

# **MINUTES OF MEETING REGULATORY COMMITTEE HELD ON Monday, 21st September, 2015**

## **PRESENT:**

**Councillors: Dhiren Basu, John Bevan, Vincent Carroll (Vice-Chair), Clive Carter, Makbule Gunes, Toni Mallett and James Patterson**

### **176. FILMING AT MEETINGS**

#### **RESOLVED**

- That the Chair's announcement regarding the filming of the meeting for live or subsequent broadcast be noted.

### **177. APOLOGIES FOR ABSENCE**

Apologies were received from Cllrs Beacham, Ryan and Weston.

### **178. DECLARATIONS OF INTEREST**

The Chair identified with reference to item 9 that she was a Noel Park ward councillor.

Cllr Bevan identified that he was a member of the Lee Valley Park Authority.

Cllr Carter identified that he was a director of the Friends of Finsbury Park group.

### **179. MINUTES**

#### **RESOLVED**

- That the minutes of the Regulatory Committee on 21 May and Special Regulatory Committee on 2 July be approved.

Further clarification was sought on the Council's powers regarding the sale of cigarettes from stalls at Finsbury Park events. The licensing officer confirmed that this issue was not covered under the licensing regime but that the Council's Park Service would potentially be able to impose restrictions under the terms of the hire agreement. This point could feed into the Finsbury Park Events Scrutiny review currently underway.

The Committee reiterated a previous request to meet the new Quality Review Panel in recognition of the important role and expertise they provided in encouraging good design within the borough. Officers agreed to look into arranging this. It was advised that a Development Quality Charter, a key document linked to the work of the Panel, would be submitted for Full Council consideration in November.

**(Action: Stephen Kelly/Emma Williamson)**

## **180. THE LICENSING ACT 2003: REVIEW OF STATEMENT OF LICENSING POLICY 2016-2021**

The Committee considered a report on the statutory five year review of the borough's Statement of Licensing Policy (SoLP) and proposed draft 2016-2021 SoLP to be released for consultation. The draft would undergo a 6 week consultation period, the results of which would come back to Regulatory Committee before progressing to Full Council in November for adoption.

Confirmation was provided that the Cumulative Impact Assessment mooted for the east of the borough would not be progressed at the current time, with the Police not supporting implementation at this point.

Officers updated that a clear steer had been provided by the Council's Senior Leadership Team on consideration of the report for a stronger message covering the sale of high strength low cost alcohol and street drinking. It was however advised that a blanket ban could not be imposed on retailers across the borough restricting the sale of high strength alcohol but that the imposition of restrictions related to high strength low sales would be considered for licensing applications coming forward on a case by case basis with reference to evidenced crime and disorder in the area.

In response to a question, officers confirmed that Children's Services were categorised as a responsible authority as part of the consultation exercise.

An update was sought on plans for the imposition of a late night levy in the borough. Officers advised that this was not being taken forward at the current time as the late night economy was not considered significant enough to warrant a levy and at a wider level, boroughs that had imposed a levy were now rolling them back. Officers agreed to circulate a short briefing to the Committee. **(Action: Daliah Barrett)**

The Committee suggested that the scope of the consultation questions be extended to encourage residents to identify any problems linked to licensed premises within the borough. **(Action: Daliah Barrett)**

### **RESOLVED**

- To approve for consultation the draft Haringey Statement of Licensing Policy 2016-2021 SOLP attached as Appendix 1A to the report.
- To agree the consultation questions on considering a Cumulative Impact policy and suggested areas to be considered.
- To note and agree the arrangements for public consultation and questionnaire as set out within the report at section 9.1 and 9.2.

## **181. CONSULTATION ON REVISED STATEMENT OF LICENSING POLICY FOR GAMBLING ACT 2005**

The Committee considered a report on the statutory three year review of the borough's SoLP for the Gambling Act including the proposed draft for consultation. It was proposed to readopt the current policy at this time, with only very minor changes made.

Clarification was sought on the Council's position regarding the operation of any future casinos within the borough. Officers advised that a Full Council resolution had been passed to ban any prospective casino, a position which was reflected within the SoLP. Details of the resolution would be circulated to Cllr Carter. **(Action: Daliah Barrett)**

The Committee sought an update on progress made in establishing closer working relationships between the Planning and Licensing Services to facilitate, as far as possible, a cohesive approach to dealing with licensed premises under the separate legislative regimes. Officers advised that closer working practices were being developed including checking planning conditions related to licensing hours. A briefing report would be provided to the next meeting. **(Action: Daliah Barrett/Stephen Kelly/Emma Williamson)**

The Committee were advised of the recent reclassification of betting shops and pay day loan shops to sui generis use class. The draft DMP document would set out a position regarding the clustering of betting shops which would be adopted subject to the consultation process.

## **RESOLVED**

- That the draft Statement of Licensing Policy for the Gambling Act 2005 be noted.

## **182. DRAFT NOEL PARK CONSERVATION AREA CHARACTER APPRAISAL AND MANAGEMENT PLAN**

The Committee considered a report on a draft Noel Park Conservation Area Appraisal and Management Plan prior to its release for public consultation. Proposals included a review and extension of the boundaries to the Conservation Area and Article 4 direction area to harmonise.

Concerns were raised by the Committee regarding the available resourcing for enforcement of the management plan, particularly in the current financial climate and Council budget pressures.

Clarification was sought on the position regarding the installation of satellite dishes and security door and window grills to properties within the Conservation Area. Officers advised that the requirement for planning permission for the installation of dishes was set out within the management plan. Guidance was not explicitly set out within the plan covering security grills to residential properties, although commercial properties were referenced. Officers agreed to review this in order to emphasise that their installation was unacceptable within a Conservation Area. **(Action: Stephen Kelly)**

In response to a question regarding the review of Conservation Areas in Tottenham and links to the regeneration strategy, it was advised that consultants had been engaged to look at the 6 Conservation Areas in that area and that a report would be brought back for Committee consideration in due course.

## **RESOLVED**

- That the draft Noel Park estate Conservation Area Appraisal and Management Plan be noted as well as plans for Cabinet to release the draft for 6 weeks public consultation.

### **183. DEVELOPMENT MANAGEMENT AND PLANNING ENFORCEMENT WORK REPORT FOR 2015/16**

The Committee considered a report and short presentation from officers setting out Development Management and Planning Enforcement performance to date in 2015/16 and progress with the Development Management Improvement Plan.

Performance overall continued to improve. The determination of major and minor planning applications remained above national and local targets. Significant progress had been made in reducing the amount of time taken to validate applications. In relation to challenges, officer caseload remained at the highest ever level and issues remained with variability and the discharge of conditions.

The Committee queried plans in place to help manage increased officer caseloads. Officers advised that efforts would include the reworking of processes to reduce hours spent per application, a continued focus on reducing failure demand costs and hand offs and achieving full service staffing to permanent roles.

Clarification was sought on a potential pooled resource provided mooted by the GLA to assist London planning authorities in determinations around viability assessments. The Assistant Director Planning advised that although this was under discussion, a firm position had yet to be reached. A Council scrutiny review looking at the issue of viability of new developments was currently being scoped, with a provisional completion date for the end of the financial year.

#### **RESOLVED**

- That the update report be noted.

### **184. PROPOSED ARTICLE 4 DIRECTION RESTRICTING THE CONVERSION OF WAREHOUSES TO RESIDENTIAL USE**

The Committee considered a report setting out proposals for the making of a non-immediate Article 4 Direction withdrawing permitted development rights for the conversion of warehouses to residential use within the designated employment areas of the borough. This was in response to concerns regarding the impact of such conversions on jobs and job growth opportunities, with an evidence base provided by the employment land study and historical data.

It was updated that the Pinkham Way Alliance had made a representation seeking the removal of the Pinkham Way site from the Article 4 Direction. Officers had subsequently agreed to this removal on the basis that there were no buildings on the site to which the permitted development provisions would apply. The map at appendix A of the report would be amended going forward to reflect this.

Clarification was sought by the Committee regarding the non charging of fees for future planning applications for this specified change of use once the Direction was in

place and reasons for the non-immediate imposition of the Direction. Officers advised that legally the Council could not charge a fee for the submission of a planning application arising from the removal of permitted development rights and that a 12 month notification period was required for the Direction to minimise exposure to compensation provisions. The risk was acknowledged in conversions being undertaken during the 12 month lag period.

The Committee queried the risk of the Secretary of State challenging the imposition of an Article 4 Direction. Officers advised that the risk was mitigated as far as possible through using an evidenced, targeted approach focussed on employment generation as opposed to a blanket approach. Additional support was also provided under the London Plan.

## **RESOLVED**

- That the regulatory requirements for the making of a non-immediate Article 4 Direction be noted
- To recommend to Cabinet that it adopts the justification therein provided to support the making of a recommended Article 4 Direction referred to below
- To recommend to Cabinet to approve the making of and consultation (for a six-week period in accordance with the Council's Statement of Community Involvement) on a non-immediate Article 4 Direction under the Town and Country (General Permitted Development Order) 2015, to come into effect 12 months after it comes into operation, withdrawing permitted development rights to convert buildings of less than 500sqm in Use Class B8 (Storage and Distribution) to Use Class C3 (Dwellinghouse) for the areas of the Borough outlined in bold on the plan at Appendix A and subject to the removal of the Pinkham Way site.

## **185. LOCAL PLAN PREPARATION**

The Committee considered a report setting out the responses received to the public consultation on the four draft Haringey Local Plan documents including Local Plan; strategic policies, development management DPD, draft site allocations DPD and the draft Tottenham Area Action Plan. The report included a draft Council response to the points raised in the 650 written representations submitted.

The report would be submitted for Cabinet consideration in October, followed by progression to Full Council in November for approval for pre-submission.

A question was asked from the floor by a member of the public contesting the designation of the Pinkham Way site as open land. Officers advised that a set process had been followed during the consultation period to seek representations. Proposed Council responses to each issue raised had been drafted by officers and which did not in all occasions concur with consultee's views. It would be the role of an independent planning inspector to test the soundness of the Plans and thereby act as ultimate arbitrator.

Officers advised that the key themes raised during the consultation period included questioning the unrealistic level and potential harm from the quantum of housing growth to be made provision for; that development was unfairly weighted towards the

east of the borough and Tottenham; concerns that new housing would not be affordable for local people; the sell off of Council estates to private developers to fund estate renewal; increasing pressure on public services and infrastructure; height of buildings and the consequences of redevelopment plans on existing businesses.

The following questions were raised by the Committee in consideration of the report:

- Whether officers had undertaken an analysis of responses received broken down by area. Officers advised that predominantly responses had been received by email which restricted the ability to analyse on this basis. The issues receiving the most representations included BWF and Lordship Rec and in Wood Green, the intensification of the town centre and Haringey Heartlands. A significant number of responses were received regarding issues wider than the remit of the Local Plan.
- Clarification was sought as to whether plans were included to build on Lordship Rec. Officers advised that there had been initial plans to allocate a proportion of the Rec as a 'swap out' to allow the redevelopment of the BWF estate but that following the level of objections received, this allocation had been removed.
- The concerns of the Friends of Finsbury Park group were reiterated including opposition to any plans to build on MOL within Finsbury Park and direct overlooking of the Park from surrounding new developments and any loss of trees to make way for new entrances. Officers confirmed that this representation had been received and a draft response provided within the report. Plans to improve the reconfiguration of access to the Park through the Rowans site had now been omitted from the Plan documents.
- The use of the terms social housing and affordable housing needed to be set out within a glossary. Officers confirmed that a glossary was included within the full Cabinet report but agreed to review the consistency of use of these terms within the summary of comments. **(Action: Matthew Paterson)**
- Clarification was sought on how recent changes to the definition of Travellers would impact on provision for Traveller's sites within the borough. Officers confirmed that changes pertained to assessments of need and also could not be applied retrospectively. To this end, existing Traveller's sites would require re-provision if subject to redevelopment.
- Assurances were sought from the Committee that the inclusion of sites within the Site Allocations SPD did not presuppose the award of planning permission. Officers confirmed that inclusion did not confer any planning consent but did set out clear aspirations for sites. Planning Committee would have to have regard to Plans when determining planning applications coming forward.

## RESOLVED

- To note the summary of the main consultation comments received to the draft Local Plan documents (the draft alterations to the Strategic Policies DPD; the draft Development Management Policies DPD; the draft Site Allocations DPD; and the draft Tottenham Area Action Plan DPD) as set out in the tables at Appendices A through D of this report.
- To recommend to Cabinet that it adopt the Council's proposed response to the comments received, including proposed further amendments, as set out in the

tables at Appendices A through D of this report and report the same for consideration and approval to Full Council.

- To note that the report provided only a summary of the consultation responses received, and that the full list of responses was available to view on the Council's website.

**186. DATES OF FUTURE MEETINGS**

7 December.

CHAIR: Councillor Peray Ahmet

Signed by Chair .....

Date .....