

REFERRAL REPORT

REPORT OF THE FINCHLEY & GOLDERS GREEN  
AREA PLANNING SUB-COMMITTEE

8 FEBRUARY 2011

SUB-COMMITTEE:

\*Councillor Eva Greenspan BA, LLB(Hons) (Chairman)

\*Councillor John Marshall (Vice-Chairman)

Councillors:

\*Jack Cohen

\*Alan Schneiderman

\*Melvin Cohen LLB

\*Jim Tierney

\*Colin Rogers

\*denotes Member present

1. **ELECTRICITY SUB-STATION ADJACENT TO 11 NORTHWAY, LONDON, NW11 6PB – TPO/00650/10F (HAMPSTEAD GARDEN SUBURB WARD) - (Report of the Assistant Director of Planning and Development Management – Agenda Item 6)**

The Sub-Committee considered the attached report and Addendum of the Assistant Director of Planning and Development Management and heard oral representations from Ms Deborah Calland, Hampstead Garden Suburb Residents Association (Hampstead Garden Suburb Ward)

RECOMMENDATION –

**REFUSE** the application (reversal of Officer's recommendation) for the following reason:

1. The loss of the tree of special amenity value is not justified as a remedy for the alleged subsidence damage on the basis of the information provided.

In view of the potential liability to the Council, the Chairman in accordance with paragraph 5.2 of Part 3 of the Council's Constitution referred the Sub-Committees recommendations to the Planning and Environment Committee.

2. **BEACON BINGO, 200 CRICKLEWOOD BROADWAY, LONDON, NW2 3DU F/04899/10 – (CHILDS HILL WARD) – (Report of the Assistant Director of Planning and Development Management – Agenda Item 6)**

The Sub-Committee considered the attached report of the Assistant Director of Planning and Development Management.

RECOMMENDATION -

**REFUSE** the application (reversal of Officer's recommendation).

In view of no adequate reason given for refusal, the Chairman in accordance with paragraph 5.2 of Part 3 of the Council's Constitution referred the Sub-Committees recommendation to the Planning and Environment Committee.

**LOCATION:** Electricity Sub-Station Adjacent to 11 Northway, London, NW11  
6PB

**REFERENCE:** TPO/00650/10/F      **Received:** 11 November 2010  
**WARD:** GS      **Expiry:** 06 January 2011  
**CONSERVATION AREA** HG

**APPLICANT:** Marishal Thompson & Co

**PROPOSAL:** 1 x Oak (T1 Applicants Plan) - Fell. T1 of Tree Preservation  
Order.

**RECOMMENDATION: APPROVE SUBJECT TO CONDITIONS**

1. The species, size and siting of the replacement tree(s) shall be agreed in writing with the Local Planning Authority and the tree(s) shall be planted within 6 months (or as otherwise agreed in writing) of the commencement of the approved treatment (either wholly or in part). The replacement tree(s) shall be maintained and / or replaced as necessary until 1 new tree(s) are established in growth.

Reason:

To maintain the visual amenities of the area.

2. Within 3 months of the commencement of the approved treatment (either wholly or in part) the applicant shall inform the Local Planning Authority in writing that the work has / is being undertaken.

Reason:

To maintain the visual amenities of the area.

**INFORMATIVE:**

1. Any and all works carried out in pursuance of this consent / notice will be subject to the duties, obligations and criminal offences contained in the Wildlife and Countryside Act 1981 (as amended). Failure to comply with the provisions of the Wildlife and Countryside Act 1981 (as amended) may result in a criminal prosecution.

**NOTES:**

1. Your attention is drawn to the Third Schedule of the Tree Preservation Order and if you are aggrieved by the decision of the Local Planning Authority you may appeal to the Secretary of State for Communities and Local Government, c/o The Environment Team, Room 4/04, Kite Wing, Temple Quay House, 2 The Square, Bristol, BS1 6PN within 28 days of receipt of this decision.
2. If you are not the owner of the tree(s) you are advised to consult with and where necessary obtain the permission of the owner before taking any further action with regard to the treatment.
3. The permission of the Hampstead Garden Suburb Trust Ltd may also be necessary and this may be obtained from:  
The Trust Manager  
The Hampstead Garden Suburb Trust Ltd  
862 Finchley Road, London NW11 6AB  
(Telephone number 020 8455 1066)

4. Fuller details about the Local Planning Authority's decision are included in the delegated / Committee report.

### **Consultations**

Date of Press and Site Notices: 25<sup>th</sup> November 2010

Consultees:

Neighbours consulted: 8

Replies: 49 objections (including 2 objectors in both individual and joint capacities)

The grounds of objection can be summarised as:

- Age of tree incorrectly assessed by applicant
- Tree is older than the surrounding properties; it originally formed part of Big Wood prior to construction of this part of the Suburb and has historic significance.
- Tree is not causing damage to the building
- Applicant's report / investigations have not been conducted properly
- There should be another engineering solution to the problem without the need to remove the tree (e.g. underpinning)
- Other potential cause(s) of damage e.g. flooding; major works at Henrietta Barnett School
- Risk of heave
- Applicant has not established that tree is cause of damage and removal would cure
- Tree contributes significantly to the character and appearance of the Hampstead Garden Suburb
- Continuation of Big Wood canopy and provision of shade
- Removal of this tree will set a precedent for more tree felling within the area
- No reason has been provided for the proposed works.
- Haven for birds and other wildlife
- Visual and ecological amenity
- Tree is healthy
- The Hampstead Garden Suburb Trust submitted their own structural engineer's comments, some correspondence with Marishal Thompson, and a tree report from 2005

### **1. MATERIAL CONSIDERATIONS**

Relevant Planning History:

**C10730; C10730A; C10730D/00** - Two storey detached house incorporating garage at side. Relocation of sub-station within retained garage. (and subsequent renewals of planning permission) (would have resulted in loss of tree).

Decisions – approved with conditions, most recently 9<sup>th</sup> April 2003

**TREC10730B** - Thin crown by 15%, deadwood an Oak (1) T2 of TPO. Thin crown by 20%, deadwood an Oak (2) T3 of TPO. Reduce large limb towards tea house by 15%, reduce height and thin crown by 15% of Oak (4) T1 of TPO.

**Decision** - Granted conditional consent 10<sup>th</sup> January 1996.

**TCA/00696/10/F** - 1 x Oak (T2 Applicants Plan) – Remove.

**Site Address** - Friends Meeting House, North Square, London, NW11 7AD.

**Decision** – Six week notification period expired 12<sup>th</sup> January 2011 (it was considered inappropriate to make a Tree Preservation Order)

## **2. PLANNING APPRAISAL**

### 1. Introduction

The application was originally registered in respect of “2 x Oak (T1 and T2 Applicants Plan) - Fell. T1 and T2 of Tree Preservation Order.” However, on visiting the site it became apparent that the plan submitted was incorrect. Clarification was sought from the applicant, who confirmed that the location of the second Oak (T2 of their submissions) was actually located within the front garden of the Friend Meeting House, North Square, London NW11 7AD and submitted an amended plan showing the correct location of the tree.

The Oak tree standing in the front garden of the Friends Meeting House (T2 of the applicant’s submissions) is not included within a Tree Preservation Order, thus a separate Notice of Intent was registered under reference TCA/00696/10/F (see relevant Planning History above) and the application currently under consideration amended accordingly.

The London Borough of Barnet Land Adjoining Friends Meeting House, North Square, NW11 Tree Preservation Order 1989 was made on 7<sup>th</sup> September 1989 and confirmed without modification on the 13<sup>th</sup> December 1989. It includes four individually designated Oak trees growing within the boundary of the Electricity Sub-Station Adjacent to 11 Northway, London, NW11 6PB. The Tree Preservation Order was made in connection with proposed redevelopment of the site.

The application currently under consideration, “1 x Oak (T1 Applicants Plan) - Fell. T1 of Tree Preservation Order.”, was submitted by Marishal Thompson Group (Arboricultural Consultancy for Royal & Sun Alliance). The reason for the proposed work is that the applicant alleges that tree is implicated as a contributory factor in subsidence damage related to clay shrinkage.

The application was registered on the 11<sup>th</sup> November 2010.

### 2. Appraisal

The Oak tree stands within the grounds of the electricity sub-station located at the junction between Northway and North Square, London, NW11. The tree stands about 10 metres from the North Square roadway and within 2 metres of the sub-station building. The Oak is one of a group and it is very clearly visible from North Square, Northway and surrounding properties. It contributes to the general character and appearance of the Hampstead Garden Suburb Conservation Area. Hampstead Garden Suburb is also within a designated Area of Special Character. Hampstead Garden Suburb is internationally renowned for the way in which mature landscape features have been incorporated into the built environment. As noted by many of the objectors the Oak appears to be older than the surrounding development (it was originally part of Big Wood) and would have been present at the time the Hampstead Garden Suburb was designed. The retention of trees such as this Oak was an integral part of the design ethos during the development of the Garden Suburb. The Hampstead Garden Suburb Character Appraisal Statement is one of many documents setting out the importance of trees to the character and appearance of the area e.g. “Trees and hedges are defining elements of Hampstead Garden Suburb. The quality, layout and design of landscape, trees and green space in all its forms, are inseparable from the vision, planning and execution of the Suburb.”

The Oak is a mature tree of about 20 metres in height. It has been previously lifted to about 10 metres from the ground and there has been some shortening of branches and some previous thinning treatment. There has been some regrowth from the previous treatments. The tree has a slightly sparse distribution of buds within its crown. However, the buds appear to be of good form. There is some deadwood present and the tree appears to have lost three branches (possibly as a result of storm damage). The tree has a slight lean away from North Square, which the growth pattern suggests is historic. The tree has a fairly narrow crown shape – as would be expected given its previous treatment and woodland origins. The trunk has a diameter of 79cm at 1.5 metres above ground level. In correspondence, the applicant has agreed that ‘the age of T1 will be somewhere around 140 yrs’.

The following documentary evidence was submitted in support of the applicant’s allegation that the tree is implicated in subsidence damage to the rear of the Tea House 11 Northway:

- An Engineers Report dated 18<sup>th</sup> March 2008, describing the nature and extent of the observed property damage and making recommendations on possible causes of the damage and site investigations to be undertaken.
- A plan of the drainage layout at the site
- Details of the foundations of the Tea House 11 Northway and trial pits undertaken
- Root analysis
- Soil analysis
- Level monitoring for a period 20<sup>th</sup> November 2009 - 17<sup>th</sup> November 2010
- Crack monitoring for a period 6<sup>th</sup> March 2008 - 17<sup>th</sup> November 2010
- An arboricultural report detailing the vegetation surrounding the Tea House 11 Northway and making recommendations for its management.
- An e-mail advising of the proposals and estimated costs of repair.

This information and that supplied by the Hampstead Garden Suburb Trust has been reviewed by the Council’s Structural Engineer, who concluded:

- It appears the Tree House was built on land with an existing moisture deficit, and the T1 oak which has a TPO was most likely part of the previous woodland.
- The damage to the rear left hand corner is consistent with subsidence of the foundations, and the crack monitoring shows enhanced seasonal movement.
- The level monitoring results are of limited benefit without a stable datum.
- The soil analysis results are not conclusive with regard to desiccation. It would have been useful to have the results of a control borehole to compare and contrast the result.
- The root identification confirms an oak root 2.8m below the foundation; it does not distinguish between oaks T1 or T2. However, based on the size and proximity to the building T1 is the most likely origin of the oak root extending to a depth of 2.8m.
- On the basis of the above oak T1 is likely to be implicated in the damage to the Tea House building, this could be confirmed by undertaking further investigations with a control borehole and level monitoring with a stable datum.
- The further site investigations would also allow a more accurate estimate of potential surface ground heave to be undertaken.

Further information was thus requested from the applicant who confirmed that “No controlled Bore Hole has been undertaken or will be submitted”, “A deep datum has not been used in this instance”, updated monitoring was supplied but “No further information will be available.”

### 3. Legislative background

Government guidance advises that when determining the application the Council should (1) assess the amenity value of the tree and the likely impact of the proposal on the amenity of the area, and (2) in the light of that assessment, consider whether or not the proposal is justified, having regard to the reasons put forward in support of it. It should also consider whether any loss or damage is likely to arise if consent is refused or granted subject to conditions.

The Tree Preservation Order provides that compensation is payable for loss or damage in consequence of refusal of consent or grant subject to conditions. In this case the applicant has indicated that “If the trees are removed and repairs undertaken the costs will be in the region of £20k and if the underpinning is undertaken due to the trees remaining, then a further £25k costs are likely to be incurred.”

If the Council is satisfied that the tree is of ‘special’ or ‘outstanding’ amenity value, it can issue an Article 5 Certificate, the effect of which is to remove the liability to pay compensation, although the guidance states that “LPAs are advised to use article 5 certificates with discretion and not simply as a means of avoiding the potential liability of compensation”. There is a right of appeal against the Article 5 Certificate as well as against the refusal of consent or condition(s).

The tree is not owned or maintained by the Council, thus the compensation liability arises only because of the Oak’s inclusion in a Tree Preservation Order. The Council has no powers to require lesser works or a programme of cyclical pruning management that may reduce the risk of alleged tree-related property damage.

The Court has held that the proper test in claims for alleged tree-related property damage was whether the tree roots were the ‘effective and substantial’ cause of the damage or alternatively whether they ‘materially contributed to the damage’. The standard is ‘on the balance of probabilities’ rather than the criminal test of ‘beyond all reasonable doubt’.

It is to be noted that whilst the Council’s Structural Engineer has concerns about the information submitted, he has concluded that the Oak is likely to be implicated in the damage to the Tea House building hence there may be a compensation liability in excess of £25,000 if consent for the proposed felling is refused.

### **3. COMMENTS ON THE GROUNDS OF OBJECTION**

Many of the matters raised have been addressed in the body of the report.

There is no doubt that the tree is of significant amenity value, contributing greatly to the character and appearance of the Suburb. The number of objections may be some measure of the tree’s importance to local residents. In referring to principal positive features in the Central Square area, the Character Appraisal Statement notes “the junction of North Square with Northway has a more rural feel, with large oaks remaining from pre-Suburb woodland; this provides an unusual contrast with the formal Lutyens architecture and asserts the importance of Bigwood as an area of woodland retained” – the subject tree is in the centre of the accompanying photograph.

Whilst there are shortcomings in the applicant's supporting documentation, some of the grounds of objection seem to misunderstand the level of evidence required and the potential implications for the Council.

#### **4. CONCLUSION**

The tree is considered to be of significant amenity value and its loss would be detrimental to the character and appearance of this part of Hampstead Garden Suburb. However, the Council's Structural Engineer has reviewed the evidence submitted and concluded that the tree is likely to be implicated in the damage to the Tea House. The Council must decide whether it is prepared to refuse consent to the proposed felling and face a compensation claim potentially in excess of £25,000 or allow the felling subject to replacement planting – which may go some way to mitigating the loss in the longer term. Given the high risk that the Council would be liable to pay compensation in excess of £25,000 if consent is refused for the felling of the tree, it is recommended that consent is granted subject to the following conditions:

1. The species, size and siting of the replacement tree(s) shall be agreed in writing with the Local Planning Authority and the tree(s) shall be planted within 6 months (or as otherwise agreed in writing) of the commencement of the approved treatment (either wholly or in part). The replacement tree(s) shall be maintained and / or replaced as necessary until 1 new tree(s) are established in growth.

Reason:

To maintain the visual amenities of the area.

2. Within 3 months of the commencement of the approved treatment (either wholly or in part) the applicant shall inform the Local Planning Authority in writing that the work has / is being undertaken.

Reason:

To maintain the visual amenities of the area.

**SITE LOCATION PLAN: Electricity Sub-Station Adjacent to 11 Northway, London, NW11 6PB**

**REFERENCE: TPO/00650/10F**



© Crown Copyright. All rights reserved. London Borough of Barnet. OS Licence No LA100017674 2010



**EXTRACT FROM ADDENDUM**

**FINCHLEY AND GOLDERS GREEN AREA PLANNING SUB-COMMITTEE**

**8 February 2011**

**Electricity Sub-station adjacent to 11 Northway, NW11 6PB – Page 130**

Updated monitoring data (to 19/1/11) has been received and reviewed by the Council's Structural Engineer, who noted "The one set of additional crack monitoring readings indicate a continuation of seasonal movement, and therefore the conclusions in my original report of 10/12/10 still apply." [the level monitoring results are of limited benefit without a stable datum].

A further objection was received on 7 February 2011 after the consultation period had expired.

**LOCATION:** Beacon Bingo Hall, 200 Cricklewood Broadway, London, NW2  
3DU  
**REFERENCE:** F/04899/10  
**WARD(S):** Childs Hill

**Received:** 03 December 2010  
**Accepted:** 09 December 2010  
**Expiry:** 03 February 2011

**Final Revisions:**

**APPLICANT:** Beacon Entertainments Ltd

**PROPOSAL:** Extension to existing rear smoking terrace including associated removal of 9no parking spaces and relocation of 1no disabled parking space.

**RECOMMENDATION: APPROVE SUBJECT TO CONDITIONS**

1. The development hereby permitted shall be carried out in accordance with the following approved plans: Site plan; 4998-101; 4998-102; 4998-103; 4998-104.

Reason:

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

2. 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.

Reason:

To safeguard the visual amenities of the locality.

**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 polices are relevant:

Adopted Barnet Unitary Development Plan (2006): GBEnv1, D2, CS5.

Draft Planning Guidance Note from The Planning Officers Society on Smoking Shelters and Other Features.

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

Having taken all material considerations into account, it is considered that subject to compliance with the attached conditions, this proposal complies with the Adopted Barnet UDP policies and would be in keeping with the character and appearance of the surrounding area. It is not considered to have a detrimental impact on the residential amenities of neighbouring occupiers.

## 1. MATERIAL CONSIDERATIONS

### Relevant Unitary Development Plan Policies:

GBCEnv1, D2.

Draft Planning Guidance Note from The Planning Officers Society on Smoking Shelters and Other Features.

### Barnet Core Strategy

The Planning and Compulsory Purchase Act 2004 reformed the development plan system replacing the Unitary Development Plan (UDP) with the Local Development Framework (LDF). The LDF will be made up of a suite of documents including the Core Strategy and Development Management Policies DPD. Until the LDF is complete policies within the adopted UDP have been saved for a period of three years.

The Core Strategy will contribute to achieving the vision and objectives of Barnet's Sustainable Community Strategy and will help our partners and other organisations to deliver relevant parts of their programmes. It will cover the physical aspects of location and land use traditionally covered by planning. It also addresses other factors that make places attractive and distinctive as well as sustainable and successful.

The Council published its LDF Core Strategy Publication Stage document in September 2010. The document has been subject to three rounds of public consultation and is in general conformity with the London Plan therefore weight can be given to it as a material consideration in the determination of planning applications.

Relevant policies: Policy CS5

### Relevant Planning History:

#### **Site history for current landparcel :**

77966 - Beacon Bingo Hall, 200 Cricklewood Broadway, London, NW2 3DU

Case Reference: **F/04899/10**

<b>Application:</b>	Planning	<b>Number:</b>	C/11264/BA/01
<b>Validated:</b>	03/04/2001	<b>Type:</b>	ADV
<b>Status:</b>	DEC	<b>Date:</b>	16/08/2001
<b>Summary:</b>	APC	<b>Case Officer:</b>	
<b>Description:</b>	Internally illuminated high level sign to car park elevation.		

<b>Application:</b>	Planning	<b>Number:</b>	C/11264/BN/04
<b>Validated:</b>	13/09/2004	<b>Type:</b>	S73
<b>Status:</b>	DEC	<b>Date:</b>	08/11/2004
<b>Summary:</b>	APC	<b>Case Officer:</b>	Karina Sissman
<b>Description:</b>	Variation of Condition 13 (opening hours) of planning permission C11264B (dated 12.04.94) to allow the premises to open 09:00am to 12:30am Mondays to Thursdays, from 09:00am to 01:30am Fridays and Saturdays, and from 11:00am to 12:00am on Sundays.		

<b>Application:</b>	Planning	<b>Number:</b>	C/11264/BQ/07
<b>Validated:</b>	26/03/2007	<b>Type:</b>	APF
<b>Status:</b>	DEC	<b>Date:</b>	06/06/2007
<b>Summary:</b>	REF	<b>Case Officer:</b>	Karina Sissman
<b>Description:</b>	Provision of a two storey external smoking area.		

<b>Application:</b>	Planning	<b>Number:</b>	C/11264/BR/07
<b>Validated:</b>	06/08/2007	<b>Type:</b>	APF
<b>Status:</b>	APD	<b>Date:</b>	01/10/2007
<b>Summary:</b>	APC	<b>Case Officer:</b>	
<b>Description:</b>	Installation of ATM.		

**Application:** Planning **Number:** C/11264/BS/07  
**Validated:** 06/08/2007 **Type:** ADV  
**Status:** DEC **Date:** 01/10/2007  
**Summary:** APC **Case Officer:**  
**Description:** Addition of internally illuminated ATM fascia advertisement.

**Application:** Planning **Number:** F/02479/10  
**Validated:** 24/06/2010 **Type:** APF  
**Status:** DEC **Date:** 19/08/2010  
**Summary:** APC **Case Officer:** Elizabeth Thomas  
**Description:** Installation of two column mounted torches-style illuminated devices.

**Application:** Planning **Number:** F/03488/10  
**Validated:** 01/09/2010 **Type:** S96A  
**Status:** REG **Date:**  
**Summary:** DEL **Case Officer:** Thomas Wyld  
**Description:** Non-material minor amendments to planning permission reference F/04245/09 dated 02/03/10 for 'Construction of a five storey hotel providing 96 rooms including restaurant at first floor for guest use and retail A1 or restaurant A3 at ground floor'. Amendments to include: Siting of car park vents; variation of materials from render to brick at ground floor; Variations to windows and doors; and ground floor glazed canopy to be replaced by bris soleil.

**Application:** Planning **Number:** F/03625/08  
**Validated:** 30/09/2008 **Type:** S63  
**Status:** DEC **Date:** 21/11/2008  
**Summary:** APC **Case Officer:** Junior Moka  
**Description:** Retention of lean to smoking refuge and wire mesh fence enclosure.

**Application:** Planning **Number:** F/04220/10  
**Validated:** 18/10/2010 **Type:** CON  
**Status:** REG **Date:**  
**Summary:** DEL **Case Officer:** Thomas Wyld  
**Description:** Submission of details of conditions (24) (Noise Report For Site Plant), pursuant to planning permission (F/04245/09) dated (02/03/10).

**Application:** Planning **Number:** F/04606/10  
**Validated:** 11/11/2010 **Type:** S96A  
**Status:** DEC **Date:** 23/11/2010  
**Summary:** APC **Case Officer:** Elizabeth Thomas  
**Description:** Non-material minor amendment to planning permission F/02479/10 dated 19/08/10 to include the alteration of the angles of the column-mounted torches (Drawing 1369-002A).

**Application:** Planning **Number:** F/04607/10  
**Validated:** 19/11/2010 **Type:** CON  
**Status:** DEC **Date:** 02/12/2010  
**Summary:** AP **Case Officer:** Elizabeth Thomas  
**Description:** Submission of details of condition 3 (Materials) pursuant to planning permission F/02479/10 dated 19/08/10

#### Consultations and Views Expressed:

Neighbours Consulted: 93  
Neighbours Wishing To 0  
Speak

Replies: 3

The objections raised may be summarised as follows:

- Parking in the area is already in short supply loss of several spaces will result in more cars on the Broadway and elsewhere.

- Smoke wafting over the playground.
- Gamblers at their games in full sight of impressionable children.
- Second hand smoke in the playground.
- Noise, can already hear bingo and noise coming from the current smoking shelter.

Internal /Other Consultations:

- London Borough of Brent - No objections
- Traffic & Development - No objections
- Environmental Health - No objections

Date of Site Notice: 06 January 2011

## **2. PLANNING APPRAISAL**

Site Description and Surroundings:

The site in question is Beacon Bingo, 200 Cricklewood Broadway, Cricklewood. The bingo hall is a very prominent feature on the streetscene. The main entrance to the club is on the corner of a major four way junction with Cricklewood Broadway, Depot Approach and Ashford Road. The club is situated in the Cricklewood town centre and is surrounded by a variety of retail, residential and commercial premises.

Proposal:

The application relates to the installation of a single storey smoking shelter.

Planning Considerations:

Planning permission has previously been granted for the retention of a single storey smoking shelter to the rear of the bingo hall, the proposal seeks to create a further smoking shelter at a 90 degree angle to this existing shelter.

Draft planning guidance note from the Planning Officers Society on smoking shelters and other facilities which notes that the following factors should be noted when making a planning decision:

- Is the shelter / awning or other structure in a prominent location?
- Is the structure well designed, using appropriate materials, and in character with the existing building?
- Will the location / siting of the shelter / awning have any adverse amenity impact in terms of:
  - visual intrusion
  - character and appearance of the area
  - loss of outlook
  - overlooking of adjacent residential premises
  - light pollution
- siting adjacent to doors / windows/ air intake systems - whether within or adjacent to the premises
- secondary smoke infiltration into adjacent residential or commercial premises
- introduction or intensification of activity and disturbance near noise sensitive premises, particularly in the late evening
- Will the siting of the shelter / awning result in loss of parking spaces, with associated impact on parking problems in the vicinity?
- Will the shelter / awning obstruct or block an adjacent public footpath or road to the detriment of pedestrian or traffic safety?

It is considered that the development is in accordance with these factors. The development has resulted in the loss of parking spaces but this is not considered to be harmful to the free flow of traffic or pedestrian safety. The traffic and development team have no objection to the proposed loss of parking spaces as the proposed site is within an All Day Controlled Parking Zone, in a town centre location, close to local amenities and public transport and within a commercial area. There are considered to be sufficient parking spaces on site without these spaces.

The development faces onto the car park and this is considered to be an appropriate location. Due to its siting within the car park, the development is not considered to cause any visual intrusion, loss of outlook or overlooking onto adjacent neighbouring properties. The smoking shelter is located at a lower level than the adjacent park and therefore will not be highly visible to the users of the park.

The environmental health team have reviewed the plans and have not raised any objections to the proposal and do not consider that any conditions are required.

It is not considered that the issue of the installation and use of gaming machines within the smoking shelter would not on its own result in a change of use requiring a different planning permission.

### **3. COMMENTS ON GROUNDS OF OBJECTIONS**

All planning related matters are considered to be covered in the above appraisal.

### **4. EQUALITIES AND DIVERSITY ISSUES**

The proposals do not conflict with either Barnet Council's Equalities Policy or the commitments set in our Equality Scheme and supports the council in meeting its statutory equality responsibilities.

### **5. CONCLUSION**

Having taken all material considerations into account, it is considered that subject to compliance with the attached conditions, this proposal complies with the Adopted Barnet UDP policies and would be in keeping with the character and appearance of the surrounding area. It is not considered to have a detrimental impact on the residential amenities of neighbouring occupiers. This application is in keeping with Council Policies and Guidelines and is therefore recommended for **APPROVAL**.

**SITE LOCATION PLAN: Beacon Bingo Hall, 200 Cricklewood Broadway, London, NW2 3DU**

**REFERENCE: F/04899/10**



© Crown Copyright. All rights reserved. London Borough of Barnet. OS Licence No LA100017674 2010