

<p><u>MEETING</u></p> <p>EAST AREA PLANNING SUB-COMMITTEE</p>
<p><u>DATE AND TIME</u></p> <p>TUESDAY 5TH FEBRUARY, 2013</p> <p>AT 7.00 PM</p>
<p><u>VENUE</u></p> <p>HENDON TOWN HALL, THE BURROUGHS, NW4 4BG</p>

Dear Councillors,

Please find enclosed additional papers relating to the following items for the above mentioned meeting.

Item No	Title of Report	Pages
	Addendum to the report of the Acting Assistant Director of Planning and Development Management:	1 - 4

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EAST AREA PLANNING SUB-COMMITTEE

5 February 2013

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

AGENDA ITEM 6

**Pages 1-12
B/03695/12
77 Totteridge Lane**

The following to be inserted into the Planning Appraisal:

- Development has commenced on site and is considerably progressed.
- The increase in roof height between the current scheme and the elevations approved at appeal varies from approximately 0.4 metres to the right hand side, to 0.7 to the left hand side and 0.8 metres to the central element.

An objection from the neighbouring property has been withdrawn.

Add Drawing No. 307L (received 15 January 2013) into the approved plans condition.

The following new conditions should be attached:

The development hereby approved shall be implemented in accordance with the Method Statement Rev C received by the Local Planning Authority on 5 February 2013.

Reason: To safeguard residential amenity in accordance with policy DM17 of the Adopted Barnet Development Management Policies DPD (2012).

The roof of the single storey rear projections hereby approved to Flats 1 and 2 shall only be used in connection with the repair and maintenance of the building and shall at no time be converted to or used as a balcony, roof garden or similar amenity or sitting out area.

Reason: To ensure that the amenities of the occupiers of adjoining properties are not prejudiced by overlooking in accordance with policy DM01 of the Adopted Barnet Development Management Policies DPD (2012).

Prior the first occupation of the development hereby approved, details of the methods to minimise overlooking/loss of privacy from the ground floor windows in the flank elevation of Flat 1 facing toward No. 75 Totteridge Lane shall be submitted to and approved in writing by the Local Planning Authority. The methods shall thereafter be implemented in accordance with the approved details prior to the first occupation of the development hereby permitted, and permanently maintained as such thereafter.

Reason: To ensure that the amenities of the occupiers of adjoining properties are not prejudiced by overlooking in accordance with policy DM01 of the Adopted Barnet Development Management Policies DPD (2012).

The following additional informative should be attached:

The applicant is advised that Totteridge Lane is a Traffic Sensitive Road; deliveries during the construction period should not take place between 8.00am - 9.30am and 4.30pm - 6.30pm Monday to Friday. Careful consideration must also be given to the optimum route(s) for construction traffic and the Environment and Operations Directorate should be consulted in this respect.

Five additional letters of objection have been received during the consultation period of the application, making the following comments (summarised):

- The proposal is out of character with the area
- The rear conservatories would be detrimental to neighbours and result in a loss of privacy.
- Front gables are out of keeping with neighbouring properties.
- Proposal is contrary to the findings of the appeal inspector.

The following should be inserted into the Planning Appraisal, in respect of the financial contributions requested:

The Community Infrastructure Levy Regulations 2010

The contributions listed in the above recommendation are necessary, directly relevant and fairly and reasonably related in scale and kind to the development, in accordance with Regulation 122 of The Community Infrastructure Levy Regulations 2010.

Government Circular 05/05 and the Council's adopted SPD for section 106 related planning obligations is applicable for this site in respect of the following areas:

Adopted policy indicates that the Council will seek to enter into planning obligations in conjunction with new developments to secure the provision of community and religious facilities, health and social care facilities and library facilities where a residential development creates a need for school places contributions will be secured for such purposes via planning obligations.

The purpose of planning obligations is to make acceptable development which would otherwise be unacceptable in planning terms. Circular 05/2005 supports the use of planning obligations to secure contributions towards community infrastructure to mitigate the impacts of new development, provided that they are directly related to the development proposal, the need for them arises from its implementation, and they are related in scale and kind.

Para. B5 of the Circular sets out five policy tests that must be met by the LPA when seeking planning obligations. In addition, Regulation 122 of the Community Infrastructure Levy Regulations, which came into force on 6 April 2010, makes it unlawful for a planning obligation to be taken into account in determining a planning application if it does not meet the three tests set out in Regulation 122. These statutory tests are based upon three of the five policy tests in Circular 5/2005 at paragraph B5 (tests (ii), (iii) and (iv).

The recovery of costs for the monitoring of planning obligations is set out in Section 8 (para's 8.3 & 8.4) of the Planning Obligations SPD.

Education needs generated by the development:

Circular 05/2005 supports the use of planning obligations to secure contributions towards educational facilities, provided that they are directly related to the development proposal, the need for them arises from its implementation, and they are related in scale and kind.

The proposal would provide five additional residential units, which would generate an increased demand for educational facilities in the area. The calculation of additional demand (SPD para's 4.6-4.14), existing facilities and capacity (SPD para's 5.5-5.12), method of calculating the required contribution (SPD para's 3.1-3.15 and 4.1-4.5), and use of the contributions (SPD para's 5.13-5.14) are set out in the Council's SPD "Contributions to Education" adopted in 2008.

It is considered that a financial contribution towards future education facilities is justified in terms of Circular 05/2005 and that a suitably worded legal agreement / undertaking could secure this.

To accord with policy and the SPD the proposed scheme would require a contribution of £13295 plus a monitoring fee of 5%.

Contributions to library services:

The increase in population resulting from this development is expected to place serious pressures on libraries, which are already required to meet all the needs of Barnet's diverse community. Developer contributions are therefore necessary to ensure service provision mitigates the impact of their development activity.

The adopted SPD "Contributions to Library Services" sets out the Council's expectations for developers contributions to the provision and delivery of a comprehensive and efficient library service, with the aim of opening up the world of learning to the whole community using all media to support peoples educational, cultural and information needs. The SPD provides the calculation of additional demand (para's 4.10-4.12), existing facilities and capacity (para's 1.1-1.4 & 2.5), method of calculation (para's 2.4 & 3.1-3.11), and use of funds (para's 5.1-5.7).

It is considered that a financial contribution towards library services is justified in terms of Circular 05/2005 and that a suitably worded legal agreement / undertaking could secure this. To accord with policy and the SPD the proposed scheme would require a contribution of £695 plus a monitoring fee of 5%.

Contributions to Health facilities:

The proposal would provide five additional residential units which would generate an increased demand for health facilities in the area. The calculation of additional demand / method of calculating the required contribution (SPD para's 6.1-6.4), existing facilities and capacity (SPD para's 5.7-5.18), and use of the contributions (SPD para's 8.1-8.4) are set out in the Council's SPD "Contributions to Health" adopted in July 2009.

It is considered that a financial contribution towards future health care facilities is justified in terms of Circular 05/2005 and that a suitably worded legal agreement / undertaking could secure this. To accord with policy and the SPD the proposed scheme would require a contribution of £5920 and a monitoring fee of 5%.

The education, library services, health facilities and monitoring fee of 5% contributions will be secured by unilateral undertaking.

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