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PLANNING COMMITTEE - 25.2.2020

MINUTES OF THE MEETING OF THE PLANNING COMMITTEE HELD ON TUESDAY, 25 FEBRUARY 2020

COUNCILLORS

PRESENT Mahmut Aksanoglu, Sinan Boztas, Mahym Bedekova, Chris Bond, Ahmet Hasan, Tim Leaver, Hass Yusuf, Michael Rye OBE, Jim Steven and Maria Alexandrou

ABSENT Elif Erbil

OFFICERS: Dominic Millen (Group Leader Transportation), Andy Higham (Head of Development Management), Claire Williams (Planning Decisions Manager), Ben Burgerman (Senior Regeneration Lawyer) and David Gittens (Planning Decisions Manager) and Metin Halil (Secretary)

Also Attending: 20 members of the public, applicant and agent representatives Dennis Stacey (Chair – Conservation Advisory Group).

501

WELCOME AND APOLOGIES FOR ABSENCE

NOTED

1. Councillor Aksanoglu, Chair, welcomed all attendees.
2. Apologies for absence were received from Councillor E. Erbil.

502

DECLARATION OF INTEREST

1. There were no declarations of interest.

503

MINUTES OF PREVIOUS MEETINGS

NOTED

The minutes of the Planning Committee meeting held on Tuesday 17 December 2019, Tuesday 21 January 2020 and Tuesday 4 February 2020 were agreed.

504

REPORT OF THE HEAD OF PLANNING (REPORT NO.221)

RECEIVED the report of the Head of Planning.

505

ORDER OF THE AGENDA

AGREED to vary the order of the agenda. The minutes follow the order of the meeting.

506

19/04192/RE4 - BLOCK 1-8 BRADWELL MEWS, N18 2QX

NOTED

1. The Introduction by Claire Williams, Planning Decisions Manager, clarifying the proposals and highlighting the key issues.
2. At the 21st January 2020 planning committee, it was agreed that the Local Planning Authority could determine a number of planning applications which have been submitted by the Council's Housing Services team and are categorised as "Minor", under delegated authority rather than having to take Planning Committee. This was on the proviso that the permission is limited to a 2 year rather than a 3 year period and no objections to the planning applications are received. This application has been brought to planning committee because two objections have been received. As set out in paragraph 7.1 of the report, the objections received relate mainly to consultation outside of the planning application process which is not a material planning consideration.
3. The scheme forms part of a larger Council scheme to refurbish and modernise a number of low and medium rise blocks in the Upper Edmonton area and are based upon the results of a building condition survey conducted by Playle & Partners LLP in February 2016. Various elements within the building are now reaching the end of their working lives and consequently leading to significant defects. Planning permission for the proposed works were granted in 2017 however there were delays with implementing the works.
4. The application seeks planning permission for external works and communal upgrade works to the existing block. All refurbishment works will be 'like-for-like', ensuring the building maintains the same external appearance. The refurbishment works will be fully compliant with the current building regulations to provide suitable insulation for energy efficiency and seek to use sustainable materials. The scheme will improve the visual appearance of the building and its surroundings, create a more energy efficient building and in turn improve the quality of life of the existing and future residents of the building.
5. The deputation by Bini Shah, Council Housing, Project Manager, speaking in support of the officers' recommendation.
6. Members debate and questions responded to by officers.
7. The unanimous support of the Committee for the officers' recommendation.

AGREED that in accordance with Regulation 3 of the Town & Country Planning General Regulations 1992, planning permission be deemed to be granted subject to conditions and a 2 year limit.

507

19/03108/FUL - 106A FOX LANE N13 4AX

NOTED

1. The introduction by Claire Williams, Planning Decisions Manager, clarifying the proposals and highlighting the key issues.
2. This application seeks planning permission for the redevelopment of the site and erection of a two-storey building with accommodation in the roof to provide 4 flats including one 3 bed unit.
3. The previous application that was dismissed at appeal was refused for four reasons relating to:
 - The effect of the proposals on living conditions of future occupiers of Flat 3 in respect of access to, and level of, external space;
 - The effect of the proposals on the supply of family housing in the Borough, and
 - The effect of the proposals on the living conditions of neighbouring occupiers, where it relates to noise, disturbance and overlooking.
4. The principle of the redevelopment of the site with flats is supported and has been supported by the council under previous applications and by the planning inspector of the dismissed appeal. The dismissed appeal decision is a material consideration in assessing this application and the scheme has been amended to fully address the previous reasons for refusal.
5. As the development is not a conversion of a dwelling into flats policy DMD5 of the Development Management Document that requires no more than 20% of self-contained residential dwellings along a road to be converted into self-contained flats and HMOs is not applicable.
6. In terms of parking and highway safety, a parking survey was submitted with the application which identified a maximum parking stress of 76% which indicates that adequate on street parking would remain to accommodate the development. As set out in paragraph 10.48 of the report the Planning Inspector concluded in the dismissed appeal that the proposal would not be detrimental to highway safety arising from an increase in car parking demand or traffic movements in the area.
7. No objections have been raised by Traffic and Transportation with regard to the parking proposed however the removal of the redundant dropped kerb would provide additional on street parking and this can be dealt with through condition.
8. 8 cycle parking spaces are provided, and Officers note that the site has the capability to deliver site parking in a more suitable location. A condition is suggested for further details on the type and location of the cycle parking.

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9. The balconies will be enclosed as can be seen on pages 112, 114 and 121. The design of the enclosed balconies (set 2m back from the external wall of the building) would result in any greater overlooking than could be achieved through the presence of windows at those levels.
10. The inspector concluded in the dismissed appeal that given the mix of dwellings proposed, it seems unlikely that significant noise and disturbance would result from the development overall. Whilst it is likely that there would be a higher level of occupation within the flats, the creation of internal balconies, private terrace areas and external private garden spaces would not, in my view, automatically lead to materially greater noise levels, above those already generated by a family occupying the existing 4 bedroom house. These comments remain relevant to this application.
11. The following conditions will need to be attached to any permission – energy statement, biodiversity enhancements (Update of condition 12 so that it refers to biodiversity enhancements, condition requiring details of the management of the communal amenity area and removal of the redundant dropped kerb.
 - Confirmation of CiL contributions:

Enfield CIL - £8458.69
Mayor of London CIL - £3480.00
12. The deputation of Andy Barker, neighbouring resident, speaking against the officers' recommendation.
13. The deputation of Bridget Miller, speaking in support.
14. Members debate and questions responded to by officers.
15. During discussion on planning application, reference made to weight, that must be attached to previous appeal decision. Cllr Bond requested replacement trees to be specifically referred to within the soft landscaping condition.
Deputy Andy Barker highlighted presence of two young tree on highway outside site – although we can't condition the protection of these trees because they lie outside of the planning application site, a directive will be added to the decision notice.
16. The support of the Committee for the officers' recommendation: 4 votes for, 4 votes against, 2 abstentions and the Chair's casting vote to approve the application.

AGREED that subject to the conditions, the Head of Development Management/the Planning Decisions Manager be authorised to grant planning permission subject to conditions and subject to amendment to landscaping condition.

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**19/02276/FUL - OAKWOOD METHODIST CHURCH WESTPOLE AVENUE
BARNET EN4 0BD**

NOTED

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1. The introduction by David Gittens, Planning Decisions Manager, clarifying the proposals and highlighting the key issues.
2. This planning application is categorised as a “major” planning application and in accordance with the scheme of delegation, is reported to Planning Committee for determination.
3. The application follows an appeal against the Council’s decision to refuse planning permission for a previous similar proposal, after a second consideration by this committee in October 2018, on the basis of the lack of a sufficient financial contribution towards off site affordable housing provision.
4. The appeal process allowed the applicant an opportunity to undertake additional work to improve the scheme which allowed officers in turn to bring the amended appeal scheme back to committee to remove reasons for refusal relating to light penetration into the residential units as well as the objection in principle to the loss of a community facility.
5. The Public Inquiry was therefore fought based on the sole remaining difference between the Council and the applicant: the size of the proposed contribution. The applicant believed that a financial contribution of £186,916 from the development was sufficient and sustainable. However, the Council’s Consultant considered that a contribution of £2.224 million could and should be provided.
6. The Appeal was dismissed with the Inspector agreeing that a more substantial contribution could be made towards affordable housing and indicated that a sum around the £1 million mark would be more appropriate.
7. The current proposal is the same as the appeal proposal but with a revised offer towards off site provision of affordable housing of £1,216,000. This revised contribution has been considered by the Council’s Consultant and is now considered acceptable.
8. The ward councillor, Alessandro Georgiou supported the scheme.
9. The deputation of Richard Butler, the agent, speaking in support of the officers’ recommendation.
10. Members’ debate and questions responded to by officers.
11. The unanimous support of the Committee for the officers’ recommendation.

AGREED that planning permission be granted subject to conditions and a Section 106 Agreement.

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19/04291/HOU - 29 ARNOS ROAD, N11 1AP

NOTED

1. The introduction by Claire Williams, Planning Decisions Manager, clarifying the proposals and highlighting the key issues.

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2. Confirmed that the site had been inspected and the surrounding context considered – it is felt the scheme will not significantly impact on neighbouring residential amenity or the character and appearance of the area.
3. The deputation of Angela Konstantinidou, neighbouring resident, speaking against the officers' recommendation.
4. Members' debate and questions responded to by officers'.
5. The unanimous support of the Committee for the officers' recommendation.

AGREED that planning permission be granted subject to conditions.

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15/04916/FUL - 20 AND REAR OF 18 -22 WAGGON ROAD, EN4 0HL

NOTED

1. The introduction by David Gittens, Planning Decisions Manager, clarifying the proposals and highlighting the key issues.
2. The application site comprises number 20 Waggon Road and parts of the rear gardens of numbers 18 and 22 Waggon Road. Number 20 Waggon Road is a 2 storey detached single family dwelling located on the southern side of the road. The site has a single point of vehicular access and parking for a number of 4 cars on the front driveway.
3. The surrounding area is residential in character, mainly characterised by large detached dwellings. Warner Close is located to the east of the application site and contains 4 dwellings to the rear of numbers 10-16 Waggon Road accessed via Sandridge Close.
4. The metropolitan Green Belt lies to north of the application site on the opposite side of Waggon Road whilst Monken Mead Brook defines the rear (southern) site boundary.
5. This application was originally considered by the Planning Committee on 19th December 2017. The Planning Committee resolved to grant planning permission subject to conditions and a S106 agreement to require a contribution towards affordable housing.
6. Members may recall seeing a similar scheme before them, at Planning Committee a few weeks ago, that sought to construct a similar tandem development on an adjacent site to the west in a further continuation of development from Sandridge Close.
7. The legislation in place at the time, The Town and Country Planning (Development Management Procedure) Order (DMPO 2015) required an affordable housing contribution for residential schemes of 10 units or more and/or those with a proposed General Internal Area (GIA) in excess of 1000sqm. As the proposed scheme had/has a floor area in excess of 1000sqm, a contribution towards affordable housing was therefore required.

As with many smaller schemes that are required to make a contribution towards affordable housing, there were extensive discussions on the issue of viability and what the development could reasonably sustain in

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terms of an appropriate financial contribution. This extended the timescales and resulted in the legal agreement not being completed.

8. However, in the intervening period, revisions were made to the National Planning Policy Framework (NPPF) which confirmed that affordable housing can only be sought in respect of schemes for 10 or more homes or if the site has an area of half a hectare or more, neither of which is applicable in this case. At the same time the requirement for an affordable housing contribution for residential schemes with a GIA in excess of 1000sqm was removed.
9. Other revisions to the NPPF resulted in changes that either do not affect this proposal or are covered by the original report. In the light of these changes, together with the previous resolution of the Planning Committee to grant planning permission for this scheme, the application needs to be reported to the Committee again to seek an amendment to the resolution to remove the reference to a S106 agreement which is no longer applicable.
10. In all other respects the planning application and proposed development remain as previously considered and accepted, although for information, the previous officer's report was published on the agenda.

Accordingly, Members were requested to consider the application without a legal agreement on the basis of the revised resolution.

11. A late representation was reported from Mr Henley of Covert Way
12. Members debate and questions responded to by officers'
13. Significant discussion regarding the impact of this development on the natural environment and the response of this development to the Council's Climate Change Declaration and the weight afforded to this alongside existing adopted policy within the "development plan" that relate to climate change. Confirmation was also sought by Members that there were no other changes in policy that needed to be reported particularly in the area of climate change / environmental / biodiversity.
14. Officers advised that the report had been reviewed in light of current policy and the addendum drew attention to the key material change – in other respects there were no changes or matters were covered by condition.

The legal officer warned of the cost consequences at appeal even if delaying the application by reading the relevant section of the Government's planning practice guidance. It was also noted that any previously approved application that was subject to a section 106 may have to return to Committee if new material considerations had arisen since the initial Committee approval, prior to the issuing of the permission.

15. The majority of the Committee did not support the officers' recommendation: 3 votes for, 7 votes against.
16. The majority of the Committee supported a deferral of the application with 4 votes for, 3 against and 3 abstentions.
This was proposed by Councillor Leaver and seconded by Councillor Rye.

AGREED that the application be deferred.

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Motion to defer was AGREED for the following reasons:

- 1.The application needs to be reconsidered in the light of the material change as a result of the Council's declared Climate Change Emergency;
- 2.The application and report to be reviewed and reconsidered to ensure that any material changes in environmental policy in the Draft London Plan, be reported particularly in relation to tree canopy and biodiversity.

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**19/01904/VAR - CHURCH STREET TENNIS COURTS GREAT
CAMBRIDGE ROAD N9**

NOTED

1. The introduction by Claire Williams, Planning Decisions Manager, clarifying the proposals and highlighting the key issues.
2. The unanimous support of the Committee for the officers' recommendation.

AGREED that in accordance with Regulation 3 of the Town & Country Planning General Regulations 1992, the Head of Development Management/the Planning Decisions Manager be authorised to grant deemed consent subject to conditions.

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MEMBER TRAINING - 3RD MARCH 2020

NOTED

1. Andy Higham, Head of Development Management, confirmed there would be a presentation from Transport for London (TfL) on their proposals for Cockfosters/Arnos Grove, an update / presentation on S106 agreements, and possibly training about climate change, with a start time of 7pm in the Conference Room.