

**MINUTES OF THE PLANNING COMMITTEE
MONDAY, 11 APRIL 2011**

Councillors: Peacock (Chair), McNamara (Vice-Chair), Christophides, Waters, Beacham, Reece, Reid, Schmitz and Adamou

Also Present: Councillors Brabazon, Allison and Hare

MINUTE NO.	SUBJECT/DECISION	ACTION BY
PC166.	<p>APOLOGIES</p> <p>Apologies for absence were received from Cllr Rice, for whom Cllr Adamou was substituting.</p>	
PC167.	<p>URGENT BUSINESS</p> <p>There were no new items of urgent business, however an amended version of the minutes of the 14 March 2011 had been circulated for approval in relation to agenda item 5, and three additional pieces of correspondence in relation to agenda item 11 had been tabled for consideration by Committee Members.</p>	
PC168.	<p>DECLARATIONS OF INTEREST</p> <p>Cllr Schmitz declared a personal interest as he had publicly stated that he was a member of the Ladder Community Safety Partnership, who were formal objectors to the planning application at agenda item 11.</p> <p>Cllr Adamou declared a personal interest in respect of agenda item 11 as a member of the Ladder Community Safety Partnership.</p> <p>Marc Dorfman declared a personal interest in agenda item 11, as he had previously worked at London Borough of Ealing at the same time as Lainya Offside-Keivani, who was now Chief Executive of the Bridge Renewal Trust, although in a different department.</p>	
PC169.	<p>DEPUTATIONS/PETITIONS</p> <p>There were no deputations or petitions.</p>	
PC170.	<p>MINUTES</p> <p>RESOLVED</p> <p>That the amended minutes of the meeting of the Planning Committee on 14 March, as tabled at the meeting to include the conditions for planning application HGY/2011/0033, be approved</p>	

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	and signed by the Chair.	
PC171.	<p>APPEAL DECISIONS</p> <p>The Committee considered a report, previously circulated, on appeal decisions determined by the Department for Communities and Local Government during February 2011 of which 2 (33%) were allowed and 4 (67%) were dismissed.</p> <p>NOTED</p>	
PC172.	<p>DELEGATED DECISIONS</p> <p>The Committee considered a report on decisions made under delegated powers by the Head of Development Management and the Chair of the Planning Committee between 21 February and 20 March 2011.</p> <p>NOTED</p>	
PC173.	<p>PERFORMANCE STATISTICS</p> <p>The Committee considered a report on decisions taken within set time targets by Development Management and Planning Enforcement since the 14 March Planning Committee. It was noted that details of the planning contravention notices served had been unavailable at the time of compiling the report, and details of these would be included in the next report to the Committee.</p> <p>NOTED</p>	
PC174.	<p>TREE PRESERVATION ORDERS</p> <p>The Committee considered a report recommending confirmation of a Tree Preservation Order at 35 Stanhope Gardens, N6. It was noted that the arboriculturalist supported the TPO, and that no objections had been received.</p> <p>RESOLVED</p> <p>That the Tree Preservation Order upon the tree located at 35 Stanhope Gardens, N6, be confirmed.</p>	
PC175.	<p>256 ST ANNS ROAD, N15</p> <p>The Committee considered a report, previously circulated, which set out details of the application, the site and surroundings, planning history, relevant planning policy, consultation responses, assessment of the application and recommendations. The Planning Officer presented the report, and noted that Members of</p>	

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the Committee had been provided with a hard copy of the consultation responses in full for their information, as well as additional correspondence tabled at the meeting from Circle 33, from Planning Aid for London and from Andrea Holden. In response to the correspondence from Circle 33, the officer confirmed that, as owners of the property, they would have been notified regarding the application; with regards to the issue of whether the proposed pharmacy was ancillary to the health centre as raised in the letter from Planning Aid for London, it was confirmed that the Council's position was that the site consisted of a single planning unit, with the café and the proposed pharmacy ancillary to the D1 health centre use. In response to the concern raised in the letter from Andrea Holden regarding whether the Bridge Renewal Trust were acting in the spirit of its funding body the Seven Sisters Bridge NDC, it was not felt that this was a material consideration in the determination of the application by the Committee.

In response to a question from the Committee, the Planning Officer confirmed that the issue of whether the site formed a single planning unit was a matter of fact and degree, and that the Committee had to consider the application on its merits. The Committee noted that, while the premises was located just outside the Seven Sisters Bridge NDC Area of Change as stated in the report, the premises had been built with contributions from NDC, and asked whether this meant that policy AC4 should be applicable. It was confirmed by the Planning Officer and Legal Officer that policy AC4 was not applicable to the site, as it was located outside the defined area indicated on the proposals map. Officers advised that the use of NDC funding for the construction of the health centre was not an issue relevant to the Committee's decision regarding this application, and advised members that any attempt to apply policy AC4 to a premises outside the defined area would be open to legal challenge. In response to questions from the Committee regarding the impact on the Conservation Area and traffic, it was felt the minor changes proposed to the entranceway of the premises would not impact the Conservation Area, and that potential traffic impact had been assessed in relation to the proposal and it was felt that traffic for the pharmacy would be broadly the same as existing traffic for the health centre.

Cllr Brabazon, Ward Councillor for St Ann's, addressed the Committee in objection of the application on behalf of all three Ward Councillors. Cllr Brabazon told the Committee that the application represented a material change of use and should be treated as such. It was reported that the proposed pharmacy would constitute A1 use as a retail pharmacy, as it would be a free-standing business that would be independent of the health centre and not ancillary to it, as it would be open for use by anybody. It was reported that the proposal would only contribute to the decline of local businesses on the Seven Sisters Road and

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that application should be considered in the overall context of the UDP.

Julie Davies, patient representative for the Laurels and a local resident, addressed the Committee and stated that the original plan for a local enterprise pharmacy at the Laurels was supported, but had been rejected by the PCT on the grounds that there was no need for an additional pharmacy in the area. It was reported that the café had been completely ancillary to the health centre, but that the pharmacy would be different as it would have a gate and hatch enabling it to be accessed independently. It was felt that the proposed pharmacy would lead to an increase in crime and the fear of crime in the area, and that while there would be strict security measures in place for staff at the pharmacy, there would be no such protection for local residents and this would have a detrimental effect on community safety.

Noel McKay addressed the Committee on behalf of the residents of Turner Court, who were closest to the site in question and would be most affected. It was noted that there had been no letters of support for the proposal; local residents were 100% opposed to the application and their concerns were legitimate and justified. Local residents already suffered from noise, antisocial behaviour and crime, and opening hours until 10.30pm would pose a real risk of increased crime and anti-social behaviour in the area. This would not lead to a safe and secure environment, in contravention of policy UD4. It was reported that existing pharmacy services were in much more suitable locations than this one. Local residents had not been consulted on the application, and had been unaware of the proposal until the letter of the 1 March 2011.

Ian Sygrave, Chair of the Haringey Safer Neighbourhood Team Police Panel and the Ladder Community Safety Partnership, reported that both organisations had discussed the application and objected to it. It was reported that there was no clear need for another pharmacy outlet, and that under the UDP, a need must be clearly established. The organisations had concerns regarding the impact of such long opening hours on local residents living above the property, and that the long hours, location of the site, probable service users and associated problems could cause crime and increase the fear of crime in the area, damaging the local amenity.

Michael Levitan, Chief Executive of the Barnet, Enfield and Haringey Local Pharmaceutical Committee, explained that his organisation represented over 200 local pharmacies and had a statutory duty to oversee the adequacy of pharmacy provision to patients. It was reported that the local PCT and the recently published pharmaceutical needs assessment had established that there was no need for a new pharmacy in the area. The

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Committee was advised that other than hospital pharmacies, which provide medicines only, all other pharmacies were retail pharmacies. It was reported that out of hours services which had previously been provided at the Laurels were now provided from North Middlesex Hospital, and therefore the opening hours of the health centre were only 8am to 7pm, Monday to Friday.

The Committee asked questions of the objectors. In response to a question from the Committee regarding the reason for the PCT refusing the previous application for a pharmacy, it was reported that there was a cost to the PCT of approximately £40-60k for each pharmacy contract, and so they were careful to map services according to needs. The Committee asked what made this application for a pharmacy so different from the previous application, which was widely supported by the local community, in response to which it was reported that the issue was that, as this was a 100-hour contract, the PCT could stipulate the provision of enhanced services, such as methadone provision. In response to a question regarding the consultation on the application, Cllr Brabazon reported that local residents had not been consulted at all and that the Bridge Renewal Trust had declined invitations to address the local Safer Neighbourhood Team Panel regarding the issue. The Committee asked about the definition of 'ancillary', in response to which Mr Levitan advised that a hospital pharmacy would be deemed ancillary as it would be open only to patients of the hospital, however this would be open to anyone and was therefore a stand-alone business.

The Committee asked for further detail on the concerns of local residents, particularly those living in Turner Court. Mr McKay reported that residents were worried about the social impact on the area, particularly with regard to the potential for dispensing medicines to drug addicts, as this was not something residents wished their children to be exposed to. In response to a further question from the Committee, Mr McKay confirmed that he had heard nothing about the application until 1 March 2011. The Committee asked about the impact of the application on the NDC, in response to which Cllr Brabazon reported that it could impact on local businesses. The Committee asked whether the pharmacy would have any discretion as to whether to supply certain enhanced services, in response to which Mr Levitan advised that under the terms of the agreement with the PCT for a 100-hour pharmacy, the pharmacy would have no choice at all if the PCT directed it to provide certain services, and that this could happen if other local pharmacies, currently supplying the services voluntarily, were to cease to do so.

The applicants addressed the Committee regarding the application. Lainya Offside-Keivani, Chief Executive of the Bridge Renewal Trust advised the Committee that the provision of a pharmacy at the Laurels was a high priority as this would

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complement the work of the GP services at the centre. It was confirmed that the current opening hours of the health centre were 8am to midnight, daily. As a social enterprise, any surplus generated by the operation of the pharmacy would be used to fund community projects. Ms Offside-Keivani acknowledged local concerns regarding methadone provision, however noted that the PCT had confirmed publicly that it had no intention of directing the pharmacy at the Laurels to provide such a service, as these services were currently provided on the St Ann's site. It was noted that the Police had not objected and the Committee was asked to grant the application as outlined in the report.

Nigel Morley, superintendent pharmacist, addressed the Committee. Mr Morley advised the Committee that it was not unusual for applications for pharmacies to be turned down by PCTs on cost grounds, as had been the case with the previous application. It was understandable that the Local Pharmaceutical Committee would object to an application for a new pharmacy, as they had to protect the business interests of their existing members. Mr Morley confirmed that no medicines would be provided via an external hatch, and that any out of hours provision would generally be for palliative care where medicines were needed in great emergency, and would only be supplied to the police or medical professionals. It was emphasised that there would be no out of hours provision for drug addicts at the centre and that, although the PCT could direct the pharmacy to provide enhanced services, there was no additional need requiring such services to be commissioned. Mr Morley advised that only a very small amount of space at the pharmacy would be for the sale of non-prescription medicines.

The Committee had the opportunity to question the applicants. In response to a question regarding posters on display at the Laurels regarding the pharmacy, it was reported that this was to communicate to the local community the Trust's intention to open a pharmacy at the site later in the year. The Committee asked what would happen were the PCT to direct the pharmacy to provide enhanced services in the future, in response to which Mr Morley confirmed that if this were the case, the enhanced services would be provided from 9am to 6pm only. Mr Morley confirmed that the PCT had the right to compel the pharmacy to provide enhanced services under the terms of the agreement, although they were unlikely to do so, given that there was adequate provision of such services locally. In response to questions regarding who would have access to out of hours services, Mr Morley advised that this would only be available via an emergency procedure for police or medical professionals, not for the general public.

The Legal Officer clarified the Planning Department's position regarding consideration of the site being a single planning unit in

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the following terms: "The Planning Dept are saying to you that their professional judgment is that it is one planning unit. If the use of the pharmacy is ancillary or incidental to the main use i.e. the existing use of the building is as a health centre, there is no material change of use and it will not require its own planning permission to become anything, whether its A1, D1 or anything. That's what Paul is saying to you. If however, it's a separate planning unit in it's own right it will require a planning permission, but it could also be a D1 use. The D1 use classes order is the provision of any medical or health services. The planning department and myself have looked at this and pharmaceutical services appear to fit quite neatly into the definition of medical or health services. That doesn't necessarily mean it couldn't be an A1 shop. It does seem to be that, actually, it could fit into both use classes and nobody seems to have addressed that at all but the planning department feel it fits more comfortably in the D1 use." The Planning Officer confirmed that 'The Laurels Healthy Living Centre' was felt to be a single planning unit providing medical services. The previous use of the site in question had been a café ancillary to the health centre, and the proposed pharmacy would also be ancillary to the overall centre. It was confirmed that the pharmacy would be completely self-contained, there was no shop front, service could only be over a counter and the unit would provide only medicines and medical products. The Planning Department's view was that this accorded very closely with the overall D1 health centre use and could not be other than ancillary to the health centre. The Legal Officer confirmed that, while A1 use would constitute a retail shop, this proposal would accord with a D1 use as a medical or health service.

The Committee examined the plans.

In response to further questions from the Committee, the planning officer confirmed that 'out of hours' referred to outside the operating hours of the pharmacy itself, and not the health centre. Outside of the pharmacy opening hours, service would be available only to police or medical professionals, by means of the emergency procedure outlined by Mr Morley earlier. In response to questions from the Committee regarding the conflicting advice received from different sources, the Committee was advised that they needed to assess the application on its merits, and to give due weight to the advice provided by the Planning Department as the professional advisers to the Committee.

Cllr McNamara moved that the application be rejected on the grounds that it contravened Policy CW1, part (a), that proposals for new community/health facilities or a change of use to community/health facilities will be considered if the facility is appropriate to its location having regard to its size, purpose use, characteristics and its relationship with adjoining and nearby development. The motion was seconded by Cllr Schmitz and on a

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	<p>vote it was:</p> <p>RESOLVED</p> <p>That application HGY/2010/1993 be refused.</p> <p>Reasons:</p> <ol style="list-style-type: none"> 1. That the proposed development is considered to be situated in an unsuitable location which would be detrimental to the amenities of adjoining occupiers by reason of noise and general disturbance contrary to Policy CW1 'New Community / Health Facilities' of the Haringey Unitary Development Plan. 2. The proposed development is considered unacceptable as there is no evidence that there is any local need required to be met by such proposals contrary to Policy CW1 'New Community / Health Facilities' of the Haringey Unitary Development Plan. 3. The Committee had received expert advice from a number of different sources, including Planning Aid for London, the Chair of the Pharmaceutical Committee of the PCT and Council officers and felt that, in light of the conflicting advice provided by these sources, a decision other than to reject the application at this stage would potentially be unsound. <p>Section 106: No</p>	
<p>PC176.</p>	<p>225 ARCHWAY ROAD, N6</p> <p>The Committee considered a report, previously circulated, which set out the application, site and surroundings, planning history, relevant planning policy, consultation responses and recommendations. The planning officer presented the report, and advised the Committee that the proposal had been amended to remove the wording “with an associated off street car parking space”, that the wording of condition 8 to recommendation 4 in the report be amended to remove “to Schedule 2” and that under the planning history, applications HGY/2010/1652 and HGY/2010/1653 had both been withdrawn, rather than ‘not determined’ as set out in the report. The relevant Traffic Management Order would be amended to reflect that the scheme would now be car-free, with free membership of the car club for the first year. The application was recommended for approval subject to conditions and a section 106 agreement.</p> <p>The Committee asked questions of the officer. In response to a</p>	

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question regarding the height of the proposed new building in relation to the properties on Southwood Avenue, it was reported that the gardens of these properties was significantly lower than the site. The Committee asked about the design of the proposed new building in the context of the Conservation Area, in response to which it was reported that the design was largely determined by the site constraints and that there was a wish for the new building to be subordinate and to respect the openness of the site. It was felt that the proposal was sympathetic to its surroundings, although being modern in design.

A local resident, Keith Gold, addressed the Committee in objection to the application. Mr Gold outlined the planning history of the site, and advised that local residents did not object to the proposals for the extension of the terrace on Archway Road, nor the refurbishment of the listed building, but that the Cholmeley Park proposal was a concern as it would infringe local residents' privacy and overlook the gardens of properties on Southwood Avenue. At the very least, the Committee was asked to reduce the height of the proposed new building by 2m. On the basis of the impact the proposal would have on local residents, the Committee was asked to reject the application.

Cllr Allison, Local Ward Councillor, addressed the Committee and asked them to reject the application on the grounds of the design of the proposed new building. It was felt to be too high, too wide and with no features of merit. Cllr Allison reported that the design failed to address the concerns put forward by English Heritage and was unattractive. There were no objections to the two other elements of the application. Cllr Hare, Local Ward Councillor, also addressed the Committee in opposition to the proposed new building. Cllr Hare reported that the design related poorly to the landscape, took no account of the comments of English Heritage and was not of sufficient quality for a Conservation Area. The Committee was asked to reject the application.

In response to a question from the Committee, Mr Gold confirmed that due to the drop in level to Southwood Avenue, overlooking was a major issue for local residents.

The applicants addressed the Committee. It was reported that the architect had been in regular contact with the Council's Planning Department, the CAAC and the Highgate Society and had kept neighbours up to date with the application. The architect, Oliver Burston, outlined the three elements of the scheme. Mr Burston stated that the new building would preserve and enhance the Conservation Area and was situated at an appropriate distance from other properties in accordance with the Council's planning guidelines. It was reported that only 2 storeys of the property were above ground, and that the proposed evergreen planting would make the 1st floor less visible. The nature of the site lent

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itself to a modern design, and the steer from the Highgate Society, the Council and English Heritage had been that they would prefer a modern building, in contrast with the existing surroundings. Paul Shaw, the Landscape Architect addressed the Committee on the proposed landscaping on the site, including a dense evergreen screen between the new building and other properties.

In response to questions from the Committee, Mr Burston explained the difference in approach between the terrace extension and the new building on the basis of the different sites. It was confirmed that the new building would be grey, to match the listed villa.

The Committee viewed the plans, and asked further questions of officers. The planning officers advised that the application had to be treated as a whole, as presented to the Committee. In response to a question regarding the possibility of requiring a hydrological survey to be undertaken, the planning officer confirmed that this could be added as a condition, if the Committee wished.

It was moved by Cllr Schmitz and seconded by Cllr Reece that the application be rejected on the grounds that the proposed development to the rear of the site, by reason of its siting, design and footprint represented a cramped form of development which would have an unsympathetic relationship with the listed building and adjoining properties and would adversely affect the residential and visual amenities of adjoining residences, furthermore the introduction of such a development to this part of the site would not preserve the character or the appearance of the Conservation Area, contrary to CSV1. On a vote it was:

RESOLVED

That application HGY/2011/0193 be refused on the grounds that the proposed development to the rear of the site, by reason of its siting, design and footprint would represented a cramped form of development which would have an unsympathetic relationship with the Listed Building on site and with adjoining properties, adversely affecting their residential and visual amenities. Furthermore the introduction of such a development on this part of the site would not preserve or enhance the character and appearance of this part of the Conservation Area. As such the proposed development is considered to be contrary to policies UD3 'General Principles', UD4 'Quality Design', CSV1 'Development in Conservation Areas' and CSV2 'Listed Building' of the adopted Haringey Unitary Development Plan 2006 and supplementary planning guidance SPG1a 'Design Guidance', SPG2 'Conservation and Archaeology' and the Council's 'Housing' Supplementary Planning Document 2008.

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	Section 106: No	
PC177.	<p>225 ARCHWAY ROAD, N6</p> <p>The Committee considered a report, previously circulated, regarding an application for Listed Building Consent. The report set out the application, site and surroundings, planning history, relevant planning policy and recommendation.</p> <p>It was moved by Cllr Schmitz and seconded by Cllr Reece that the application be rejected on the grounds that the proposed development to the rear of the site, by reason of its siting, design and footprint represented a cramped form of development which would have an unsympathetic relationship with the listed building and adjoining properties, furthermore the introduction of such a development to this part of the site would not preserve the character or the appearance of the Conservation Area, contrary to CSV1. On a vote it was:</p> <p>RESOLVED</p> <p>That application HGY/2011/0194 be refused on the grounds that the proposed development to the rear of the site, by reason of its siting, design and footprint would represented a cramped form of development which would have an unsympathetic relationship with the Listed Building to the detriment of its character and setting. As such the proposal is considered to be contrary to policy CSV2 'Listed Building' of the adopted Haringey Unitary Development Plan 2006 and supplementary planning guidance SPG2 'Conservation and Archaeology'.</p>	
PC178.	<p>NEW ITEMS OF URGENT BUSINESS</p> <p>There were no new items of urgent business.</p>	
PC179.	<p>DATE OF NEXT MEETING</p> <p>Monday, 16th May 2011 at 7pm.</p> <p>The meeting closed at 22:15hrs.</p>	

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COUNCILLOR SHEILA PEACOCK

Chair