

<p><u>MEETING</u></p> <p>EAST AREA PLANNING SUB-COMMITTEE</p>
<p><u>DATE AND TIME</u></p> <p>WEDNESDAY 6 MARCH, 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 which.

Item No	Title of Report	Pages
6.	Addendum to the Report of the Acting Assistant Director of Planning and Development Management;	1 - 6

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EAST AREA PLANNING SUB-COMMITTEE

6 March 2013

AGENDA ITEM 6

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

Pages 11-20

B/02158/12, B/02160/12 and B/03582/12

Land to the rear of 1-11 Hemington Avenue

Amended plans have been received since the committee report was written.

RECOMMENDATION: APPROVE SUBJECT TO INFORMATIVES

Application I: B/02158/12

1. The plans accompanying this application are: BLA 285 PL3 001, LA/4690/105 C, LA/4960/108 B, 109

Application II: B/02160/12

1. The plans accompanying the application are: ~~105A, 110A and 285-PL5-016~~, LA 4960/105C and 4960/108B

Application III: B/02785/12

1. The plans accompanying the application are: ~~110A, P-Smith Planting schedule~~, LA 4960/105 C, 4960/112, SLD EA 22-LP1 (b) and the Hemington Avenue Biodiversity statement ref B/02785/12.

Pages 24-34

B/02437/12

9 Norrrys Road

The full recommendation for this application should read as follows:

RECOMMENDATION I:

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) £12,939.00**
A contribution towards the provision of Education Facilities in the borough.

- | | | |
|----------|--|------------------|
| 4 | Libraries (financial)
A contribution towards Library Facilities and Resources in the borough | £244.00 |
| 5 | Health
A contribution towards Health Facilities and Resources in the borough | £2,180.00 |
| 6 | Monitoring of the Agreement
Contribution towards the Council's costs in monitoring the obligations of the agreement. | £768.15 |

RECOMMENDATION II:

That upon completion of the agreement the Acting Assistant Director of Planning and Development Management approve the planning application reference: B/02437/12 under delegated powers subject to the following conditions:

[All conditions are set out in the Committee Report within the reports pack]

The following additional informative should be added:

A Planning Obligation under Section 106 of the Town & Country Planning Act 1990 (as amended) relates to this permission.

Page 35-52

F/00198/13

Dick Turpin, 383 Long Lane

The full recommendation for this application should read as follows:

RECOMMENDATION I:

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 | Link to another Legal Agreement
Commit to sign a Deed of Variation to tie this application to the legal agreement signed for planning reference f/04668/11 | £0.00 |
| 4 | Education Facilities (excl. libraries)
A contribution towards the provision of Education Facilities in the borough. | £11,555.00 |
| 5 | Libraries (financial)
A contribution towards Library Facilities and Resources in the borough | £973.00 |

6	Health A contribution towards Health Facilities and Resources in the borough	£7,408.00
7	Open Space (ward level) A contribution towards the improvement of open spaces in the East Finchley Ward	£3,500.00
8	Monitoring of the Agreement Contribution towards the Council's costs in monitoring the obligations of the agreement.	£1,171.80
9	Submission of documentation Requirement to submit a Car Lift Maintenance Agreement for approval by the Council prior to occupation of the proposed development	£0.00

RECOMMENDATION II:

That upon completion of the agreement the Acting Assistant Director of Planning and Development Management approve the planning application reference: F/00198/13 under delegated powers subject to the following conditions:

[All conditions are set out in the Committee Report within the reports pack]

Pages 53-68

B/01631/12

39 Somerset Road

The applicant has confirmed in writing that they are willing to accept that a condition be attached to any permission granted, requiring further detailed surveys to be undertaken and submitted to the Council for approval, before any works take place on the site, to enable the Council to be satisfied that the proposal is capable of being constructed safely. As a result, the following additional condition is suggested to be added to the recommendation:

No works shall commence on site in connection with the development hereby approved until suitable and sufficient site investigations have been carried out at the site by a competent and suitably qualified Chartered Civil Engineer or Chartered Structural Engineer. A subsequently prepared report shall set out the outcomes of the investigations, and have specific regard to ground condition, effect on the water table and subterranean drainage, excavation, temporary works and construction techniques including the potential impact of subterranean structures on neighbouring buildings. The report shall be submitted to and approved in writing by the Local Planning Authority prior to any works taking place, and the development hereby approved shall thereafter be implemented in accordance with the approved details.

Reason: In order to safeguard the amenity of neighbouring properties, in accordance with Policy DM01 of the Development Management Policies DPD.

The full recommendation for this application should read as follows:

RECOMMENDATION I:

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) £4,150.00**
A contribution towards the provision of Education Facilities in the borough.
- 4 **Health £334.00**
A contribution towards Health Facilities and Resources in the borough
- 5 **Monitoring of the Agreement £224.20**
Contribution towards the Council's costs in monitoring the obligations of the agreement.

RECOMMENDATION II:

That upon completion of the agreement the Acting Assistant Director of Planning and Development Management approve the planning application reference: B/01631/12 under delegated powers subject to the following conditions: -

[All conditions are set out in the Committee Report within the reports pack]

Recommendation III should be amended to remove the reference to Libraries.

The following additional informative should be added:

A Planning Obligation under Section 106 of the Town & Country Planning Act 1990 (as amended) relates to this permission.

Policy DM08 should be added to the list of relevant Development Management Policies within Informative 1, and within the Material Considerations section of the report, as the proposal would provide a family unit identified as a priority within the policy.

The Conclusion (Section 5) should be amended to read as follows:

The proposed development is considered to have an acceptable impact on the character and appearance of the application site and general street scene. It would provide a three bedroom dwelling which is identified as a priority dwelling size, and so would comply with Policy DM08. The development is not considered to have an adverse impact on the amenities of neighbouring occupiers. This proposal is considered to accord with Council policies and guidance.

Within 'Consultations and Views Expressed', the following should be noted:

- Following receipt of additional information in July 2012, one letter of objection was received.
- Following receipt of additional information in December 2012, five letters of objection were received

Pages 69-76
F/00089/13
79 Gordon Road

Pg 73 Consultation and Views Expressed:

Neighbours Wishing to Speak: 0 1

Committee Item 13a circulated as an additional report
Pages 2 & 7
F/04117/12
38 Wentworth Road

Page 2 a number of conditions need to be amended as follows:

6. The outbuilding hereby approved shall only be used for Class D1 purposes ancillary to the existing doctors surgery and for no other purposes within Class D1 and shall only be used for the purposes of physiotherapy consultation in conjunction with the main use. The outbuilding shall not at any time be used as a doctor's consultation room or independent of the existing doctors' surgery. Access to the outbuilding shall only be via the main building and this access shall be maintained free from obstruction.

Reason:

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

7. The premises hereby approved shall only be open from 9 am to 5.30 pm Monday to Fridays, and not at all on Saturdays, Sundays, Bank or Public Holidays.

Reason:

To safeguard the amenities of occupiers of surrounding residential properties in accordance with policy DM01 of the Adopted Barnet Development Management Policies DPD (2012)

8. The premises hereby approved shall be occupied by a maximum of 2 Physiotherapists and 2 Patients at any time.

Reason:

To safeguard the amenities of occupiers of surrounding residential properties

And the following condition needs to be added:

10. In the event that extraction and ventilation equipment is used, 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 the agreed details.

Reason:

To ensure that the proposed development does not prejudice the enjoyment or amenities of occupiers of adjoining residential properties in accordance with policies DM04 of the Adopted Barnet Development Management Policies DPD (2012) and 7.15 of the London Plan 2011.

Page 3 the informatives need to be amended as follows:

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 Core Strategy (2012) and Development Management Policies DPD (2012).

In particular the following policies are relevant:

Core Strategy (Adopted) 2012: CS NPPF, CS1 and CS5

Development Management Policies (Adopted) 2012: DMO1, DM02, DM03, DM04, DM13 and DM17

ii) The proposal is acceptable for the following reason(s): - The proposals would not unduly affect the character or appearance of the area and, subject to the conditions imposed, can be accommodated without causing harm to the residential amenities of neighbouring occupiers. The proposal accords with the aforementioned policies.

iii) In accordance with paragraphs 186 and 187 of the NPPF, the Council takes a positive and proactive approach to development proposals, focused on solutions. The Local Planning Authority has produced planning policies and written guidance to guide applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered. The Local Planning Authority has negotiated with the applicant / agent where necessary during the application process to ensure that the proposed development is in accordance with the Council's relevant policies and guidance.

iv) In this case, formal pre-application advice was sought prior to submission of the application.

Page 6, Paragraph 5 should be deleted and replaced with the following:

The outbuilding is proposed to be sited in the middle of the rear garden approx 1m from the side boundary. The outbuilding has a height of 2.5 metres and marginally projects above the height of the existing boundary fence. The use of the outbuilding will be for a physiotherapy room and the outbuilding is sited approx 5 metres from flank wall of the neighbouring property Number 1 Wentworth Close and does not include any windows on the side elevation. The outbuilding will have a depth of 8 metres and will not project beyond the rear wall of the neighbouring property No. 1 Wentworth Close and this is not considered to have a detrimental impact on neighbouring residential amenities.