

**EAST AREA PLANNING SUB-COMMITTEE**

**6<sup>th</sup> October 2011**

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

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**Pages 27-40  
B/02928/10**

**Land at rear of Units 5 and 6, Friern Barnet Retail Park, Pegasus Way,  
London, N11 3PW**

Amend Condition 1 to read as follows –

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

1183 URB GC [08] 00 01 Revision P02, 1183 URB GC [08] 00 02 Revision P02, 1183 URB GC [08] 00 03 Revision P02, 1183 URB GC [08] 70 01 Revision P01, 1183 URB GC [08] 70 02 Revision P01 , Design and Access Statement Sustainability and Energy Statement, Transport Statement, PPS4 Assessment by Burnett Planning & Development (date received 13-Jul-2010).;

B&Q Service Area Management Plan, Noise Impact Assessment 10/4270/R1//Issue 1 (date received 13-June-2011).

Reason:

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

Amend Condition 5 to read as follows:

Deliveries to the site shall only be carried out as follows unless otherwise specified in writing by the Local Planning Authority:

Up to 2 HGV's per hour between 0700-1900 and up to 1 HGV per hour between 1900-2100 and no unloading of vehicles to take place later than 2100 Monday to Friday.

Up to 2 HGV's per hour between 0800-1900 on Saturday.

Up to 2 HGV's per hour between 1100-1500 on Sundays, Public and Bank Holidays.

Reason: To prevent the use causing an undue disturbance to occupiers of adjoining residential properties at unsocial hours of the day.

Substitute Condition 9 with the following:

The development hereby permitted shall be operated in accordance with the "B&Q Service Area Management Plan, Units 3, 4, 5 Friern Bridge Retail Park, dated 9<sup>th</sup> May 2011 rev B" unless previously approved in writing by the Local Planning Authority.

Reason: To ensure full compliance with the B&Q Service Area Management Plan and to minimise noise and disturbance.

**Pages 47-59**

**B/03165/10**

**Units 3,4 and 5 Friern Bridge Retail Park, Pegasus Way, London, N11 3PW**

Substitute Condition 8 with the following:

The development hereby permitted shall be operated in accordance with the "B&Q Service Area Management Plan, Units 3, 4, 5 Friern Bridge Retail Park, dated 9<sup>th</sup> May 2011 rev B" unless previously approved in writing by the Local Planning Authority.

Reason: To ensure full compliance with the B&Q Service Area Management Plan and to minimise noise and disturbance.

**Pages 60-67**

**B/03869/10**

**34-36 Queens Parade**

Amend recommendation as follows:

**Approve Subject to S106**

**Subject to a Section 106 Agreement**

**RECOMMENDATION I:**

That the applicant and any other person having a requisite interest be invited to enter by way of an agreement into a planning obligation under Section 106 of the Town and Country Planning Act 1990 and any other legislation which is considered necessary for the purposes seeking to secure the following:

- |   |  |                  |
|---|--|------------------|
| 1 | Paying the council's legal and professional costs of preparing the Agreement and any other enabling agreements;                              |                  |
| 2 | All obligations listed below to become enforceable in accordance with a timetable to be agreed in writing with the Local Planning Authority; |                  |
| 3 | <b>Education Facilities (excl. libraries)</b>  | <b>£5,318.00</b> |
|   | A contribution towards the provision of Education Facilities in the borough.   |                  |
| 4 | <b>Libraries (financial)</b>   | <b>£278.00</b>   |
|   | A contribution towards Library Facilities and Resources in the borough   |                  |
| 5 | <b>Health</b>  | <b>£2,368.00</b> |

A contribution towards Health Facilities and Resources in the borough

**6 Open Spaces (ward level) £2,000.00**  
A contribution towards the improvement of open spaces in Coppetts ward

**7 Monitoring of the Agreement £498.20**  
Contribution towards the Council's costs in monitoring the obligations of the agreement.

## **RECOMMENDATION II:**

That upon completion of the agreement the Assistant Director of Planning and Development Management approve the planning application reference: B/03869/10 under delegated powers subject to the following conditions: -

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

PS.09.020, PS.09.021, PS.09.022, PS.09.023, PS.09.025 A, Design and Access Statement, Party Wall/Floor Details, VENTILATION PROPOSAL, Sound Data (date received 28-Sep-2010);

PS.09.030 (date received 30-Aug-2011).

Reason:

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

2 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.

3 Before the development hereby permitted commences, details of the materials to be used for the external surfaces of the first floor extension above No.34 and 36 Queens Parade shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such details as approved.

Reason:

To safeguard the visual amenities of the locality.

4 The first floor area above No.34 shall be used as a storage area to be used in conjunction with the A1 use at ground floor and for no other use unless otherwise specified in writing by the Local Planning Authority.

Reason:

To protect the vitality and viability of the local shopping area and to safeguard the residential amenities of the neighbouring and future occupiers.

- 5 Before the development hereby permitted is occupied the parking spaces as shown on Plan PS.09.030 shall be provided and shall not be used for any purpose other than the parking of vehicles in connection with the approved development.

Reason:

To ensure that parking is provided in accordance with the council's standards in the interests of pedestrian and highway safety, the free flow of traffic and in order to protect the amenities of the area.

- 6 No construction work resulting from the planning permission shall be carried out on the premises at any time on Sundays, Bank or Public Holidays, before 8.00 am or after 1.00 pm on Saturdays, or before 8.00 am or after 6.00pm on other days unless previously approved in writing by the Local Planning Authority.

Reason:

To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties.

- 7 Provisions shall be made within the site to ensure that all vehicles associated with the construction of the development hereby approved are properly washed and cleaned to prevent the passage of mud and dirt onto the adjoining highway.

Reason:

To ensure that the development does not cause danger and inconvenience to users of the adjoining pavement and highway.

- 8 The level of noise emitted from the extract flue and extract fan hereby approved shall be at least 5dB(A) below the background level, as measured from any point 1 metre outside the window of any room of a neighbouring residential property.

If the noise emitted has a distinguishable, discrete continuous note (whine, hiss, screech, hum) and/or distinct impulse (bangs, clicks, clatters, thumps), then it shall be at least 10dB(A) below the background level, as measured from any point 1 metre outside the window of any room of a neighbouring residential property.

Reason:

To ensure that the proposed development does not prejudice the amenities of occupiers of neighbouring properties.

- 9 Prior to the occupation of the units a copy of the Pre-completion Sound Insulation Test Certificate of Part E of the Building Regulations 2000 (or any subsequent amendment in force at the time of implementation of the permission) shall be submitted to the Local Planning Authority and shall indicate at least 3 decibels above the Performance Standard.

Reason:

To protect the amenities of future and neighbouring residential occupiers.

### **INFORMATIVE(S):**

- 1 The reasons for this grant of planning permission or other planning related decision are as follows: -
- i) The proposed development accords with strategic planning guidance and policies as set out in The Mayor's London Plan: July 2011 and the Adopted Barnet Unitary Development Plan (2006).  
In particular the following policies are relevant:  
Adopted Barnet Unitary Development Plan (2006): GBEnv1, GBEnv2, ENV12, ENV13, D1, D2, D5, H16, H17, H18, M14, CS2, CS8, IMP1, IMP2.  
Core Strategy (Publication Stage) 2010:  
CS5
- ii) The proposal is acceptable for the following reason(s): - The proposed development is considered to have an acceptable impact on the character and appearance of the application site and the general street scene. The development is not considered to have an adverse impact on the residential or visual amenities of the neighbouring occupiers or on highway safety and parking provision. The proposal is considered to accord with the aforementioned policies.
- 2 Your attention is drawn to the fact that this decision is subject to a Section 106 Planning Obligation.

### **RECOMMENDATION III**

That if the above agreement has not been completed or a unilateral undertaking has not been submitted by 7th November 2011 the Assistant Director of Planning and Development Management REFUSE the application ref: B/03869/10 under delegated powers for the following reasons:

The proposed development does not include a formal undertaking to meet the costs of extra education, libraries, health and social care facilities, open space and associated monitoring costs arising as a result of the development, and therefore would not address the impacts of the development, contrary to Barnet supplementary Planning Documents - Contributions to Education

(2008), Libraries (2008), Health (2009) and Monitoring (2007) and policies L12, L14, CS8, CS2, CS13, IMP1, IMP2 of the Adopted Unitary Development Plan (2006).

Additional letter received from existing objector. Points herein are the same as before.

**Pages 83-90**  
**F/02706/11**  
**1 Bedford Road, N2 9DB**

Condition 9 should be deleted.

**Pages 91-96**  
**F/02980/11**  
**386 Long Lane, London, N2 8JX**

To be included under the 'Proposal' section:

The first floor rear extension will measure 1.85 metres in depth, closet to the shared boundary with No. 388 Long Lane.

**Pages 114-120**  
**F/03264/11**  
**89 Queens Avenue, N3 2NN**

Formal Highways comments have been received and State the following:

*No objection on highways grounds. Please include the following in your report.*

***Condition:***

*Before the development hereby permitted is occupied the proposed parking spaces within the parking area as shown in Drawing No. QP01B Rev. B submitted with the planning application shall be provided and the access to the parking spaces will be maintained at all times.*

*Reason: To ensure that the free flow of traffic and highway and pedestrian safety on the adjoining highway is not prejudiced in accordance with Policies M13 and M14 of the London Borough of Barnet Adopted Unitary Development Plan 2006.*

***Informative:***

*Any highway approval as part of the planning process for the alteration to the existing crossovers or new crossovers will be subject to detailed survey by the Crossover Team in Environment, Planning and Regeneration Directorate as part of the application for crossover under Highways Act 1980. Removal or*

*relocation of any existing street furniture or alteration to road markings or Controlled Parking Bays would be subject to public consultations and would be done at the applicant's expense, under a rechargeable works agreement, by the Council's term contractor for Highway Works.*

*In the case where a highway tree is present in the vicinity of the proposed access road or a crossover for the development the final approval would be subject to the detailed assessment carried out by the Highways Crossover Team as part of the crossover application. The outcome of this assessment cannot be prejudged. Information on application for a crossover could be obtained from London Borough of Barnet, Crossover Team, Environment, Planning and Regeneration Directorate, NLBP, Building 4, 2nd Floor, Oakleigh Road South, London N11 1NP*

**Informative:**

*Refuse collection points should be located within 10 metres of the Public Highway; otherwise, unobstructed access needs to be provided to the refuse vehicle on the day of the collection. The development access needs to be designed and constructed to allow refuse vehicles to access the site. Alternatively, the dustbins will need to be brought to the edge of public highways on collection days. Any issues regarding refuse collection should be referred to the Cleansing Department.*

The above condition and informative should be added to any approval.

Clarification has been received in writing by the applicant in regards to the landscaping on site. The following points were made:

- *The existing hedge on the side boundary between our property and 41 Holdenhurst Avenue is to remain in any future development. The hedge will be trimmed back in order to allow more room to the side of the property, but the screening will remain*
- *One of the trees near the small house will be removed in order to make way for the ground floor rear extension. One further dead tree will be removed. The larger tree which is visible from the front will remain.*
- *We will submit a landscaping plan as part of the condition attached to the decision and are prepared to implement any requests of the council in regards to any further screening or replanting.*

A neighbouring objector has provided a further letter of objection from a planning consultant, after the consultation period. This letter of objection makes reference to:

- A loss of daylight and sunlight from a side study window.
- Inadequate parking to the front of the property.
- Plot size is inadequate.

These points have all been addressed in the report; the recommendation to approve the application therefore remains.

**Pages 121-125**  
**F/03082/11**  
**Dick Turpin, 383 Long Lane, N2 8JW**

It should be noted that the existing flat contains **three** bedrooms. The first line of the third paragraph on page 123 should therefore read as follows:

*Whilst the application was being considered by officers, it transpired that the upper floor of the public house had been used as a three bedroom unit.*