

Decisions of the Finchley and Golders Green Area Planning Committee

15 June 2016

Members Present:-

Councillor Eva Greenspan (Chairman)
Councillor John Marshall (Vice-Chairman)

Councillor Shimon Ryde
Councillor Arjun Mittra
Councillor Alan Schneiderman

Councillor Melvin Cohen
Councillor Jim Tierney

1. MINUTES OF LAST MEETING

RESOLVED – The minutes of the meeting held on the 10th of May 2016 were agreed as a correct record.

2. ABSENCE OF MEMBERS (IF ANY)

None.

3. DECLARATION OF MEMBERS' DISCLOSABLE PECUNIARY INTERESTS AND NON PECUNIARY INTERESTS (IF ANY)

The following interests were declared:

Councillor	Item(s)	Nature of Interest	Details
Shimon Ryde	15 & 16	Non-pecuniary	That the councillor has an association to the applicants of both items.
Alan Schneiderman	19	Non-pecuniary	That the councillor lives on Cheviot Gardens.

4. REPORT OF THE MONITORING OFFICER (IF ANY)

None.

5. ADDENDUM

The committee noted the information provided in the addendum.

6. 31A THE PARK LONDON NW11 7ST - 16/2895/FUL

Officers withdrew the item from the agenda so that the residents can be re-consulted on the Highways Assessment and Revised Plan, which were received after the committee report was written.

7. PWETERERS COURT, RECTORY CLOSE, LONDON, N3 1TP - 16/TPO/004

The Planning Officer introduced the application.

Following discussion of the item, Councillor Eva Greenspan moved a motion to approve the item, as per the officers' recommendation, which was seconded by Councillor Jim Tierney.

The committee unanimously agreed the motion.

The committee therefore **RESOLVED to APPROVE the application as per the officers' recommendation.**

8. 40 FINCHLEY PARK LONDON N12 9JN - 16/0114/HSE

The Planning Officer introduced the application.

An oral representation was heard from the applicant.

Following discussion of the item, Councillor Eva Greenspan moved a motion to approve the item, as per the officers' recommendation, which was seconded by Councillor Alan Schneiderman.

The committee unanimously agreed the motion.

The committee therefore **RESOLVED to APPROVE the application as per the officers' recommendation.**

9. TUDOR COURT, 2 CREWYS ROAD, LONDON NW2 2AA - 16/0639/FUL

The Planning Officer introduced the item.

Following discussion of the item, Councillor Eva Greenspan moved a motion to refuse the item, being a reversal of the officers' recommendation, on the following grounds:

- The proposed additional storey to the existing development would by reason of its size, bulk, design and proximity to Flats 17 & 18 Goldfinch Court, 713A Finchley Road be overbearing, visually obtrusive and result in a loss of outlook detrimental to the residential amenities of the occupiers of these units contrary to policies 3.5 and 7.6 of the London Plan (Adopted 2016), policy CS5 of the Barnet Core Strategy (Adopted September 2012), policy DM01 of the Barnet Development Management Policies Document (Adopted September 2012) and the advice contained in the Barnet Residential Design Guide Supplementary Planning Document (Adopted 2013).

The motion was seconded by Councillor Shimon Ryde.

The committee unanimously agreed the motion to refuse the application.

The committee therefore **RESOLVED to REFUSE the application on the grounds as presented above.**

Add Informatives:

1. The plans accompanying this application are:
Site Location Plan; PL-301; PL-302 Rev A; PL-303; PL-304; PL-305; PL-306; PL- 307; PL-308; PL-309; PL-310; PL-312; PL-313; PL-314; PL-315 Rev A; PL-316; PL- 317; PL-318; PL-319; PL-320; PL-321; PL-322; Design and Access; Daylight / Sunlight report
2. In accordance with paragraphs 186 and 187 of the NPPF, the Council takes a positive and proactive approach to development proposals, focused on solutions.

To assist applicants in submitting development proposals, the Local Planning Authority has produced planning policies and written guidance to guide applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered.

3. This is a reminder that should an application for appeal be allowed, then the proposed development would be deemed as 'chargeable development', defined as development of one or more additional units, and / or an increase to existing floor space of more than 100 sq m. Therefore the following information may be of interest and use to the developer and in relation to any future appeal process:

The Mayor of London adopted a Community Infrastructure Levy (CIL) charge on 1st April 2012 on all forms of development in Barnet except for a £0 per sq m rate for education and health developments. This planning application was assessed as liable for a payment under Mayoral CIL at this time.

The London Borough of Barnet adopted a CIL charge on 1st May 2013 on residential and retail development in its area of authority. All other uses and ancillary car parking were set at a rate of £0 per sq m. This planning application was assessed as liable for a payment under Barnet CIL at this time. Please note that Indexation will be added in line with Regulation 40 of Community Infrastructure Levy. Liability for CIL is recorded to the register of Local Land Charges as a legal charge upon a site, payable should development commence. The Mayoral CIL charge is collected by the London Borough of Barnet on behalf of the Mayor of London; receipts are passed across to Transport for London to support Crossrail.

The assumed liable party will be sent a 'Liability Notice' providing full details of then charge and to whom it has been apportioned for payment. If you wish to identify named parties other than the original applicant for permission as the liable party for paying this levy, please submit to the Council an 'Assumption of Liability' notice; also available from the Planning Portal website.

The Community Infrastructure Levy becomes payable upon commencement of development. A 'Notice of Commencement' is required to be submitted to the Council's CIL Team prior to commencing on site; failure to provide such information at the due date will incur both surcharges and penalty interest. There are various other charges and surcharges that may apply if you fail to meet other statutory requirements relating to CIL, such requirements will all be set out in the Liability Notice you will receive. You may wish to seek professional planning advice to ensure that you comply fully with the requirements of CIL Regulations. If you have a specific question or matter you need to discuss with the CIL team, or you fail to receive a 'Liability Notice' from the Council within 1 month of any appeal being allowed, please contact us: cil@barnet.gov.uk.

Relief or Exemption from CIL

If social housing or charitable relief applies to your development or your development falls within one of the following categories then this may reduce the final amount you are required to pay; such relief must be applied for prior to commencement of development using the 'Claiming Exemption or Relief' form available from the Planning Portal website: www.planningportal.gov.uk/cil.

You can apply for relief or exemption under the following categories:

1. Charity: If you are a charity, intend to use the development for social housing or feel that there are exception circumstances affecting your development, you may be eligible for a reduction (partial or entire) in this CIL Liability. Please see the documentation published by the Department for Communities and Local Government at

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6314/19021101.pdf

2. Residential Annexes or Extension: You can apply for exemption or relief to the collecting authority in accordance with Regulation 42(B) of Community Infrastructure Levy Regulations (2010), as amended before commencement of the chargeable development.

3. Self Build: Application can be made to the collecting authority provided you comply with the regulation as detailed in the legislation.gov.uk.

Please visit:

www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil for further details on exemption and relief.

10. 22 BROOKSIDE ROAD LONDON NW11 9NE - 15/07562/HSE

The Planning Officer introduced the item.

Oral representations were heard from Ms Ida Newman, who objected to the application, and from the applicant.

Following discussion of the item, Councillor Eva Greenspan moved a motion to refuse the application, as per the officers' recommendation. The motion was not seconded, and therefore fell.

Councillor Melvin Cohen subsequently moved a motion to approve the application (subject to conditions) in view of the personal circumstances of the applicant, which the committee had been informed of.

The motion was seconded by Councillor Shimon Ryde.

Votes on the motion to approve the application were recorded as follows:

For	4*
Against	3
Abstain	0

*The Chairman used her casting vote in favour of the motion to approve the application.

The committee therefore **RESOLVED to APPROVE the application on the grounds as presented above, and subject to the following conditions and informative:**

1. The development hereby permitted shall be carried out in accordance with the following approved plans:

Site Location Plan; Drawing No. BR – 22 ; Drawing No. BR – 221; Drawing No. BR - 222D [Received 08 June 2016]

Reason: For the avoidance of doubt and in the interests of proper planning and so as to ensure that the development is carried out fully in accordance with the plans as assessed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy DM01 of the Local Plan Development Management Policies DPD (adopted September 2012).

2. This development must be begun within three years from the date of this permission.

Reason: To comply with Section 51 of the Planning and Compulsory Purchase Act 2004.

3. The materials to be used in the external surfaces of the building(s) shall match those used in the existing building(s).

Reason: To safeguard the visual amenities of the building and surrounding area in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012) and Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012).

4. The roof of the extension hereby permitted shall only be used in connection with the repair and maintenance of the building and shall at no time be converted to or used as a balcony, roof garden or similar amenity or sitting out area.

Reason: To ensure that the amenities of the occupiers of adjoining properties are not prejudiced by overlooking in accordance with policy DM01 of the Development Management Policies DPD (adopted September 2012).

5. Notwithstanding the provisions of any development order made under Section 59 of the Town and Country Planning Act 1990 (or any Order revoking and re-enacting that Order) no windows or doors, other than those expressly authorised by this permission, shall be placed at any time in the side elevations, of the extensions hereby approved, facing 22 Brookside Road and 26 Brookside Road.

Reason: To safeguard the privacy and amenities of occupiers of adjoining residential properties in accordance with policy DM01 of the Development Management Policies DPD (adopted September 2012).

Informative:

1. In accordance with paragraphs 186 and 187 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. The LPA has negotiated with the applicant/agent where necessary during the

application process to ensure that the proposed development is in accordance with the Development Plan.

11. 38 INGLEWAY, LONDON, N12 0QN - 16/1660/HSE

The Planning Officer introduced the application.

An oral representation was heard from Councillor Anne Hutton in her capacity as ward councillor.

Following discussion of the item, Councillor Eva Greenspan moved to approve the item, as per the officers' recommendation, which was seconded by Councillor John Marshall.

Votes on the motion to approve the application were recorded as follows:

For	6
Against	1
Abstain	0

The committee therefore **RESOLVED to APPROVE the application as per the officer's recommendations.**

12. 31 ABBOTS GARDENS LONDON N2 0JG - 16/1990/FUL

The Planning Officer introduced the application. The committee noted the information set out in the published addendum.

An oral representation was heard from the applicant.

Following discussion of the item, Councillor Eva Greenspan moved to approve the item, as per the officers' recommendation, which was seconded by Councillor Arjun Mittra.

The committee unanimously agreed the motion.

The committee therefore **RESOLVED to APPROVE the application as per the officer's report.**

13. WHITE LODGE, THE VALE CHILDS HILL, LONDON NW11 8ST - 16/1235/FUL

The Planning Officer introduced the item.

Oral representations were heard from Ms Maria Kyriakides and Mr David Bendor, who objected to the application, and from the applicant's agent.

Councillor Peter Zinkin spoke in his capacity as a ward councillor in favour of the application.

Following discussion of the item, Councillor Eva Greenspan moved a motion to refuse the application, as per the officers' recommendation. The motion was seconded by Councillor Arjun Mittra.

Votes on the motion to refuse the application were recorded as follows:

For	4*
Against	3
Abstain	0

*The Chairman used her casting vote in favour of the motion to refuse the application.

The committee therefore **RESOLVED to REFUSE the application as per the reasons presented in the officers' report.**

14. GLOUCESTER COURT GOLDERS GREEN ROAD LONDON NW11 9AA - 16/1936/FUL

Councillor Shimon Ryde excluded himself for the item due to the interest he declared at the beginning of the meeting.

The Planning Officer introduced the application. The committee noted the information set out in the published addendum.

Oral representations were heard from Mr Simon Birnbaum and Ms Susan Bimbaum, who objected to the application, and from the applicant.

Following discussion of the item, Councillor Eva Greenspan moved to approve the item, as per the officers' recommendation, which was seconded by Councillor John Marshall.

Votes on the motion to approve the application were recorded as follows:

For	3
Against	2
Abstain	1

The committee therefore **RESOLVED to APPROVE the application as per the officer's report and information provided in the addendum.**

15. 16 AND 18 OAKFIELDS ROAD LONDON NW11 0HY - 16/1994/S73

Councillor Shimon Ryde excluded himself for the item due to the interest he declared at the beginning of the meeting.

The Planning Officer introduced the application. The committee noted the information set out in the published addendum.

Oral representations were heard from Mr Stephanie Hall, who objected on behalf of Mrs Estee Stimier, and the applicant.

Following discussion of the item, Councillor Eva Greenspan moved to defer the item in order to request the applicant to submit an amended site plan showing the correct curtilage of the application site.

The motion was seconded by Councillor John Marshall.

The committee therefore unanimously agreed to defer the item on the reasons presented above, and further agreed that they would arrange a site visit to number 20 before next determining the application.

16. 19 DECOY AVENUE LONDON NW11 0ES - 16/2460/HSE

The Planning Officer introduced the application.

Oral representations were heard from Dr Anthony Isaacs, who objected to the application, from the applicant's representative.

Following discussion of the item, Councillor Eva Greenspan moved to approve the item, as per the officers' recommendation, which was seconded by Councillor John Marshall.

Votes on the motion to approve the application were recorded as follows:

For	4
Against	2
Abstain	1

The committee therefore **RESOLVED to APPROVE the application as per the officer's report.**

17. 87 BRIDGE LANE LONDON NW11 0EE - 16/1899/FUL

The Planning Officer introduced the item.

Oral representations were heard from Mr Barry Greenby, who objected to the application, and from the applicant's representative.

Following discussion of the item, Councillor Eva Greenspan moved a motion to approve the application, as per the officers' recommendation. The motion was seconded by Councillor Marshall.

Votes on the motion to approve the application were recorded as follows:

For	3
Against	4
Abstain	0

The motion therefore fell.

Subsequently, Councillor Eva Greenspan moved to refuse the application on the following grounds:

- The proposed development, by reason of the number of units proposed and associated general activity, would represent an over-intensive use of the site which would detract from the established character and appearance of the area consisting of predominantly single family housing contrary to Policies CS NPPF, CS1 and CS5 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012) and the Residential Design Guidance SPD (adopted April 2013).

The motion was seconded by Councillor Shimon Ryde.

Votes on the motion to refuse the application were recorded as follows:

For	4
Against	3
Abstain	0

The committee therefore **RESOLVED to REFUSE the application on the grounds as presented above.**

Add Informatives:

Plans

1. The plans accompanying this application are:

- Proposed: No. L101 Rev D, E103 Rev D, E101 Rev D, E102 Rev D, P100 Rev C, P102 Rev D, P103 Rev F, P104 Rev D, S101 Rev D, P101 Rev E (received: 06/06/16).

- Existing: No. L001, E001, E002, L002, P001, P002, P003 (received: 23/03/16)

2 In accordance with paragraphs 186 and 187 of the NPPF, the Council takes a positive and proactive approach to development proposals, focused on solutions.

To assist applicants in submitting development proposals, the Local Planning Authority has produced planning policies and written guidance to guide applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered.

3. This is a reminder that should an application for appeal be allowed, then the proposed development would be deemed as 'chargeable development', defined as development of one or more additional units, and / or an increase to existing floor space of more than 100 sq m. Therefore the following information may be of interest and use to the developer and in relation to any future appeal process:

The Mayor of London adopted a Community Infrastructure Levy (CIL) charge on 1st April 2012 setting a rate of £35 per sq m on all forms of development in Barnet except for education and health developments. This planning application was assessed as liable for a payment under Mayoral CIL at this time.

The London Borough of Barnet adopted a CIL charge on 1st May 2013 setting a rate of £135 on residential and retail development in its area of authority. All other uses and ancillary car parking were set at a rate of £ per sq m. This planning application was assessed as liable for a payment under Barnet CIL at this time. Please note that Indexation will be added in line with Regulation 40 of Community Infrastructure Levy.

Liability for CIL is recorded to the register of Local Land Charges as a legal charge upon a site, payable should development commence. The Mayoral CIL charge is collected by the London Borough of Barnet on behalf of the Mayor of London; receipts are passed across to Transport for London to support Crossrail.

The assumed liable party will be sent a 'Liability Notice' providing full details of the charge and to whom it has been apportioned for payment. If you wish to identify named parties other than the original applicant for permission as the liable party for paying this levy, please submit to the Council an 'Assumption of Liability' notice; also available from the Planning Portal website.

The Community Infrastructure Levy becomes payable upon commencement of development. A 'Notice of Commencement' is required to be submitted to the Council's CIL Team prior to commencing on site; failure to provide such information at the due date will incur both surcharges and penalty interest. There are various other charges and surcharges that may apply if you fail to meet other statutory requirements relating to CIL, such requirements will all be set out in the Liability Notice you will receive. You may wish to seek professional planning advice to ensure that you comply fully with the requirements of CIL Regulations.

If you have a specific question or matter you need to discuss with the CIL team, or you fail to receive a 'Liability Notice' from the Council within 1 month of any appeal being allowed, please contact us: cil@barnet.gov.uk

Relief or Exemption from CIL:

If social housing or charitable relief applies to your development or your development falls within one of the following categories then this may reduce the final amount you are required to pay; such relief must be applied for prior to commencement of development using the 'Claiming Exemption or Relief' form available from the Planning Portal website: www.planningportal.gov.uk/cil

You can apply for relief or exemption under the following categories:

1. Charity: If you are a charity, intend to use the development for social housing or feel that there are exception circumstances affecting your development, you may be eligible for a reduction (partial or entire) in this CIL Liability. Please see the documentation published by the Department for Communities and Local Government at:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6314/19021101.pdf

2. Residential Annexes or Extension: You can apply for exemption or relief to the collecting authority in accordance with Regulation 42(B) of Community Infrastructure Levy Regulations (2010), as amended before commencement of the chargeable development.

3. Self Build: Application can be made to the collecting authority provided you comply with the regulation as detailed in the [legislation.gov.uk](http://www.planningportal.gov.uk/legislation). Please visit <http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil> for further details on exemption and relief.

18. 8 REDBOURNE AVENUE LONDON N3 2BS - 16/1270/FUL

The Planning Officer introduced the item. The committee noted the information set out in the published addendum.

Oral representations were heard from Mr William McCormick, who objected to the application, and from the applicant's architect.

Following discussion of the item, Councillor Eva Greenspan moved a motion to approve the application, as per the officers' recommendation. The motion was seconded by Councillor Marshall.

Votes on the motion to approve the application were recorded as follows:

For	3
Against	4
Abstain	0

The motion therefore fell.

Subsequently, Councillor Eva Greenspan moved to refuse the application on the following grounds:

1. The proposed development by reason of the number and size of units proposed and associated general activity would be an over-intensive use of the site which would detract from the established character of the area and would be detrimental to the amenities of neighbouring occupiers by reason of noise and disturbance. The proposals are contrary to policies CS NPPF, CS1 and CS5 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 and DM04 of the Development Management Policies DPD (adopted September 2012) and the Residential Design Guidance SPD (adopted April 2013).
2. In the absence of confirmation that the proposed parking spaces can be provided on site to serve future residents, the development would be likely to increase demand for on-street parking in the area, detrimental to the free flow of traffic and highway safety. The proposals would be detrimental to policy DM17 of the Adopted Barnet Development Management Policies (2012).

The motion was seconded by Councillor Alan Schneiderman.

Votes on the motion to refuse the application were recorded as follows:

For	4
Against	3
Abstain	0

The committee therefore **RESOLVED to REFUSE the application on the grounds as presented above.**

Add Informatives:

1. The plans accompanying this application are: Site Location Plan; PL01; PL02; PL03A; PL04A; PL05; PL06; PL07; PL08; Design and Access Statement
2. In accordance with paragraphs 186 and 187 of the NPPF, the Council takes a positive and proactive approach to development proposals, focused on solutions.

To assist applicants in submitting development proposals, the Local Planning Authority has produced planning policies and written guidance to guide applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered.

3. This is a reminder that should an application for appeal be allowed, then the proposed development would be deemed as 'chargeable development', defined as development of one or more additional units, and / or an increase to existing floor space of more than 100 sq m. Therefore the following information may be of interest and use to the developer and in relation to any future appeal process:

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Please note that Indexation will be added in line with Regulation 40 of Community Infrastructure Levy.

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If you have a specific question or matter you need to discuss with the CIL team, or you fail to receive a 'Liability Notice' from the Council within 1 month of any appeal being allowed, please contact us: cil@barnet.gov.uk

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You can apply for relief or exemption under the following categories:

1. Charity: If you are a charity, intend to use the development for social housing or feel that there are exception circumstances affecting your development, you may be eligible for a reduction (partial or entire) in this CIL Liability. Please see the documentation published by the Department for Communities and Local Government at

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6314/19021101.pdf

2. Residential Annexes or Extension: You can apply for exemption or relief to the collecting authority in accordance with Regulation 42(B) of Community Infrastructure Levy Regulations (2010), as amended before commencement of the chargeable development.

3. Self Build: Application can be made to the collecting authority provided you comply with the regulation as detailed in the [legislation.gov.uk](http://www.planningportal.gov.uk). Please visit

<http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil> for further details on exemption and relief.

19. 374B LONG LANE LONDON N2 8JX - 16/1447/FUL

The Planning Officer introduced the application. The committee noted the information set out in the published addendum.

An oral representation was heard from Ms Madelon Lyle, who objected to the application, and from the applicant.

Following discussion of the item, Councillor Eva Greenspan moved to approve the item, as per the officers' recommendation, which was seconded by Councillor John Marshall.

Votes on the motion to approve the application were recorded as follows:

For	5
Against	1
Abstain	1

The committee therefore **RESOLVED to APPROVE the application as per the officer's report and the information provided in the addendum.**

20. 212 - 216 HIGH ROAD LONDON N2 9AY - 16/1367/FUL

The Planning Officer introduced the application.

Following discussion of the item, Councillor Eva Greenspan moved to approve the item, as per the officers' recommendation, which was seconded by Councillor John Marshall.

Votes on the motion to approve the application were recorded as follows:

For	5
Against	1
Abstain	1

The committee therefore **RESOLVED to APPROVE the application as per the officer's report.**

21. 18 CHEVIOT GARDENS LONDON NW2 1QH - 16/1065/HSE

Councillor Alan Schneiderman excluded himself for the item due to the interest he declared at the beginning of the meeting.

The Planning Officer introduced the application.

Following discussion of the item, Councillor Eva Greenspan moved to approve the item, as per the officers' recommendation, which was seconded by Councillor John Marshall.

Votes on the motion to approve the application were recorded as follows:

For	5
Against	1
Abstain	0

The committee therefore **RESOLVED to APPROVE the application as per the officer's report.**

22. ANY ITEM(S) THE CHAIRMAN DECIDES ARE URGENT

None.

The meeting finished at 10.20 pm