

MEETING**WEST AREA PLANNING SUB-COMMITTEE****DATE AND TIME****MONDAY 12TH NOVEMBER, 2012****AT 7.00 PM****VENUE****HENDON TOWN HALL, THE BURROUGHS, NW4 4BG**

Dear Councillors,

Please find enclosed additional papers relating to the following items for the above mentioned meeting which were not available at the time of collation of the agenda.

Item No	Title of Report	Pages
6.	ADDENDUM TO THE REPORT	1 - 8

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WEST AREA PLANNING SUB-COMMITTEE

12th November 2012

AGENDA ITEM 6

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

All references in the recommendations which refer to the Assistant Director of Planning and Development Management should be amended to refer to the "Acting Assistant Director of Planning and Development Management"

The Core Strategy and Development Management Policies documents were adopted by the Council on September 11 2012. Following that date both documents were subject to a 6 week period of legal challenge which ended on October 30 2012. In this period of legal challenge the saved 183 policies within the adopted Unitary Development Plan (UDP) remained as part of Barnet's development plan and the policies in the CS and DMP were given very significant weight.

The Core Strategy and Development Management Policies documents were not subject to legal challenge and as of October 31 2012 these documents formally replaced the 183 UDP policies. The replacement of these 183 policies is set out in both the Core Strategy and Development Management Policies DPD.

Planning decisions therefore required reference to relevant policies in the UDP, CS and DMP before October 31 2012. Therefore, all references to adopted UDP policies contained within the Committee Reports are no longer applicable and should not be taken into account when considering the applications.

References in the conditions and informatives to the adopted UDP should be removed and replaced with the appropriate Core Strategy or Development Management Policies as set out in the appendices of the Local Plan.

785 Finchley Road – Page 1 F/00492/12

Replace the first sentence of last paragraph on page 13 by:

"The Local Planning Authority considers that the location of the proposed ramp in relation to the protected street tree is acceptable subject to planning conditions".

48 High Street - Page 25 H/03514/12

Add the following conditions

The premises shall not be used for the purposes of banqueting, wedding receptions or parties.

Reason: To safeguard highway safety

Replace condition no.6 with:

Before the development hereby permitted is occupied the parking spaces/garages shown on Plan Sheet 4 of 5 shall be provided and shall not be used for any purpose other than the parking of vehicles in connection with the approved development. **No changes shall be made to this parking provision.**

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.

Page 37 : Addition to section “Equalities and Diversity Issues”:

‘The Equality Act 2010 (the Act) came into force in April 2011. The general duty on public bodies is set out in Section 149 of the Act. The duty requires the Council to pay regard to the need to eliminate discrimination and promote equality with regard to those with protected characteristics such as race, disability, and gender including gender reassignment, religion or belief, sex, pregnancy or maternity and foster good relations between different groups when discharging its functions.

Equality duties require Authorities to demonstrate that any decision it makes is reached in a fair, transparent and accountable way, considering the needs and the rights of different members of the community. This is achieved through assessing the impact that changes to policies, procedures and practices could have on different equality groups. It is an opportunity to ensure better decisions are made based on robust evidence.

Section 149 of the Act states that:

- (1) A public authority must, in the exercise of its functions, have due regard to the need to-*
 - (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;*
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;*
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.*
- (2) Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to-*
 - (a) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;*

(b) take steps to meet the needs of persons who share a relevant protected characteristic that are different to the needs of persons who do not share it;
(c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

(3) The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular steps to take account of disabled persons' disabilities.

(4) Having due regard to the need to foster good relations between persons who share relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to-

(a) tackle prejudice, and
(b) promote understanding

(5) Compliance with the duties in this section may involve treating some persons more favourably than others; but that is not to be taken as permitting conduct that would otherwise be prohibited by or under this Act.

(6) The relevant protected characteristics are-

- age;*
- disability*
- gender reassignment*
- pregnancy and maternity*
- race*
- religion or belief*
- sex*
- sexual orientation*

It is considered that the following protected groups will potentially be affected by the proposal:

- Muslims*

The development would provide accommodation for a new Muslim community centre with some facility for worshippers.

It should be noted that there is a loss of employment floorspace as a result of the proposals. However, the loss of this is considered acceptable in planning terms.

S149 (5) of the Act requires that the Council have due regard to the need to:-

“(5) having due regard to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to:-

- (a) Tackle prejudice and*
(b) Promote understanding”

It is considered that the introduction of the community use would provide an opportunity for inter-religion understanding to be promoted as it would increase diversity within the community.

In determining this planning application the Local Planning Authority must have due regard to the equalities impacts of the proposed redevelopment of the site on those persons protected under the Equality Act 2010. This Act requires the Local Planning Authority to demonstrate that any decision it makes is reached in a fair, transparent or accountable way considering the needs and rights of different members of the community.

The potential equality impacts have been highlighted above in the case of each of the affected protected groups. Any equalities impacts have also to be analysed in the context of the overall planning merits of the scheme and the benefits it will confer particularly to Muslims.

There would be benefits from the proposals to Muslims. It is considered that no issues have been identified that would outweigh the benefits of the development to the Muslim community.'

The Avenue Tennis Club – Page 39
F/00532/12

Remove “unless otherwise agreed in writing” from condition 3.

14 Dollis Avenue – Page 49
F/02194/12

Condition 1 shall be amended to read as follows:

The development hereby permitted shall be carried out in accordance with the following approved plans: 12 0216-100, 12 0216-2B, 12 0216-3A, 12 0216-4D, 12 0216-5 A, 12 0216-6, an Arboricultural Implication Assessment and Arboricultural Method Statement by Patrick Stileman Ltd, a Tree Survey Report, a Design and Access Statement, Demolition and Sit Waste Management Statementm and a Sustainability Checklist.

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

Conditions 4, 7, 11 and 19 are to be deleted, as the information is already shown in the submitted plans.

Condition 9 (Obscure Glazing) should be amended to read:

Before the building hereby permitted is occupied the proposed first and second floor kitchen and bathroom windows as shown on drawing 12 0216-2 B in the side elevations facing 12 and 16 Dollis 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.

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

Condition 10 is to be removed, as any structure over 1m high would need planning permission in it own right.

Condition 18 states that “demolition should be carried out by an approved contractor and residents notified at least seven days before commencement”. This condition was carried over from a previous consent and is not a request the council seek for new planning applications. Condition 18 should therefore be deleted.

Regent Banqueting Suite - Page 87
F/03198/12

Condition 2 should be reworded as follows:

Details of replacement glazing and the painting of the structure in black shall be approved by the Local Planning Authority. The development shall be implemented in accordance with such details as approved.

Reason: To ensure that the development does not prejudice the appearance of the listed building, the conservation area or the enjoyment by neighbouring occupiers of their properties.

94 Woodstock Avenue - Page 113
F/03455/12

One letter of support received, stating the following:

Support of the garage rebuilding as it is already a garage that supports the local community well, and by being rebuilt will not only provide a better workshop but it will look better than the garage they currently have, and they will also be able to provide a better service to there customers. I fully support the work and say good luck to this great little garage.

12 Eleanor Crescent – Page 125

Two additional letters of objection received raising similar concerns as set out in the report.

11 Neville Drive – Page 137
F/03638/11 (Planning Application)

Condition should be amended to read as follows:

1. The development hereby permitted shall be carried out in accordance with the following approved plans: 3365 01, 3365 Ex 01, 4130 01A, 4130 02 A, site plan and Design and Access Statement.

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

Condition 6 should be amended to read as follows:

Detailed drawings of all windows, dormer windows, external doors including surrounds, garage doors, eaves, quoins, chimneys and balustrading to the rear basement well/bay window shall be submitted at a scale of 1:10 scale, 1:1 for glazing bars, and approved in writing by the Local Planning Authority before any development hereby permitted is commenced. Development shall be carried out in accordance with the approved plans.

Reason: To preserve the special character and appearance of the conservation area.

Conditions 11, 18, 19 and 25 are to be deleted as they duplicate other conditions. The remaining conditions should be re-numbered accordingly.

Informative 2 should be amended to read:

The Mayor of London introduced a Community Infrastructure Levy on 1st April 2012 setting a rate of £35 per sqm on all 'chargeable development' in Barnet. Your planning application has been assessed to require a charge of £18,725

This will be recorded to the register of Local Land Charges as a legal charge upon your site should you commence development. This Mayoral CIL charge will be passed across to Transport for London to support Crossrail, London's highest infrastructure priority.

If Affordable Housing Relief or Charitable Relief applies to your development then this may reduce the final amount you are required to pay; such relief must be applied for prior to commencement of development using the 'Claiming Exemption or Relief' form available from the Planning Portal website: www.planningportal.gov.uk/cil.

You will be sent a 'Liability Notice' that will provide full details of the charge and to whom it has been apportioned for payment. If you wish to identify named parties other than the applicant for this permission as the liable party for paying this levy, please submit to the Council an 'Assumption of Liability' notice, this is also available from the Planning Portal website.

The Community Infrastructure Levy becomes payable upon commencement of development. You are required to submit a 'Notice of Commencement' to the Council's CIL Team prior to commencing on site, and failure to provide such information at the due date will incur both surcharges and penalty interest. There are various other charges and surcharges that may apply if you fail to meet statutory requirements, such requirements will all be set out in the Liability Notice you will receive.

If you fail to receive a 'Liability Notice' from the Council within 1 month of this grant of planning permission, please contact us: cil@barnet.gov.uk.

11 Neville Drive – Page 145 F/03639/11 (Conservation Area Consent)

Condition1 should be amended to read as follows:

1. The development hereby permitted shall be carried out in accordance with the following approved plans: 3365 01, 3365 Ex 01, 4130 01A, 4130 02 A, site plan and Design and Access Statement.

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

Annemount School – Page 161

F/03185/12

Amend the reference to “rootlight” in condition 4 to “rooflight”

Add DM17 to informative 1 on page 163

The following informative should be added:

The Mayor of London introduced a Community Infrastructure Levy on 1st April 2012 setting a rate of £35 per sqm on all 'chargeable development' in Barnet. Your planning application has been assessed to require a charge of £11810.75.

This will be recorded to the register of Local Land Charges as a legal charge upon your site should you commence development. This Mayoral CIL charge will be passed across to Transport for London to support Crossrail, London's highest infrastructure priority.

If Affordable Housing Relief or Charitable Relief applies to your development then this may reduce the final amount you are required to pay; such relief must be applied for prior to commencement of development using the 'Claiming Exemption or Relief' form available from the Planning Portal website: www.planningportal.gov.uk/cil

You will be sent a 'Liability Notice' that will provide full details of the charge and to whom it has been apportioned for payment. If you wish to identify named parties other than the applicant for this permission as the liable party for paying this levy, please submit to the Council an 'Assumption of Liability' notice, this is also available from the Planning Portal website.

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If you fail to receive a 'Liability Notice' from the Council within 1 month of this grant of planning permission, please contact us: cil@barnet.gov.uk

Three further objections received, which are summarised below:

- Over-development of the school – shared by Conservation Area Consultative Committee;

- Impose a limit of 115 pupils – constraint of pupil numbers would ensure existing parking problems are not exacerbated and any increase traffic is curbed;
- Scale of rear first floor extension - detrimental to the appearance of the house, any extension should be set back from the main house.
- Design of the single storey extension is not sympathetic to the appearance of the house;
- Front lightwell does not comply with the adopted Hampstead Garden Suburb Design Guidance;
- Dramatic commercial expansion of facilities is grossly inappropriate for a residential conservation area;
- Parking issues, congestions and road traffic incidents;
- School is operating commercially and thus school attendance has continued to expand with related traffic, access, safety, disruption and negative effects inconsistent with a conservation area;
- There needs to be a cap on student numbers to protect the community.

These objections are considered to have been covered in the officer's report appraisal.