

DECISIONS OF THE PLANNING AND ENVIRONMENT COMMITTEE

31 JANUARY 2012

COMMITTEE:

- *Councillor Wendy Prentice (Chairman)
- * Councillor Maureen Braun (Vice Chairman)

Councillors:

Anita Campbell	*Jack Cohen	*Claire Farrier	*John Marshall
*Mark Shooter	*Stephen Sowerby	*Andreas Tambourides	*Jim Tierney

*denotes Member present

\$denotes Member absent on Council business

1. **MINUTES (Item 1):**
RESOLVED – That the decision of the meeting held on 19 December 2011 be approved as a correct record.
2. **ABSENCE OF MEMBERS (Item 2):**
Apology of absence was received from Councillor Anita Campbell
3. **DECLARATION OF MEMBERS' PERSONAL AND PREJUDICIAL INTERESTS (Item 3):**
Members declared the following interests:
4. **PUBLIC QUESTION TIME (Item 4):**
Questions were received from Mr George Jones, Ms Marilyn Norman, Mr Ray Caufield, Ms Joan Ellis, Mr Simon Bessford and Professor George Dickson, on application H/04210/11 – Wyevale Garden Centre, Daws Lane, London, NW7 4SL. Details of the substantive questions and of the answers given are attached. Each speaker present had the opportunity to ask a supplementary question to which a verbal response was provided at the meeting.

5. **MEMBERS' ITEMS (Item 5):**
There were no Members' Items.

6. **TOWN AND COUNTRY PLANNING ACT (1990) (Item 6)**

REF	ADDRESS	Addendum to the report	Speakers	DECISION
H/04210/11	Former Wyevale Garden Centre, Daws Lane, London, NW7 4SL Mill Hill Ward	Yes. The addendum provided details in respect of the following matters; Page 6 – amendment to Condition 1. Page 22 – consultation and view expressed. Page 36 – response to consultation on amended documents. Page 45 – updated comments from the Environmental Health Officer	The Committee heard from; Ms Zoe Samuelson objecting to the application Mr Gaon Hart, objecting to the application. Mr James Ansher supporting the application Mr Dawson the applicant .	RESOLVED TO APPROVE the application as per report and (i) subject to Section 106 Agreement and referral to the Greater London Authority (Under Article 5 of the Town and Country Planning (Mayor of London) Order 2008) and to the Secretary of State. (ii) and as per addendum

7. APPLICATIONS FOR PLANNING PERMISSION AND CONSENT (Report of the Assistant Director of Planning and Development Management – Agenda Item 6)

RESOLVED – That the Council’s decisions on the applications listed below be as indicated and that the Assistant Director of Planning and Development Management be instructed to convey such decisions to the applicants.

HIGH BARNET WARD

REF	ADDRESS	Addendum to the report	Speaker	DECISION
B/04775/11	St John The Baptist Church, Wood Street, Barnet, Herts, EN5 4BW	<p>Yes. The addendum provided details in respect of the following matters;</p> <p>Page 173 – amendment to Condition 1.</p> <p>Additional conditions and informative.</p> <p>Comments received from Traffic and Development.</p> <p>Comments were received from English Heritage (Historic building and area matters)</p> <p>Comments were received from English Heritage (Archaeology)</p>	None	RESOLVED TO APPROVE the application as per report and (i) subject to the conditions set out in the report (ii) subject to the addendum.

REF	ADDRESS	Addendum to the report	Speaker	DECISION
B/04902/11	52, 54 & 54A High Street, Barnet, Herts, EN5 5SJ	None	None	RESOLVED TO APPROVE the application subject to the conditions set out in the report
B/04867/11	170 & 172 High Street, Barnet, Herts, EN5 5XP	Yes. The addendum provided details in respect of the following matters; Page 190 – amendment Condition 1.	None	RESOLVED TO APPROVE the application as per report and (i) subject to the conditions set out in the report (ii) subject to the addendum.
B/04904/11	170 & 172 High Street, Barnet, Herts, EN5 5XP	Yes. The addendum provided details in respect of the following matters; Page 196 – amendment Condition 1.	None	RESOLVED TO APPROVE the application as per report and (i) subject to the conditions set out in the report (ii) subject to the addendum.
B/04870/11	176 High Street, Barnet, Herts, EN5 5SZ	Yes. The addendum provided details in respect of the following matters; Page 202 – amendment Condition 1.	None	RESOLVED TO APPROVE the application as per report and (i) subject to the conditions set out in the report (ii) subject to the addendum.
B/04897/11	176 High Street, Barnet, Herts, EN5 5SZ	Yes. The addendum provided details in respect of the following matters; Page 208 – amendment Condition 1.	None	RESOLVED TO APPROVE the application as per report and (i) subject to the conditions set out in the report (ii) subject to the addendum.

REF	ADDRESS	Addendum to the report	Speaker	DECISION
B/04869/11	1B Church Passage, Barnet, Herts, EN5 4QS	Yes. The addendum provided details in respect of the following matters; Page 215 – amendment Condition 1.	None	RESOLVED TO APPROVE the application as per report and (i) subject to the conditions set out in the report (ii) subject to the addendum.
B/04900/11	1B Church Passage, Barnet, Herts, EN5 4QS	Yes. The addendum provided details in respect of the following matters; Page 220 – amendment Condition 1.	None	RESOLVED TO APPROVE the application as per report and (i) subject to the conditions set out in the report (ii) subject to the addendum.
B/04868/11	52, 54 & 54A High Street, Barnet, Herts, EN5 5SJ	None	None	RESOLVED TO APPROVE the application subject to the conditions set out in the report
B/04901/11	52, 54 & 54A High Street, Barnet, Herts, EN5 5SJ	None	None	RESOLVED TO APPROVE the application subject to the conditions set out in the report

The meeting ended at 9.38pm.

Planning and Environment Committee – 31 January 2012, Planning Application H/04210/11 Wyevale Garden Centre, Daws Lane London, NW7 4SL - Public Questions

George Jones

Question

Considering Lilian Tucker has written in response to the consultation for the Wyevale site that her Alzheimer suffering husband needs 'encouragement just to leave the house' as his 'stimulation of mind and heart has gone' now that the Garden Centre has closed, how are you able to justify that his enjoyment of life is less important than an additional 160 places at a school that could move anywhere whereas he can't travel any further than the Garden along with 1,000 other elderly and disabled Member of the community.

Response

Officers have addressed in the report the various issues to be given weight when considering the merits of the planning application and this includes the Council's duty under the Equalities Act 2010 and the impacts of the proposals on particular individuals and groups within the community.

The planning application is for a change of use to a school within Use Class D1 of the Town and Country Planning (Use Classes) Order. Whether or not the garden centre closed is outside the control of the Council as Local Planning Authority. If planning permission for a school is not granted, the Council as the planning authority cannot require a garden centre to re-open on the site.

Officers recognise in the report that it is clear that the garden centre was used by a number of residents and groups, including elderly and disabled persons, who miss the facilities that the garden centre provided and that these residents do not consider that there are any comparable facilities within walking distance of their homes. Officers have identified alternative facilities in the area that could offer similar retail and café facilities, for example the café in Mill Hill Park very close to the application site, the garden centre in Burtonhole Lane and the numerous shops and cafes in Mill Hill town centre. Although residents disagree about the suitability of these premises for all residents, nevertheless they do offer similar facilities to those provided by the former garden centre site including an indoor café and retail shops.

The material impact on these residents needs to be weighed against other material planning considerations. Officers have considered in the report the impact on these residents but conclude that, in planning terms, the benefits of the planning application proposals outweigh the adverse impact identified.

Marilyn Norman

Question

Mrs Aguzzi, wrote in response to the consultation that at 93 and partially sighted, the Garden Centre was the only place that she could go to buy her daily items as shops are “too crowded and she feels uncomfortable’ and she doesn’t go out so often now that her ‘real treat’ has gone and if the council take it away she doesn’t “know what I will do”, so what alternative opportunities have been provided locally for her and the 1,000 others who, like her rely on the Garden Centre.

Response

Officers have addressed in the report the various issues to be given weight when considering the merits of the planning application and this includes the Council’s duty under the Equalities Act 2010 and the impacts of the proposals on particular individuals and groups within the community.

The planning application is for a change of use to a school within Use Class D1 of the Town and Country Planning (Use Classes) Order. Whether or not the garden centre closed is outside the control of the Council as Local Planning Authority. If planning permission for a school is not granted, the Council as the planning authority cannot require a garden centre to re-open on the site.

Officers recognise in the report that it is clear that the garden centre was used by a number of residents and groups, including elderly and disabled persons, who miss the facilities that the garden centre provided and that these residents do not consider that there are any comparable facilities within walking distance of their homes. Officers have identified alternative facilities in the area that could offer similar retail and café facilities, for example the café in Mill Hill Park very close to the application site, the garden centre in Burtonhole Lane and the numerous shops and cafes in Mill Hill town centre. Although residents disagree about the suitability of these premises for all residents, nevertheless they do offer similar facilities to those provided by the former garden centre site including an indoor café and retail shops.

The material impact on these residents needs to be weighed against other material planning considerations. Officers have considered in the report the impact on these residents but conclude that, in planning terms, the benefits of the planning application proposals outweigh the adverse impact identified.

Ray Caulfield

Question

Kindly explain to Ms Hilda Hyder, who is 102 and a prominent elder stateswoman of the community where she can go to lunch, walk around and supplement her gardening passion and other necessary purchases while meeting friends, cousins and local residents if you permit the site to be a school which has no shop or facility for community interaction beyond the park provides?

Response

Officers have addressed in the report the various issues to be given weight when considering the merits of the planning application and this includes the Council's duty under the Equalities Act 2010 and the impacts of the proposals on particular individuals and groups within the community.

The planning application is for a change of use to a school within Use Class D1 of the Town and Country Planning (Use Classes) Order. Whether or not the garden centre closed is outside the control of the Council as Local Planning Authority. If planning permission for a school is not granted, the Council as the planning authority cannot require a garden centre to re-open on the site.

Officers recognise in the report that it is clear that the garden centre was used by a number of residents and groups, including elderly and disabled persons, who miss the facilities that the garden centre provided and that these residents do not consider that there are any comparable facilities within walking distance of their homes. Officers have identified alternative facilities in the area that could offer similar retail and café facilities, for example the café in Mill Hill Park very close to the application site, the garden centre in Burtonhole Lane and the numerous shops and cafes in Mill Hill town centre. Although residents disagree about the suitability of these premises for all residents, nevertheless they do offer similar facilities to those provided by the former garden centre site including an indoor café and retail shops.

The material impact on these residents needs to be weighed against other material planning considerations. Officers have considered in the report the impact on these residents but conclude that, in planning terms, the benefits of the planning application proposals outweigh the adverse impact identified.

Mrs Joan Ellis

Question

Mr Andrew Bessford, who has mobility difficulties since his road accident, writes in response to the consultation that the Garden Centre was a “very special meeting place and social centre for the local community”, and Mrs Kate Martin states that the Garden Centre, “played a significant role in my recovery from kidney surgery” so what gives you the knowledge and right to tell them that it was ‘just a shop’ and that their view, that it was more than that, which mirrors 7,000 others, is completely incorrect and irrelevant

Response

Officers have addressed in the report the various issues to be given weight when considering the merits of the planning application and this includes the Council’s duty under the Equalities Act 2010 and the impacts of the proposals on particular individuals and groups within the community.

The planning application is for a change of use to a school within Use Class D1 of the Town and Country Planning (Use Classes) Order. Whether or not the garden centre closed is outside the control of the Council as Local Planning Authority. If planning permission for a school is not granted, the Council as the planning authority cannot require a garden centre to re-open on the site.

Officers recognise in the report that it is clear that the garden centre was used by a number of residents and groups, including elderly and disabled persons, who miss the facilities that the garden centre provided and that these residents do not consider that there are any comparable facilities within walking distance of their homes. Officers have identified alternative facilities in the area that could offer similar retail and café facilities, for example the café in Mill Hill Park very close to the application site, the garden centre in Burtonhole Lane and the numerous shops and cafes in Mill Hill town centre. Although residents disagree about the suitability of these premises for all residents, nevertheless they do offer similar facilities to those provided by the former garden centre site including an indoor café and retail shops.

The material impact on these residents needs to be weighed against other material planning considerations. Officers have considered in the report the impact on these residents but conclude that, in planning terms, the benefits of the planning application proposals outweigh the adverse impact identified.

Simon Bessford

Question

How are going to explain to Mr Coleman, who writes in response to the consultation, that “many people who are not used to people with learning difficulties tend to stare” but that the Garden Centre was used by so many groups that regular customers and others take no notice and that he visited the site 3 to 5 times a week with his Barnet Service Carer and that since its closure he has not gone out on his own and his “quality of life is poorer”, that a school where the air quality is potentially dangerous for the pupils gives them a more ‘balanced quality of life than him?

Response

Officers have addressed in the report the various issues to be given weight when considering the merits of the planning application and this includes the Council’s duty under the Equalities Act 2010 and the impacts of the proposals on particular individuals and groups within the community.

The planning application is for a change of use to a school within Use Class D1 of the Town and Country Planning (Use Classes) Order. Whether or not the garden centre closed is outside the control of the Council as Local Planning Authority. If planning permission for a school is not granted, the Council as the planning authority cannot require a garden centre to re-open on the site.

Officers recognise in the report that it is clear that the garden centre was used by a number of residents and groups, including elderly and disabled persons, who miss the facilities that the garden centre provided and that these residents do not consider that there are any comparable facilities within walking distance of their homes. Officers have identified alternative facilities in the area that could offer similar retail and café facilities, for example the café in Mill Hill Park very close to the application site, the garden centre in Burtonhole Lane and the numerous shops and cafes in Mill Hill town centre. Although residents disagree about the suitability of these premises for all residents, nevertheless they do offer similar facilities to those provided by the former garden centre site including an indoor café and retail shops.

The material impact on these residents needs to be weighed against other material planning considerations. Officers have considered in the report the impact on these residents but conclude that, in planning terms, the benefits of the planning application proposals outweigh the adverse impact identified.

Professor George Dickson

Question

Ms Hazel Philips who has MS and is 75 drove her batricar to meet local Mill Hill friends and is now “very depressed” at the threat of permanent closure and states that there was “very little traffic”, particularly in the afternoons, when now with the new school the school traffic will be building heavily with children crossing roads and parents driving in and out of the school, while Mrs Stevenson and Mr Mackay note that the 240 bus stopped outside the Chalet Estates (average age over 80 for 75 people) and the Garden Centre but nowhere else leaving them stranded, so how can you explain to them that the traffic plan for the school is so robust that it means that the 90% children who drive and can go to other schools should deprive them permanently of their greatest pleasure in life and should take priority over their transport issues?

Response

Officers have addressed in the report the various issues to be given weight when considering the merits of the planning application and this includes the Council’s duty under the Equalities Act 2010 and the impacts of the proposals on particular individuals and groups within the community.

The planning application is for a change of use to a school within Use Class D1 of the Town and Country Planning (Use Classes) Order. Whether or not the garden centre closed is outside the control of the Council as Local Planning Authority. If planning permission for a school is not granted, the Council as the planning authority cannot require a garden centre to re-open on the site.

Officers recognise in the report that it is clear that the garden centre was used by a number of residents and groups, including elderly and disabled persons, who miss the facilities that the garden centre provided and that these residents do not consider that there are any comparable facilities within walking distance of their homes. Officers have identified alternative facilities in the area that could offer similar retail and café facilities, for example the café in Mill Hill Park very close to the application site, the garden centre in Burtonhole Lane and the numerous shops and cafes in Mill Hill town centre. Although residents disagree about the suitability of these premises for all residents, nevertheless they do offer similar facilities to those provided by the former garden centre site including an indoor café and retail shops.

The material impact on these residents needs to be weighed against other material planning considerations. Officers have considered in the report the impact on these residents but conclude that, in planning terms, the benefits of the planning application proposals outweigh the adverse impact identified.