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PLANNING COMMITTEE - 23.11.2021

MINUTES OF THE MEETING OF THE PLANNING COMMITTEE HELD ON TUESDAY, 23 NOVEMBER 2021

COUNCILLORS

PRESENT Kate Anolue, Mahym Bedekova, Sinan Boztas, Susan Erbil, Ahmet Hasan, Michael Rye OBE, Jim Steven, Doug Taylor, Hass Yusuf, Derek Levy and Lindsay Rawlings

ABSENT Maria Alexandrou and Daniel Anderson

OFFICERS: Andy Higham (Head of Development Management), Dominic Millen (Group Leader Transportation), David Gittens (Planning Decisions Manager), John Hood (Legal Services), Vincent Lacovara (Head of Planning), Joseph Aggar (Principal Planner), Jeremy Chambers (Director of Law and Governance) and Gideon Whittingham (Principal Planning Officer) and Metin Halil (Secretary)

Also Attending: Members of the public, applicant and agent representatives.

1

WELCOME AND APOLOGIES FOR ABSENCE

NOTED

1. Councillor Boztas (Chair) welcomed all attendees to the meeting.
2. Apologies for absence were received from Councillor Maria Alexandrou, who was substituted by Councillor Lindsay Rawlings.
3. Apologies for absence were received from Councillor Daniel Anderson, who was substituted by Councillor Derek Levy.

2

DECLARATION OF INTEREST

NOTED

There were no declarations of interest.

3

REPORT OF THE HEAD OF PLANNING

RECEIVED the report of the Head of Planning.

4

ORDER OF THE AGENDA

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

5

21/03382/HOU - 14 SHIRLEY ROAD ENFIELD EN2 6SB

NOTED

1. The introduction by Gideon Whittingham, Planning Decisions Manager, clarifying the proposals.
2. The unanimous support of the Committee for the Officers recommendation.

AGREED that planning permission be granted subject to conditions.

6

21/00124/FUL - LAND ADJACENT 62 CARPENTER GARDENS, LONDON, N21 3HG

NOTED

1. The introduction by Gideon Whittingham, Planning Decisions Manager, clarifying the proposals.
2. The application had been deferred at the Planning Committee on 3 August 2021 to allow Officers to address with the applicant the parking issues and the removal, or gating of the footpath through the development connecting Cedars Road to Carpenter Gardens, to prevent public access through the site for reasons of safety and security. Further discussions were held with Councillor Barnes and neighbour representatives to seek to address the concerns of residents. Following these discussions, plans were submitted indicating amendments to the scheme, as detailed at 2.4 (page 17) of the report.
3. Letter from local resident was circulated ahead of the meeting including the response from the agent.
4. The Committee were given 2 options to consider:
 - Option A – To relocate and remove 2 parking spaces, install brick wall and turning head and introduction of sliding gate
 - Option B – To relocate and remove 2 parking spaces, install brick wall and turning head and removal of sliding gate.
5. Members' debate and questions responded to by officers.
6. Members' comments and queries including the following:
 - Councillor Rye's preference was for Option B, to remove the sliding gate. The gate has the issue of segregating communities. There would also be a noise disturbance created by the gate and by traffic pulling up to access the gate. Option B was his preferred choice.
 - Officers advised that the gate would be for vehicular access. The gate would be sliding behind the wall. Many gates now designed to operate in residential situations and noises are at the right level and would not be an issue.

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- In reply to Councillor S. Erbil's enquiry about residential parking/resident parking permits, officers clarified that the report does refer to looking to put in a CPZ but this development would be excluded from that. The member preferred option B.
 - In reply to Councillor Taylor's enquiry about who proposed the sliding gate and its purpose, officers clarified that the introduction of the sliding gate was as a result of a discussion with Councillor Barnes and neighbour representatives. The purpose was to secure the site so that no anti-social behaviour takes place and no unauthorised vehicles will enter the site. The member preferred option B.
 - The sliding gate would be maintained by the residents of the development.
 - In reply to Councillor Rawlings question about the removal of 2 parking spaces and whether double yellow lines would be made in their place to stop people using that area as parking, officers clarified that the parking area will be on private land and not subject to those parking restrictions. Officers advised that they could ask the developer to put in double yellow lines but it would be subject to private enforcement and not public.
7. Councillor Rye proposed to approve the application based around Option B, seconded by Councillor Fallart.
 8. The unanimous support of the Committee for the Officers recommendation and for Option B.

AGREED that the Planning Decisions Manager be authorised to Grant Planning Permission subject to conditions.

7

21/02685/FUL - FIRS FARM PLAYING FIELDS, FIRS LANE, LONDON, N21 2PJ

NOTED

1. The introduction by Gideon Whittingham, Planning Decisions Manager, clarifying the proposals.
2. Members' debate and questions responded to by officers:
 - Councillor Rye's response to the officer's introduction that there was a new element reported that was not in the report – 'The reason given for the change in orientation of the containers is following consultation with the Police Authority'. In response to what the consultation said and how the location improves the security of these units once in place, officers clarified that the discussions were held directly between the applicant and the police rather than the Police and Planning Department. On that basis, the application was amended by the applicant and put forward to the officers. Officers were happy with the amendment presented to them. Security would be improved as there would be accessibility of the roof, general openness and visibility.
 - In response to Councillor Bedekova, there are bins located in and around the site but if there are additional means for cleaning then

that would be undertaken by the operators of the temporary structure.

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

AGREED that the Head of Development Management/the Planning Decisions Manager be authorised to Grant planning permission subject to conditions.

8

20/00037/VAR - NEW AVENUE ESTATE, INCLUDING SHEPCOT HOUSE, BEARDOW GROVE, COVERACK CLOSE, OAKWOOD LODGE, GARAGES TO THE REAR OF THE LOUSADA LODGE, HOOD AVENUE OPEN SPACE AND COWPER GARDENS OPEN SPACE, LONDON, N14.

NOTED

1. The introduction by Joseph Aggar, Principal Planning Officer, clarifying the proposals.
2. An update to plan numbers listed at Para 2.6 (from page 83) of the report. A revision and correction for 2 of the drawing numbers on the decision notice. To add the letter A to the following plan numbers:
 - Proposed 2B4PF – Type U – Private A.
 - Proposed 2B4PF – Type Uv1 – Private A.
3. Addition to the recommendation to include reference to delegated authority for the Head of Planning/Head of Development Management to amend/update conditions and the terms of the Section 106 Agreement.
4. The Section 73 application is to vary the number of planning conditions as set out in the report. This is to allow amendments to the original planning consent to the New Avenue Estate regeneration scheme. The planning permission was originally granted in 2018 and members were advised to consider the proposed changes to the scheme in the context of the approved scheme.
5. Members debate and questions responded to by officers
6. Members comments and queries including the following:
 - The Chair asked for clarification regarding the difference in the scheme and the increase in the total number of units including affordable units. Officers clarified that there was an overall uplift of 94 units and the affordable units uplift was 30. Consent had been given for 140 units and is now 170. In terms of contributions to the scheme, the existing permission didn't provide any off-site play provision and this proposal did. The existing permission didn't facilitate all the play provision on-site, so this was an improvement. The scheme also offered further enhanced pedestrian and cycle movements and routes. The Section 106 contributions were considered as adequate relative to the scheme.
 - Councillor Rye's comments including that this was a very dense development and limited open space & play facilities for families living on the site leading to a contribution for young people to make use of facilities to nearby open space rather than on-site. The lack of amenity space consequences would be educational and health outcomes. There had been a loss of some 3 bed units.

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- In reply to Councillor Rawlings questions regarding the Average Daylight Factor (ADF) and the car parking PTAL rating of 2, officers clarified that the scheme, given its revisions and internal layout modifications there was an improvement in the ADF above the extant scheme. In terms of car parking, much of the site is PTAL 1A & 1B which is still consistent with the London Plan Policy. The term mansion block was just a description of the architectural style.
- In response to Councillor Levy's questions regarding the role of a Section 73 application in this regard and what impact it has on Members of the Committee, officers clarified that the application was submitted as a Section 73 and assessed as such. A Section 73 is used to seek material amendments to a scheme. Notably to alter the conditions to which it was attached. In terms of the process and assessment, there was no statutory definition of what a minor material assessment is. The scheme continues to form an estate led regeneration and the overall height of the development not to increase over what had been consented. There is no impact on surrounding occupiers and overall the changes were not considered a fundamental alteration to the scheme as a Section 73 and in this instance was appropriate.
- Councillor Taylors comments including that the play space provision was inadequate and that the £76k provision was not sufficient and required more investment. The Local Authority should ensure provision for a continued level of expenditure for such provision and for future provision in this area. Officers clarified that an application is considered at a point in time and is considered in consultation with Parks colleagues. The scheme has been viability tested, considering the requirements of CIL, Section 106 and existing Section 106 including build costs, etc. and this was considered viable.
- Councillor S. Erbil's concern regarding the increase in population that a 94-unit increase the scheme would bring and the impact this would have on GP's and school capacities. Did the area have capacity to hold the increase in population per unit? Officers clarified that the scheme had submitted an Environmental Impact Assessment. It was judged that the existing and current scheme's impact would be no more than local. The scheme does provide an education contribution with an abatement to the CIL. There is a contribution of £800K that has been secured that can be invested in supporting any educational needs. So, any uplift in the unit numbers would lead to a contribution towards the CIL and would be spent accordingly. In terms of health provision, this would be picked up as part of the CIL to provide the necessary infrastructure to support the growth. There is also an infrastructure development plan which seeks to look at what is required and where that is needed.
- In response to Councillor Anolue's question about tree removal and replacement, officers clarified that there were 169 trees on site before development. The consented scheme proposed to remove 70 trees. This scheme proposed replacement trees of 207 and an

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uplift of 21 trees. There will be a net increase in trees overall as part of this application.

- In response to Councillor Rye's questions regarding on-site play facilities and recreational space, officers clarified that on site in phase 1 (completed) there is a formal play area for 5-11 year olds including play equipment. Above the roof of the Community Centre there are further play facilities. There is a proposed natural play area in Cowper Gardens. There is also a proposal to increase the amount of play in the communal court yards, sought to condition to ensure that it is appropriate. There are also other playgrounds, further door- step play and communal play to the rear of flatted blocks.

7. The support of the majority of the Committee for the Officers recommendation with 11 votes for and 1 abstention.

AGREED that subject to the completion of a Section 106 Agreement to secure the obligations as set out in the report, the Head of Development Management/the Planning Decisions Manager be authorised to Grant planning permission subject to conditions, including additional reference to delegated authority for the Head of Planning/Head of Development Management to amend/update conditions and the terms of the Section 106 Agreement.

9

REPORT ON DRAFT PLANNING ENFORCEMENT PLAN - FOR COMMENT - INCLUDES ITEMS 11 AND 12.

NOTED

1. The Planning Department are in the process of preparing a new Enforcement Policy. There has been a consultation and officers are in the process of amending the plan.
2. The Enforcement Policy has been brought to committee for Members to note which is appropriate before it is heard at Cabinet.
3. There was a consultation that went from July 21 – Mid September 21 and comments were invited then. Only 7 representations were received and which are summarised in the report.
4. If Members have any further questions, please contact Andy Higham or Vincent Lacovara who welcome any further representations.

AGREED to note the Enforcement Policy and Plan.

10

20/01742/FUL - 50-56 FORE STREET, LONDON, N18 2SS

NOTED

1. Introduction by John Hood, Assistant Principal Lawyer. There is a Part 1 discussion to take place on the new information provided. Subject to the

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way Members determine that, the meeting may move into Part 2, taking a vote to do that.

2. The introduction by Andy Higham, Head of Development Management, clarifying the proposals.
3. At the 26 October 2021 Planning Committee, Members voted not to accept the officers' recommendation to grant planning permission. Having identified concerns raised on the impact of heritage assets, which outweighed the public benefits of the scheme and acceptability of the housing mix, together with the impact, in terms of design and the character of the area, Members were minded to refuse planning permission but defer a final decision pending the draft reasons for refusal based on those grounds – as detailed at paragraph 1.2 (page 164) of the report. The part 2 element of the report sets out the draft reasons for refusal for consideration by members.

Since the original committee meeting, the applicant has provided additional information in the form of an improvement in the proposed mix of residential accommodation. The applicant has advised that they would increase the number of family units to 20% all at London affordable rent and the number of 3 bed plus units from 14 to 22. As a result of this change, this would reduce the total number of units from 113 to 110. The recommendation asks Members, considering the additional information as set out in the report, to take a decision whether to defer the application to enable further assessment of updates and balanced as part of an amended report for a future planning committee. This will be considered as part 1 of the agenda. If Members accept this recommendation a report will be made to a Planning Committee in January 22 at which time Members can review the proposal and either approve or refuse the proposed development. If there is no agreement to the first recommendation, then Members are invited to consider the draft reasons for refusal and further agreement to move into Part 2.

4. Members' debate and questions responded to by officers
5. Members' comments and queries including the following:
 - Councillor Rye's preference to move the item to Part 2 to discuss the reasons for refusal.
 - Councillor S. Erbil referred to the Borough's housing crisis and preferred to consider the additional information and to bring the application back to a future Planning Committee.
 - Councillor Taylor was concerned that, in the introduction by Andy Higham, there was no reference to the heritage assets issue. He had requested that a heritage officer attended this meeting (no heritage officer was present). Councillor Taylor could not vote for any proposition without a discussion with a heritage officer.
 - Councillor Levy sought clarity regarding the status of this application and if the committee would be receiving a new application in January 22 or would it be the same one before them. Otherwise, the committee were being asked to overturn a decision already made. He needed to know what he would be deferring as option 1.

The Legal Representative advised that the view of the Council's professional officers is that there had been no determination on this application.

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The Director of Law & Governance further advised that on the 26 October 2021, the committee made a decision. We have to separate a committee decision from the issuing of a decision notice in planning terms because a decision notice requires reasons for refusal. On the 26 October 2021, the will of the committee was to refuse the application and the deferral was simply for the officers to draft the reasons for refusal which accorded with the debate in the committee. Officers have now done that and since then the applicant has provided further information. The decision of the Local Planning Authority, in legal terms, is not a decision until such point we issue a decision notice with reasons for refusal. This has not been done and his legal advice to planning and legal officers is that we are duty bound to bring that information back to Members as has been done this evening. Failure to do that would attract criticism of officers for not informing members of the full position.

So, the application has been brought back to Members with the new information which is why there are 2 choices, as detailed at page 163 of the report.

- Councillor Rye's concern regarding the non-attendance of appropriate officers (Heritage) to advise Members on any decision that they wish to take. On both applications (items 8 & 9), one of the reasons for not supporting the officers' recommendations was Heritage. Therefore, both applications should be deferred and brought back when appropriate officers are in attendance. The Director of Law & Governance clarified that on a procedural route, Councillor Rye had identified a 3rd and fully legitimate option. Which is, Members defer the entire matter, the report as drafted in full is deferred to a date of your choosing until appropriate officers are in attendance. Full referral is legitimate if Members' request for Heritage officers has not been provided. Officers apologised, they were aware of the request for heritage officers to attend this meeting, but personal circumstances dictated otherwise, and they were unable to arrange a substitute. If Members accept the first recommendation and the application comes back on the 22 January 22 officers would ensure heritage officers are present including a reserve on standby to assist members making a final decision.
- Members' debate and discussion regarding clarity on what Members are voting on as regards the application. Councillor Rye's proposal, seconded by Councillor Levy, that no decision is made this evening and the full matter is deferred until such time that a heritage officer is in attendance and then the committee could make a decision regarding option 1 or option 2. Officers clarified that if option 1 was accepted, it would not be a new application that comes back until officers issued a decision. Officers would still be able to amend and look at the current application. The application would come back as an amendment and the time taken prior to coming back in January 22 would enable officers to do and engagement with stakeholders to ensure that when the application comes back, Members have the full consideration to make a final decision.
- The Director of Law & Governance further clarified that on the 26 October 2021, Members made an in-principle decision to refuse this

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application. The application wasn't refused on the night with reasons because it was deferred for officers to come up with the correct terminology to support Members' in-principle decision. Therefore, the statement made by members of the committee stating that a decision was made on the 26 October 21 is correct but in terms of a decision notice, this has not been issued. We are now in a scenario where new information has come to light. It is clear that there was a request from this committee for specialist advice to be available this evening but has not been available. Any decision the committee make, other than deferral, Members will need to decide if they have enough information to make that decision. There are 3 options:

1. Option 1 – ask officers to consider the new information and write an entirely new report.
2. Option 2 – The meeting to go into part 2 to talk about the reasons for refusal and refuse the application.
3. Option 3 – An outright deferral and the application brought back as it has been written with no amendments.

All 3 options are legitimate decisions Members can take. If Councillor Rye's proposal is unsuccessful and the committee to vote for Option 1, in the report, the clear instruction to officers should be:

- The relevant officers must attend any future meeting otherwise the matter is automatically deferred to a future meeting.
 - The reasons for refusal, prepared in advance for this meeting, must be available on the evening should they be required for a part 2 discussion in a future meeting.
 - Invite the Director of Law & Governance to attend.
6. A vote was taken on Councillor Rye's motion, seconded by Councillor Levy, for a complete deferral of the item.
The majority of the committee did not support the motion with 5 votes for and 7 against.
 7. The unanimous support of the committee for Option 1 of the officers' recommendation including the 3 points made by the Director of Law & Governance (as above), proposed by Councillor Rye and seconded by Councillor Taylor.

AGREED to consider the Part 2 report and Option 1:

1. In light of the additional information as set out in the report, to defer the application to enable the updates to be further assessed and balanced as part of an amended report for a future Planning Committee.

11

20/02858/FUL - 100 CHURCH STREET, ENFIELD, EN2 6BQ

NOTED

1. The introduction by Andy Higham, Head of Development Management, clarifying the proposals.
2. At the Planning Committee on the 26 October 2021 Members had voted not to accept the officers' recommendation to grant planning permission,

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having identified concerns relating to the impact on heritage assets, which outweighed the public benefits of the scheme, acceptability of the housing mix and the impact of the development on the character and appearance of the area in terms of design and appearance.

Members were minded to refuse planning permission and defer the final decision, pending the drafting of reasons for refusal based on those grounds which are detailed at paragraph 1.2 (page 174) of the report.

3. The Part 2 report sets out the draft reasons for refusal for Members to consider
4. Since the original committee meeting, the applicant has provided additional information in the form of an improvement in the proposed mix of residential accommodation. The applicant has advised that they would increase the number of affordable residential units, at London affordable rent, from 7 to 9 units increasing the proposed level of affordable housing from 14.2% to 16.7% on a habitable room basis. Also altering the residential mix providing an additional 3 bed, 4-person unit and a 2 bed, 3-person unit.
5. The applicant has also offered, in response to Members concerns, to provide more clarity on tree removal including the boundary treatment of the landscaped area between the development and the New River. This will include a commitment to a detailed planning condition and a Section 106 planning application to secure that treatment.
6. The recommendation is detailed at paragraph 2.1 (page 174) of the report. If Members accept Option 1, a report will be made to the committee in January 22 where members can review the proposal in more detail and either approve or refuse the proposed development. If there is no agreement to Option 1 then Members can consider the draft reasons for refusal and further agreement to move the meeting to Part 2.
7. Members' debate and questions responded to by Officers.
8. Members' comments and queries including the following:
 - Councillor Rye moved to Option 1 and the 3 amendments that the Director of Law & Governance put forward.
 - Councillor Taylor raised a specific point about the Heritage aspect he was most concerned about. He was not convinced by the applicant's intentions, which Andy Higham advised Members about. He therefore referred to paragraph 7.8 of the previous report (October 21) and the section on Enfield Town Conservation Area group that makes specific points about the harm caused by the development. He would like this issue raised with the applicant.
 - Councillor Levy's comments that Councillor Anderson had expressed a 4th ground of concern at the 26 October 2021 committee meeting regarding an issue of affordability. He asked officers to liaise with Councillor Anderson to ensure that if there was a 4th ground, to include that in the report.
9. The unanimous support of the committee for Option 1 of the officers' recommendation including the 3 points made by the Director of Law & Governance and the proposals by Councillor Taylor and Councillor Levy.

AGREED to consider the Part 2 report and Option 1:

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2. In light of the additional information as set out in the report, to defer the application to enable the updates to be further assessed and balanced as part of an amended report for a future Planning Committee.

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FUTURE MEETING DATES

NOTED

1. The next meeting of the Planning Committee would be 7 December 2021.

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