

Planning Sub Committee B - 13 September 2022

Minutes of the meeting of the Planning Sub Committee B held at Council Chamber, Town Hall, Upper Street, N1 2UD on 13 September 2022 at 7.30 pm.

Present: **Councillors:** Poyser (Chair), Ibrahim, McHugh, Hayes and Klute

Councillor Dave Poyser in the Chair

The meeting started with a moment of silence to reflect on passing of Queen Elizabeth II.

8 **INTRODUCTIONS (Item A1)**

Cllr Poyser welcomed everyone to the meeting. Members of the Committee and officers introduced themselves and the Chair outlined the procedures for the meeting.

9 **APOLOGIES FOR ABSENCE (Item A2)**

None.

10 **DECLARATIONS OF SUBSTITUTE MEMBERS (Item A3)**

None.

11 **DECLARATIONS OF INTEREST (Item A4)**

There were no declarations of interest.

12 **ORDER OF BUSINESS (Item A5)**

The order of business would be as stated in the agenda.

13 **MINUTES OF PREVIOUS MEETING (Item A6)**

RESOLVED: That the minutes of the meeting held on 22 March and 13 June 2023 be confirmed as an accurate record of proceedings and the Chair be authorised to sign them.

14 **236 UPPER STREET, LONDON, N1 1RU (Item B1)**

Section 73 (Minor Material Amendment) application to vary condition 6 (Outdoor / Garden Area) and condition 11 (cycle storage) of planning permission ref: P2020/1364/FUL for

'Retrospective Change of use from a retail unit to a restaurant/cafes (Class E); the installation of mechanical plant (extractors and air conditioning unit) on the rear roof of the building; installation of an air conditioning unit in the rear garden; and a single storey rear extension to the building including installation of rooflights. Retention of existing shopfront alterations with use of the front tables and chairs

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and external alterations to rear elevation including installation of rooflights' approved on 31/03/2021.

The amendments include:

- (a) Allow for use of the rear garden for customers between 08:00 to 21:00 hours
- (b) Allow for windows and doors on the approved rear extension to remain open during its occupation by customers between 08:00 and 21:00 hours.

(Planning application number: P2021/1571/S73)

In the discussion the following points were made:

- Members raised questions over the new plant equipment. Officers confirmed there was no new plant equipment and amendments have been made to the overall usage of the garden, based on feedback.
- Members raised the objectors concern about changes from the previous application. The applicant stated that due to the popularity of the business they are apply for the usage of the garden.
- Members asked the applicant about their reputation as a neighbour, based on their feedback from the objectors. The applicant stated that they are close with all the neighbours and local leaseholders, who often visit the business.
- Members asked about the music that can leak out from open windows and if this will influence those around the business. The applicant stated that they will only operate with a small speaker, which will not be used outside. Officers confirmed that there had been no complaints from noise monitoring officers.
- Members asked the applicant if there will be any variation of noise throughout the day. The applicant confirmed no.
- Members asked the applicant about the condition to keep the windows closed from 6pm. The applicant was concerned about the limits on their access to the back area if this was the case.
- Members asked officers how they can allow music to still be played but also ensure there is not bleeding of sound. Officers referred to condition 14, which could be implemented.
- Members discussed how restricting the timings of the rear garden would be appropriate.

Cllr Klute proposed a motion to refuse the S73 application and the original conditions, as approved in the originally approved application would remain. This was seconded by the Chair and carried. The wording of the reason for refusal was delegated to officers in conjunction with the Chair.

RESOLVED:

That following consideration of the case officer's report (the assessment and recommendations therein), the presentation to Committee and submitted representation, planning permission is rejected and as with the reason for refusal outlined above.

15 **81 TURLEWRAY CLOSE, LONDON, N4 3LR (Item B2)**

Erection of a two-bed dwellinghouse located to the rear garden including associated demolition of existing front garage, landscaping works, new 2m boundary fencing, construction of cycle storage, refuse/recycling storage and mobility scooter storage.

(Planning application number: P2021/2385/FUL)

In the discussion the following points were made:

- Members asked about the roof and how it could be accessed. Officers confirmed that residents could access the roof externally but cannot use the roof as an amenity. The applicant confirmed it was a non-maintained roof.
- Members asked about which of the trees are to be removed. Officers pointed out the trees and stated there is a tree planting condition.
- Members asked about the level of greenery and if the landscaping plan would have neighbour oversight.
- Members raised concerns about the condition of the entrance gate in the plans.

Cllr McHugh proposed a motion to allow for neighbour oversight of the landscaping plan and existing planting conditions. This was seconded by Cllr Klute and carried. The wording of the condition was delegated to officers in conjunction with the Chair.

Cllr Klute proposed a motion about the placing of the garden gate. This was seconded by Cllr Ibrahim and carried. The wording of the condition was delegated to officers in conjunction with the Chair.

Cllr Ibrahim proposed a motion on removing permitted development rights. This was seconded by Cllr McHugh and carried. The wording of the condition was delegated to officers in conjunction with the Chair.

RESOLVED:

That following consideration of the case officer's report (the assessment and recommendations therein), the presentation to Committee and submitted representation, planning permission is granted, subject to the conditions set out in Appendix 1; and 2. subject to the prior completion of a legal agreement under section 106 of the Town and Country Planning Act 1990 securing the heads of terms as set out in Appendix 1. And as with the additional condition outlined above.

The meeting ended at 21:01

CHAIR

WORDING DELEGATED TO OFFICERS

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Reasons: The proposed use of the rear garden for seating and eating/ drinking along with the proposed opening of rear windows and doors to the ground floor commercial unit would have a significant detrimental impact on the amenity of occupiers of nearby residential properties due to increased noise, odour pollution and disturbance to the surrounding area as a direct result of the use of the rear garden and the opening of rear windows and doors of the ground floor commercial unit. the proposal is therefore contrary to Policy D14 of London plan (2021) and Policy Dm2.1ax of development management policies (2013) and there are no material considerations which justify granting planning permission subject to different conditions from those imposed on the previously approved application dated 31/3/2021 expressly for the purpose of mitigating the issues that form the basis for the current refusal.