

WEST AREA PLANNING SUB-COMMITTEE

5 March 2012

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

All references within the recommendations in this report referring to the Assistant Director of Planning and Development Management should be amended to refer to the Acting Assistant Director of Planning and Building Control.

Pages 58-72

F/03131/11 – 37/39 Kingsgate Avenue

On page 67, the following paragraph:

“Policy 4B.3 of The London Plan states that development proposals should achieve the highest possible intensity of use which is compatible with the local context, the design principles set out in Policy 4B.1 and public transport capacity”.

should be replaced with:

“Policy 3.4 of the London Plan states that development should optimise housing output for different types of location taking into account local context and character, the design principles set out in Chapter 7 of the London Plan and public transport capacity”.

Pages 73- 90

F/05099/11 52 Ashley Lane

Condition 5 on page 74 should be amended as follows:

“Before the building hereby permitted is occupied the proposed first floor level windows and dormer windows in the side elevations facing both Manor Hall Avenue properties and Ashley Court shall be glazed with obscure glass only up to a height of 1.7 metres as measured from the internal finished floor level and shall pivot from the bottom edge only and be limited to an opening of 200mm. The windows shall be permanently retained as such thereafter.

Reason: To safeguard the privacy and amenities of occupiers of adjoining residential properties”.

Page 12

F/04431/11 – Brondesbury Cricket, Tennis & Squash Club, 5A Harman Drive

One additional letter of objection has been received stating that the application would affect the quality of neighbour's lives and would be a clear breach of their human rights. It is not considered that the application could be refused on these grounds and the recommendation therefore remains for approval.

Page 31

H/04849/11 – 42-46 Station Road

Final paragraph on page 34 should read:

"The application was reported to the last meeting of the Sub-Committee. Members voted to approve the application subject to conditions, the conditions to be confirmed at a future meeting following discussion between the officers and the applicant."

Add Informative 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): GTCR2, TCR10, CS1

Core Strategy (Submission version) 2011: CS6

Development Management Policies (Submission version) 2011: DM11

ii) The proposal is acceptable for the following reason(s): - The proposal would provide a community facility which is acceptable in this commercial area and will not adversely affect the operation of the highway or the amenities of local residents."

Pages 112 - 117
F/00171/12 - 10 Hill Rise

The description of the proposal now reads: *Extension to roof including rear dormer window to facilitate a loft conversion. Replacement of existing doors and windows. Minor landscaping alterations to front and rear gardens. Single storey rear extension.*

There are no UPVC windows to be inserted at the application site, all the windows proposed are double glazed 'Critall' type windows and patio door to replace the existing UPVC windows.

Pages 58-72
F/03131/11 – 37/39 Kingsgate Avenue

Since writing the committee report, a unilateral undertaking securing the required contributions has been received and agreed by the Council's legal department. As such the recommendation should be amended to "Approve subject to conditions" and recommendation III should be removed. The unilateral undertaking dated 28th February 2012 should be added to the plan numbers listed in condition 1.

Condition 1 should be amended as follows:

"The development hereby permitted shall be carried out in accordance with the following approved plans: Existing site plan, PL-002, PL-003 RevE; PL-004 RevD; PL-005 RevD; PL-006 RevD; PL-007 RevE; PL-008 RevE; SK-07".

Condition 16 should be amended as follows:

"Before the development hereby permitted is occupied, parking spaces shall be provided in accordance with drawing No SK-07. Thereafter, the parking spaces shall be used only as agreed and not be used for any purpose other than the parking and turning of vehicles in connection with the approved development".

Condition 17 should be amended as follows:

"Before the building hereby permitted is occupied the proposed windows in flats 4 and 7 and the window first floor communal corridor in the side elevation facing 35 Kingsgate Avenue shall be glazed with obscure glass only and shall be permanently retained as such thereafter and shall be permanently fixed shut with only a fanlight opening".

On page 67, the following paragraph:

"Policy 4B.3 of The London Plan states that development proposals should achieve the highest possible intensity of use which is compatible with the local context, the design principles set out in Policy 4B.1 and public transport capacity".

should be replaced with:

"Policy 3.4 of the London Plan states that development should optimise housing output for different types of location taking into account local context

and character, the design principles set out in Chapter 7 of the London Plan and public transport capacity”.

On page 67, the reference to brownfield sites in the third paragraph should be deleted.

On page 66, the paragraph starting with “Service Road” should be removed.

Since writing the report, a petition with 51 signatures against the proposals has been received as well as 5 letters of support and 6 additional objections

There are therefore a total of 15 objections and 7 letters of support.

The letters of support state that the development will provide much needed housing for the area and improve the area.

The Finchley Society has objected on the following grounds:

- out of character with the family homes in Kingsgate Avenue:
- loss of houses in a roads predominantly characterized by houses
- loss of back gardens
- density is 50% above the higher proposed limit for a PTAL 1 site
- width of the access road to the car park is below requirements
- shortage of family homes in Finchley
- front gardens are not normally considered as amenity space
- this is not a ‘Brownfield’ site

The additional objectors raise the following points:

- More than six times current density
- Unnecessary change to residential character
- Overbearing impact, destroying visual harmony
- Barely perceptible reductions in bulk and mass
- Questionable architectural merit
- Overshadowing and loss of light
- Overlooking and loss of privacy
- Loss of gardens
- Car dependency
- Proposed parking arrangements would require Police consent
- Highways Department's concerns about manoeuvring space
- Danger of reversing into the road
- Restrictive covenants

Most of the grounds of objections are considered to have been covered in the officer’s report.

Some objections on the grounds of density have been made with reference to the London Plan Density matrix.

The density of existing development should not dictate that of new housing. If done well, imaginative design and layout of new development can lead to a more efficient use of land without compromising the quality of the local environment. Good design is fundamental to using land efficiently and is

facilitated by identifying the distinctive features that define the character of a particular local area.

The London Plan states that development should optimise housing output for different types of location within the relevant density range shown in Table 3.2. The London Plan states that a rigorous appreciation of housing density is only the start of planning housing development, not the end and that it is not appropriate to apply Table 3.2 mechanistically. Its density ranges for particular types of location are broad, enabling account to be taken of other factors relevant to optimising potential – local context, design and transport capacity are particularly important. In this case, it is considered that the context of the site which is mixed and does not solely consist of low density semi-detached and detached houses but also purpose built blocks of flats lends itself to the proposed density which is not considered out of character with the surroundings.

Some objections have been made on the grounds that the loss of gardens has not been addressed by officers.

In June 2010, PPS3 was amended to exclude private residential gardens from the definition of previously developed land. The change was announced via a letter to Chief Planning Officers that stated that the changes emphasised that it is for local authorities and communities to take the decisions that are best for them, and decide for themselves the best locations and types of development in their areas.

The change in Government policy has meant that residential gardens are now classified as Greenfield sites and not previously developed land. The purpose of this policy is to prevent 'backland' development in rear gardens and to prevent 'garden grabbing'. Annex B of PPS3 gives a definition of previously developed land and explains what is excluded, including 'land in built-up areas such as private residential gardens, parks, recreation grounds and allotments, which, although it may feature paths, pavilions and other buildings, has not been previously developed'. As the development is to take place partly on the ground of the existing buildings is not considered that the changes to PPS3 could be used as justification for the refusal of the application.

The Council's highways engineers have reviewed the additional highways grounds of objection. They have advised that when they were consulted, they were not aware that the access road was existing. Guidance on the design of highway and parking layout is given in Manual for Streets which recommend 6 metres of manoeuvring space in front of the parking area for new developments.

However, as the access road at the rear of the site is an established access therefore Manual for Streets recommendation would not apply. Furthermore the recommendations in the Manual for Streets are for guidance only.

Turning heads are provided either where service vehicles need to turn around or the road is narrow to allow turning. However, in this particular case the access road is wide enough to allow a vehicle turning in and out of the parking spaces therefore turning head is not required as per the existing operation.

Restrictive covenants and land ownership issues are not planning matters.

Page 142

H/04788/11 Danescroft, Brent Street, London NW4 2QH

Insert under heading 'Applicant':

Inspired Holdings Ltd, 2 Gloucester Gardens, London NW11 9AB

Consultation and views Expressed:

'Replies: 41' should be deleted and replaced with 'Replies: Petition with 36 signatories, plus 8 individual letters of objection'.

The objections may be summarised as follows:

- Plans will reduce parking by at least 6 spaces
- No evidence submitted of demand for enclosed car parking
- Garages are to be built across an access to the site which is presently blocked
- Garages would be sited 1m forward of boundary so maximising possible further development
- Garages will substantially restrict access for vehicles to circulate
- More commercial vehicles may drive through Danescroft at all hours adding to noise and pollution
- Increase wear and tear to roadway
- Garages will be for commercial use
- Threat to security

Correspondence has been received from the applicant to address the objections raised. The correspondence may be summarised as follows:

- Wherever possible we seek to reduce the incidence of non conforming use of the existing garages
 - Any problems experienced by residents should be reported so that appropriate action may be taken.
 - All lessees were offered tenancies of the proposed garages and 2 residents have expressed interest
-

One of the objectors to this application has now requested to speak.

On page 82, the numbering of the ground of objection should be corrected to read:

The objections raised may be summarised as follows:

General Grounds of Objection.

1. The applicant has, in various particulars, blatantly constructed the “as-built” structure with total disregard for the terms of the original grant of planning permission (C16741/06), failing to comply with certain specifications and conditions that were originally imposed by the Planning Authority for good and valid planning reasons. The grant of any retrospective permission for these deliberate deviations from the terms of the permission would tend to bring the Planning Authority into disrepute and be an admission of its toothlessness.

Specific Grounds of Objection

2. Many of the windows, particularly those on the North and South elevations and on the second floor, have been built to a significantly greater height than that shown on the plans in the original permission. The applicant states with regard to another matter “Aesthetically there is little change to the exterior”, but makes no mention of the fact that with regard to this matter there is a very considerable aesthetic change. The proximity to neighbouring buildings means that the much larger windows will present a looming and overlooking presence much to the detriment of the privacy and amenities of the neighbours, including this objector. The larger windows will look directly upon bedroom windows and balconies that have had privacy for some 75 years since the houses were constructed;
3. Whereas the original permission included the Condition (no. 5) that “the proposed window(s) on both side elevations shall be glazed with obscure glass only and shall be permanently retained as such thereafter and shall be permanently fixed shut with only a fanlight opening.... to safeguard the privacy and amenities of occupiers of adjoining residential properties” the new application only specifies opaque glass below 1700mm and windows opening to 200 mm. Coupled with the very much larger as-built windows this would significantly impair the privacy and amenities of the neighbours;
4. The applicant’s Planning Statement states “We have not received any complaints regarding the development nor the changes we are applying for”. This is not exactly true because objectors wrote on-line on 28 July 2011 to the Planning Enforcement Team, complaining *inter alia* that development was not being built according to the planning permission;
5. Furthermore, with regard to the original application, it was state that the sole reason that neighbours did not object to the development is that we were given reasons to believe, from the size of the windows in the side elevations and from the imposed Condition 5, that adequate steps to safeguard our privacy and amenities were being taken by the Planning Authority. The current application is for the removal of these safeguards.

Condition 5 on page 74 should be amended as follows:

“Before the building hereby permitted is occupied the proposed first floor level windows and dormer windows in the side elevations facing both Manor Hall Avenue properties and Ashley Court shall be glazed with obscure glass only up to a height of 1.7 metres as measured from the internal finished floor level and shall pivot from the bottom edge only and be limited to an opening of 200mm. The windows shall be permanently retained as such thereafter.

Reason: To safeguard the privacy and amenities of occupiers of adjoining residential properties”.

Conditions 7 & 8 will now read:

7. Before occupation, 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.

Reason:

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

8. Before occupation, 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.

Reason:

To ensure a satisfactory appearance to the development.

Condition 14 should be removed and the second part of this condition will now be an informative instead. This should read:

The crossover reinstatement will be carried out under a rechargeable works agreement by the Council’s term contractor for Highway Works.

On page 83, remove “12” before “Main entrance” under “Proposal”

Page 38

H/04887/11 16-17 The Promenade, Edgwarebury Lane HA8 7JZ

Amend condition 1 to read:

1. The development hereby permitted shall be carried out in accordance with the following approved plans: Design & Access Statement, Flood Risk Assessment, Drawing No. A-PE-01 A (Existing & Proposed Elevations), Drawing No. A-PP-01 (Existing & Proposed Floor Plans); Report on the Ventilation and Noise Issues for the proposed Ventilation Plant at 16-17 The Promenade Produced by Steve Elphick SEA Chartered Building Services Engineers dated February 2012;

Typical Exhaust Detail Produced by Steve Elphick SEA Chartered
Building Services Engineers;

Reason:

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

Insert additional conditions numbered 8-11

8. Before the development hereby permitted commences on site an odour management plan shall be submitted to and approved in writing by the Local Planning Authority, and implemented in accordance with agreed details before the use is commenced. The management plan shall include details of how the kitchen extract system will be maintained and serviced; details about how the filters will be cleaned and how frequently and shall include details of how often the system will be serviced and by whom. Written records of maintenance and annual servicing shall be kept on the site.

Reason:

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

9. 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.

Reason:

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

- 10 The level of noise emitted from the ventilation and extraction plant 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.

- 11 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).

Reason:

To ensure that the amenities of neighbouring premises are protected from noise from the development.

Insert additional informative numbered 2

2. 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.

Consultation and views Expressed:

Traffic and Development:

It is considered that the change of use and extension will have no detrimental impact on the public highway. The application is acceptable on highway grounds.

Environment Agency:

No comments to make.

Page 50

H/05052/11 – Garage Block, Willow Court, Edgware

Additional section: The following contributions would be required arising from the development, in accordance with the adopted Supplementary Planning Documents on Planning Obligations, Contributions to Health, Contributions to Education and Contributions to Libraries:

£741 for education

£244 for libraries

£802 for health

£89 for monitoring costs

Page 128

H/03980/11 – Winsford Court, 11 Tenterden Grove

Delete informative 2.

Page 130 – Confirmation that 3 objections were received, none were withdrawn.

Delete pages 131 and 132 (repetition of pages 129 and 130)

Page 133 – clarification re approved fence height. This was 1.6m high as originally approved. The fence was built at 2.2m in height. Proposal is to reduce fence to approximately 1.2m in height above existing brick wall.

Page 146

H/00068/12 – 28 Alexandra Road

Page 147 Relevant Unitary Development Plan Policies: GBEEnv1, GBEEnv2, D1, D2, H27

Design Guidance Note 5

Page 150

H/05002/11 – 5 Westlinton Close

Amended condition 4

“The kitchen hereby approved shall only be used for the preparation of food in connection with the domestic use of properties at 1, 3, 4, 5 and 7 Westlinton Close and not for commercial purposes.”

Add condition 5

“The use hereby permitted shall cease and all equipment associated with it shall be removed within 2 months of the date of failure to meet any one of the requirements set out in (i) to (iv) below:-

- i. within 1 month of the date of this decision a scheme for details of all extraction and ventilation equipment including flues shall have been submitted for the written approval of the local planning authority and the scheme shall include a timetable for its implementation.
- ii. if within 3 months of the date of this decision the local planning authority refuse to approve the scheme or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.
- iii. if an appeal is made in pursuance of (ii) above, that appeal shall have been finally determined and the submitted scheme shall have been approved by the Secretary of State.
- iv. the approved scheme shall have been carried out and completed in accordance with the approved timetable.

Reason:

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

Add condition 6

“The level of noise emitted from the ventilation and extraction plant 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.

Page 150 – Relevant Unitary Development Plan Policies: GBEEnv1, D2, H27. Design Guidance Note 5.

Page 154

H/00046/12 – 15 Russell Grove

Condition 1 should be amended as follows:

“The development hereby permitted shall be carried out in accordance with the following approved plans: Site plan, BBC-216/12-16.02.2012 Revision 01, BBC-216/11-02.03.2011 Revision 02”.
