

**MINUTES OF THE MEETING OF THE PLANNING COMMITTEE
HELD ON THURSDAY, 16 DECEMBER 2010**

COUNCILLORS

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

ABSENT Kate Anolue and Ali Bakir

OFFICERS: Bob Ayton (Schools Organisation & Development), Linda Dalton (Legal Services), Bob Griffiths (Assistant Director, Planning & Environmental Protection), Andy Higham (Area Planning Manager), Steve Jaggard (Environment & Street Scene), Aled Richards (Head of Development Management) and Debbie Addison (Legal Services) Kasey Knight (Secretary), Sandra Bertshin (Secretary) and Jane Creer (Secretary)

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

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WELCOME AND LEGAL STATEMENT

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

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APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Anolue and Bakir.

614

DECLARATION OF INTERESTS

NOTED

1. Councillor Simon declared a personal interest in application TP/10/1335 – 10, Saville Row, Enfield, as he had advised residents of the deputation process.

2. Councillors Constantinides and Prescott declared a personal interest in application TP/10/1128 – 73, Trent Gardens, London, as they had both attended annual barbecues at the Care Home in the past.

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MINUTES OF PLANNING COMMITTEE 23 NOVEMBER 2010

AGREED the minutes of the meeting held on Tuesday 23 November 2010 as a correct record.

616

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).

617

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.

618

TP/10/1336 - 8, UPLANDS WAY, LONDON, N21 1DG

NOTED

1. The deputation of Mr Anthony Boother, neighbouring resident including the following points:

- a. He lived at number 6 Uplands Way adjoining the nursery.
- b. He was speaking on behalf of the residents of Uplands Way and the immediate area who had registered an objection in respect of the proposal.
- c. This Committee approved a proposal to increase the number of children attending the nursery from 15 to 20 just over a year ago. At that time, there was no suggestion that the storage provision at the premises was inadequate to meet the needs of this number of children.
- d. He felt that the applicant should have revealed the full implications of the application to increase the number of children attending the nursery so that the Committee and nearby residents could have judged the full impact of the proposal on the amenities of the residential area as the Committee may have turned the original application down knowing the full implications.
- e. He concluded that the drip-feeding of planning applications was a calculated move by the applicants to achieve their ambitions by stealth.
- f. He emphasised that the only part of this residential property which was permitted for use of a day nursery was the large ground floor through room for use of the children and a dedicated smaller room for use by staff only, together with shared use of ground floor communal areas. He estimated that

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the useable space in the larger room was not adequate to meet OFSTED legal space requirements for 20 children.

g. OFSTED guidance states "Within this space, provision should be made (space or partitioned area) for children who wish to relax, play quietly or sleep, equipped with the appropriate furniture. This may be converted from normal play space providing children can rest and/or sleep safely without disturbance. In addition to the area per child stated in the requirements, there should be space within the premises to store children's records, toys and personal belongings. There should also be sufficient space to use and store specialist equipment needed for example, by disabled children." All this needs to be accommodated within the permitted area.

h. The space required for 20 children and their related storage needs is not available within the permitted area and this must have been known and, indeed, should have been disclosed when permission for more children was sought.

i. It would appear that there was unauthorised use of the garage at the premises for storage of nursery equipment even before the increase in the number of children permitted from 15 to 20 was approved. He understood that the owners had been instructed by the Planning Department to move the equipment to an authorised space. He felt that the 2 permitted rooms inside the house for nursery use were inadequate to provide the required storage space for existing equipment and together with the additional requirement created by a 33% increase in children, space has needed to be found elsewhere on the premises.

j. The building of an extension would not be an option as it would visibly increase the proportion of the premises used for commercial purposes, so this proposal for a large shed has been submitted as, he believed, an 'extension-by-stealth'.

k. The submitted plans show the floor area of the shed to be 8.5sqm which is proposed increase of approx 12.5% in space occupied by the nursery, a very significant increase in the nursery footprint.

l. The 26 objectors to the application believe it to be an unacceptable increase in the proportion of the premises used as a nursery or commercial premises rather than aesthetic concerns. There are no letters of support for this scheme.

m. He concluded that if the shed were being erected for normal domestic use this would not be an issue. He felt that this was a blatant proposal to extend the nursery.

2. The response of Miss Kelly Coutinho, the applicant's representative, including the following points:

a. An application of this nature for residential use would not usually be determined by the Planning Committee.

b. Consultation letters had been sent to 63 neighbouring properties, only 13 responses had been received. 1 letter raised no objection.

c. The proposed shed would have no visual impact to the street scene. She provided a list of objectors to the application, and highlighted that 12 of those would have no clear view of the proposed shed. The closest neighbour (at 69 Langham Gardens) had raised no objection.

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- d. She felt that there was a feeling of animosity towards the nursery. Residents had complained to OFSTED and the Council on numerous occasions. All complaints had been investigated. Both OFSTED and the Council were satisfied that the nursery was operating well.
 - e. This application was not for an extension of the nursery, the internal rooms accommodated 22 children and could house more.
3. Concern of Members that the applicant's 'drip feed' approach was to achieve an extension to the nursery.
4. In response to a question about illegal storage, officers advised that they were not aware of any enforcement issues.
5. Confirmation of the School Organisation and Development Officer that the Early Years Team supported the proposed application and was satisfied that the nursery was operating correctly.
6. Councillor Savva moved to accept the officers' recommendation of approval, seconded by Councillor Simon. A vote was taken; 10 votes in favour of accepting the officers' recommendation of approval, 2 votes against and no abstentions.

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

619

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

NOTED

1. The deputation of Mr Anthony Boother, neighbouring resident, including the following points:
- a. He lived at number 6 Uplands Way adjoining the nursery.
 - b. He was speaking on behalf of the residents of Uplands Way and the immediate area who had registered an objection in respect of the proposal.
 - c. This Committee approved a proposal to increase the number of children attending the nursery from 15 to 20 just over a year ago. At that time, there was no suggestion that the existing conditions of use of the garden for outdoor play activities would be inadequate. The applicant had assured officers that no additional time in the garden would be requested as the children were taken out for 1 hour daily walks and staffing was adequate to do this.
 - d. The applicant should have revealed the full implications of that application so that the Committee could have judged the full impact of the proposal on the amenities of this planning application.
 - e. It appeared that the drip-feeding of planning applications in this way was a calculated move by the applicants to achieve their ambitions by stealth.
 - f. On 30 November 2009, a member of this Committee led the applicants by suggesting that they should submit an application to increase garden use at a later date effectively endorsing the applicants' plan not to reveal their full intentions on the future operation of the nursery when submitting an

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application to increase the number of children. Advising this was inappropriate and we trust that they will not be voting on this proposal.

g. He was looking forward to the day when he could enjoy his garden on a more regular basis. He felt that this proposal effectively moved the nursery operation into the garden to lessen the pressure on the restricted internal space and would result in a significant increase in disturbance.

h. The applicants proposed a 2 hour window in the morning and the same in the afternoon at their discretion. For a potential of 4 hours a day his garden would be blighted by the activities of a commercial business being allowed to function in a residential area.

i. Para 6.11 stated that the garden was of reasonable size that would permit play in areas away from the boundary. He felt that this acknowledged that there would be a considerable degree of doubt that the proposal would not cause undue disturbance to adjoining residents.

j. He questioned how the increase in noise could be modest when doubling the number of children and the amount of time in the garden.

2. The response of Miss Kelly Coutinho, the applicant's representative, including the following points:

a. She provided a list of properties operating commercial businesses in Uplands Way.

b. The children were of a young age and would be supervised in the garden for structured outdoor activities. The activity use was not akin to a school playground use.

c. This application represented possibilities to further improve a service and provide flexibility when there was inclement weather. The nursery was operating to a high standard.

d. The nursery was a well used facility running with a waiting list.

e. There would be no increase in floor space or use.

f. The staged planning applications were because the applicant had been unclear about the demand and was due to natural progression of a successful nursery.

g. A Member of the Planning Committee at a previous meeting had suggested that a further application could be made regarding garden use hours.

3. Officers' clarification that the proposal was for use of the garden for a maximum of 2 hours a day, 1 hour between the hours of 10.00-12.00 and 1 hour between the hours of 14.00-16.00.

4. Suggestion of officers that if Members were so minded, planning permission could be granted on a temporary basis for 9 months to enable officers to reassess the application in September following the summer months.

5. Discussion of Members in relation to the planning history and the weight given to previous discussions relating to outdoor play. Councillor Simon acknowledged that he had spoken at Planning Committee on 30/11/09 suggesting that such a further application could be made. Councillor Neville

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had discussed and objected to previous applications relating to this site, but had taken no part in determining those applications nor had made comments in respect of this application. Neither Member felt they had expressed a view that they thought would be considered as having predetermined this application.

6. Legal advice was provided with regard to public perception of predetermination and declarations of interest.
7. Officers recognised concerns but that on balance recommended that the application be approved.
8. Officers confirmed that Environmental Health had received no complaints to date and that the use of the garden was considered appropriate and within the policy guidance.
9. Members' further concerns with regards to possible noise and disturbance. Members noted the need for flexibility while balancing interests of children and residents. Members were concerned that the flexible time slot would be difficult to enforce.
10. Officers confirmed that a condition relating to time could be enforced.
11. Members discussed the possibility of deferring the application in order for discussion to be had with the applicant on pursuing an alternative timing for use of the garden. A vote was taken on deferral to pursue an alternative timing which was rejected 7 votes to 6 votes.
12. A vote was taken on the officers' recommendation. On request, the names were recorded as follows:
Votes were recorded for the proposal to agree the recommendation from Councillors Simon, Cicek, Hasan, Keazor, Lemonides, Savva and Constantinides and votes against from Councillors Delman, Hurer, McCannah, Neville, Pearce and Prescott.

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

620

TP/10/0491 - 28 AND 28A, SLADES HILL, ENFIELD, EN2 7EE

NOTED

1. Introduction by the Head of Development Management with particular advice in relation to the extant planning permission.
2. Receipt of an additional letter of objection from local residents, read out by the Head of Development Management, with particular reference to invasion of privacy, density and that the proposed development would have a detrimental affect to the street scene.

3. The deputation of Mr John Davies, on behalf of Enfield Society, that consideration be given to increasing the width of the footway to improve safety for pedestrians and suggestion that the boundary line be moved back by 2-3 feet for Transport for London to erect a bus shelter. He suggested that this be secured through a section 106 agreement. Mr Davies noted that Traffic and Transportation had not commented on the issue of the bus stop.
4. The response of Mr Graham Fisher, of GF Planning, on behalf of the applicant, including the following points:
 - a. A financial contribution of £13,115 towards education had been agreed by the applicant.
 - b. His clients were not opposed to incorporating a dedication of land within the application site to the highway to increase the width of the footway in principle. This would need to be explored but that was not considered necessary as officers had not considered it necessary.
 - c. The development would make a positive contribution to increasing London's supply of housing.
 - d. The revised scheme would improve the physical relationships to neighbouring occupiers.
 - e. He reinforced that the proposed green roof was not for recreational purposes.
5. Clarification of amenity space provision.
6. In response to Members' queries, officers' confirmation that it was not considered necessary for windows on the eastern flank elevation to be obscure glazing as they would look directly onto the blank wall of the adjoining development.
7. Advice of the Traffic and Transportation officer that there would be sufficient scope to create an adequate footway and advised that inclusion of a bus shelter would be considered by Transport for London.
8. Members voted unanimously in support of the officers' recommendation.

AGREED that planning permission be granted subject to the securing of a Unilateral Undertaking for an education contribution as outlined in section 4.2 of the report; officers investigating the width of the footpath and the provision of land for a bus shelter and the need for land to be set aside and secured for the future from within the development to address any necessary improvement, and subject to conditions set out in the report, for the reasons set out in the report.

621

TP/10/1335 - 10, SAVILLE ROW, ENFIELD, EN3 7LD

NOTED

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1. Introduction by the Planning Decisions Manager with particular advice in relation to the location, parking and access.
2. Receipt of an additional plan which showed the subdivision of the garden allocated to the proposed dwelling: this entailed providing an area of 50sq.m for the existing dwelling. This increased amenity space to 84sq.m (GIA 66).
3. Page 111 paragraph 6.2.1 2nd line to read 200 not 2000 and 4th line to read 200 not 250.
4. The deputation of Dr Edward Andrews, local resident, including the following points:
 - a. The development would not be in keeping with the character of the existing properties and the density levels would fall above the recommended amount.
 - b. The narrowness of the site meant that the proposal would be an over-development, unsuitable in respect of its size, design and situation to adjoining properties, harmful to neighbours' amenities and the character of the area.
 - c. There were a number of developments in the vicinity which would have a great impact on the overall area.
5. The deputation of Mr Michael Broderick, local resident, including the following points:
 - a. He was speaking on behalf of other Saville Row residents.
 - b. The cottages were over 100 years old.
 - c. The proposed ground floor extension would project to the rear 3.09m in depth, contrary to policy recommendation of 2.8m.
 - d. The recent changes to legislation removed garden land from the definition of brownfield sites.
 - e. Clarification was sought on parking arrangements as it appeared inadequate.
6. The response of Mr Nick London, the applicant, including the following points:
 - a. He was developing the property for his daughter and grandson.
 - b. Parking was on a first come first served basis.
 - c. The proposed development would comply with all policies.
7. The advice of the Planning Decisions Manager in response to points raised, clarifying the calculation of amenity space and that the proposal would retain and restore an existing property, and would include provision of a 3-bed dwelling and therefore both dwellings would have an appropriate level of amenity space. Density figures were guidance and consideration needed to be given to whether the proposal integrated with the area.
8. In response to a question about noise and disturbance arising from construction, officers advised that this was not a material planning consideration.

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9. Discussion of Members on merits of the application, adequacy of proposed amenity space, weight given to proposed/approved developments taking place in the locality and the impact on the wider area.

10. Councillor Prescott moved that consideration of the application be deferred to enable Members to conduct a site visit. Councillor Hurer seconded this motion.

11. Members voted unanimously in support of deferring the application.

AGREED that a decision be deferred to a future Planning Committee meeting to enable Members to make a site visit.

622

TP/10/1128 - 73, TRENT GARDENS, LONDON, N14 4QB

NOTED

1. Page 88 paragraph 6.6.15 to read the development would not unduly harm the safety or free flow of highway or pedestrian traffic.

2. The deputation of Mr Harold Gordon, local resident, including the following points:

- a. He raised no objection to the proposed development subject to the inclusion of a condition stipulating the use of obscured glass to avoid overlooking.
- b. He requested that the boundary wall be extended to ensure privacy for the residents of De Bohun Court.

3. The response of Carolyn Apcar, of Apcar Smith Planning, on behalf of the applicant, including the following points:

- a. 75% of the Care Home was occupied by Enfield residents.
- b. The service had improved significantly following a change in management.
- c. The proposed extension would have angled/oriel windows to avoid direct overlooking.
- d. The applicant would be happy to approve the extension of the boundary wall.

4. Confirmation that prior to the occupation of the development details of the glazing be submitted to and approved by the Planning Authority.

5. Discussion of Members on merits of the application and the weight given to the identified need for the service.

6. Discussion of Members regarding the terms of the financial contribution to the Primary Care Trust.

7. At the request of the Chairman, legal officers detailed the financial obligation agreed by the applicant.

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8. The request of Members that officers discuss with the applicant a means of ensuring the financial contribution was available to successor body / responsible authority.

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

AGREED that planning permission be granted subject to amended Unilateral Undertaking and subject to the conditions set out in the report for the reasons set out in the report.

623

TP/10/0473 - 1, CRESCENT ROAD AND 33, WAVERLEY ROAD, ENFIELD, EN2 7BN

NOTED

1. The introduction by the Planning Decisions Manager with particular advice in relation to amenity space provision and confirmation that a contribution of £30,000 towards the enhancement of existing facilities had been identified.

2. Receipt of an additional three letters of objection.

3. In response to Members' queries, officers' advice to clarify the calculation of total useable space and confirmation that refuse storage would be provided.

4. Discussion of Members with regards to the relevance of the secured S106 mitigation.

5. Members had no objection to the development of the site in general, but this proposal was considered to be inconsistent with the Council's policies.

6. Councillor Hurer moved that consideration of the application be deferred to give Planning Officers an opportunity to renegotiate amenity space provision. Councillor Neville seconded this motion. A vote was taken; 10 votes in favour of deferring consideration of the application, 1 vote against and 1 abstention.

AGREED that consideration of application be deferred to allow officers to enter into further discussions with the applicant to increase the provision of amenity space.

624

LBE/10/0032 - CAPEL MANOR PRIMARY SCHOOL, BULLSMOOR LANE, ENFIELD, EN1 4RL

NOTED

1. Introduction by the Head of Development Management to clarify the amendment to Condition 9 stipulating the provision of 30 cycle parking spaces in line with the Greater London Authority's comments.

2. The receipt of an additional condition from English Heritage with regard to archaeology.
3. Inclusion of an additional condition regarding identification of future connection to a district heating system.

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

Additional condition from English Heritage

No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Local Planning Authority

Reason: To safeguard archaeological heritage

Additional Condition regarding identification of future connection to a district heating system.

Details of the location for a site for a heat exchanger in connection with any future district heating system to serve the school be submitted to and approved by the local planning authority. Thereafter, the identified site be safeguarded from any future development

Reason: in the interests of promoting and safeguarding a local district heat network.

Amendment to Condition 9

That development shall not commence until details of the design and siting of 30 cycle parking spaces have been submitted to and approved in writing by the Local Planning Authority. The cycle parking facilities shall be provided in accordance with the approved details prior to occupation of the development.

Reason: To ensure the provision of cycle parking spaces in line with the Council's adopted standards

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LBE/10/0034 - 192, SOUTHBURY ROAD, ENFIELD, EN1 3SD

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

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TP/10/1170 - ENFIELD PLAYING FIELDS ADJACENT TO QUEEN ELIZABETH STADIUM CAR PARK, DONKEY LANE, ENFIELD, EN1 3PL

NOTED

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1. Dennis Stacey, Chairman of the Conservation Advisory Group, spoke on behalf of the Group to amplify their objections set out on page 101 of the agenda pack.
2. The proposal of Councillor Neville, seconded by Councillor Hurer, that planning permission be refused as the proposed development would have an adverse affect on the openness of the surroundings. A vote was taken; 9 votes in favour of refusal, 1 vote against and no abstentions.
3. Councillor Cicek was not present for the discussion and therefore did not take part in the vote.

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

The proposed development due to its form and appearance, would unduly affect the open character of the surrounding Metropolitan Open Land, having regard to Policies 31 and 34 of the adopted Core Strategy, Policies (II)GD3 & (II)AR1 of the saved Unitary Development Plan, as well as PPS5 & PPG17.

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APPEAL INFORMATION

NOTED the information on town planning appeals received from 10/11/10 to 30/11/10, summarised in tables as requested. Full details of each appeal could be viewed on the departmental website.

628

COMMUNITIES AND LOCAL GOVERNMENT CONSULTATION DOCUMENT ON PROPOSALS TO CHANGE PLANNING FEES (REPORT NO. 151)

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

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