

Decisions of the Chipping Barnet Area Planning Committee

1 November 2017

Members Present:-

Councillor Wendy Prentice (Chairman)
Councillor Stephen Sowerby (Vice-Chairman)

Councillor Alison Cornelius Councillor Laurie Williams
Councillor Tim Roberts Councillor Kathy Levine

Apologies for Absence:-

Councillor Reema Patel

1. MINUTES OF LAST MEETING

The minutes of the meeting held on 17 October 2017, were agreed as a correct record.

2. ABSENCE OF MEMBERS (IF ANY)

Councillor Reema Patel sent her apologies.

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

All Members	Declared a non-pecuniary interest in item 8, as they know the applicant, Stephen Sowerby.
Councillor Alison Cornelius	Declared a non-pecuniary interest in item 7, as her husband, Councillor Richard Cornelius was speaking on the item.
Councillor Sowerby	Declared a pecuniary interest in item 8, as it was his application. Therefore he would not partake in the discussion or vote on this item and would leave the room.

4. REPORT OF THE MONITORING OFFICER (IF ANY)

None.

5. ADDENDUM (IF APPLICABLE)

Supplements were dealt with under individual agenda items.

6. GARAGES AT 1-4 PORCH WAY LONDON N20 0DS (OAKLEIGH WARD)

The Committee received the report.

Representations were heard from Mr Paul Lynch.

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

For (approval)	1
Against (approval)	5
Abstained	0

It was moved by Councillor Sowerby and seconded by Councillor Roberts that the Officer's recommendation be overturned and that the application be **REFUSED** for the following reasons:

The proposed dwelling by reason of its size and siting would be a cramped and incongruous form of development on a restricted site detrimental to the character and appearance of the area and the streetscene, contrary to policies to the Council's policies CS NPPF, CS1 and CS5 of the Barnet's Local Plan (Core Strategy) DPD (September 2012) and Policy DM01 of the Barnet's Local Plan (Development Management Policies) DPD (September 2012).

A vote was taken on the motion:

For (refusal)	5
Against (refusal)	1
Abstained	0

RESOLVED that the application be REFUSED, for the reason detailed above.

7. 16 SUSSEX RING LONDON N12 7HX (TOTTERIDGE WARD)

The Committee received the report.

Representations were heard from the Applicant's agent and Councillor Richard Cornelius.

A vote was taken on the Officer's recommendation to refuse the application as follows:

For (refusal)	0
Against (refusal)	6
Abstain	0

It was moved by Councillor Alison Cornelius and seconded by Councillor Roberts that the Officer's recommendation be overturned and that the application be **APPROVED** for the following reason:

The officer's reason for refusal is weak considering the fact that the cafe opposite the application site has been granted a planning permission for

such a change of use and it therefore seems illogical that this application should be denied a similar permission.

A vote was taken on the motion including a condition put forward by the Applicant's agent as detailed below:

For (approval)	6
Against (approval)	0
Abstained	0

RESOLVED that

1. the application be approved, subject to the following conditions:

1) Approved plans

The development hereby permitted shall be carried out in accordance with the following approved plans: Site location plan and Drawing No. KT-04112014-N127HX-1, KT-04112014-N127HX-2

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) Standard time limit

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) Personal Permission

The use of the ground floor premises shall only be operated out by the occupier of 16 Sussex Ring, Mr Haijri Alija. When the premises cease to be occupied by Mr Haijri Alija the A1/A3 use hereby permitted shall cease operation and the use of the premises shall revert back to the previously established A1 use.

Reason: To enable the Local Planning Authority to exercise control of the type of use within the category in order to safeguard the amenities of the area and to maintain the vitality and viability of the existing retail provision in the locality.

4) Restrict Use Class

The premises shall be used for Use Class A1/A3, and for no other purpose (including any other purpose in Class A of the Schedule to the Town and Country Planning (Use Classes) Order, 2015, or in any provision equivalent to Classes A1 and A3 in any statutory instrument revoking and re-enacting that Order, with or without modification).

Reason: To enable the Local Planning Authority to exercise control of the type of use within the category in order to safeguard the amenities of the area.

5) Restrict Opening Hours

The use hereby permitted shall not be open to members of the public before 08:00 or after 19:00 on weekdays, before 10:00 or after 19:00 on Saturdays, Sundays and Bank Holidays.

Reason: To safeguard the amenities of occupiers of adjoining residential properties.

6) Restrict Noise from Plant

The level of noise emitted from the (flue and associated equipment) plant hereby approved shall be at least 5dB(A) below the background level, as measured from any point 1 metre outside the window of any room of a neighbouring residential property.

If the noise emitted has a distinguishable, discrete continuous note (whine, hiss, screech, hum) and/or distinct impulse (bangs, clicks, clatters, thumps), then it shall be at least 10dB(A) below the background level, as measured from any point 1 metre outside the window of any room of a neighbouring residential property.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of neighbouring properties in accordance with Policies DM04 of the Development Management Policies DPD (adopted September 2012) and 7.15 of the London Plan 2016.

7) Impact of Noise from ventilation and extraction plant on development

- a. No development other than demolition works shall commence on site in connection with the development hereby approved until a report has been carried out by a competent acoustic consultant that assesses the likely noise impacts from the development of the ventilation/extraction plant, and mitigation measures for the development to reduce these noise impacts to acceptable levels, and has been submitted to and approved in writing by the Local Planning Authority;
- b. The report shall include all calculations and baseline data, and be set out so that the Local Planning Authority can fully audit the report and critically analyse the content and recommendations; and
- c. The measures approved under this condition shall be implemented in their entirety prior to the commencement of the use/first occupation of the development and retained as such thereafter.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of neighbouring properties in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012), the

8) Kitchen Extraction Equipment

- a. No development other than demolition works shall take place until a detailed assessment for the kitchen extraction unit, which assesses the likely impacts of odour and smoke on the neighbouring properties is carried out by an approved consultant. This fully detailed assessment shall indicate the measures to be used to control and minimise odour and smoke to address its findings and should include some or all of the following: grease filters, carbon filters, odour neutralization and electrostatic precipitators (ESP). The equipment shall be installed using antivibration mounts. It should clearly show the scheme in a scale diagram and shall be submitted to and approved in writing by the Local Planning Authority; and
- b. The development shall be implemented in accordance with details approved under this condition before first occupation or the use is commenced and retained as such thereafter.

Reason: To ensure that the amenities of the neighbouring occupiers are not prejudiced odour and smoke in the immediate surroundings in accordance with policies DM01 of the Development Management Policies DPD (adopted September 2012) and Policy CS14 of the Local Plan Core Strategy (adopted 2012).

- 2. **AND 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. 31 EAST VIEW BARNET EN5 5TW (HIGH BARNET WARD)

The Committee received the report and addendum.

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

For (approval)	5
Against (approval)	0
Abstain	0

RESOLVED that;

- 1. **the application be approved, subject to the conditions detailed in the report and as per the amended description set out in the addendum;**
- 2. **AND 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. 67 RIDGEVIEW CLOSE BARNET EN5 2QD (UNDERHILL WARD)

The Committee received the report.

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

For (approval)	3
Against (approval)	1
Abstain	2

RESOLVED that;

- 1. the application be approved, subject to the conditions detailed in the report;**
- 2. AND 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).**

The Chairman further agreed she would pass on property concerns regarding this address to the Leader of the Council to look into.

10. CHARLOTTE COURT 153 - 155 EAST BARNET ROAD BARNET EN4 8QZ (EAST BARNET WARD)

The Committee received the report.

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

For (approval)	6
Against (approval)	0
Abstain	0

RESOLVED that;

- 1. the application be approved, subject to the conditions detailed in the report;**
- 2. AND 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. HARVESTER STIRLING CORNER BARNET EN5 3JG (UNDERHILL WARD)

The Committee received the report.

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

For (approval)	6
Against (approval)	0
Abstain	0

RESOLVED that;

1. the application be approved, subject to the conditions detailed in the report;

2. AND 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).

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

The Chairman thanked Adam Ralton, Principal Planning Officer, on his last meeting and wished him the best in his new job from all of the Committee.

The meeting finished at 19.47