

**MINUTES OF THE MEETING OF THE PLANNING COMMITTEE
HELD ON WEDNESDAY, 21 MAY 2008**

COUNCILLORS

PRESENT Alan Barker, Henry Pipe, Chaudhury Anwar MBE, Andreas Constantinides, Peter Fallart, Jonas Hall, Ahmet Hasan, Chris Joannides, Kieran McGregor, Anne-Marie Pearce, Toby Simon and Terence Smith

ABSENT Jayne Buckland, Dogan Delman, Annette Dreblow, Christiana During and Donald McGowan

OFFICERS: Bob Ayton (Schools Organisation & Development), Andy Higham (Area Planning Manager), Julian Jackson (Head of Development Control), John Lynch (Interim Borough Planning Officer), Steve Jaggard (Section Manager – Transportation Control), Keith Trowell (Legal), John Austin (Assistant Director - Corporate Governance), George Sims (Head of Planning Policy, Projects and Design), Brian Wright and Bob Oxley (Webcasting), Jane Creer (Secretary) and Kasey Knight (Secretary)

Also Attending: Councillors John Boast, Edward Smith and Christopher Cole
Approximately 30 members of the public, applicants, agents and their representatives
Dennis Stacey, Chairman of Conservation Advisory Group

20

WELCOME AND LEGAL STATEMENT

The Chairman welcomed attendees and new members to the Planning Committee and introduced Keith Trowell, Legal representative, who read a statement regarding the order and conduct of the meeting.

21

APOLOGIES FOR ABSENCE

NOTED apologies for absence were received from Councillors Delman and Dreblow.

22

MINUTES

AGREED that the minutes of the Planning Committee meeting held on 17 April 2008 be confirmed as a correct record.

23

PLANNING COMMITTEE CODE OF PRACTICE

NOTED

1. John Austin, Assistant Director of Corporate Governance highlighted the following points:
 - (i) The Planning Committee Code of Practice already formed part of the Council's Constitution (Part 5, Chapter 5.2).
 - (ii) It was linked to the Councillors' Code of Conduct, which was revised last year and agreed by Council. The opportunity had now been taken to propose revisions to the Planning Committee Code of Conduct to reflect the changes to the Councillors' Code.
 - (iii) The most substantial change related to new rules regarding prejudicial interests; a councillor with a prejudicial interest could now speak at meetings where the public had speaking rights. An amendment was proposed to the Planning Committee Code of Conduct such that councillors who were not members of the committee, with a prejudicial interest, who wished to make representations, should notify officers beforehand, in the same way that members of the public were required to.
 - (iv) Members' attention was also drawn to the Council's recent decision that councillors should not serve on both the Green Belt Forum and the Planning Committee.
 - (v) Members were invited to raise any questions or comments.
2. Councillor Simon's suggestion that the word 'non-committee' be omitted, and that any councillor with a prejudicial interest wishing to address the Planning Committee should give notice to Democratic Services officers in order that the applicant could be advised and allowed the right of reply.
3. Councillor McGregor's comment that members of the committee should not necessarily be subject to this requirement, as they may only become aware of a prejudicial interest during a meeting.
4. Members' agreement to a form of wording to allow for such unforeseeable occasions, such that councillors with a prejudicial interest should notify Democratic Services officers within the specified timeframe "or as soon as the interest is known".
5. Members would have further opportunities to comment as the revised Planning Committee Code of Practice would be considered by the Standards Committee and Constitution Review Group then presented to Council for agreement.

24

DECLARATION OF INTERESTS

NOTED that there were no declarations of interest from Members present in relation to any items on the meeting agenda.

25

**LOCAL DEVELOPMENT FRAMEWORK - NORTH CIRCULAR ROAD AREA
ACTION PLAN PREFERRED OPTIONS REPORT (REPORT NO. 16)**

RECEIVED the report of the Interim Director of Place Shaping and Enterprise (Report No. 16).

NOTED

1. George Sims, Head of Planning Policy, Projects and Design introduced the report and highlighted the following points:
 - (i) The North Circular Area Action Plan Preferred Options Report was published on 7th May 2008 for consultation until 18th June 2008.
 - (ii) Copies of the report were available in the Members' Library and on the Council website, and all ward councillors in the area affected had been provided with paper copies.
 - (iii) The Preferred Options Report set out a framework for future development of the North Circular Road area. The preferred options had been informed by consultation with key stakeholders and members of the public on last year's Issues and Options Report; 336 responses had been received, from a range of organisations and individuals.
 - (iv) At this stage, the Council was required to put forward its case for preferred planning policies on a sound evidence base.
 - (v) The next stage, having taken on board all comments received, would be preparation of a submission document for the Secretary of State and its formal examination in public.
 - (vi) Consultation on the Preferred Options Report included two public exhibitions: at Palmers Green Library from 13th to 23rd May, and at Bowes Road Library from 24th May to 6th June.
 - (vii) Members were asked to encourage residents and organisations to engage with the consultation.

2. Planning Committee noted the progress being made on the Local Development Framework, and that views were currently being sought on the North Circular Area Action Plan Preferred Options Report.

26

CONTRAVENTIONS (REPORT NO. 18)

NOTED the report summarising all Contraventions which were currently logged with the Planning Enforcement Team, and that further information regarding particular cases was available in the Members' Library and on the Council's website.

27

**REPORT OF THE INTERIM BOROUGH PLANNING OFFICER (REPORT
NO. 17)**

RECEIVED the report of the Interim Borough Planning Officer.

28

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 website.

29

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 taken at the meeting.

30

TP/08/0085 - 864-866, HERTFORD ROAD, ENFIELD, EN3 6UD

NOTED

1. Consideration of the application was deferred from the previous meeting of Planning Committee due to Members' concerns regarding indicative heights of the front, and particularly rear block, and the mix of size of accommodation.
2. These concerns were raised with the agent, leading to submission of a letter making the case to support the proposals, as indicated in the Note to Members. The agent had confirmed that his client was not prepared to make any amendments to the scheme proposed and would like to see the application considered as it stood.
3. An amendment to clarify that the proposal related to three matters: access, scale and siting.
4. The deputation of Mrs Christine Donnelly, including:
 - (i) She was speaking on behalf of the residents of nos. 6, 8, 10, 12 and 14 Broadoak Avenue, whose gardens backed on to the site.
 - (ii) Distances between the proposed flats and Broadoak Avenue houses may conform to legal limits, but their homes would be overlooked, and suffer loss of privacy and loss of light.
 - (iii) Concerns about the agent's sun analysis plan, that only in June and July would there be no overshadowing.
 - (iv) The agent's assertion that there was no demand for 3-bed units was contrary to the views of Planning Committee members.
 - (v) There was the potential to have up to 46 people living in this small space, and up to 20 extra cars.
 - (vi) Nearby properties were predominantly 2 storey, with no 4 storey flats and this proposal would be out of keeping in the area.
 - (vii) The local environment would be changed for the worse.
5. The statement of Councillor John Boast, Turkey Street Ward Councillor, including:

PLANNING COMMITTEE - 21.5.2008

- (i) Members expressed their concern at the previous meeting, and none of those concerns had been addressed.
 - (ii) The flats would not be on the same site where there were existing buildings; at least half the land was not currently built on, particularly that nearest to Broadoak Avenue residences.
 - (iii) The flats would dominate the rear of houses in Broadoak Avenue.
 - (iv) The proposal would not meet Strategic Objective 16 or 17 of the Local Development Framework Core Strategy Preferred Options.
 - (v) The proposed density exceeded the recommended range within the London Plan, and amenity space was below the level normally sought.
 - (vi) The officers' report acknowledged there would be impact to existing amenities of dwellings on Broadoak Avenue.
 - (vii) He asked the Committee to at least require a reduction in the height of the development, if not outright rejection of the application.
6. The response of Mr Kevin Hinds, the agent, including:
- (i) The statements which had been heard were assertions with no evidence to support them.
 - (ii) He had listened carefully to all concerns raised and briefed his client and concluded why changes were not being made in the letter to officers, following evaluation of technical matters.
 - (iii) He would like to give assurance that it would not be the case that residential amenity would be taken away.
 - (iv) Analysis showed that to take light away, the development would have to be 5 storeys high, therefore this proposal was satisfactory.
 - (v) The proposal was compatible with distancing policies.
7. In response to Members' queries, officers' advice in relation to compatibility with the existing street scene, covenants, and the demand for 3-bed units in the borough.
8. Councillor Simon's proposal that the application be approved, subject to a condition that there should be no windows on the north side of the block, which was not supported by a majority of the committee.
9. Advice of the Head of Development Control in relation to Members' discussion of reasons for refusal of planning permission.

AGREED that planning permission be refused for the following reason.

The proposed development by reason of its excessive density and resulting scale and massing, and in particular the scale and massing of the four storey elements of the scheme, would be out of keeping in the street scene and with the prevailing character and form of development in the locality. In this respect the proposal would be contrary to Policies (I)GD1, (I)GD2 and (II)GD3 of the Unitary Development Plan and Policies 3A.3 and 4B.1 of The London Plan 2008.

31

TP/08/0165 - 42, HIGH STREET, LONDON, N14 6EB

PLANNING COMMITTEE - 21.5.2008

NOTED

1. An alteration to the proposal to read: Change use to restaurant/café with ancillary takeaway with a maximum seating capacity of 16 people together with an infill extension and extractor flue at rear.
2. Receipt of an additional objection from Southgate Green Association.
3. The advice of Planning officers that litter concerns were covered by Condition 1, and that advertisements would require separate consent, so the local planning authority would retain control.
4. The deputation of Mrs Susan Reynolds, local resident, including:
 - (i) A cafe with 16 covers and therefore small seating allocation would be likely to concentrate on the takeaway side of the business, leading to concerns about littering, traffic congestion and problematic parking.
 - (ii) There were no speed humps or cameras on Meadway and many families in the road had concerns about extra traffic.
5. The statement of Councillor Edward Smith, Southgate Ward Councillor, including:
 - (i) A large number of residents in Meadway had objections to the proposal; a petition in opposition included 70 signatures.
 - (ii) He and the residents disagreed with officers' conclusions.
 - (iii) This shopping parade had only six A1 retail premises left out of 16 units, and the loss of another shop should be resisted. There were already three food outlets in the parade, and many more nearby in Southgate and Southgate Green.
 - (iv) The amenity and character of Southgate Green conservation area would be unduly affected by this predominantly takeaway usage.
 - (v) The cafe location was unsuitable as there were parking restrictions and very limited parking locally, and the entrance to Meadway was narrow.
6. The response of Mr A. Diplos, the agent, including:
 - (i) The premises would only be open 8.30 to 19:30, and would be closed on Sundays.
 - (ii) The custom of students and families would be targeted; the cafe would provide babychanging facilities, and also cater for disabled people.
 - (iii) 60% of sales were expected to be takeaway, including breakfasts, soup and sandwiches.
 - (iv) The refreshments planned would not result in odours.
 - (v) The premises was already a gift and flower shop and it was unlikely this change of use would affect traffic or parking.
7. The Planning officer's confirmation that the application had been made on the basis of predominantly cafe use (A3), with takeaway as an ancillary part of that, and that conditions had been drafted accordingly.

PLANNING COMMITTEE - 21.5.2008

8. Members' concerns in relation to information in the agent's statement regarding the high percentage of takeaway business, and that the application should not be determined until further details were available.
9. Members' and Dennis Stacey's concerns regarding takeaway use in the conservation area, and Councillor Hall's request that officers investigate potential reasons that permission may be refused.

AGREED that consideration of the application be deferred to enable further consideration regarding the extent of takeaway from the use.

32

TP/08/0386 - MAYFIELD ATHLETIC CLUB, KENMARE GARDENS, LONDON, N13 5DR

NOTED

1. The deputation of Mrs Deirdre Quinn, local resident of Ulster Gardens, including:
 - (i) 88% of the residents in the three affected roads had signed a petition objecting to the application.
 - (ii) The tennis club currently had a negative impact in the area, which would be made worse by this proposal. More visitors would increase the traffic and parking problems, and there would be additional noise.
 - (iii) Local residents were disappointed that the club made no effort to communicate or consult them on the plans.
 - (iv) Loss of the conifer hedge would result in loss of privacy to residents and more exposure to floodlighting and noise pollution, and impact on wildlife. New shrubs would take time to become established.
 - (v) More development of this small site would lead to over-intensification of use.
 - (vi) The proposal would cause loss of residential amenity and impact on neighbours' privacy and tranquility.
2. The response of Ms Juliet Clark, on behalf of Mayfield Athletic Club, including:
 - (i) The tennis club was very successful, with around 120 members and nine tennis teams, but a comparatively small junior section. The club therefore wished to offer junior players a facility with a porous macadam surface to practice and learn tennis.
 - (ii) Provision of a full size court would also help to accommodate the numbers of members who wished to play, to enable more matches to be played and provide a facility for coaching.
 - (iii) The club was a local amenity with a large percentage of members living within 10 minutes' walking distance.
 - (iv) She apologised for the lack of consultation with local residents, which had not been deliberate.

PLANNING COMMITTEE - 21.5.2008

(v) It was not expected that the proposal would generate much additional traffic, as the facility would accommodate existing members and juniors, who would not be attending at peak times, and there would not be significant extra noise.

(vi) It would be necessary to remove some of the conifer hedge, but there would be a well managed planting scheme with much more amenity value.

3. In response to Members' queries, the advice of the Planning officer in relation to replacement planting, and confirmation that the present hedge was not covered by any planning condition, or worthy of a tree preservation order.

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

33

AD/08/0039 - SLOPERS POND FARM, STAGG HILL, HADLEY WOOD, BARNET, EN4 0PX

AGREED that advertisement consent be granted, subject to the condition set out in the report.

34

TP/06/2287/REN1 - 751, GREEN LANES, LONDON, N21 3SA

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

35

TP/08/0153 - 324, GREEN LANES, LONDON, N13 5TT

NOTED

1. An amendment to Condition 2, to clarify it did not relate to takeaway deliveries.
2. Members' concerns in relation to refuse storage, and that officers should be satisfied as to its security and adequacy.
3. Councillor Simon's request for inclusion of a requirement to provide a litter bin in the vicinity of the premises.

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

Condition 2:

Deliveries to (excluding those connected with the take away function of the use), and refuse collections from the premises shall only take place between

PLANNING COMMITTEE - 21.5.2008

the hours of 07:00 to 19:00 Monday to Saturday, with none on Sundays or Bank Holidays.

Reason: To safeguard the amenities of the occupiers of nearby residential properties.

Additional Condition:

Prior to the opening of the hot food take away premises hereby approved, agreement shall have been entered into to secure the provision of an additional litter bin outside the premises or if more appropriate, elsewhere within the vicinity, in accordance with detail to be agreed with the local planning authority.

Reason: In order to reduce litter and improve the appearance and quality of the residential environment.

36

TP/08/0155 - 870 GREEN LANES, LONDON, N21 2RS

NOTED an amendment to Condition 2 following discussions with the applicant, regarding extension to opening hours.

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

Condition 2:

The premises shall only be open for business between the hours of 09:00 – 18:00 Monday to Saturday and 10:00 to 16:00 on Sundays. All activity associated with the use shall cease within one hour of the closing time specified above.

Reason: To safeguard the amenities of the occupiers of adjoining and nearby residential properties.

37

TP/08/0475 - TILE KILN FARM, BURNT FARM RIDE, ENFIELD, EN2 9DY

NOTED

1. Receipt of a letter of comment from the Environment Agency, with an objection that a flood risk assessment had not been submitted for the site.
2. A consequent amendment to the recommendation, that the decision be delegated to officers, subject to satisfactory resolution of the concerns of the Environment Agency.
3. Councillor Simon's request that officers also consider any other legal reasons why permission may not be granted.

AGREED that the decision be delegated to officers following the receipt of a satisfactory Flood Risk Assessment.

38

TP/08/0360 - 143, MANDEVILLE ROAD, ENFIELD, EN3 6SQ

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

39

LBE/08/0001 - PRINCE OF WALES PRIMARY SCHOOL, SALISBURY ROAD, ENFIELD, EN3 6HG

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

40

TOWN PLANNING APPEALS

NOTED the appeal information in the agenda pack.

All business of Planning Committee thus being concluded, the meeting ended at 9.00 pm.