

DECISIONS OF THE PLANNING AND ENVIRONMENT COMMITTEE

20 OCTOBER 2010

COMMITTEE

*Councillor Wendy Prentice (Chairman)
*Councillor John Marshall (Vice-Chairman)

Councillors:

*Maureen Braun *Anita Campbell *Jack Cohen
*Alison Cornelius *Claire Farrier *Hugh Rayner
*Andreas Tambourides *Jim Tierney

*denotes Member present
\$denotes absent on Council business

- 1. MINUTES (Item 1):**
RESOLVED – That the decisions of the meeting of the Committee held on 20 September 2010 be approved as a correct record.
- 2. ABSENCE OF MEMBERS (Item 2):**
Apologies for lateness were received from Councillor Maureen Braun, as she was attending the Cabinet meeting to present a report.
- 3. DECLARATION OF MEMBERS' INTERESTS (Item 3):**

Member:	Subject:	Interest Declared:
Councillor Jim Tierney	H/03451/10 Land at Brookside Walk, Bridge Lane NW4	Personal and non Prejudicial Interest as one of the objectors is known to Councillor Tierney. Councillor Tierney took part in the discussion and voting on this item.

- 4. PUBLIC QUESTION TIME (Item 4):**
None.
- 5. ACKNOWLEDGEMENT OF PETITIONS (Item 5):**
None
- 6. MEMBERS' ITEMS (Item 6):**
None.
- 7. REPORT OF THE FINCHLEY AND GOLDERS GREEN AREA PLANNING SUB-COMMITTEE – 12 OCTOBER 20210 - REFEREED TO THE PLANNING AND ENVIRONMENT COMMITTEE**

TOWN AND PLANNING ACT (1990) – F/03632/10 – 47 Holden Road, London, N12 7EJ WEST FINCHLEY WARD - DEMOLITION OF EXISTING DWELLING AND ERECTION OF A 3 STOREY BUILDING INCLUDING ROOMS IN ROOFSPACE TO CREATE 9 NO. RESIDENTIAL UNITS. ASSOCIATED AMENITIES, ANCILLARY PARKING, NEW ACCESS ROAD AND ALTERATIONS TO LANDSCAPE. (REPORT OF ASSISTANT DIRECTOR OF PLANNING AND DEVELOPMENT MANAGEMENT - AGENDA ITEM 7)

The Committee resolved to:

APPROVE the application subject to the following:

(1) 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. **Education Facilities (excl. libraries) £8,146.00**

A contribution towards the provision of Education Facilities in the borough.

4. **Libraries (financial) £1,007.00**

A contribution towards Library Facilities and Resources in the borough

5 **Health £7,876.00**

A contribution towards Health Facilities and Resources in the borough

6. **Monitoring of the Agreement £851.45**

Contribution towards the Council's costs in monitoring the obligations of the agreement.

(2) That upon completion of the agreement the Assistant Director of Planning and Development Management approve the planning application reference: F/03632/10 under delegated powers subject to the following conditions: -

1 The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan; BGC1/47 HOLDEN ROAD/TCP Rev 0; DAT/9.0; Noise Report - August 2007; 1010: P: 100 Rev A; 1010: P: 101 Rev B; 1010: P: 102 Rev B; 1010: P: 103 Rev B; 1010: P: 104 Rev B; 1010: P: 105 Rev A.

2. This development must be begun within three years from the date of this permission.

3. Before this development is commenced, details of the levels of the building(s), road(s) and footpath(s) in relation to adjoining land and highway(s) and any other changes proposed in the levels of the site 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.

4. Before the development hereby permitted commences, details of the materials to be used for the external surfaces of the building(s) and hard surfaced areas 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.

5 Part 1

Before development commences other than for investigative work:

A desktop study shall be carried out which shall include the identification of previous uses, potential contaminants that might be expected, given those uses, and other relevant information. Using this information, a diagrammatical representation (Conceptual Model) for the site of all potential contaminant sources, pathways and receptors shall be produced. The desktop study and Conceptual Model shall be submitted to the Local Planning Authority. If the desktop study and Conceptual Model indicate no risk of harm, development shall not commence until approved in writing by the Local Planning Authority.-

a. If the desktop study and Conceptual Model indicate any risk of harm, a site

- b. a risk assessment to be undertaken,
 - refinement of the Conceptual Model, and
 - the development of a Method Statement detailing the remediation requirements.

The risk assessment and refined Conceptual Model shall be submitted, along with the site investigation report, to the Local Planning Authority.

- If the risk assessment and refined Conceptual Model indicate any risk of harm, a Method Statement detailing the remediation requirements, using the information obtained from the site investigation, and also detailing any post remedial monitoring shall be submitted to, and approved in writing by, the Local Planning Authority prior to that remediation being carried out on site.

Part 2

Where remediation of contamination on the site is required completion of the remediation detailed in the method statement shall be carried out and a report 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.

6. In the event that a plant or biomass boiler is installed within the development, the level of noise emitted from this machinery 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.

7. In the event that a plant or biomass boiler is installed within the development, before development commences, a report should be carried out by a competent acoustic consultant and submitted to the Local Planning Authority for approval, that assesses the likely noise impacts from the development of the ventilation/extraction plant. The report shall also clearly outline mitigation measures for the development to reduce these noise impacts to acceptable levels.

It should include all calculations and baseline data, and be set out so that the Local Planning Authority can fully audit the report and critically analyse the contents and recommendations. The approved measures shall be implemented in their entirety before (any of the units are occupied / the use commences).

8 Before the development hereby permitted is brought into use or occupied the site shall be enclosed except at the permitted points of access in accordance with details previously submitted to and approved in writing by the Local Planning Authority.

9. Before the development hereby permitted commences, details of enclosures and screened facilities for the storage of recycling containers and wheeled refuse bins or other refuse storage containers where applicable, together with a satisfactory point of collection shall be submitted to and approved in writing by the Local Planning Authority and shall be provided at the site in accordance with the approved details before the development is occupied.

10 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.

11 A scheme of hard and soft landscaping, including details of existing trees to be retained, shall be submitted to and agreed in writing by the Local Planning Authority before the development, hereby permitted, is commenced.

12. All work comprised in the approved scheme of landscaping shall be carried out

before the end of the first planting and seeding season following occupation of any part of the buildings or completion of the development, whichever is sooner, or commencement of the use.

13. Any existing tree shown to be retained or trees or shrubs to be planted as part of the approved landscaping scheme which are removed, die, become severely damaged or diseased within five years of the completion of development shall be replaced with trees or shrubs of appropriate size and species in the next planting season.

14 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.

15 The dwelling(s) shall achieve a Code Level 3 in accordance with the Code for Sustainable Homes Technical Guide (October 2008) (or such national measure of sustainability for house design that replaces that scheme). No dwelling shall be occupied until a Final Code Certificate has been issued certifying that Code Level 3 has been achieved and this certificate has been submitted to and approved by the local planning authority.

16 Before development commences, a scheme of proposed air pollution mitigation measures shall be submitted to and approved by the LPA. This scheme shall include acoustic ventilators in windows to ventilate the rooms without being opened or air conditioning with suitable filters. Acoustic ventilators shall be installed in the windows of the elevations facing Holders Hill Road. The approved mitigation scheme shall be

17 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.

18. Notwithstanding the details submitted and otherwise hereby approved development (use class C3) hereby approved shall be constructed to meet the 'Lifetime Homes' standard (July 2010 version), unless previously agreed in writing by the Local Planning Authority.

19. Before the development hereby permitted is occupied, parking spaces shall be provided in accordance with the drawing no. 1010: P: 105 Rev A submitted with the planning application and that area shall not thereafter be used for any purpose other than for the parking and turning of vehicles associated with the development.

20. A Construction Management Plan must be submitted to and approved by the Local Planning Authority. This document following approval must be complied with unless previously agreed in writing by the Local Planning Authority.

(3) That if an agreement has not been completed by 08/11/2010, that unless otherwise agreed in writing, the Assistant Director of Planning and Development Management should REFUSE the application F/03632/10 under delegated powers for the following reasons:

The development would require a Section 106 agreement and no formal undertaking is given to the Council, as a result the proposed development would, by reason of the developer not meeting identified additional education, health and library facilities, and the associated monitoring costs which would be incurred by the community as a result of the development, contrary to Policy CS2, CS8, CS13, IMP1 and IMP2 of the adopted Unitary Development Plan and the adopted Supplementary Planning Documents "Contributions to Education", "Contributions to Health Facilities", "Contributions to Libraries" and "Planning Obligations".

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 London Plan (Consolidated with Alterations since 2004) and the Adopted Barnet Unitary Development Plan (2006).

In particular the following policies are relevant:

Adopted Barnet Unitary Development Plan (2006): GBEnv1, GBEnv2, GBEnv3, GParking, D1, D2, D3, D5, D6, D11, M6, M14, H5, H16, H17, H18, H21, CS2, CS8, CS13, IMP2.

ii) The proposal is acceptable for the following reason(s): -

Having taken all material considerations into account, the proposed development would be in keeping with the character and appearance of the surrounding area and in a design which is considered to be in keeping with neighbouring dwellings. The proposed development is not considered to have a detrimental impact on the residential amenities of neighbouring dwellings.

2 Your attention is drawn to the need to provide facilities for the disabled, as set out in Building Regulation Part M Access & Facilities for Disabled Persons. A copy of Part M is available via the Department of Communities and Local Government website at www.communities.gov.uk.

3. Any development or conversion which necessitates the removal, changing, or creation of an address or addresses must be officially registered by the Council through the formal 'Street Naming and Numbering' process.

The Council of the London Borough of Barnet is the Street Naming and Numbering Authority and is the only organisation that can create or change addresses within its boundaries. Applications are the responsibility of the developer or householder who wish to have an address created or amended.

Occupiers of properties which have not been formally registered can face a multitude of issues such as problems with deliveries, rejection of banking / insurance applications, problems accessing key council services and most importantly delays in an emergency situation.

Further details and the application form can be downloaded from:

<http://www.barnet.gov.uk/naming-and-numbering-applic-form.pdf>

or requested from the Street Naming and Numbering Team via email:

street.naming@barnet.gov.uk or by telephoning: 0208 359 7294.

4 Any alteration to the existing crossover provision of a new crossovers or reinstatement of existing crossovers will be subject to detailed survey by the Crossover Team in Environment and Operations Directorate as part of the application for crossover under Highways Act 1980 and would be carried out at the applicant's expense. An estimate for this work could be obtained from London Borough of Barnet, Crossover Team in Environment and Operations Directorate, NLBP, Building 4, 2nd Floor, Oakleigh Road South, London N11 1NP.

5 In complying with the contaminated land condition parts 1 and 2:

Reference should be made at all stages to appropriate current guidance and codes of practice. This would include:

- 1) The Environment Agency CLR & SR Guidance documents;
- 2) Planning Policy Statement 23 (PPS 23) - England (2004);
- 3) BS10175:2001 Investigation of potentially contaminated sites - Code of Practice;
- 4) Guidance for the safe development of housing on land affected by contamination, (2008) by NHBC, the EA and CIEH.

Please note that in addition to the above, consultants should refer to the most relevant and up to date guidance and codes of practice if not already listed in the above list.

6 You are advised to engage a qualified acoustic consultant to advise on the scheme, including the specifications of any materials, construction, fittings and equipment necessary to achieve satisfactory internal noise levels in this location. In addition to the noise control measures and details, the scheme needs to clearly set out the target noise levels for the habitable rooms, including for bedrooms at night, and the levels that the sound insulation scheme would achieve.

The details of acoustic consultants can be obtained from the following contacts: a) Institute of Acoustics and b) Association of Noise Consultants.

The assessment and report on the noise impacts of a development should use methods of measurement, calculation, prediction and assessment of noise levels and impacts that comply with the following standards, where appropriate: 1) Department of Environment:

PPG 24 (1994) Planning Policy Guidance - Planning and noise; 2) BS 7445 (1991) Pts 1, 2 & 3 (ISO 1996 pts 1-3) - Description and & measurement of environmental noise; 3) BS 4142:1997 - Method of rating industrial noise affecting mixed residential and industrial areas; 4) BS 8223: 1999 - Sound insulation and noise reduction for buildings: code of practice; 5) Department of transport: Calculation of road traffic noise (1988); 6) Department of transport: Calculation of railway noise (1995); 7) Department of transport : Railway Noise and insulation of dwellings.

7. The Air Quality Stage 4 Review and Assessment for the London Borough of Barnet has highlighted that this area currently experiences or is likely to experience exceedances of Government set health-based air quality standards. A list of possible options for mitigating poor air quality is as follows: 1) Use of passive or active air conditioning; 2) Use of acoustic ventilators; 3) Altering lay out – habitable rooms away from source of poor air quality; 4) Non residential usage of lower floors; 5) Altering footprint – setting further away from source of poor air quality.

For developments that require an Air Quality report; the report should have regard to the air quality predictions and monitoring results from the Stage Four of the Authority's Review and Assessment available from the LPA web site and the London Air Quality Network. The report should be written in accordance with the following guidance: 1) NSCA Guidance: Development Control: Planning for Air Quality and the Planning Policy Statement 23: Planning and Pollution Control; 2) Environment Act 1995 Air Quality Regulations, Planning Policy Statement 23: Planning and Pollution Control, Annex 1: Pollution Control, Air and Water Quality; 3) Local Air Quality Management Technical Guidance LAQM.TG(03); 4) London Councils Air Quality and Planning Guidance, revised version January 2007.

8. In case if any modification is proposed to the existing access of the public highway then it will be subject to a detailed investigation by the Crossover Team in Environment and Operations Directorate. The access would need to be provided to cater for a heavy duty use and may involve relocation of any existing street furniture. This would need to be done by the Highway Authority at the applicant's expense. You may obtain an estimate for this and any associated work on public highway from the Crossover Team, Environment and Operations Directorate, Building 4, North London Business Park (NLBP), Oakleigh Road South, London N11 1NP.

9 If the development is carried out it will be necessary for the existing redundant vehicular crossover(s) to be reinstated to footway by the Highway Authority at the applicant's expense. You may obtain an estimate for this work from the Crossover Team, Environment and Operations Directorate, Building 4, North London Business Park (NLBP), Oakleigh Road South, London N11 1NP.

10. Any details submitted in respect of the Construction Management Plan above shall control the hours, routes taken, means of access and security procedures for construction traffic to and from the site and the methods statement shall provide for the provision of on-site wheel cleaning facilities during demolition, excavation, site preparation and construction stages of the development, recycling of materials, the provision of on-site car parking facilities for contractors during all stages of development (Excavation, site preparation and construction) and the provision on site of a storage/delivery area for all plant, site huts, site facilities and materials and a community liaison contact.

8. APPLICATIONS FOR PLANNING PERMISSIONS AND CONSENTS (Assistant Director of Planning and Development Management - Agenda Item 7)

RESOLVED – That the Council's decision on the applications listed below be as indicated, and that the Assistant Director of Planning and Development Management be instructed to convey such decisions to the applicants.

BURNT OAK WARD

H/03299/10 Former Scout Hut, Market Lane, Edgware, Middx.

Faith Community Ltd

Conversion of former Scout Hut into multi-use community hall, new roof incorporating 0.4m increase in height, new access door, steps and ramp, and new boundary fencing.

The Committee resolved to:

APPROVE the application subject to the following:

1. The development hereby permitted shall be carried out in accordance with the following approved plans:LDC.1497.001; SH-CV-E-01 Rev 2; SH-CV-P-01 Rev 2; Design and Access Statement Ref LDC.1497.
2. This development must be begun within three years from the date of this permission.
3. Before the development hereby permitted commences, details of the materials to be used for the external surfaces of the building 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.
4. The premises shall only be used for an after school club; youth remedial classes and other related youth activities as specified in the submitted Design and Access Statement; nursery support; women's and bible groups; choir practice once per month and as a place of public worship on Sunday mornings and for no other purpose (including any other purpose in Use Classes D1 or D2 of the Schedule to the Town and Country Planning (Use Classes) Order, 1987, or in any provision equivalent to those Classes in any statutory instrument revoking and re-enacting that Order, with or without modification).
5. The development hereby permitted shall be limited to a maximum of 60 persons in attendance at any one time.
6. The development hereby permitted shall not operate before 10am or after 8pm Monday to Saturday, and before 10am or after 6pm on Sunday or Bank Holidays.
7. The following activities hereby approved shall not take place anywhere on the site except within the building on site: after school club; youth remedial classes and other related youth activities as specified in the submitted Design and Access Statement; nursery support; women's and bible groups; choir practice once per month and as a place of public worship on Sunday mornings.
8. Prior to the commencement of the use hereby approved, a scheme for the management of noise generated by the approved uses shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in full before the approved uses commence and thus maintained to be satisfaction of the Local Planning Authority.
9. The garden area, as detailed on plan no. LDC.1497.001, shall at no time be used as a play area.
10. The development and uses hereby permitted shall not commence until the boundary fence has been constructed in accordance with the details shown on submitted plan LDC.1497.001.
11. Before the development hereby permitted commences, details of enclosures and screened facilities for the storage of recycling containers and wheeled refuse bins or other refuse storage containers where applicable, together with a satisfactory point of collection shall be submitted to and approved in writing by the Local Planning Authority and shall be provided at the site in accordance with the approved details before the development is occupied.
12. 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 13.

Before the development hereby permitted commences on site, details of all extraction and ventilation equipment shall be submitted to and approved by the Local Planning Authority and implemented in accordance with agreed details before the use is commenced.

14. A scheme of hard and soft landscaping, including details of existing trees to be retained, shall be submitted to and agreed in writing by the Local Planning Authority before the development, hereby permitted, is commenced.

15. All work comprised in the approved scheme of landscaping shall be carried out before the end of the first planting and seeding season following occupation of any part of the buildings or completion of the development, whichever is sooner, or commencement of the use.

16. Any existing tree shown to be retained or trees or shrubs to be planted as part of the approved landscaping scheme which are removed, die, become severely damaged or diseased within five years of the completion of development shall be replaced with trees or shrubs of appropriate size and species in the next planting season.

17. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA), dated 6th May 2010, and the following mitigation measures detailed within the FRA:

- Maintaining an area adjacent to Silk Stream, on which no building will take place, as highlighted on the submitted site plan.
- Flood resilience measures as detailed within the Flood Risk Assessment.

18. Before the development hereby permitted commences, a method statement for the removal of asbestos shall be submitted to and approved in writing by the Local Planning Authority.

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 London Plan (Consolidated with Alterations since 2004) and the Adopted Barnet Unitary Development Plan (2006).

In particular the following policies are relevant:

Adopted Barnet Unitary Development Plan (2006):

GSD; GMixed Use; GBEnv1; GBEnv2; GBEnv3; GBEnv4; GBEnv5; GParking; GCS1; GLand; D1; D2; D11; HC1; CS1; CS4

ii) The proposal is acceptable for the following reason(s): -

The proposed use, in this edge of town centre location, would cater for community groups, and would not have a demonstrable harmful impact on the amenities of nearby residential properties.

2. The additional documents accompanying this application are:-Flood risk Assessment dated 6.5.10.

H/03451/10 Land at Brookside Walk, Bridge Lane NW4

London Borough of Barnet Greenspaces

Use of land as children's play area.

The Assistant Director of Planning and Development Management reported the Additional planning comments raised following publication of Officer's report:

- The report plays down the problems that have occurred in the short time the play area was open and then closed
- None of the Safer Neighbourhood Team knew about the play area going into Brookside walk
- The report is weighted towards the benefits and played down anti-social behaviour aspect.
- York Park has experienced problems but what have the council done to solve these problems ie move the play area?

- Residents in Hale ward are having to put up with anti-social behaviour because of a play area, it is not unnatural for people living around Brookside Walk to feel apprehensive
- In the short time the area was open, there were six CAD numbers covering seven instances of anti-social behaviour – in addition to this, there were also about eight reports to the Safer Neighbourhood Team
- Should be an independent body reviewing this application as the applicant is applying for retrospective planning permission to her own council
- Play area was erected in Brookside Walk yet website said it was going into Brent Park. Why were the public led to believe that it was going into Brent Park? The Committee having heard oral representations from Ms Linda Goldman and Mr Alex Martin-Sklan objecting to the application. Mr Heller speaking in support of the application and the applicant's response, resolved to;

APPROVE the application subject to the following conditions:

1. The development hereby permitted shall be carried out in accordance with the following approved plans: PB/50214/PO1. PB/50214/PO2A, Details of Play Equipment and Fencing, Design and Access Statement.

2 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no development otherwise permitted by Class A(a) of Part 12 to Schedule 2 of that Order shall be carried out within the area of the application site outlined in red on plan no. PB/50214/PO1.

3. A scheme of hard and soft landscaping, including details of existing trees to be retained, shall be submitted to and agreed in writing by the Local Planning Authority before the development, hereby permitted, is commenced.

4. All work comprised in the approved scheme of landscaping shall be carried out before the end of the first planting and seeding season following occupation of any part of the buildings or completion of the development, whichever is sooner, or commencement of the use.

5. Any existing tree shown to be retained or trees or shrubs to be planted as part of the approved landscaping scheme which are removed, die, become severely damaged or diseased within five years of the completion of development shall be replaced with trees or shrubs of appropriate size and species in the next planting season.

INFORMATIVE(S):

1. The plans accompanying this application are:- Planning Statement, Design and Access Statement, Tree Survey, Statement re Consultation regarding play equipment in Brent Park/ Brookside Walk

**9. APPLICATION TO REGISTER LAND, QUINTA PUBLIC OPEN SPACE, MAYS LANE AS TOWN OR VILLAGE GREEN (Report of the Assistant Director of Planning and Development Management – Agenda Item 8)
RESOLVED –**

1. That the application for registration as a Town or Village Green under Section 15 of the Commons Act 2006 be approved in respect of the land at Quinta Public Open Space, on the basis of twenty years use for lawful sports and pastimes, as of right, by a significant number of local inhabitants.

2. That the applicant and landowner be informed of this decision in writing.

The meeting ended at 8.40pm