

Decisions of the Planning Committee

23 November 2017

Members Present:-

Councillor Melvin Cohen (Chairman)
Councillor Wendy Prentice (Vice-Chairman)

Councillor Maureen Braun	Councillor Agnes Slocombe
Councillor Claire Farrier	Councillor Mark Shooter
Councillor Eva Greenspan	Councillor Laurie Williams
Councillor Tim Roberts	Councillor Jim Tierney
Councillor Sury Khatri (sub for Councillor Stephen Sowerby)	

Apologies for Absence

Councillor Stephen Sowerby

CHAIRMAN'S INTRODUCTION

The Chairman welcomed everyone to the meeting, explained the speaker rules and that the meeting would be audio recorded.

1. MINUTES OF THE LAST MEETING

RESOLVED that the minutes of the meeting held on 25 October 2017, be agreed as a correct record.

2. ABSENCE OF MEMBERS

Councillor Sowerby sent his apology, with Councillor Khatri as his substitute.

3. DECLARATIONS OF MEMBERS' DISCLOSABLE PECUNIARY INTERESTS AND NON-PECUNIARY INTERESTS

Councillor Slocombe	Declared a non-pecuniary interest in Plot 299, 128 Colindale Avenue (17/2248FUL) regarding comments made in September 2017.
Councillor Prentice	Declared a non-pecuniary interest in Old Manor Golf Club, as she knew the applicant.
Councillor Khatri	Declared a non-pecuniary interest in 30 Brookhill Road, as he had met one of the speakers.

4. REPORT OF THE MONITORING OFFICER (IF ANY)

None.

5. ADDENDUM (IF APPLICABLE)

Items contained in the addendum would be dealt with under individual agenda items.

6. PLOT 299, 128 COLINDALE AVENUE, LONDON, NW9 4AX, 17/2248/FUL (COLINDALE)

The Committee received the report and addendum to the report, as well as reports from the September and October Committee meetings.

This application was originally presented to Planning Committee on 28 September. The Planning Officer report included an Officer recommendation to approve the scheme subject to conditions. Following much debate, the Committee was 'minded to refuse', however, in the absence of agreeing a planning reason to refuse the scheme, the Committee requested Officers bring back a report to the next meeting, outlining reasons for refusal.

As requested, a report was presented to Planning Committee on 25 October providing five reasons for refusal to reflect the areas of concern raised at the meeting on 28 September. The Committee voted on each of the five suggested reasons for refusal and no majority was agreed on any of them. A recommendation was then moved and seconded to approve the application subject to the reasons and conditions. The application was then approved by the Committee but as yet no decision had been issued by the Council.

Following the meeting on 25 October, the Monitoring Officer advised that not all of the Members had all the information in front of them (from the earlier meeting on 28 September) including having heard from the objectors as well as the applicant and this could be perceived as having an impact on the decision.

Consequently, the Committee was recommended to review their resolution to grant permission by re-hearing the application in full including hearing from the objectors and the applicant. The Committee was therefore requested to reconsider and review the proposal for change of use to a betting shop (Sui Generis).

Representations were heard from Robert Huang, Jeannie Harris, Councillor Narenthira, Andrew Dismore and the applicant's agent.

It was moved by Councillor Farrier and seconded by Councillor Tierney that subject to the application be approved, the hours of opening be limited to 9am to 6pm, with closure on Sundays.

A vote was taken on Councillor Farrier's motion as follows:

For	9
Against	2
Abstained	0

A vote was taken the Officer's recommendation to approve the report:

(for approval)	5
(against approval)	6
(abstentions)	0

It was moved by Councillor Farrier and seconded by Councillor Shooter that the application be **REFUSED** for the following reasons:

1. The proposal has failed to provide evidence of effective marketing of an A1 use or any of the other uses previously approved under application H/05856/13 for this unit or any of the other units within the 128 Colindale Avenue parade contrary to parts iii and iv of policy DM12 in the Development Management Policies DPD (adopted September 2012);
2. The proposed change of use will result in noise and disturbance to residential amenities, in particular residential units of 128 Colindale Avenue contrary to Policy 7.15B (parts a and b) in the London Plan (2016) and part d of Policy DM04 in the Development Management Policies DPD (adopted September 2012);
3. The proposed use would be out of character with the surrounding area, would adversely impact the character and appearance of the street scene and the wider locality, contrary to Policy DM01 of the Development Management Policies DPD (adopted September 2012) and the aims and aspirations of the adopted Colindale Area Action Plan..

A vote was taken on Councillor Farrier's motion to **REFUSE** the application, subject to the reasons detailed above.

For (refusal)	9
Against (refusal)	2
Abstained	0

RESOLVED that the application be refused for the reasons detailed above and it be noted that if the refused Paddy Power schemes goes to appeal, Cllr Shooter offered to represent the Council.

7. PLOT 229, 128 COLINDALE AVENUE, LONDON, NW9 4AX, 17/5822/FUL (COLINDALE)

The Committee received the report and addendum to the report.

A representation was heard from the applicant's agent.

A vote was taken on the Officer's recommendation to approve the application:

For (approval)	6
Against (approval)	4
Abstained	1

RESOLVED that

- 1. The application be approved, subject to the conditions detailed in the report and subject to the addendum;**
- 2. the Committee grants delegated authority to the Head of Development Management or Head of Strategic Planning to make any minor alterations, additions or deletions to the recommended conditions/obligations or reasons for refusal as set out in this report and addendum provided this authority shall be exercised after consultation with the Chairman (or in his absence the Vice- Chairman) of the Committee (who may request that such alterations, additions or deletions be first approved by the Committee).**

8. 30 BROOKHILL ROAD, BARNET, EN4 8SN (EAST BARNET)

The Committee received the report.

Representations were heard from Andrew McTeare, Peter Davis, Councillor Phil Cohen and the applicant's agent.

A vote was taken on approving the Officer's recommendations, as detailed in the report, subject to condition 22 being strengthened and the addition of a planning obligation to provide a pedestrian crossing under Section 278 with the proviso that it is subject to consultation with and approval from LBB Highways.

For (Officer's recommendations)	10
Against (Officer's recommendations)	0
Abstained	1

RESOLVED that

1. the applicant and any other person(s) having a requisite interest in the land be invited to enter by way of an agreement into a planning obligation under Section 106 of the Town and Country Planning Act 1990 and any other legislation which is considered necessary for the purposes of seeking to secure the following:

(a) Legal Professional Costs Recovery

Paying the Council's legal and professional costs of preparing the Agreement and any other enabling arrangements.

(b) Enforceability

All obligations listed to become enforceable in accordance with a timetable to be agreed in writing with the Local Planning Authority.

(c) Travel Plan

A Travel Plan shall be secured in line with the draft Travel Plan submitted by Connect Consultants (August 2017) along with a £15,000 monitoring fee.

(d) Employment and Enterprise

The applicant shall enter into a Local Employment Agreement with the LPA and shall commit to providing a minimum of the following:

- Progression into employment (under 6 months) – 2
- Progression into employment (over 6 months) – 1
- Apprenticeships (End User) -2
- Work Experience – 6

2. upon completion of the agreement specified in Recommendation 1, the Chief Planning Officer approve the planning application reference 17/5331/FUL under delegated powers and grant planning permission subject to the conditions set out in Appendix 2 of this report.

3. the Committee grants delegated authority to the Head of Development Management or Head of Strategic Planning to make any minor alterations, additions or deletions to the recommended conditions/obligations or reasons for refusal as set out in this report and addendum provided this authority shall be exercised after consultation with the Chairman (or in his absence the Vice-Chairman) of the Committee (who may request that such alterations, additions or deletions be first approved by the Committee).

9. GRAHAME PARK, LONDON, NW9 (COLINDALE)

The Committee received the report.

Representations were heard from Nneka Akwaeze and the Applicant's agent.

A vote was taken on approving the Officer's recommendations, as detailed in the report:

For (Officer's recommendations)	6
Against (Officer's recommendations)	0
Abstained	5

RESOLVED that

1.The application being one of strategic importance to London, be referred to the Mayor of London. As such any resolution by the committee will be subject to no direction to call in or refuse the application being received from the Mayor of London.

2. Subject to Recommendation 1 above, the applicant and any other person having a requisite interest be invited to enter by way of an agreement into a planning obligation under Section 106 of the Town and Country Planning Act 1990 and any other legislation which is considered necessary for the purposes of seeking to secure the following, subject to any changes as considered necessary by the Head of Development Management:

(a) Legal Professional Costs Recovery

Paying the Council's legal and professional costs of preparing the Agreement and any other enabling arrangements.

(b) Enforceability

All obligations listed below to become enforceable in accordance with a timetable to be agreed in writing with the Local Planning Authority.

(c) Affordable housing

60% affordable housing by units across the whole development (652 units in total) on the basis of the following detailed mix:

Social Rent (39 Units)

17 x 1 Bed

14 x 2 Bed

8 x 3 Bed

London Affordable Rent (153 Units)

42 x 1 Bed

61 x 2 Bed

38 x 3 Bed

11 x 4 Bed

London Living Rent (166 Units)

48 x 1 Bed

58 x 2 Bed

50 x 3 Bed

10 x 4 Bed

Shared Ownership (294 Units)

101 x 1 Bed

106 x 2 Bed

72 x 3 Bed

15 x 4 Bed

(d) Community Hub

The delivery of the Community Hub to the satisfaction of the Local Planning Authority, including a cash contribution of 7,600,000 towards the delivery thereof.

(e) Heybourne Park

The delivery of the proposed improvements to Heybourne Park to the satisfaction of the Local Planning Authority.

(f) Carbon Offset Payment

Payment of £1,013,400 towards Carbon Offset to meet mayoral zero carbon target.

(g) Off Site Tree Contribution

Contribution towards off site planting of trees within the wider area to achieve 2 to 1 replacement planting ratio.

(h) Local Employment Agreement

Shall include, or provide (or procure that its contractor provides) the Council/ Re (nominated Agency) with:

- 1.1 An Apprenticeship Placement or cash equivalent on an annual basis to provide Grahame Park Regeneration Team support;
- 2.1 The placement costs will include the cost of wages (to be aligned with a living wage) support training costs, college release and the provision of tools and equipment necessary for the relevant Apprenticeship;
- 3.1 Contribute towards a Colindale- wide Employment and Skills Programme to replace the Workfinder Programme.

(i) Sustainable Transport Strategy

A Sustainable Travel Strategy for the whole of Grahame Park Estate (including the application site, future phases and Stage A) shall be submitted to the satisfaction of the Local Planning Authority. The aim of the Strategy shall be to complement the lower parking provision by promoting walking, cycling and public transport use, and assist in the integration of the development into the wider area.

(j) Travel Plan measures and monitoring:

Including Provision of Travel Plans covering the following:

Travel Plan – Residential -

Travel Plan – Non Residential including Retail, Nursery, Health Centre & Community Hub

An appropriate Travel Plan Monitoring Fee would also need to be paid in relation to the above plans.

(k) Bus Contribution

A contribution TBA - paid by the Developer to Council to fund the Bus Service Improvement on commencement of construction of Plot 11 or 12.

(l) CPZ Contribution

Contribution TBA towards the implementation of the Grahame Park CPZ on adopted roads within the development.

(m) Section 278 Works

Necessary works to the public highway under section 278 of the Highways Act to facilitate the implementation of the development

(n) Section 106 Monitoring contribution

(o) All financial contributions listed above to be subject to indexation.

3. subject to Recommendation 1 and upon completion of the agreement specified in Recommendation 2, the Head of Development Management or Head of Strategic Planning to approve the planning application reference 17/2840/OUT under delegated powers, subject to the following conditions. The Committee also grants delegated authority to the Head of Development Management or Head of Strategic Planning to make any minor alterations, additions or deletions to the recommended conditions/obligations or reasons for refusal as set out in this report and addendum provided this authority shall be exercised after consultation with the Chairman (or in his absence the Vice-Chairman) of the Committee (who

may request that such alterations, additions or deletions be first approved by the Committee).

10. OLD FOLD MANOR GOLF CLUB OLD FOLD LANE BARNET EN5 4QN (HIGH BARNET)

Councillor Farrier left the meeting at 9.20pm, prior to consideration of this item.

The Committee received the report and addendum to the report.

A representation was heard from the applicant's agent.

A vote was taken on the Officer's recommendation to approve the application:

For (approval)	10
Against (approval)	0
Abstained	0

RESOLVED that

- 1. The application be approved as per agenda with the amendments to the informatives as set out in the addendum;**
- 2. the Committee grants delegated authority to the Head of Development Management or Head of Strategic Planning to make any minor alterations, additions or deletions to the recommended conditions/obligations or reasons for refusal as set out in this report and addendum provided this authority shall be exercised after consultation with the Chairman (or in his absence the Vice- Chairman) of the Committee (who may request that such alterations, additions or deletions be first approved by the Committee).**

11. ANY ITEM(S) THAT THE CHAIRMAN DECIDES ARE URGENT

The meeting finished at 9.25pm