

EAST AREA PLANNING SUB-COMMITTEE

7th September 2011

ADDENDUM TO ASSISTANT DIRECTOR OF PLANNING & DEVELOPMENT MANAGEMENT'S REPORT

Pages 1-6
B/02841/11
119 Arlington Road, N14 5BA

Amend condition no. 1 to delete plan no. P2 03 and replace with P2 03A (received 05/09/2011).

Amended plan received by agent showing front room on ground floor as 'TV room' as opposed to 'Bedroom' on superseded plan.

An additional letter of objection has been received from an existing objector reiterating concerns previously raised and summarised within the report.

Insert the following under Material Considerations:

Relevant Development Management Policies DPD

DM01 Protecting Barnet's character and residential amenity
DM06 Ensuring a variety of sizes of new homes to meet housing need
DM14 Parking standards and travel impact

Pages 7 - 48
7 applications for - Orange Tree PH, 2 Friern Barnet Lane, London, N11 3LX (Formerly The Grove)

With regard to all applications, Theresa Villiers has requested that her constituents views are taken into consideration when reaching a decision.

4 additional objections have been received against application **B/02925/11**.

4 additional objections have been received against application **B/02912/11**.

4 additional objections have been received against application **B/02923/11**.

4 additional objections have been received against application **B/02922/11**.

5 additional objections have been received against application **B/02924/11**.

4 additional objections have been received against application **B/02927/11**.

4 additional objections have been received against application **B/02911/11**.

Many of the same issues have been raised in the objection letters. Further responses include:

- The proposal will have health and safety implications which will be detrimental to adjacent occupiers, school children and young families
- Signage will have an impact on the adjacent listed building on Constable Close
- Residents do not want another Tesco store in the area
- New use will be hazardous
- Impact on local stores who are already under pressure
- No demand for another Tesco
- Scaffolding interferes with TV free view on adjacent properties
- Surrounding businesses generate filth and dirt – this will worsen the situation
- Sending 7 consultation letters is a waste of paper and post.

Pages 63-75

F/03082/11

Dick Turpin

Since the report was written 1 comment, 2 letters of support and one further objection were received. The objection reiterates previous ground of objections addressed in the report.

Thames Water has responded to the application with no objection. The following informative should be added:

“Waste Comments

Surface Water Drainage - With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of Ground Water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system. Thames Water would advise that with regard to sewerage infrastructure we would not have any objection to the above planning application.

Water Comments

With regard to water supply, this comes within the area covered by the Veolia Water Company. For your information the address to write to is - Veolia Water Company The Hub, Tamblin Way, Hatfield, Herts, AL10 9EZ - Tel - 0845 782 3333”.

On page 71 under “Site Description and Surroundings” reference to “single family house” should be removed.

On page 74, the financial contribution towards Local Park should be amended to £3,500 as per Recommendation I.

Pages 77-82
B/01981/11
5 Greenacre Close

Insert the following under Material Considerations:

Relevant Development Management Policies DPD

DM01 Protecting Barnet’s character and residential amenity

Pages 83 - 106
B/02293/11
The Pavillion, Brickfield Lane, Barnet, Herts, EN5 3LD

Amend condition 1 to read:

The development hereby permitted shall be carried out in accordance with the following approved plans:

178_PL_01, 178_PL_02, 178_PL_03, 178_PL_04, 178_PL_05, 178_PL_06, 178_PL_07, 178_PL_08, 178_PL_09, 178_PL_10, 178_PL_11, 178_PL_12, Disability Football Development Strategy 2012-2016, Sports Pack: HL250 15 Metre Abacas Information, Spectator Stand 09_7300_52_01, Challenger 1 Information, Guidance Notes for the Reduction of Obtrusive Light, UKS4427/6_0m, UKS4427/6_2m, UKS4427/6_4m, Jakoustic Fencing Information, Travel Plan, ArbTech - General Ecological Appraisal, Grasscrete Details (received 28/05/2011), Internal Buildings Surveys - Emergence Survey and Dusk/Dawn Bat Survey Enhancement Strategy (received 20/07/2011) and Design and Access Statement (received 26/08/2011)

Reason:

For the avoidance of doubt and in the interests of proper planning.

Amend condition 10 to read:

The floodlights hereby approved shall only be used, turned on and in their full upright position between the following times: On no more than two weekdays (Monday to Fridays) between 4.00pm - 9.30pm and on Saturdays between 3.00pm - 5.30pm. The floodlights shall not be used in any manner whatsoever on Sundays, Bank or Public Holidays and will be retracted outside of these permitted times of operation.

Reason: To ensure the floodlights are operating appropriately, to minimise light pollution and to minimise the impact on the Green Belt.

Amend condition 13 to read:

Before the development hereby permitted is first occupied a Travel Plan shall be submitted to and approved by the Local Planning Authority. This should include the appointment of a Travel Plan co-ordinator. The provisions of the Travel Plan shall be implemented whilst the use of the premises is in operation.

Reason: To encourage the use of sustainable forms of transport to the site in accordance with policies GSD and GNon Car of the London Borough of Barnet Adopted Unitary Development Plan 2006.

Add the following condition:

The changing room block shall be used for changing facilities associated with the use of the site and for no other purpose (including any other purpose in Class D2 of the Schedule to the Town and Country Planning (Use Classes) Order, 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order, with or without modification).

Reason:

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

Add the following Informative:

The 'ancillary storage' shown on the proposed site plan is not being considered as part of this application as it has not been included in the development description. The Applicant is advised that a separate planning application would be required for any ancillary storage buildings.

Amend the following paragraph in the committee report:

The siting of the spectator stand was also highlighted during the appeal as it was proposed just 50m from the nearest houses. This was not raised previously by the Council but still needs to be addressed. It is suggested that the stand is moved to the other side of the pitch.

Replace this with:

The siting of the spectator stand was also highlighted during the appeal as it has been proposed just 50m from the nearest house. It has not been possible to re-locate the proposed stand to the other side of the pitch given the position of the existing pitch in relation to the site boundary.

The stand considered during the appeal by the Inspector could accommodate 159 spectators in total. The new stand has been considerably reduced to a maximum of 66 spectators. The stand has been reduced in width from 21.94m to 14.63m in order to accommodate this change.

Whilst noting that the stand would have some impact on the openness of the Green Belt, the Inspector raised no objection to the principle of a stand on the site given the benefits associated with the new development. In addition, with regard to noise and disturbance, acoustic fencing and new landscaping will be introduced between the stand and the nearest residential neighbours to reduce the impact on adjacent occupiers.

Insert the following under Material Considerations:

Relevant Development Management Policies DPD

DM01 Protecting Barnet's character and residential amenity
DM03 Environmental considerations for development
DM13 Open spaces and biodiversity

Pages 107-114
B/02878/11
158 High Street

Insert the following under material considerations:

Relevant Development Management Policies DPD

DM01 Protecting Barnet's character and residential amenity

Pages 115-121
B/03227/11
The Pavilion, Tudor Sports Ground, Barnet, EN5 5JS

This application has been withdrawn by the agent as per an email dated 6th September 2011.

Pages 134-145
B/02663/11
9 Netherlands Road, Barnet, EN5 1BN

Letter of support received

Insert the following under Material Considerations:

Relevant Development Management Policies DPD

DM01 Protecting Barnet's character and residential amenity
DM02 Design considerations for development
DM06 Ensuring a variety of sizes of new homes to meet housing need
DM14 Parking standards and travel impact

Add the following condition:

Before the development hereby permitted commences, details of screening along the southern side of the decking adjacent to the boundary with 11 and 11A Netherlands Road shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details and the approved screening shall be permanently retained unless otherwise approved in writing by the Local Planning Authority.

Reason:

To safeguard the residential amenities of the neighbouring occupiers.

An email from the objector who requested to speak has been received advising that he is no longer able to attend the meeting and offers his apologies. He also makes further comments in respect of the amendments received and the change to the development description. The objections remain the same as previously noted.

Pages 146-155

B/02086/11

Land At Rear Of, 10-20 Holden Road, London, N12 8HT

Amend description to read:

Retention of 7no. rear dormer windows installed in the roofslopes of the 7no. dwellings approved under reference number N08421D/02 dated 5th December 2003 to facilitate loft conversions to each dwelling.

Remove conditions:

2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14 and 15.

Insert the following under Material Considerations:

Relevant Development Management Policies DPD

DM01 Protecting Barnet's character and residential amenity

DM02 Design considerations for development

Pages 156-161

B/02419/11

43 Greenway Close

Insert the following under Material Considerations:

Relevant Development Management Policies DPD

DM01 Protecting Barnet's character and residential amenity

Pages 162-169

B/02558/11

30 Great Bushey Drive

Insert the following under Material Considerations:

Relevant Development Management Policies DPD

DM01 Protecting Barnet's character and residential amenity

Pages 170-177

B/02674/11

Priory Corner, 6 Oaklands Road

Insert the following under Material Considerations:

Relevant Development Management Policies DPD

DM01 Protecting Barnet's character and residential amenity

DM04 Conserving Barnet's Heritage and Conservation

Pages 178-182

B/00827/11

1 Victoria Lane

Insert the following under Material Considerations:

Relevant Development Management Policies DPD

DM01 Protecting Barnet's character and residential amenity

An additional condition is to be added to this recommendation:

The use hereby permitted shall not operate or be open to customers on any Sunday, Bank or Public Holiday or before 8.00 am or after 5.00 pm on any other day.

Reason:

To safeguard the amenities of occupiers of adjoining residential properties.

Pages 188 - 195

F/02584/11

713 High Road, London, N12 0BP

An additional condition is to be added to this recommendation:

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.

Additional points of objection have been raised by existing objectors to this proposal. These points are outlined as follows:

Objector 1 –

“The Fudu Lounge played very loud, amplified music interspersed with DJ comments into the surrounding neighbourhood last night [01 September 2011]. This started around 9.00pm and continued until 1.00am this morning. The police witnessed this as they arrived at 11.00pm and entered the premises. The objector is sure the Council can obtain confirmation of this from the police. Police complaint reference nos. are 9690 and 10397.

The Fudu Lounge are operating from the illegal first floor terrace at the rear of the Googoosh Restaurant, 713 High Road, N12. Access is via an alleyway at the back.

This outrageous behaviour makes a mockery of any promises the Fudu Lounge or their agents make. What action do Barnet Council intend to take to prevent a re-occurrence of this?”

Objector 2 –

“Last night/this morning [01/02 September 2011] there was an 'event' held within the unauthorised structure known as the shisha terrace. This is not unusual in itself because the terrace is occupied virtually 24 hours every day with people making a lot of noise. However, last night was as bad as it has ever been to the point where we had to call the police to try to stop them. We did this around 9pm (ref CAD 9590). The police said they would attend but as the noise increased by 11.30pm we phoned the police again (ref CAD10406) who said that officers had attended at 11.06pm and the 'manager' on the premises had told them that they had permission and all the correct paperwork for their event but they would turn down the music and they would be finishing soon. As far as the objector's were aware these people under whatever guise they call themselves had used up all their available TEN's for this year long ago?

About an hour later as the music was getting louder and people were hollering into a microphone we called the police a third time (ref CAD11205) and told them the noise was unbearable. The officer said they would try to get someone there but they were very busy.

At 1.08am the music finally stopped but it then took around an hour for the customers to disperse from the area and the noise continued during this time.”

COMMENTS ON GROUNDS OF OBJECTIONS

It is considered that the current proposal addresses the Local Planning Authority can the Planning Inspectorate's concerns. The attached conditions to this recommendation are considered to ensure that situations relating to unacceptable levels of noise and disturbance are kept to a minimum.

F/03104/11

37 Dukes Avenue, London, N3 2DE

One objection has been received since writing the officer report. The objections in this letter may be summarised as follows:

- Extension would result in a loss of natural daylight.
- Intrusive and additional to existing large structure in garden
- The extension would block natural light coming from the frosted glass at the side
- Balcony would cause a loss of privacy and security issues
- Subsidence issues from works

It is considered that these points of objection have been mitigated through the amended plans that were received and have been addressed in the officer report. The subsidence issue is not a material planning consideration and will be dealt with at the Building Regulations stage.

Page 218 - 220

TPO/CA/409

33 Lyonsdown Road, Barnet, EN5 1JG

The following two pages have been omitted from the report pack:

“Notices were served on the persons affected by the Order in accordance with paragraph 1(a) of Regulation 3 of the Town and Country Planning (Trees) Regulations 1999 (as amended).

An objection has been received from:-

Planning Agent on behalf of the Society of African Missions, owner 33 Lyonsdown Road, Barnet EN5 1JG

The Tree Preservation Order secures the protection of the trees on a provisional basis for up to six months from the date of making, but an Order needs to be formally confirmed for it to have long-term effect. The Council is required to take into account all duly made objections and representations before deciding whether to confirm the TPO.

The objections of the Owner can be summarised as:

- Horse Chestnut 5 of the tree survey (in group G1 of TPO) has been assessed by T&B Landscape Associates Ltd as showing signs of an attack of bleeding canker and recommended for removal. “It would be irresponsible and inappropriate of Council to confirm the Tree Preservation Order in the setting of the above information. I put the Council on notice that it would be responsible for any damage or risk to persons or property should a decision be made to proceed and confirm the Order.”

In response the Council's Tree and Landscaping Officer comments as follows:

- (i) As noted above, whilst accepting there is a small area of fluxing, taking account the symptoms, the Council's Tree and Landscaping Officer does not agree with the diagnosis of Horse Chestnut Bleeding Canker attributable to *Pseudomonas syringae aesculi*. As a cross-reference, diagnostic advice was sought from other arboricultural officers within the Council and also from the Technical Support Pathology and Advisory Pathologist in the Tree Health Diagnostic and Advisory Service (South) of Forest Research (the government's principal organisation for forest and tree related research) – all agreed that the removal of the tree on the basis of current information was unnecessary and excessive. Even if the fluxing is Horse Chestnut Bleeding Canker, which is disputed, the infection is not severe and the tree is mature, so regardless of the causal agent there is argument for retention of the tree. Forest Research suggests that trees with trunk lesions can be successfully retained for many years without significant issues. In addition some individuals may callus areas of bark wounds successfully, halting the progress of the disease. In terms of safety issues it is only when lesions girdle entire limbs or stems there is any issue. It is considered that to allow the loss of a prominent tree on the basis of faulty diagnosis does not seem reasonable.

- (ii) However, if the condition of the tree deteriorates in time, treatment may become necessary as part of routine maintenance works into the future. Confirmation of the Order would not preclude an application, where necessary, for consent to prune / fell a tree included in a Tree Preservation Order being submitted to the Council, in accordance with the planning legislation. Such application would be considered on its merits on the basis of the information submitted at the time. Seeking to attach liability to the Council for any damage or risk if the Order is confirmed as suggested is unreasonable – as there is a formal mechanism for seeking consent to undertake treeworks and the tree preservation legislation includes exemption provisions in certain circumstances.

2. CONCLUSION

The two Horse Chestnuts (2 and 5) and Lime (4) are considered to have very high public amenity value, contributing significantly to the streetscene. The confirmation of the Tree Preservation Order is considered appropriate, especially given the outline nature of the planning application and the limited information available – revisions to the proposal have already been achieved because of the Order and further measures to minimise the impact of the development could then be secured at reserved matters stage and by condition. If the condition of Horse Chestnut 5 deteriorates, a treework application could be dealt with in accordance with the tree preservation

legislation. It is therefore recommended that the Order be confirmed without modification.”