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<b>Meeting</b>	Planning and Environment Committee
<b>Date</b>	11 September 2013
<b>Subject</b>	<b>698 Finchley Road - F/01413/13</b>
<b>Report of</b>	Head of Governance
<b>Summary</b>	This report captures an application that was submitted to the West Area Planning Sub-Committee for determination. However following the vote of refusal the Chairman exercised powers in order to refer the decision to the Planning and Environment Committee, its parent body, for determination.

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<b>Officer Contributors</b>	Paul Frost, Business Governance Officer
<b>Status (public or exempt)</b>	Public
<b>Wards Affected</b>	Garden Suburb
<b>Reason for urgency / exemption from call-in</b>	Not Applicable
<b>Function of</b>	Council
<b>Enclosures</b>	Appendix A - 698 Finchley Road - F/01413/13, Planning Application Appendix B – Extract of the Addendum to the Officers Report, 02 July 2013 Appendix C – Extract of the Decisions of the West Area Planning Sub-Committee
<b>Contact for Further Information:</b>	Paul Frost 020 8359 2205 <a href="mailto:paul.frost@barnet.gov.uk">paul.frost@barnet.gov.uk</a>

## **1. RECOMMENDATIONS**

- 1.1 That the Planning and Environment Committee consider the referred report (Appendix A) from the West Area Planning Sub-Committee and determine the application.**
- 1.2 That the Planning and Environment Committee note the West Area Planning Sub-Committee reasons to refuse the application at section 9.2 of this report and further note the reason why the Chairman referred the application to its parent Committee.**

## **2. RELEVANT PREVIOUS DECISIONS**

- 2.1 West Area Planning Sub-Committee, 02 July 2013, resolved to refer application, 698 Finchley Road\_F0141313 to the Planning and Environment Committee.

## **3. CORPORATE PRIORITIES AND POLICY CONSIDERATIONS**

- 3.1 The Council operates a robust decision making framework in support of its corporate priorities and therefore has implemented the referral mechanism as documented within this report. This process highlights good governance principles which are governed by the Councils Constitution as documented within section 8 of this report.

## **4. RISK MANAGEMENT ISSUES**

- 4.1 Whilst in planning terms, this is not a material consideration, there is a risk to the authority that should the application be refused costs may be encountered during an appeal stage, hence the reason for this report and reason for application - , 698 Finchley Road\_F0141313 being referred to its parent Committee.

## **5. EQUALITIES AND DIVERSITY ISSUES**

- 5.1 The decision making processes of the Council, as documented within the Council's Constitution, perform the need to be transparent and accessible to all sectors of the community. This report is in support of this and therefore allows views and scrutiny during consultation and meets equality consideration.

## **6. USE OF RESOURCES IMPLICATIONS (Finance, Procurement, Performance & Value for Money, Staffing, IT, Property, Sustainability)**

- 6.1 As highlighted at section 7.2 and 9.3
- 6.2 There are no further cost implications that this report addresses. Members are minded to consider any future appeal cost to the authority which will be met from existing service budgets.

## **7. LEGAL ISSUES**

- 7.1 The Council has a legal and statutory obligation to consider and determine planning applications in line with planning policy under the Council's Constitution.
- 7.2 The Chairman of the West Area Planning Sub-Committee, on 02 July 2013 noted the likelihood of the Council encountering an award of cost at an appeal should the application be refused. However, it must be recognised that in planning terms this is not a material consideration and it is therefore irrelevant and must be discounted in the determination of the planning application in accordance with carrying out the Council's statutory function.

## **8. CONSTITUTIONAL POWERS**

- 8.1 Council Constitution, Responsibility for functions, Section 3 sets out delegated powers in order for a planning application to be determined.
- 8.2 Council Constitution, Committee and Sub-Committees, Section 11 sets out a Chairman's power to refer an item to the bodies parent decision maker:

*The Chairman of an area sub-committee may refer a matter up to the parent body, together with the sub-committee's recommendations*

## **9. BACKGROUND INFORMATION**

- 9.1 Planning application, 698 Finchley Road\_F0141313 (Appendix A) was presented to the West Area Planning Sub-Committee on 02 July 2013.
- 9.2 Following the sub-Committee's consideration of this application a vote was taken which refused to grant planning permission for the following reasons:
- *That the increase in height of the building would have an un-neighbourly impact on the adjoining church.*
  - *That the changes to the scheme would result in the loss of affordable housing.*
- 9.3 However following the vote the Chairman referred the item to the Planning and Environment for its consideration and determination. The Chairman had concerns that the reasons for refusal may not be valid in planning terms and as such put the authority at risk of costs through appeal proceedings for unreasonable behaviour.
- 9.4 It was noted that this application would be reported to the Planning and Environment Committee on 23 July 2013 and that all interested parties will be consulted.

**10. LIST OF BACKGROUND PAPERS**

10.1 Agenda, Report, Addendum to the Officers report and Decisions to/of the West Area Planning Sub-Committee on 02 July 2013,

<http://barnet.moderngov.co.uk/ieListDocuments.aspx?CId=121&MId=6640&Ver=4>

<b>Cleared by Finance (Officer's initials)</b>	<b>GH/AD</b>
<b>Cleared by Legal (Officer's initials)</b>	<b>CH</b>