set a precedent, the Head of Development Management drew attention to the extant planning permission, and that the Conservation Area designation did not invalidate the original permission. The scheme approved in the 2007 planning permission was not sustainable or of sufficiently high quality. The minor material amendment was a better scheme which would enhance the Conservation Area.
18. In response to Councillor G. Savva's further queries regarding any advantage which may be gained by deferring a decision, the Conservation Team Leader advised that Members may wish to propose a deferral to seek further improvements to the scheme. However he would recommend that the amended design was now acceptable, and advised that refusal would be unlikely to be supported by the Planning Inspectorate and would lead to more difficulties. There

PLANNING COMMITTEE - 28.9.2010

was extant planning permission and a potential danger of a break-down of the negotiated position with the developer, incurring the risk of implementation of the 2007 scheme. Therefore he recommended that the Committee did not defer a decision, and recommended that this solution was satisfactory.

19. The Head of Development Management highlighted that the first issue to resolve was in relation to the additional condition, as ratified by Counsel advice, and then Members would be able to go on to consider the acceptability of amendments to the scheme.
20. Further to this advice on the procedure, Councillor Hurer confirmed that he may put forward a proposal for deferral in due course but not at this stage.
21. Members voted unanimously in support of the officers' recommendation.

AGREED that the proposed non material amendment be agreed and the additional condition specifying the original plan numbers be inserted as follows:

The development hereby permitted shall be carried out in accordance with the following approved plans: 794/PL 002 Rev A, 794/PL 004 Rev B, 794/PL 006 Rev B, 794/PL 007 Rev A, 794/PL 008 Rev A, 794/PL 009 Rev A, 794/PL 010 Rev A and 794/PL 011 Rev A.

For the reason set out in the report.

317

TP/07/1560/MM1 - 110-112, ALDERMANS HILL, LONDON, N13 4PT

NOTED

1. The verbal introduction by the Planning Decisions Manager, including the following points:
 - a. The application sought to change the elevations and external appearance of the scheme approved by the 2007 planning permission.
 - b. Since the publication of the report, an additional 10 letters of objection had been received. These raised all or some of the following points:
 - Impact on Conservation Area
 - outrageous plans that should be rejected because of the damage they would inflict on the amenity and enjoyment of adjoining house and garden;
 - development should never have been approved when designation of Conservation Area was imminent;
 - the developers existing consent should be rescinded and new plans submitted which are more appropriate to 1 Derwent Road and the wider Conservation Area;

PLANNING COMMITTEE - 28.9.2010

- original building contained "all original features in tact";
- the design of the building is like a pastiche of Edwardian style;
- the replacement building must look exactly like the original building;
- there is inadequate detail on the elevations including projecting brick panels around windows, inappropriate rendering, the absence of original oriole windows;
- design involves an oversized caricature of original turrets, the eaves of which do not respect eaves of original building and absence of sloping roof to dormer windows which remain of poor design;
- there should be greater use of leaded lights and stained glass windows;
- front door detail should reflect original and the proposed ground floor units should have their own front doors off the street in the original positions rather than via a communal hallway;
- strong objections to unacceptable parking and refuse storage arrangements are unacceptable as both elements could have been moved well away from the boundary;
- the proposals fall significantly short of replicating the original design of the facades of the houses that stood on this important site within the Conservation Area;
- Planning Committee must halt this outrageous degradation of the Conservation Area;
- the development will harm the Conservation Area;
- object to any development on the site which does not include restoration of a front elevation facsimile of the original;
- replacement proposals should bring characteristics to the Conservation Area to at least match the quality of the original especially those elements that were strong identifiable features of the original building;
- it is important that the block between Ulleswater Road and Derwent Road has a complete row of large houses with consistent scale and detailing which make a coherent period composition and a distinctive view from Broomfield Park;
- replacement development should not go ahead without strict criteria being applied;

Process

- how can it be a minor amendment when the proposals involve a new elevation with a completely different façade and on a completely different footprint;
 - Council officers have shown bias in favour of the developer against the Conservation Area and have not followed proper procedures in dealing with these changes;
 - no design and access statement has been submitted;
 - plans do not show sufficient detail;
 - a fresh new planning application should be sought;
 - the use of the minor material amendment process in this instance is inappropriate.
- c. Receipt of a petition of 128 signatures objecting to the demolition and the fact that the architectural design of the 2007 scheme is out of

PLANNING COMMITTEE - 28.9.2010

keeping with and detrimental to the appearance of the Conservation Area.

d. Receipt of a letter from The Enfield Society. The Society comments that the design which replicates to a considerable extent the appearance of the demolished pair of houses is a welcome improvement. Subject to the colour of the pebbledash at first floor matching that of neighbouring houses, the Society raises no objection.

e. Receipt of a letter from Southgate and District Civic Trust. The Trust comments that it considers the alterations to the external appearance now to be in keeping with the character of the Conservation Area.

Timber windows and doors, roof tiles and brickwork to be as the original and surrounding properties are what the Group would expect.

f. Amendments to the report: Paragraph 2.1 should read "Planning permission is sought in respect of proposed alterations to the design and external elevations of the approved 2007 scheme" and at Paragraph 2.2 (second line) it should refer to "Conservation Area Consent" rather than "minor material amendment".

g. In response to CAG's comments and a number of concerns raised by residents, a number of additional details in a revised plan was received on Friday from the applicant. The revised plan shows:

- brick surrounds to first floor;
- amendment to proportions of all windows;
- oriels have been amended to reflect those of the original building;
- sloping roof introduced to front dormers.

The architects for the scheme had also confirmed that:

- the brickwork will be Flemish bond;
- use of pebbledash at first floor.

h. A number of additional conditions were proposed, to require large scale drawings; confirmation of first floor elevations and brickwork finish; and detail for the design of the front door.

2. Councillor Hurer's concerns that with revisions received at this late stage, it was difficult to assess whether they addressed all the concerns of local residents. However, he welcomed the conditions put in place.
3. In response to Councillor Hurer's re-iteration of residents' request to prevent graffiti and signage defacing the hoardings, officers confirmed that the Council had adequate powers to remove this in a short period of time, and that a condition would be inappropriate, but a directive would be imposed to remind the developer of the desire to keep a clean site.
4. In response to Councillor E. Savva's queries regarding the car parking provision for the development, the Planning Decisions Manager advised that parking was considered at the time of the original 2007 planning application and that this application was limited to the external appearance of the development. As the extant planning permission did approve parking at the rear, that remained.

PLANNING COMMITTEE - 28.9.2010

5. Members voted in support of the officers' recommendation 7 for and 2 against with 3 abstentions.

AGREED that planning permission be granted, subject to the conditions set out in the report and additional conditions below for the reason set out in the report.

Additional Conditions

- All new fenestration and joinery shall be constructed of timber in accordance with large-scale joinery details scale 1:20 including cross section details of the window opening to show brick surround detailing to be submitted to and approved in writing by the local planning authority prior to installation.

Reason: To ensure a satisfactory appearance to the development and to preserve the special character and appearance of the Conservation Area.

- The first floor of all elevations of the development hereby approved shall be finished in pebbledash in accordance with details shown on Drg No 794a/PL07A to be agreed by the local planning authority prior to application of finish.

Reason: To ensure a satisfactory appearance to the development and to preserve the special character and appearance of the Conservation Area.

- The brickwork for the development hereby approved shall be constructed using Flemish bond.

Reason: To ensure a satisfactory appearance to the development and to preserve the special character and appearance of the Conservation Area.

- Detail for the design of the front door shall be submitted to and approved in writing by the local planning authority prior to installation.

Reason: To ensure a satisfactory appearance to the development and to preserve the special character and appearance of the Conservation Area.

318

CAC/10/0007 - FORMER BROOMFIELD PARK NURSING HOME, 110-112, ALDERMANS HILL, LONDON, N13 4PT

NOTED

PLANNING COMMITTEE - 28.9.2010

1. Receipt of an additional 61 letters of objection, making a total of 108 letters of objection. The additional comments raised all or some of the following concerns:
 - demolition occurred without first obtaining the necessary consent;
 - all breaches should be penalised. Failure to do so undermines the Conservation Area and credibility;
 - establishes precedent for developers not to adhere to regulations;
 - wholesale demolition should not be permitted;
 - all alterations should be strictly controlled;
 - all developers are out to make a profit;
 - identified as making a positive contribution to the Conservation Area in the Character Appraisal;
 - loss of architecturally interesting Edwardian buildings;
 - existing buildings important to the character and appearance of the Conservation Area;
 - contrary to advice in PPS5;
 - amended scheme does not represent acceptable development for the Conservation Area.
2. Receipt of a petition of 128 signatures objecting to the demolition and the fact that the architectural design of the 2007 scheme is out of keeping with and detrimental to the appearance of the Conservation Area.
3. An amendment to the Condition to insert at the end of the first sentence "unless otherwise agreed by the local planning authority".
4. Members voted in support of the officers' recommendation, 7 for and 1 against, with 4 abstentions.

AGREED that conservation area consent be granted subject to the condition set out in the report, for the reason set out in the report.

319

TP/09/1826 - 293-303, FORE STREET, LONDON, N9 0PD

NOTED

1. Having declared a personal and prejudicial interest in the application, Councillor Hasan left the room and took no part in the discussion or vote.
2. The Chairman agreed to Councillor Bakir's request to remain in the meeting to speak then to leave the room and take no part in the discussion or vote.
3. The introduction of the Planning Decisions Manager. The key point was highlighted as the relationship with the adjacent residential property site already granted planning permission and where construction was underway.

PLANNING COMMITTEE - 28.9.2010

4. Receipt of an additional letter of objection from Councillor Stafford, emphasising the inward investment. Though there were parking issues, the development was needed for active engagement with the community. Councillor Stafford had queried the lack of Police comments, but it was clarified that those would normally be picked up in the licensing process rather than planning.
5. The deputation of Mr David Snell and Mr Ian Dix, acting for the applicant, including the following points:
 - a. There was a recognised demand for such a facility, but the report made no reference to the social and economic contribution the development would make.
 - b. The development would be mixed use, would be highly sustainable, and would provide valuable employment opportunities.
 - c. The facility would make use of the existing ramp. If that use was considered to have a detrimental impact on residents it would seem to preclude any re-use of the building.
 - d. There had been no assessment of the residential development in respect of this application site, or of the amenities of future residents.
 - e. At the time of approval of permission for the adjoining residential site, this site was vacant.
 - f. The proposals had been substantially amended to address parking issues, and one banqueting hall had been removed and the number of customers reduced.
 - g. The residential impact was not raised as a concern until July 2010. In order to address it, the applicant was willing to consider solutions such as moving the access ramp or entering into a S106 agreement and an offer had been made in relation to a valet service, but officers had not accepted further amendments to the application.
 - h. Technical matters could be addressed and dealt with by condition.
 - i. Ian Dix spoke as the advisor on highways and transport issues.
 - j. Discussions had been held with officers and additional information provided in support of the proposal. The only objection from transportation officers now concerned the level of parking.
 - k. There was a mix of uses proposed and the parking concerns were only in respect of the banqueting hall.
 - l. The maximum capacity was limited to 400 for all uses on site.
 - m. The café would be modest, and parking provision would be in accordance with the UDP; across the borough many cafes had no parking at all.
 - n. There were 92 spaces on site, which equated to 1 space for 4.3 guests if at full capacity. This was comparable to other similar examples, and no standards were set out in the UDP or London Plan.
 - o. The applicant had now secured a lease on a nearby property to provide a further 30 parking spaces and was negotiating to secure a further 33 spaces.
 - p. Their surveys showed that within 5 minutes' walk there were 71 parking spaces that could be safely used.

PLANNING COMMITTEE - 28.9.2010

6. The statement of Councillor Bakir, including the following points:
 - a. He was aware of local demand from his constituents for such a facility.
 - b. He dealt with similar venues many times a year when organising events and many of them did not provide that many parking spaces.
 - c. He did not agree that parking would be insufficient as the facility would be used mostly by local people from the Turkish/Kurdish communities for family events and they would walk or travel 4 or 5 people per car, or if drinking would prefer to take taxis.
 - d. He had looked on the internet at similar venues for comparison across London and seen that facilities with a similar amount of parking provision had been granted a licence.
 - e. Current economic times were tough, and he could not see a good reason to refuse this proposal when it would provide employment to maybe 60 people.
7. Having declared a personal and prejudicial interest in the application, Councillor Bakir then left the room and took no part in the discussion or vote.
8. The Planning Decisions Manager's confirmation that officers had acknowledged the demand for such a facility, and the Planning Committee had approved a number of such developments, some on industrial estates.
9. The Planning Decisions Manager highlighted that there was an existing level of use associated with the former car sales and service workshop, but of a different pattern. The main use of the proposed development would be in the evenings and night time.
10. The advice of the Section Manager Transportation Planning, including:
 - a. There was not a lot of hard evidence available of parking demand for such uses, but they were clearly better located where there was more parking / town centres.
 - b. It was inevitable that parking would happen on surrounding residential streets, where there was not a surplus of on-street parking.
 - c. There was already considerable pressure in surrounding streets; at the local Area Forum residents had called for a CPZ.
 - d. There was public transport on Fore Street, but not to the extent to make a meaningful contribution to deal with large numbers leaving at midnight.
 - e. Officers were happy to explore solutions with the applicant, but were still dealing with a venue with a capacity for 400 customers and up to 50 staff.
 - f. He confirmed that the figures quoted in para 6.4.5 of the report were based on the information provided by the applicant.
11. In response to Members' request for clarification, the Planning Decisions Manager confirmed that three responses were received from

PLANNING COMMITTEE - 28.9.2010

the public, from three adjacent properties. There had been adequate consultation and the correct number of people were informed.

12. In response to Councillor Hurer's queries in relation to the planning permission approved for the adjacent residential site, the Planning Decisions Manager advised that it was not possible to impose conditions that would affect a neighbouring site. When assessing the residential scheme, at the time there was a level of use associated with the car showroom and workshop, but officers' concern related to the rooftop car parking area, and that use would change with much more activity likely in the evening, at the time when residents would expect to enjoy less noise in the area.
13. In response to Councillor Hurer's queries regarding the applicant's willingness to secure additional off-site parking spaces, the Section Manager Transportation Planning confirmed that there was discussion of off-site valet parking, but officers had concerns about its endurance for the facility's lifetime, and its enforceability and whether people would be happy to use such a service. It may be possible to impose a legal agreement rather than a condition, but customers could not be forced to use the valet parking.
14. Councillors Anolue, Constantinides and G. Savva's concerns that local residents would suffer noise and disturbance from customers of the facility, in what was a residential area. It was highlighted that local people already suffered parking problems, particularly on Tottenham Hotspur match days, and at the end of events if people also had to walk some distance to their cars, noise nuisance was almost inevitable.
15. Councillor Cicek's comments that in his experience he understood this facility would serve families and host wedding parties and could not be compared to a nightclub. He calculated that the parking provision would be sufficient for its use. He also believed that many customers would leave before 10.00pm.
16. Councillor Delman concurred that the facility would be used by local families who would travel together and would be likely to leave earlier than midnight. He also highlighted that the housing development site used to be a public house so there was a precedent.
17. The Planning Decisions Manager confirmed that the figures quoted that 60% of guests would arrive by car and 20% by taxi were provided by the applicant. It was also recorded that at the local Area Forum, local residents raised on-street parking as a severe issue, and it would be a concern if that was exacerbated.
18. In response to Councillor Delman's assertion that noise and disturbance could not be assessed or be a material consideration as the facility had not yet been built, the Planning Decisions Manager

PLANNING COMMITTEE - 28.9.2010

confirmed that there was a need to safeguard the amenities of future residents.

19. Councillor E. Savva's comments that there had previously been a banqueting hall nearby which had operated for some time. He also drew attention to the local continuous traffic noise and late opening shops from the North Circular Road to Hertford Road.
20. Councillor G. Savva highlighted the anti-social behaviour linked to other banqueting halls, and the concerns of the local Area Forum attendees.
21. In response to Councillor Lemonides' queries about any potential appeal, the Head of Development Management advised that a Planning Inspector would balance the issues, but it would be very unlikely that economic issues would outweigh amenity problems.
22. In response to Councillor Hurer's further queries in relation to potential screening to lessen noise and headlight disturbance from the car park, Planning officers confirmed that the car park was on the roof area and there would be some degree of disturbance associated with this application. Any mitigation would have visual implications. This application had been with the Authority for nearly a year and negotiations had been held with officers to try to mitigate concerns. He would suggest the best course of action may be for the applicant to put in a new application and if it was re-submitted within six months no fee would be payable.
23. Councillor E. Savva's opinion that the proposal would enrich and develop Edmonton and make it a better place to live.
24. Councillor Delman's proposal, seconded by Councillor E. Savva, that the officers' recommendation be rejected, which was not supported by a majority of the Committee, with 5 votes for and 6 against.
25. A vote to accept the officers' recommendation was supported 6 to 5 by the Committee.

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

320

LBE/10/0029 - 22, CARPENTER GARDENS, LONDON, N21 3HJ

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

321

LBE/10/0038 - MAIN BUILDING, GALLIARD PRIMARY SCHOOL, GALLIARD ROAD, LONDON, N9 7PE

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

322

TP/10/0916 - ST MATTHEWS C OF E PRIMARY SCHOOL, SOUTH STREET, ENFIELD, EN3 4LA

NOTED the support for the project from the Education Department.

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

323

TP/10/0945 - CUCKOO HALL PRIMARY SCHOOL, CUCKOO HALL LANE, LONDON, N9 8DR

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

324

TP/10/1140 - HONILANDS PRIMARY SCHOOL, LOVELL ROAD, ENFIELD, EN1 4RE

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

325

COUNCILLORS' GUIDE TO THE PLANNING SYSTEM

NOTED

1. The Head of Development Management had prepared guidance as a reference document to help Members and set out procedures and protocol.
2. Members were invited to forward any comments to Aled Richards.
3. The guide would be considered further by the Governance Working Group and recommended to full Council for agreement.

326

APPEAL INFORMATION

NOTED the information on town planning appeals received from 18/08/2010 to 08/09/2010.

