

**MINUTES OF THE PLANNING SUB COMMITTEE  
MONDAY, 31 MARCH 2014**

Councillors: Basu, Beacham, Demirci (Chair), Mallett (Vice-Chair), McNamara, Reid, Reith, Rice, Solomon and Strang

<b>MINUTE NO.</b>	<b>SUBJECT/DECISION</b>
<b>PC16.</b>	<p><b>DECLARATIONS OF INTEREST</b></p> <p>Cllr Mallett identified that she was a member of the Haringey Cycling Campaign who had submitted a consultation response on item 5, Protheroe House. She also identified that she wished to make an objection as a local ward Councillor to item 6, rear of 199-207 Downhills Way and as such would take no part in deliberations or decision making for this item.</p> <p>Cllr Reid identified that he wished to object to item 7, The Nightingale, as a local resident and as such would take no part in deliberations or decision making on this item.</p>
<b>PC17.</b>	<p><b>PROTHEROE HOUSE CHESNUT ROAD N17 9EQ</b></p> <p>The Committee considered a report on the application to grant planning permission for the redevelopment of the site to provide a new four storey building housing 50 extra care residential units with ancillary facilities for use by residents including dining area, wellbeing centre, communal rooms and public space, communal gardens and roof terrace. The report set out details of the proposal, the site and surroundings, planning history, relevant planning policy, consultation and responses, analysis, equalities and human rights implications and recommended to grant permission subject to conditions and the completion of a legal agreement in the form of a Unilateral Undertaking.</p> <p>The planning officer gave a short presentation highlighting the key aspects of the report. It was updated that condition 12 covering the travel plan would be amended to include reference to the provision of a resident's welcome induction pack detailing walking/cycling information as approved by the Council's Transport Team and that all residents of the scheme must be offered free membership to a local car club for at least the first two years of occupation with evidence provided to the Transport Team. An additional pre-commencement condition would also be added to require the details of a Construction Management Plan and Construction Logistics Plan and storage locations and electrical charging points for electric scooters to be submitted.</p> <p>The Committee raised the following points in discussion of the application:</p> <ul style="list-style-type: none"><li>• Plans for the naming of the scheme were queried. The applicant indicated the intention to retain the name Prothero House. The Committee requested however that an informative be added to encourage the applicant to consult local ward Councillors regarding the naming of the scheme.</li><li>• Clarification was sought on whether the scheme would incorporate guest rooms for use by visitors. Confirmation was provided that a guest suite would be provided to the second floor.</li><li>• In response to a query as to why restrictions on the hours of construction had</li></ul>

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been attached to the permission as an informative instead of a condition, officers confirmed that this was best practice as enforcement was covered under a separate legislative regime.

Cllr Peacock addressed the Committee in support of the scheme and made the following points:

- The design of the scheme appeared to be excellent and an improvement on the current buildings which were no longer fit for purpose.
- A request that the name of the scheme be retained for historical purposes.
- With regards to the communal gardens, it was requested that the applicant protect and retain where possible apple trees and roses planted in memory of previous residents and to encourage future residents to take part in the Gardens in Bloom scheme covering the communal gardens.

Members requested an amendment to condition 3 to require the submission for approval of samples of the type and shade of zinc cladding, window frames and balcony glass and frames to be used for the scheme.

The Chair moved the recommendation of the report including the amendment to conditions and additional informative listed above and it was

**RESOLVED**

- That planning permission HGY/2013/2465 be granted subject to conditions and completion of a legal agreement in the form of a Unilateral Undertaking.

**IMPLEMENTATION**

1. The development hereby authorised must be begun not later than the expiration of three years from the date of this permission, failing which the permission shall be of no effect.

Reason: This condition is imposed by virtue of Section 91 of the Town & Country Planning Act 1990 and to prevent the accumulation of unimplemented planning permissions.

2. Notwithstanding the information submitted with the application, the development hereby permitted shall only be built in accordance with the approved plans

Reason: To avoid doubt and in the interests of good planning.

**PRE-COMMENCEMENT CONDITIONS**

**Materials**

3. Samples of all materials to be used in conjunction with the proposed development for all the external surfaces of buildings hereby approved, areas of hard landscaping and boundary walls shall be submitted to, and approved in writing by, the Local Planning Authority before any development is commenced. Samples should include sample panels or brick types and a roofing material sample combined with a schedule of the exact product references. The development shall be implemented in accordance with the approved samples.

Reason: In order for the Local Planning Authority to retain control over the exact materials to be used for the proposed development and to assess the suitability of the samples submitted in the interests of visual amenity.

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Landscaping

4. No development shall take place until full details of soft landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include detailed drawings of the planting of at least 10 new trees of a large nursery size, some of which have the capacity to grow to a large mature size demonstrating that space allocated for new planting is protected from construction damage. The landscaping scheme, once implemented, is to be retained thereafter,

Reason: In order for the Local Planning Authority to assess the acceptability of any landscaping scheme in relation to the site itself, thereby ensuring a satisfactory setting for the proposed development in the interests of the visual amenity of the area consistent with Policy 7.21 of the London Local Plan 2011, Policy SP11 of the Haringey Local Plan 2013 and Policy UD3 of the Haringey Unitary Development Plan 2006.

Boundary Treatment

5. Details of the proposed boundary treatment shall be submitted to and approved by the Local Planning Authority prior to the commencement of the development. The approved boundary treatment shall thereafter be installed prior to occupation of the new residential unit.

Reason: In the interest of the visual amenity of the area and residential amenities of neighbouring occupiers.

Levels

6 The details of all levels on the site in relation to the surrounding area be submitted and approved by the Local Planning Authority.

Reason: In order to ensure that any works in conjunction with the permission hereby granted respects the height of adjacent properties through suitable levels on the site.

Waste Storage

7. No development shall take place until a detailed scheme for the provision of refuse and waste storage and recycling facilities has been submitted to and approved in writing by the Local Planning Authority. Such a scheme as approved shall be implemented and permanently retained thereafter.

Reason: In order to protect the amenities of the locality and to comply with Policy UD7 'Waste Storage' of the Haringey Unitary Development Plan and Policy 5.17 'Waste Capacity' of The London Plan.

Control of Construction Dust:

8. No works shall be carried out on the site until a detailed report, including Risk Assessment, detailing management of demolition and construction dust has been submitted and approved by the LPA. (Reference to the London Code of Construction Practice) and that the site or Contractor Company be registered with the Considerate Constructors Scheme. Proof of registration must be sent to the LPA prior to any works being carried out on the site.

Reason: In order to ensure that the effects of the construction upon air quality is minimised

Combustion and Energy Plant:

9. Prior to installation details of the boilers to be provided for space heating and

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domestic hot water should be forwarded to the Local Planning Authority. The boilers to be provided for space heating and domestic hot water shall have dry NOx emissions not exceeding 40 mg/kWh (0%).

Reason: To ensure that the Code for Sustainable Homes assessment obtains all credits available for reducing pollution, as required by The London Plan Policy 7.14.

**Method Statement**

10.A Method Statement detailing the remediation requirements, using the information obtained from the site investigation, and taking into account the points above shall be submitted to, and approved in writing by, the Local Planning Authority prior to that remediation being carried out on site. Upon completion of remediation to be submitted to the LPA that provides verification that the required works have been carried out, shall be submitted to, and approved in writing by the Local Planning Authority before the development is occupied.

Reason: To ensure the development can be implemented and occupied with adequate regard for environmental and public safety.

**Green Roof**

11. Full details of an extensive green roof shall be submitted to and approved in writing by the Local Planning Authority prior to any development works. The green roof submission must provide/comprise of the following information:

- a) biodiversity based with extensive/semi-intensive soils
- b) substrate which is commercial brick-based aggregate or equivalent with a varied substrate depth of 80 -150mm planted with 50% locally native herbs/wildflowers in addition to sedum.
- c) There should be a minimum of 10 species of medium ecological value and as listed in the Environment Agency's Green Roof Toolkit.
- d) include additional features such as areas of bare shingle, areas of sand for burrowing invertebrates
- e) a report from a suitably qualified ecologist specifying how the living roof has been developed for biodiversity with details of landscape features and a roof cross section

The green roof must be installed and rendered fully operational prior to the first occupation of the development and retained and maintained thereafter.

No alterations to the approved scheme shall be permitted without the prior written consent of the Local Planning Authority. Evidence that the green roof has been installed in accordance with the details above should be submitted to and approved by the Local Planning Authority prior to first occupation.

Reason: To ensure a sustainable development consistent with Policy 5.11 of the London Plan 2011 and Policies SP0, SP4 and SP11 of the Haringey Local Plan 2013.

**Travel Plan**

12.No development shall take place until details of a travel plan showing how patrons will access the site by more sustainable transport modes has been submitted to and approved in writing by the local planning authority. The plan must show measures that will be used to promote more sustainable modes of transport and how such measures will be managed once the development has been first implemented. The approved travel plan shall be implemented prior to first occupation of the development hereby permitted.

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Reason: To promote sustainable transport and to reduce the potential for additional on street parking stress as a result of the development, consistent with Policies SP0, SP4 and SP7 of the Haringey Local Plan.

**Archaeological**

13. A) No development other than demolition to existing ground level shall take place until the applicant (or their heirs and successors in title) has secured the implementation of a programme of archaeological evaluation in accordance with a written scheme which has been submitted by the applicant and approved by the local planning authority in writing and a report on that evaluation has been submitted to the local planning authority.

B) If heritage assets of archaeological interest are identified by the evaluation under Part A, then before development, other than demolition to existing ground level, commences the applicant (or their heirs and successors in title) shall secured the implementation of a programme of archaeological investigation in accordance with a Written Scheme of Investigation which has been submitted by the applicant and approved by the local planning authority in writing.

C) No development or demolition shall take place other that in accordance with the Written Scheme of Investigation approved under Part (B).

D) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under Part (B), and the provision for analysis, publication and dissemination of the results and archive deposition has been secured

Reason: Heritage assets of archaeological interest may survive on the site. The planning authority wishes to secure the provision of appropriate archaeological investigation, including the publication of results, in accordance with Section 12 of the NPPF

**Code for Sustainable Homes**

14 The dwelling(s) hereby approved shall achieve Level 4 of the Code for Sustainable Homes. No dwelling shall be occupied until a final Code Certificate has been issued for it certifying that Code Level 4has been achieved.

Reasons: To ensure that the development achieves a high level of sustainability in accordance with Policies 5.1, 5.2, 5.3 and 5.15 of the London Plan 2011 and Policies SP0 and SP4 the Haringey Local Plan 2013.

**BREEAM**

15. No building shall be occupied until a final Certificate has been issued certifying that BREEAM rating 'Excellent' has been achieved for this development

Reasons: To ensure that the development achieves a high level of sustainability in accordance with Policies 5.1, 5.2, 5.3 and 5.15 of the London Plan 2011 and Policies SP0 and SP4 the Haringey Local Plan 2013.

**Extract Duct/Flue**

16 Prior to the implementation of the permission, details of any extract fans or flues shall be submitted to and approved by the Local Planning Authority prior to commencement of use".

Reason: In order to ensure that the proposed development does not prejudice the enjoyment by neighbouring occupiers of their properties

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Hygiene

17 Prior to the implementation of the permission, details of the proposed layout of facilities (i.e. location sinks, wash hand basins, food storage, cooking areas and refuse storage) shall be submitted to and approved by the Local Planning Authority prior to commencement of use.

Reason: In order to ensure that the proposed development provides a suitable layout in terms of hygiene.

Aerial

18 The proposed development shall have a central dish/aerial system for receiving all broadcasts for all the residential units created, details of such a scheme shall be submitted to and approved by the Local Planning Authority prior to the occupation of the property and the approved scheme shall be implemented and permanently retained thereafter.

Reason: In order to protect the visual amenities of the neighbourhood.

Restricted Use Class

19 The development shall be occupied as supported affordable extra care housing units to assist older people to live independently for no other purpose, including any purpose within Class C2 or C3 of the Use Classes Order 1987.

Reason: In granting this permission the Local Planning Authority has had regard to the impacts arising on the residential amenity of adjoining occupiers by the proposed use and wishes to ensure that such impacts are not exacerbated by the implementation of other uses, falling within Class C2 or C3, by having the opportunity of requiring appropriate mitigation measures to mitigate such impacts as may be required by any such subsequent use.

Roof Terrace

20. Notwithstanding the information provided with the application, a detailed plan of the roof terrace shall be submitted to and approved in writing by the Local Planning Authority prior to any development works. The roof terrace layout shall be thereafter retained in accordance with the approved detailed plan.

Reason: To ensure that the operation and security of the adjoining police station is not adversely affected by the development and to protect the living conditions of nearby residents.

**POST-COMMENCEMENT CONDITIONS**

Lifetime Homes

21. The residential units hereby approved shall be designed to Lifetime Homes Standard.

Reason: To ensure that the proposed development meets the Council's standards in relation to the provision of Lifetime Homes.

Roof Terrace

22. The communal external roof terrace located at first floor level on the east elevation of the development, hereby permitted shall not be used between 2100 and 0900 hours the following day.

Reason: To restrict the use of the area which would otherwise give rise to condition which would be detrimental to the amenity of occupiers of the development and surrounding occupiers by reason of noise and disturbance, occasioned by the use of this area in accordance with UDP Policy UD3

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General Principles.

INFORMATIVE 1 – Thames Water

Thames water advise that with regards to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water course or a suitable sewer

INFORMATIVE 2 – Secure by Design

The new homes would benefit from the Secured by Design standards, particularly for door and window standards. There should be gating near the front of the property to prevent intruders gaining access

INFORMATIVE 3 – Asbestos Survey

Prior to refurbishment of existing buildings, an asbestos survey should be carried out to identify the location and type of asbestos containing materials. Any asbestos containing materials must be removed and disposed of in accordance with the correct procedure prior to any demolition or construction works carried out.

INFORMATIVE 4 – Surface Water Management

The Environment Agency recommend the surface water management good practice advice in cell F5 is used to ensure sustainable surface water management is achieved as part of the development.

INFORMATIVE 5 - Hours of Construction Work

The applicant is advised that under the Control of Pollution Act 1974, construction work which will be audible at the site boundary will be restricted to the following hours:-

8.00am - 6.00pm Monday to Friday

8.00am - 1.00pm Saturday

and not at all on Sundays and Bank Holidays.

INFORMATIVE 6 --- Environmental Health (Food & Hygiene)

- Consultation and Registration of Food Business with the Commercial & Environmental Protection Group prior to trading
- WC Facilities to comply with BS6465 Part 1: 1994
- WC's are not lead directly into areas where food is prepared, processed or stored. Provision must be made for a ventilated intervening lobby.
- The Food Business activities to comply with the requirements of the Regulation (EC) No 852/2004; the Food Hygiene (England) Regulations 2006; and the Health and Safety at Work etc. Act 1974
- All working surfaces, storage cupboards and counters in all food rooms, to be made from materials which are smooth, durable, impervious and capable of being effectively cleaned.
- All sink and wash and basin units to have cold and hot water supplies with waste pipe(s) properly connected to the drainage system.
- They recommend wheels, flexible power cables, and waste connections to large kitchen appliances (i.e. freezers, chillers and cooking equipment) to assist effective cleaning in less accessible areas
- Provide suitable and sufficient food storage facilities (i.e. separate chillers/freezers for raw and cooked foods, dry store area).
- Suitable fly screens fitted to the kitchen openable window/s and door/s.
- Where appropriate grease traps/interceptors should be incorporated in the below ground drainage.
- Provide suitable storage areas for internal and external refuse containers. Indoor storage of food waste must be kept away from food rooms and cleaned and disinfected frequently. The area must also be well ventilated.
- An authorised waste contractor must be engaged to collect the trade waste. In

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light of the above, I recommend that any collection service is daily.

Mechanical Extraction and Ducting

- Engage the services of a competent ventilation engineer to design and install a system appropriate for your needs. It is particularly important to install the correct type of filters for the type of cooking that you do.
- Fumes resulting from cooking operations should be discharged via a mechanical extraction system so as not to create a nuisance. The system should incorporate a stainless steel canopy connected to a flue and suitable filtration (i.e. grease and carbon etc.) in accordance with current regulations.
- Fit anti vibration mountings/dampers to the fan or motor unit to prevent noise and vibration being transmitted into structure.
- Provide flexible couplings between the fan unit and ducting to prevent vibration being transmitted into ducting
- Ensure the flue terminal is positioned so as to prevent smell/odour nuisance, preferably at ridge height

Please note that the conditions referred to in the minutes are those as originally proposed in the officer's report to the Sub-Committee; any amended wording, additional conditions, deletions or informatives agreed by the Sub-Committee and recorded in the minuted resolution, will, in accordance with the Sub-Committee's decision, be incorporated into the Planning Permission as subsequently issued.

**PC18. REAR OF 199-207 DOWNHILLS WAY N17 6AH**

[Cllr Mallett did not sit as a member of the Committee for the duration of this item].

The Committee considered a report on the application to grant planning permission for the demolition of six sheds/garages and construction of 6 terraced dwelling houses comprising 4 x 3 bed and 2 x 4 beds. The report set out details of the proposal, the site and surroundings, planning history, relevant planning policy, consultation and responses, analysis, equalities and human rights implications and recommended to grant permission subject to conditions and subject to a s106 legal agreement.

The planning officer gave a short presentation highlighting the key aspects of the report.

In response to questions from the Committee, officers confirmed that one of the houses would be required to be wheelchair accessible and that the applicant owned the footpath/alleyway leading from Penniston Close which transected the application site.

A number of objectors addressed the Committee and raised the following points:

- The new properties would cause overlooking to the houses directly opposite on Penniston Close and adjacent properties on Downhills Way and negatively impact on privacy.
- The scheme would result in overshadowing to the gardens and rear windows of adjacent houses on Downhills Way.
- Local residents would be subject to nuisance from construction works including noise and odour.
- The parking provision proposed was insufficient and would have a knock on



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effect on parking pressure in the local area.

- The application was contrary to new approaches to prevent 'garden grabbing' and would set a precedent in the area.
- The application did not include important details such as refuse and surface water management.
- It was asserted that residents of Downhills Way had right of access to the alleyway on site inline with their deeds and was used regularly by local residents.
- The plans did not accurately illustrate the close proximity of the new properties to existing houses on Penniston Close.
- The applicant had allowed the garages currently on the site to deteriorate and become dilapidated to justify the planning application.
- The scheme would constitute overdevelopment of the area for financial gain by exploiting the large gardens to Downhills Way houses.
- The development would result in an increase in traffic in the area and exacerbate existing parking issues.
- A pavement was not proposed to the front of the new properties necessitating access directly off the road which would be dangerous for family accommodation.

Cllrs Griffith and Mallett addressed the Committee and spoke in objection to the application on the following grounds:

- The development would change the nature of the area of houses that enjoyed large gardens and would set a precedent for their development.
- The scheme would increase parking pressures in the area which were already exacerbated by parking restrictions and proximity to a nearby CPZ.
- The new properties would result in overlooking and overshadowing to houses opposite, especially due to the narrow width of Penniston Close.
- Local people would be impacted by the loss of access to the alleyway.
- The proposed scheme didn't meet dwelling mix or affordable housing requirements.

The applicant addressed the Committee and raised the following points:

- Access keys to the alleyway gates would be provided to individuals with right of access, which did not include Penniston Close residents. The gating would prevent existing fly tipping problems.
- Due to the separation distance of 24m, any overshadowing to 209 Downhills Way would only be caused to the garden.
- Existing garages on the site were not in use and had been subject to malicious damage in the past.
- A walkway would be provided to the front of the new houses
- Sufficient parking provision was available on Penniston Close to cover any additional demand.
- The proposed houses were of two storey construct with dormer windows to the roof which was inline with other houses in the area.

Cllr McNamara proposed a motion, seconded by Cllr Solomon to reject the application. At a vote, the motion was carried and it was

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**RESOLVED**

- That planning application HGY/2013/1690 be rejected on the grounds of overdevelopment, loss of amenity, high risk of overlooking and non compliance with 8.21 of adopted Housing SPD 2008.

**PC19. THE NIGHTINGALE, 40 NIGHTINGALE LANE, N8 7QU**

[Cllr Reid did not sit as a member of the Committee for the duration of this item].

The Committee considered a report on the application to grant a variation of condition 2 (plans) attached to planning permission HGY/2012/1258 to increase the number of units from 7 to 9. The report set out details of the proposal, the site and surroundings, planning history, relevant planning policy, consultation and responses, analysis, equalities and human rights implications and recommended to grant the variation subject to conditions and a s106 legal agreement.

The planning officer gave a short presentation highlighting the key aspects of the report. Confirmation was provided that the increase in units would be achieved through a minor extension to the roof of the public house as well as reconfiguring and optimising the layout of the flats. The Committee were advised of an error within the report setting out the dwelling mix of the consented scheme with 2x two bedroom units and not 1 as listed.

An objector addressed the Committee to raise the following points:

- The density of the development would be too high with the inclusion of the additional units.
- The new unit proposed on the top storey would result in overlooking to the houses opposite with windows now to habitable rooms.
- The application would exacerbate existing problems with traffic in the area due to the two schools in the vicinity and the pub as well as displacement parking from the Crouch End CPZ resulting in parking and traffic pressures.

Officers from the transport team advised that the development did not meet the criteria for car free designation as it was not located in a CPZ and had a low Public Transport Accessibility rating.

Cllr Reid addressed the Committee as a local resident and raised the following points:

- Traffic was a particular problem in Nightingale Lane and would be exacerbated as a result of this development plus other schemes approved in the area such as Cleopatra House and Pembroke Works.
- Overlooking would be caused from the pub to houses opposite.

The applicant addressed the Committee and raised the following points:

- Planning permission had already been granted for the substantive scheme.
- The variation sought a minor 300mm reconfiguration to the roof to incorporate an extra residential unit.
- No evidence had been proffered regarding the alleged traffic problems in the area.
- The applicant would be willing to consider the use of obscure glass to the top floor windows to mitigate overlooking concerns.

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Members expressed concern that the determination of the consented scheme by Planning Committee in 2008 had rejected the provision of 9 units, with final approval granted for 7 units and that the variation now sought would undermine this decision. Officers advised that new housing targets had been introduced since 2008, including seeking to optimise schemes and therefore it was the officer view that there would not be a material additional impact on the scheme from the additional units sought.

The Chair moved the recommendation of the report and it was

**RESOLVED**

- That planning application HGY/2014/0091 be rejected on the grounds that the application would result in overlooking to the houses opposite from the windows on the top floor, the dwelling mix was non-compliant with the Housing SPD 2008 through a weighting towards one bed units, the density was outside of the recommended range, a loss of amenity, exacerbation of parking problems in the area and the cumulative impact of the additional units to the overall scheme.

**PC20. 193-197 BROAD LANE N15 4QS**

The Committee considered a report on the application to grant a minor variation to the affordable housing obligation for Sanctuary Housing Association attached to planning permission HGY/2010/1428. The report set out details of the proposal, the site and surroundings, planning history, relevant planning policy, consultation and responses, analysis, equalities and human rights implications and recommended to grant permission to the variation subject to a s106 legal agreement.

The planning officer gave a short presentation highlighting the key aspects of the report. It was advised that the applicant was seeking permission under new appeal procedures in the Town and Country Planning Act to amend the tenure mix secured under the s106 agreement from 13 social rent to 3 intermediate tenure/shared ownership and 10 affordable rent units. This was on the grounds of viability due to changes in the national affordable housing regime, a reduction in grant funding and an increase in the final build costs.

The Committee expressed disappointment that the applicant was seeking the variation at such a late stage in proceedings, particularly as it had been advised that the units were being advertised for occupation to prospective residents. That the applicant had elected not to attend the meeting to answer any questions from the Committee was also of concern to Members and it was asked that officers conveyed to Sanctuary Housing that this was unacceptable. It was advised that the Environment and Housing Scrutiny Panel would be looking at the Council's relationship with housing providers as part of next years work programme and as such this issue could be referred there.

The Chair moved the recommendation of the report and it was

**RESOLVED**

- That permission HGY/2014/0574 be granted for the variation to application

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	HGY/2010/1428 subject to a s106 legal agreement.
<b>PC21. DATE OF NEXT MEETING</b>	
	The last meeting of the municipal year was scheduled for 7 April.

COUNCILLOR ALI DEMIRCI

Chair